

By: Representative Clarke

To: Judiciary B

HOUSE BILL NO. 769

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

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

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

8 97-3-21. (1) Every person who shall be convicted of
9 first-degree murder shall be sentenced by the court to
10 imprisonment for life in the custody of the Department of
11 Corrections.

12 (2) Every person who shall be convicted of second-degree
13 murder shall be imprisoned for life in the custody of the
14 Department of Corrections if the punishment is so fixed by the
15 jury in its verdict after a separate sentencing proceeding. If
16 the jury fails to agree on fixing the penalty at imprisonment for
17 life, the court shall fix the penalty at not less than twenty (20)
18 nor more than forty (40) years in the custody of the Department of
19 Corrections.



20 (3) (a) Except as otherwise provided in paragraph (b) of
21 this subsection, every person who shall be convicted of capital
22 murder shall be sentenced (a) to death; (b) to imprisonment for
23 life in the State Penitentiary without parole; or (c) to
24 imprisonment for life in the State Penitentiary with eligibility
25 for parole as provided in Section 47-7-3(1)(f).

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

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

