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 Hale, Bounds, Haney, Patterson, Steverson, Boyd, Brown, Rogers (14th),
 Oliver, Powell

To: Judiciary B

COMMITTEE SUBSTITUTE
 FOR
 HOUSE BILL NO. 645

1 AN ACT TO CREATE THE "BACK THE BADGE ACT OF 2017"; TO AMEND
 2 SECTION 97-3-19, MISSISSIPPI CODE OF 1972, TO INCLUDE EMERGENCY
 3 MEDICAL TECHNICIANS, FIRST RESPONDERS AND UTILITY WORKERS IN THE
 4 SAME CAPITAL MURDER CATEGORY AS POLICE OFFICERS; TO DEFINE
 5 EMERGENCY MEDICAL TECHNICIANS AND FIRST RESPONDERS; TO AMEND
 6 SECTION 97-3-21, MISSISSIPPI CODE OF 1972, TO INCREASE THE PENALTY
 7 FOR FIRST-DEGREE MURDER AND CAPITAL MURDER UPON POLICE OFFICERS
 8 AND OTHER PEACE OFFICERS; TO AUTHORIZE AN ENHANCED PENALTY FOR
 9 CERTAIN-CRIMES OF VIOLENCE AGAINST PEACE OFFICERS, EMERGENCY
 10 MEDICAL TECHNICIANS AND FIRST RESPONDERS; AND FOR RELATED
 11 PURPOSES.

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

13 **SECTION 1.** This act shall be known and referred to as the
 14 "Back the Badge Act of 2017."

15 **SECTION 2.** Section 97-3-19, Mississippi Code of 1972, is
 16 amended as follows:

17 97-3-19. (1) The killing of a human being without the
 18 authority of law by any means or in any manner shall be murder in
 19 the following cases:

20 (a) When done with deliberate design to effect the
 21 death of the person killed, or of any human being, shall be
 22 first-degree murder;



23 (b) When done in the commission of an act eminently
24 dangerous to others and evincing a depraved heart, regardless of
25 human life, although without any premeditated design to effect the
26 death of any particular individual, shall be second-degree murder;

27 (c) When done without any design to effect death by any
28 person engaged in the commission of any felony other than rape,
29 kidnapping, burglary, arson, robbery, sexual battery, unnatural
30 intercourse with any child under the age of twelve (12), or
31 nonconsensual unnatural intercourse with mankind, or felonious
32 abuse and/or battery of a child in violation of subsection (2) of
33 Section 97-5-39, or in any attempt to commit such felonies, shall
34 be first-degree murder;

35 (d) When done with deliberate design to effect the
36 death of an unborn child, shall be first-degree murder.

37 (2) The killing of a human being without the authority of
38 law by any means or in any manner shall be capital murder in the
39 following cases:

40 (a) Murder which is perpetrated by killing an emergency
41 medical technician, a first responder, a peace officer * * *, a
42 fireman or a utility worker while such * * * person is acting in
43 his or her official capacity or by reason of an act performed in
44 his or her official capacity, and with knowledge that the victim
45 was * * * an emergency medical technician, a first responder,
46 peace officer * * *, a fireman or a utility worker. For purposes
47 of this paragraph, the term "peace officer" means any state or



48 federal law enforcement officer, including, but not limited to, a
49 federal park ranger, the sheriff of or police officer of a city or
50 town, a conservation officer, a parole officer, a judge, senior
51 status judge, special judge, district attorney, legal assistant to
52 a district attorney, county prosecuting attorney or any other
53 court official, an agent of the Alcoholic Beverage Control
54 Division of the Department of Revenue, an agent of the Bureau of
55 Narcotics, personnel of the Mississippi Highway Patrol, * * * the
56 employees of the Department of Corrections who are designated as
57 peace officers by the Commissioner of Corrections pursuant to
58 Section 47-5-54, and the superintendent and his deputies, guards,
59 officers and other employees of the Mississippi State
60 Penitentiary. For purposes of this paragraph, the term "emergency
61 medical technician" means a person licensed pursuant to Section
62 41-59-1 et seq., Mississippi Code of 1972, to provide emergency
63 medical services as an emergency manager, emergency medical
64 technician-ambulance, emergency medical technician-intermediate,
65 emergency medical technician-paramedic, or emergency medical
66 technician-nurse-paramedic. For purposes of this paragraph, the
67 term "first responders" means state and local law enforcement
68 personnel, fire department personnel, emergency medical personnel,
69 emergency management personnel and public works personnel who may
70 be deployed to bioterrorism attacks, terrorist attacks,
71 catastrophic or natural disasters and emergencies. "Utility
72 worker" shall mean any person employed by, provides service on



73 behalf of, or is otherwise contracted by a public utility as the
74 term "public utility" is defined in Section 77-3-3, and such term
75 shall also include any municipal, county or state owned utility, and
76 any public agency, association, utility or utility district;

77 (b) Murder which is perpetrated by a person who is
78 under sentence of life imprisonment;

79 (c) Murder which is perpetrated by use or detonation of
80 a bomb or explosive device;

