MISSISSIPPI LEGISLATURE

REGULAR SESSION 2017

By: Representative Clarke

To: Judiciary B

HOUSE BILL NO. 769

AN ACT TO AMEND SECTION 97-3-21, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE DEATH PENALTY SHALL NOT BE IMPOSED WHEN A CONVICTION IS BASED SOLELY ON CIRCUMSTANTIAL EVIDENCE; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 97-3-21, Mississippi Code of 1972, is amended as follows:

97-3-21. (1) Every person who shall be convicted of first-degree murder shall be sentenced by the court to imprisonment for life in the custody of the Department of Corrections.

(2) Every person who shall be convicted of second-degree murder shall be imprisoned for life in the custody of the Department of Corrections if the punishment is so fixed by the jury in its verdict after a separate sentencing proceeding. If the jury fails to agree on fixing the penalty at imprisonment for life, the court shall fix the penalty at not less than twenty (20) nor more than forty (40) years in the custody of the Department of Corrections.
(3) (a) Except as otherwise provided in paragraph (b) of this subsection, every person who shall be convicted of capital murder shall be sentenced (a) to death; (b) to imprisonment for life in the State Penitentiary without parole; or (c) to imprisonment for life in the State Penitentiary with eligibility for parole as provided in Section 47-7-3(1)(f).

(b) The death penalty shall not be imposed when a conviction is based solely on circumstantial evidence.

SECTION 2. This act shall take effect and be in force from and after July 1, 2017.