

By: Senator(s) DeBar

To: Judiciary, Division B

## SENATE BILL NO. 2210

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 in the  
14 custody of the Department of Corrections if the punishment is so  
15 fixed by jury after a separate sentencing proceeding. If the jury  
16 fails to agree on fixing the penalty at life imprisonment, the  
17 court shall fix the penalty at not less than twenty-five (25) nor



18 more than fifty (50) years in the custody of the Department of  
19 Corrections.

20 (2) Every person who shall be convicted of second-degree  
21 murder shall be imprisoned for life in the custody of the  
22 Department of Corrections if the punishment is so fixed by the  
23 jury in its verdict after a separate sentencing proceeding. If  
24 the jury fails to agree on fixing the penalty at imprisonment for  
25 life, the court shall fix the penalty at not less than twenty (20)  
26 nor more than forty (40) years in the custody of the Department of  
27 Corrections.

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

35 (b) Every juvenile offender who shall be convicted of  
36 capital murder may be sentenced to life imprisonment in the  
37 custody of the Department of Corrections if the punishment is so  
38 fixed by jury after a separate sentencing proceeding. If the jury  
39 fails to agree on fixing the penalty at life imprisonment, the  
40 court shall fix the penalty at not less than twenty-five (25) nor  
41 more than fifty (50) years in the custody of the Department of  
42 Corrections.



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

