

By: Representatives Monsour, Aguirre,  
 Arnold, Baker, Bennett, Byrd, Carpenter,  
 Chism, Currie, DeLano, Foster, Gipson,  
 Hopkins, Mangold, Massengill, McLeod, Moore,  
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 Hale, Bounds, Haney, Patterson, Steverson, Boyd, Brown, Rogers (14th),  
 Oliver, Powell

To: Judiciary B

HOUSE BILL NO. 645  
 (As Passed the House)

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, UTILITY WORKERS AND MEMBERS  
 4 OF THE MISSISSIPPI ARMY OR AIR NATIONAL GUARD IN THE SAME CAPITAL  
 5 MURDER CATEGORY AS POLICE OFFICERS; TO DEFINE EMERGENCY MEDICAL  
 6 TECHNICIANS AND FIRST RESPONDERS; TO AMEND SECTION 97-3-21,  
 7 MISSISSIPPI CODE OF 1972, TO INCREASE THE PENALTY FOR FIRST-DEGREE  
 8 MURDER AND CAPITAL MURDER UPON POLICE OFFICERS AND OTHER PEACE  
 9 OFFICERS; TO AUTHORIZE AN ENHANCED PENALTY FOR CERTAIN-CRIMES OF  
 10 VIOLENCE AGAINST PEACE OFFICERS, EMERGENCY MEDICAL TECHNICIANS AND  
 11 FIRST RESPONDERS; AND FOR RELATED 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, a member of the Mississippi Army or Air  
50 National Guard, the sheriff of or police officer of a city or  
51 town, a conservation officer, a parole officer, a judge, senior  
52 status judge, special judge, district attorney, legal assistant to  
53 a district attorney, county prosecuting attorney or any other  
54 court official, an agent of the Alcoholic Beverage Control  
55 Division of the Department of Revenue, an agent of the Bureau of  
56 Narcotics, personnel of the Mississippi Highway Patrol, \* \* \* the  
57 employees of the Department of Corrections who are designated as  
58 peace officers by the Commissioner of Corrections pursuant to  
59 Section 47-5-54, and the superintendent and his deputies, guards,  
60 officers and other employees of the Mississippi State  
61 Penitentiary. For purposes of this paragraph, the term "emergency  
62 medical technician" means a person licensed pursuant to Section  
63 41-59-1 et seq., Mississippi Code of 1972, to provide emergency  
64 medical services as an emergency manager, emergency medical  
65 technician-ambulance, emergency medical technician-intermediate,  
66 emergency medical technician-paramedic, or emergency medical  
67 technician-nurse-paramedic. For purposes of this paragraph, the  
68 term "first responders" means state and local law enforcement  
69 personnel, fire department personnel, emergency medical personnel,  
70 emergency management personnel and public works personnel who may  
71 be deployed to bioterrorism attacks, terrorist attacks,  
72 catastrophic or natural disasters and emergencies. "Utility



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

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

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

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

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

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



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

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

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

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

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

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

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

119 (b) Every person who shall be convicted of first-degree  
120 murder of any person described in Section 97-3-19(2) (a) or



121 97-3-19(2)(h) shall be sentenced by the court to imprisonment for  
122 life in the State Penitentiary without parole.

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

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

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

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



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



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

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

