

By: Representative Willis

To: Judiciary B

HOUSE BILL NO. 640

1 AN ACT TO CREATE "THE MISSISSIPPI BLUE LIVES MATTER ACT"; TO  
2 AMEND SECTIONS 99-19-301, 99-19-305 AND 99-19-307, MISSISSIPPI  
3 CODE OF 1972, TO INCLUDE LAW ENFORCEMENT OFFICERS, FIREFIGHTERS  
4 AND EMERGENCY MEDICAL PERSONNEL IN THE CLASS OF VICTIMS WHERE  
5 OFFENSES ARE SUBJECT TO HATE CRIME PENALTIES; AND FOR RELATED  
6 PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8 **SECTION 1.** This act shall be known and may be cited as the  
9 "Mississippi Blue Lives Matter Act."

10 **SECTION 2.** Section 99-19-301, Mississippi Code of 1972, is  
11 amended as follows:

12 99-19-301. (1) The penalty for any felony or misdemeanor  
13 shall be subject to enhancement as provided in Sections 99-19-301  
14 through 99-19-307 if the felony or misdemeanor was committed  
15 because of the actual or perceived race, color, ancestry,  
16 ethnicity, religion, national origin or gender of the victim or  
17 because of actual or perceived employment as a law enforcement  
18 officer, firefighter or emergency medical technician.

19 (2) As used in this section:



20           (a) "Law enforcement officer" means any law enforcement  
21 officer, part-time law enforcement officer or law enforcement  
22 trainee as defined in Section 45-6-3, as well as any federal law  
23 enforcement officer or employee whose permanent duties include  
24 making arrests, performing search and seizures, execution of  
25 criminal arrest warrants, execution of civil seizure warrants, or  
26 the care, custody, control or supervision of inmates.

27           (b) "Firefighter" means any firefighter regularly  
28 employed by a fire department of any municipality, county, or fire  
29 protection district of the State of Mississippi.

30           (c) "Emergency medical technician" means a person  
31 qualified under Sections 41-59-33 and 41-59-35.

32           **SECTION 3.** Section 99-19-305, Mississippi Code of 1972, is  
33 amended as follows:

34           99-19-305. (1) Upon conviction or adjudication of guilt of  
35 a defendant where notice has been duly given that an enhanced  
36 penalty will be sought as provided in Sections 99-19-301 through  
37 99-19-307, the court shall conduct a separate sentencing  
38 proceeding to determine the sentence. The proceeding shall be  
39 conducted by the trial judge before the trial jury as soon as  
40 practicable. If, through impossibility or inability, the trial  
41 jury is unable to reconvene for a hearing on the issue of penalty,  
42 having determined the guilt of the accused, the trial judge shall  
43 summon a jury to determine whether an enhanced penalty should be  
44 imposed. If trial by jury has been waived, or if the defendant



45 pleaded guilty, the sentencing proceeding shall be conducted  
46 before a jury impaneled for that purpose. Provided, however, that  
47 if the defendant enters a plea of guilty and waives trial by jury  
48 for the sentencing proceeding, the sentencing proceeding shall be  
49 conducted before the trial judge sitting without a jury. In the  
50 proceeding, evidence may be presented as to any matter that the  
51 court deems relevant to sentence. However, this subsection shall  
52 not be construed to authorize the introduction of any evidence  
53 secured in violation of the Constitution of the United States or  
54 of the State of Mississippi. The state and the defendant or his  
55 counsel or both defendant and counsel shall be permitted to  
56 present arguments for or against any sentence sought.

57 (2) In order to impose an enhanced penalty under the  
58 provisions of Sections 99-19-301 through 99-19-307, the jury must  
59 find beyond a reasonable doubt:

60 (a) That the defendant perceived, knew, or had  
61 reasonable grounds to know or perceive that the victim was within  
62 the class delineated; and

63 (b) That the defendant maliciously and with specific  
64 intent committed the offense because the victim was within the  
65 class delineated.

66 (3) That the victim was within the class delineated means  
67 that the reason the underlying crime was committed was the  
68 victim's actual or perceived race, color, religion, ethnicity,  
69 ancestry, national origin or gender, or that the reason the



70 underlying crime was committed was the victim's actual or  
71 perceived employment as a law enforcement officer, firefighter or  
72 emergency medical technician.

73         **SECTION 4.** Section 99-19-307, Mississippi Code of 1972, is  
74 amended as follows:

75         99-19-307. In the event it is found beyond a reasonable  
76 doubt that the offense was committed by reason of (a) the actual  
77 or perceived race, color, ancestry, ethnicity, religion, national  
78 origin or gender of the victim, or (b) the victim's actual or  
79 perceived employment as a law enforcement officer, firefighter or  
80 emergency medical technician, then the penalty for the offense may  
81 be enhanced by punishment for a term of imprisonment of up to  
82 twice that authorized by law for the offense committed, or a fine  
83 of up to twice that authorized by law for the offense committed,  
84 or both.

85         **SECTION 5.** This act shall take effect and be in force from  
86 and after July 1, 2017.

