

By: Senator(s) Doty

To: Judiciary, Division B

SENATE BILL NO. 2657

1 AN ACT TO AMEND SECTION 97-3-19, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT FIRST-DEGREE MURDER SHALL BE APPLIED WHEN THE
3 UNLAWFUL DISTRIBUTION OF ANY SUBSTANCE OR MIXTURE OF ANY SUBSTANCE
4 DESCRIBED IN SECTION 41-29-113, 41-29-115, 41-29-117, 41-29-119 OR
5 41-29-121 IS PROVEN TO BE THE PROXIMATE CAUSE OF DEATH OF A
6 DECEASED PERSON; TO BRING FORWARD SECTION 97-3-21, MISSISSIPPI
7 CODE OF 1972, FOR PURPOSES OF AMENDMENT; AND FOR RELATED PURPOSES.

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

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

11 97-3-19. (1) The killing of a human being without the
12 authority of law by any means or in any manner shall be murder in
13 the following cases:

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

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



21 (c) When done without any design to effect death by any
22 person engaged in the commission of any felony other than rape,
23 kidnapping, burglary, arson, robbery, sexual battery, unnatural
24 intercourse with any child under the age of twelve (12), or
25 nonconsensual unnatural intercourse with mankind, or felonious
26 abuse and/or battery of a child in violation of subsection (2) of
27 Section 97-5-39, or in any attempt to commit such felonies, shall
28 be first-degree murder;

29 (d) When done with deliberate design to effect the
30 death of an unborn child, shall be first-degree murder * * *;

31 (e) When done by a person eighteen (18) years of age or
32 older engaged in the unlawful distribution of any substance, or
33 mixture of any substances described in Section 41-29-113,
34 41-29-115, 41-29-117, 41-29-119 or 41-29-121, when such substance
35 or mixture is proven to be the proximate cause of death of a
36 deceased person, shall be first-degree murder.

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

40 (a) Murder which is perpetrated by killing a peace
41 officer or fireman while such officer or fireman is acting in his
42 official capacity or by reason of an act performed in his official
43 capacity, and with knowledge that the victim was a peace officer
44 or fireman. For purposes of this paragraph, the term "peace
45 officer" means any state or federal law enforcement officer,



46 including, but not limited to, a federal park ranger, the sheriff
47 of or police officer of a city or town, a conservation officer, a
48 parole officer, a judge, senior status judge, special judge,
49 district attorney, legal assistant to a district attorney, county
50 prosecuting attorney or any other court official, an agent of the
51 Alcoholic Beverage Control Division of the Department of Revenue,
52 an agent of the Bureau of Narcotics, personnel of the Mississippi
53 Highway Patrol, and the employees of the Department of Corrections
54 who are designated as peace officers by the Commissioner of
55 Corrections pursuant to Section 47-5-54, and the superintendent
56 and his deputies, guards, officers and other employees of the
57 Mississippi State Penitentiary;

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

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

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

66 (e) When done with or without any design to effect
67 death, by any person engaged in the commission of the crime of
68 rape, burglary, kidnapping, arson, robbery, sexual battery,
69 unnatural intercourse with any child under the age of twelve (12),



or nonconsensual unnatural intercourse with mankind, or in any attempt to commit such felonies;

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

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

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

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

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

(k) Murder which is perpetrated by the killing of a person who: (i) is or would be a witness for the state or federal government in a criminal trial; (ii) is a confidential informant for any agency of the state or federal government; or (iii) is any other person who was cooperating or assisting the state or federal government or was suspected of cooperation or assistance to the state or federal government, if the motive for the killing was



95 either the person's status as a witness, potential witness or
96 informant, or was to prevent the cooperation or assistance to the
97 prosecution. It shall not be a defense to a killing under this
98 subsection that the defendant erroneously suspected or believed
99 the victim to have cooperated or assisted the state or federal
100 government.

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

105 **SECTION 2.** Section 97-3-21, Mississippi Code of 1972, is
106 brought forward as follows:

107 97-3-21. (1) Every person who shall be convicted of
108 first-degree murder shall be sentenced by the court to
109 imprisonment for life in the custody of the Department of
110 Corrections.

111 (2) Every person who shall be convicted of second-degree
112 murder shall be imprisoned for life in the custody of the
113 Department of Corrections if the punishment is so fixed by the
114 jury in its verdict after a separate sentencing proceeding. If
115 the jury fails to agree on fixing the penalty at imprisonment for
116 life, the court shall fix the penalty at not less than twenty (20)
117 nor more than forty (40) years in the custody of the Department of
118 Corrections.



119 (3) Every person who shall be convicted of capital murder
120 shall be sentenced (a) to death; (b) to imprisonment for life in
121 the State Penitentiary without parole; or (c) to imprisonment for
122 life in the State Penitentiary with eligibility for parole as
123 provided in Section 47-7-3(1)(f).

124 **SECTION 3.** This act shall take effect and be in force from
125 and after July 1, 2020.