81 (d) Murder which is perpetrated by any person who has
82 been offered or has received anything of value for committing the
83 murder, and all parties to such a murder, are guilty as
84 principals;

85 (e) When done with or without any design to effect
86 death, by any person engaged in the commission of the crime of
87 rape, burglary, kidnapping, arson, robbery, sexual battery,
88 unnatural intercourse with any child under the age of twelve (12),
89 or nonconsensual unnatural intercourse with mankind, or in any
90 attempt to commit such felonies;

91 (f) When done with or without any design to effect
92 death, by any person engaged in the commission of the crime of
93 felonious abuse and/or battery of a child in violation of
94 subsection (2) of Section 97-5-39, or in any attempt to commit
95 such felony;

96 (g) Murder which is perpetrated on educational property
97 as defined in Section 97-37-17;



98 (h) Murder which is perpetrated by the killing of any
99 elected official of a county, municipal, state or federal
100 government with knowledge that the victim was such public
101 official;

102 (i) Murder of three (3) or more persons who are killed
103 incident to one (1) act, scheme, course of conduct or criminal
104 episode * * *; and

105 (j) Murder of more than three (3) persons within a
106 three-year period.

107 (3) An indictment for murder or capital murder shall serve
108 as notice to the defendant that the indictment may include any and
109 all lesser included offenses thereof, including, but not limited
110 to, manslaughter.

111 **SECTION 3.** Section 97-3-21, Mississippi Code of 1972, is
112 amended as follows:

113 97-3-21. (1) * * * (a) Except as otherwise provided in
114 paragraph (b) of this subsection, every person who shall be
115 convicted of first-degree murder shall be sentenced by the court
116 to imprisonment for life in the custody of the Department of
117 Corrections.

118 (b) Every person who shall be convicted of first-degree
119 murder of any person described in Section 97-3-19(2) (a) or
120 97-3-19(2) (h) shall be sentenced by the court to imprisonment for
121 life in the State Penitentiary without parole.



122 (2) Every person who shall be convicted of second-degree
123 murder shall be imprisoned for life in the custody of the
124 Department of Corrections if the punishment is so fixed by the
125 jury in its verdict after a separate sentencing proceeding. If
126 the jury fails to agree on fixing the penalty at imprisonment for
127 life, the court shall fix the penalty at not less than twenty (20)
128 nor more than forty (40) years in the custody of the Department of
129 Corrections.

130 (3) (a) * * * Except as otherwise provided in paragraph (b)
131 of this subsection, every person who shall be convicted of capital
132 murder shall be sentenced (a) to death; (b) to imprisonment for
133 life in the State Penitentiary without parole; or (c) to
134 imprisonment for life in the State Penitentiary with eligibility
135 for parole as provided in Section 47-7-3(1) (f).

136 (b) Every person who shall be convicted of capital
137 murder of any person described in Section 97-3-19(2) (a) or
138 97-3-19(2) (h) shall be sentenced (a) to death or (b) to
139 imprisonment for life in the State Penitentiary without parole.

140 **SECTION 4.** Except any person convicted and sentenced for
141 murder or capital murder as provided in Sections 97-3-19 and
142 97-3-21, every person convicted of a crime of violence as defined
143 by Section 97-3-2 upon a peace officer, emergency medical
144 technician or first responder while such person is acting in his
145 or her official capacity or by reason of an act performed in his
146 or her official capacity, shall, upon conviction for such crime, be



147 punished by a term of imprisonment of up to three (3) times that
148 authorized by law for the violation, or a fine of up to three (3)
149 times that authorized by law for the violation, or both. For
150 purposes of this section, the term "peace officer" means peace
151 officer or fireman while such officer or fireman is acting in his
152 official capacity or by reason of an act performed in his official
153 capacity, and with knowledge that the victim was a peace officer
154 or fireman, any state or federal law enforcement officer,
155 including, but not limited to, a federal park ranger, the sheriff
156 of or police officer of a city or town, a conservation officer, a
157 parole officer, a judge, senior status judge, special judge,
158 district attorney, legal assistant to a district attorney, county
159 prosecuting attorney or any other court official, an agent of the
160 Alcoholic Beverage Control Division of the Department of Revenue,
161 an agent of the Bureau of Narcotics, personnel of the Mississippi
162 Highway Patrol, and the employees of the Department of Corrections
163 who are designated as peace officers by the Commissioner of
164 Corrections pursuant to Section 47-5-54, and the superintendent
165 and his deputies, guards, officers and other employees of the
166 Mississippi State Penitentiary. For purposes of this section, the
167 term "emergency medical technician" means a person licensed
168 pursuant to Section 41-59-1 et seq., Mississippi Code of 1972, to
169 provide emergency medical services as an emergency manager,
170 emergency medical technician-ambulance, emergency medical
171 technician-intermediate, emergency medical technician-paramedic,



172 or emergency medical technician-nurse-paramedic. For purposes of
173 this section, the term "first responder" means state and local law
174 enforcement personnel, fire department personnel, emergency
175 medical personnel, emergency management personnel and public works
176 personnel who may be deployed to bioterrorism attacks, terrorist
177 attacks, catastrophic or natural disasters and emergencies.

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

