

By: Representative Gipson

To: Corrections; Judiciary B

HOUSE BILL NO. 920

1 AN ACT TO AMEND SECTION 97-3-21, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE ALTERNATIVE SENTENCING OPTIONS FOR JUVENILE OFFENDERS IN
3 CERTAIN MURDER CONVICTIONS; AND FOR RELATED PURPOSES.

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

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

7 97-3-21. (1) (a) Except as otherwise provided in paragraph
8 (b) of this subsection for a juvenile offender, every person who
9 shall be convicted of first-degree murder shall be sentenced by
10 the court to imprisonment for life in the custody of the
11 Department of Corrections.

12 (b) Every juvenile offender who shall be convicted of
13 first-degree murder may be sentenced to life imprisonment or if
14 the penalty is not set at life then the court shall impose a
15 penalty of not less than twenty-five (25) years nor more than
16 fifty (50) years in the custody of the Department of Corrections.

17 (2) Every person who shall be convicted of second-degree
18 murder shall be imprisoned for life in the custody of the



19 Department of Corrections if the punishment is so fixed by the
20 jury in its verdict after a separate sentencing proceeding. If
21 the jury fails to agree on fixing the penalty at imprisonment for
22 life, the court shall fix the penalty at not less than twenty (20)
23 nor more than forty (40) years in the custody of the Department of
24 Corrections.

25 (3) (a) Except as otherwise provided in paragraph (b) of
26 this subsection for a juvenile offender, every person who shall be
27 convicted of capital murder shall be sentenced (* * *i) to death;
28 (* * *ii) to imprisonment for life in the State Penitentiary
29 without parole; or (* * *iii) to imprisonment for life in the
30 State Penitentiary with eligibility for parole as provided in
31 Section 47-7-3(1)(f).

32 (b) Every juvenile offender who shall be convicted of
33 capital murder, may be sentenced to life imprisonment, or if the
34 penalty is not set at life, then the court shall impose a penalty
35 of not less than twenty-five (25) years nor more than fifty (50)
36 years in the custody of the Department of Corrections.

37 (4) The provisions of this section regarding juvenile
38 offenders shall apply retroactively to all arrests and convictions
39 regardless of the date on which the arrests were made or the
40 convictions were entered.

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

