

By: Representative Calhoun

To: Judiciary B

HOUSE BILL NO. 923

1 AN ACT TO AMEND SECTION 97-1-7, MISSISSIPPI CODE OF 1972, TO
2 REVISE PENALTIES FOR ATTEMPTED CAPITAL OFFENSES; AND FOR RELATED
3 PURPOSES.

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

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

7 97-1-7. (1) Every person who shall design and endeavor to
8 commit an offense, and shall do any overt act toward the
9 commission thereof, but shall fail therein, or shall be prevented
10 from committing the same, on conviction thereof, shall, where no
11 other specific provision is made by law for the punishment of the
12 attempt, be punished by imprisonment and fine for a period and for
13 an amount not greater than is prescribed for the actual commission
14 of the offense so attempted.

15 (2) Every person who shall design and endeavor to commit an
16 act which, if accomplished, would constitute an offense of murder
17 under Section 97-3-19, but shall fail therein, or shall be
18 prevented from committing the same, shall be guilty of attempted



19 murder and, upon conviction, shall be imprisoned for life in the
20 custody of the Department of Corrections if the punishment is so
21 fixed by the jury in its verdict after a separate sentencing
22 proceeding. If the jury fails to agree on fixing the penalty at
23 imprisonment for life, the court shall fix the penalty at not less
24 than twenty (20) years in the custody of the Department of
25 Corrections.

26 (3) For any conviction for an attempted offense under this
27 section, the penalty ordered by the court shall not be greater
28 than the penalty imposed by law for the actual commission of the
29 offense, but in no case shall the death penalty be imposed.

30 **SECTION 2.** This act shall take effect and be in force from
31 and after July 1, 2018.

