

By: Representatives Shirley, Horne

To: Judiciary B

HOUSE BILL NO. 1453

1 AN ACT TO AMEND SECTION 97-3-19, MISSISSIPPI CODE OF 1972, TO
2 INCLUDE THE KILLING OF A UTILITY WORKER IN THE DEFINITION OF
3 CAPITAL MURDER; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 97-3-19, Mississippi Code of 1972, is
6 amended as follows:

7 97-3-19. (1) The killing of a human being without the
8 authority of law by any means or in any manner shall be murder in
9 the following cases:

10 (a) When done with deliberate design to effect the
11 death of the person killed, or of any human being, shall be
12 first-degree murder;

13 (b) When done in the commission of an act eminently
14 dangerous to others and evincing a depraved heart, regardless of
15 human life, although without any premeditated design to effect the
16 death of any particular individual, shall be second-degree murder;

17 (c) When done without any design to effect death by any
18 person engaged in the commission of any felony other than rape,



19 kidnapping, burglary, arson, robbery, sexual battery, unnatural
20 intercourse with any child under the age of twelve (12), or
21 nonconsensual unnatural intercourse with mankind, or felonious
22 abuse and/or battery of a child in violation of subsection (2) of
23 Section 97-5-39, or in any attempt to commit such felonies, shall
24 be first-degree murder;

25 (d) When done with deliberate design to effect the
26 death of an unborn child, shall be first-degree murder.

27 (2) The killing of a human being without the authority of
28 law by any means or in any manner shall be capital murder in the
29 following cases:

30 (a) Murder which is perpetrated by killing a peace
31 officer or fireman while such officer or fireman is acting in his
32 official capacity or by reason of an act performed in his official
33 capacity, and with knowledge that the victim was a peace officer
34 or fireman. For purposes of this paragraph, the term "peace
35 officer" means any state or federal law enforcement officer,
36 including, but not limited to, a federal park ranger, the sheriff
37 of or police officer of a city or town, a conservation officer, a
38 parole officer, a judge, senior status judge, special judge,
39 district attorney, legal assistant to a district attorney, county
40 prosecuting attorney or any other court official, an agent of the
41 Alcoholic Beverage Control Division of the Department of Revenue,
42 an agent of the Bureau of Narcotics, personnel of the Mississippi
43 Highway Patrol, and the employees of the Department of Corrections



44 who are designated as peace officers by the Commissioner of
45 Corrections pursuant to Section 47-5-54, and the superintendent
46 and his deputies, guards, officers and other employees of the
47 Mississippi State Penitentiary;

48 (b) Murder which is perpetrated by a person who is
49 under sentence of life imprisonment;

50 (c) Murder which is perpetrated by use or detonation of
51 a bomb or explosive device;

52 (d) Murder which is perpetrated by any person who has
53 been offered or has received anything of value for committing the
54 murder, and all parties to such a murder, are guilty as
55 principals;

56 (e) When done with or without any design to effect
57 death, by any person engaged in the commission of the crime of
58 rape, burglary, kidnapping, arson, robbery, sexual battery,
59 unnatural intercourse with any child under the age of twelve (12),
60 or nonconsensual unnatural intercourse with mankind, or in any
61 attempt to commit such felonies;

62 (f) When done with or without any design to effect
63 death, by any person engaged in the commission of the crime of
64 felonious abuse and/or battery of a child in violation of
65 subsection (2) of Section 97-5-39, or in any attempt to commit
66 such felony;

67 (g) Murder which is perpetrated on educational property
68 as defined in Section 97-37-17;



69 (h) Murder which is perpetrated by the killing of any
70 elected official of a county, municipal, state or federal
71 government with knowledge that the victim was such public
72 official;

73 (i) Murder of three (3) or more persons who are killed
74 incident to one (1) act, scheme, course of conduct or criminal
75 episode;

76 (j) Murder of more than three (3) persons within a
77 three-year period;

78 (k) Murder which is perpetrated by the killing of a
79 person who: (i) is or would be a witness for the state or federal
80 government in a criminal trial; (ii) is a confidential informant
81 for any agency of the state or federal government; or (iii) is any
82 other person who was cooperating or assisting the state or federal
83 government or was suspected of cooperation or assistance to the
84 state or federal government, if the motive for the killing was
85 either the person's status as a witness, potential witness or
86 informant, or was to prevent the cooperation or assistance to the
87 prosecution. It shall not be a defense to a killing under this
88 subsection that the defendant erroneously suspected or believed
89 the victim to have cooperated or assisted the state or federal
90 government * * *; and

91 (l) Murder which is perpetrated by the killing of a
92 utility worker while such utility worker is acting in his official
93 capacity as a utility worker, and with knowledge that the victim



94 was a utility worker. "Utility worker" shall mean any person
95 employed by, provides service on behalf of, or is otherwise
96 contracted by a public utility as the term "public utility" is
97 defined in Section 77-3-3, and such term shall also include any
98 municipal, county or state owned utility, and any public agency,
99 association, utility or utility district.

100 (3) An indictment for murder or capital murder shall serve
101 as notice to the defendant that the indictment may include any and
102 all lesser included offenses thereof, including, but not limited
103 to, manslaughter.

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

