

By: Senator(s) Simmons (12th)

To: Judiciary, Division A

SENATE BILL NO. 2561

1 AN ACT TO AMEND SECTION 97-3-2, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE LIST OF OFFENSES THAT ARE DESIGNATED AS CRIMES OF
3 VIOLENCE; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 97-3-2, Mississippi Code of 1972, is
6 amended as follows:

7 97-3-2. (1) The following shall be classified as crimes of
8 violence:

9 (a) Driving under the influence as provided in Sections
10 63-11-30(5) and 63-11-30(12)(d);

11 (b) Murder and attempted murder as provided in Sections
12 97-1-7(2), 97-3-19, 97-3-23 and 97-3-25;

13 (c) Aggravated assault as provided in Sections
14 97-3-7(2)(a) and (b) and 97-3-7(4)(a);

15 (d) Manslaughter as provided in Sections 97-3-27,
16 97-3-29, 97-3-31, 97-3-33, 97-3-35, 97-3-39, 97-3-41, 97-3-43,
17 97-3-45 and 97-3-47;



18 (e) Killing of an unborn child as provided in Sections
19 97-3-37(2) (a) and 97-3-37(2) (b);

20 (f) Kidnapping as provided in Section 97-3-53;

21 (g) Human trafficking as provided in Section 97-3-54.1;

22 (h) Poisoning as provided in Section 97-3-61;

23 (i) Rape as provided in Sections 97-3-65(4) (a) and
24 97-3-71;

25 (j) Robbery as provided in Sections 97-3-73 and
26 97-3-79;

27 (k) Sexual battery as provided in Section 97-3-95;

28 (l) Drive-by shooting or bombing as provided in Section
29 97-3-109;

30 (m) Carjacking as provided in Section 97-3-117;

31 (n) Felonious neglect, abuse or battery of a child as
32 provided in Section 97-5-39;

33 (o) Burglary of a dwelling as provided in Sections
34 97-17-23(2) and 97-17-37;

35 (p) Use of explosives or weapons of mass destruction as
36 provided in Section 97-37-25;

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38 (* * *g) Exploitation of a child as provided in
39 Section 97-5-33;

40 (* * *r) Gratification of lust as provided in Section
41 97-5-23; and



42 (* * *s) Shooting into a dwelling as provided in
43 Section 97-37-29.

44 (2) In any felony offense with a maximum sentence of no less
45 than five (5) years, upon conviction, the judge may find and place
46 in the sentencing order, on the record in open court, that the
47 offense, while not listed in subsection (1) of this section, shall
48 be classified as a crime of violence if the facts show that the
49 defendant used physical force, or made a credible attempt or
50 threat of physical force against another person as part of the
51 criminal act. No person convicted of a crime of violence listed
52 in this section is eligible for parole or for early release from
53 the custody of the Department of Corrections until the person has
54 served at least fifty percent (50%) of the sentence imposed by the
55 court.

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

