

By: Representative Dixon

To: Judiciary B

HOUSE BILL NO. 720

1 AN ACT TO CREATE "THE BRODERICK DIXON ACT"; TO AMEND SECTION
2 97-3-19, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT SHOOTING AN
3 UNARMED PERSON IN THE BACK SHALL BE CAPITAL MURDER; AND FOR
4 RELATED PURPOSES.

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

6 **SECTION 1.** This act shall be known and may be cited as "The
7 Broderick Dixon Act."

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

10 97-3-19. (1) The killing of a human being without the
11 authority of law by any means or in any manner shall be murder in
12 the following cases:

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

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



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

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

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

33 (a) Murder which is perpetrated by killing a peace
34 officer or fireman while such officer or fireman is acting in his
35 official capacity or by reason of an act performed in his official
36 capacity, and with knowledge that the victim was a peace officer
37 or fireman. For purposes of this paragraph, the term "peace
38 officer" means any state or federal law enforcement officer,
39 including, but not limited to, a federal park ranger, the sheriff
40 of or police officer of a city or town, a conservation officer, a
41 parole officer, a judge, senior status judge, special judge,
42 district attorney, legal assistant to a district attorney, county
43 prosecuting attorney or any other court official, an agent of the
44 Alcoholic Beverage Control Division of the Department of Revenue,



45 an agent of the Bureau of Narcotics, personnel of the Mississippi
46 Highway Patrol, and the employees of the Department of Corrections
47 who are designated as peace officers by the Commissioner of
48 Corrections pursuant to Section 47-5-54, and the superintendent
49 and his deputies, guards, officers and other employees of the
50 Mississippi State Penitentiary;

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

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

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

59 (e) When done with or without any design to effect
60 death, by any person engaged in the commission of the crime of
61 rape, burglary, kidnapping, arson, robbery, sexual battery,
62 unnatural intercourse with any child under the age of twelve (12),
63 or nonconsensual unnatural intercourse with mankind, or in any
64 attempt to commit such felonies;

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



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

72 (h) Murder which is perpetrated by the killing of any
73 elected official of a county, municipal, state or federal
74 government with knowledge that the victim was such public
75 official;

76 (i) Murder of three (3) or more persons who are killed
77 incident to one (1) act, scheme, course of conduct or criminal
78 episode * * *;

79 (j) Murder of more than three (3) persons within a
80 three-year period * * *; and

81 (k) Murder which is perpetrated by the killing of an
82 unarmed person by shooting such person in the back.

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

87 **SECTION 3.** This act shall take effect and be in force from
88 and after July 1, 2017.

