

By: Representative Dixon

To: Constitution

HOUSE CONCURRENT RESOLUTION NO. 28

1 A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 22,
2 MISSISSIPPI CONSTITUTION OF 1890, TO PROVIDE THAT THE DEFENSE OF
3 DOUBLE JEOPARDY, WHICH PROTECTS A PERSON AGAINST A SECOND
4 PROSECUTION FOR THE SAME OFFENSE AFTER ACQUITTAL OR CONVICTION AND
5 AGAINST MULTIPLE PUNISHMENTS FOR THE SAME OFFENSE, SHALL NOT BE AN
6 AVAILABLE DEFENSE TO ANY PERSON WHO IS ACCUSED OF KILLING AN
7 UNARMED PERSON; AND FOR RELATED PURPOSES.

8 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF
9 MISSISSIPPI, That the following amendment to the Mississippi
10 Constitution of 1890 is proposed to the qualified electors of the
11 state:

12 Amend Section 22, Mississippi Constitution of 1890, to read
13 as follows:

14 "Section 22. (1) Except as otherwise provided in subsection
15 (2) of this section, no person's life or liberty shall be twice
16 placed in jeopardy for the same offense; but there must be an
17 actual acquittal or conviction on the merits to bar another
18 prosecution.

19 (2) The defense of double jeopardy, which protects a person
20 against a second prosecution for the same offense after acquittal



21 or conviction and against multiple punishments for the same
22 offense, shall not be an available defense to any person,
23 including a law enforcement officer, who is accused of killing an
24 unarmed person. Nothing in this Constitution shall be construed
25 to allow the defense of double jeopardy in such instances."

26 BE IT FURTHER RESOLVED, That this proposed amendment shall be
27 submitted by the Secretary of State to the qualified electors at
28 an election to be held on the first Tuesday after the first Monday
29 of November 2018, as provided by Section 273 of the Constitution
30 and by general law.

31 BE IT FURTHER RESOLVED, That the explanation of this proposed
32 amendment for the ballot shall read as follows: "This proposed
33 constitutional amendment provides that the defense of double
34 jeopardy, which protects a person against a second prosecution for
35 the same offense after acquittal or conviction and against
36 multiple punishments for the same offense, shall not be an
37 available defense to any person who is accused of killing an
38 unarmed person."

