

By: Representatives Moore, Chism

To: Judiciary En Banc

HOUSE BILL NO. 1164

1 AN ACT TO AMEND SECTION 97-3-19, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT MURDER OF TWO OR MORE HUMAN BEINGS BY THE SAME PERSON
3 IS CAPITAL MURDER; TO AMEND SECTION 97-3-21, MISSISSIPPI CODE OF
4 1972, TO PROVIDE THAT THE PENALTY FOR PERSONS CONVICTED OF SUCH
5 OFFENSE IS DEATH; AND FOR RELATED PURPOSES.

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

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

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

12 (a) When done with deliberate design to effect the
13 death of the person killed, or of any human being;

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

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

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

28 (a) Murder which is perpetrated by killing a peace
29 officer or fireman while such officer or fireman is acting in his
30 official capacity or by reason of an act performed in his official
31 capacity, and with knowledge that the victim was a peace officer
32 or fireman. For purposes of this paragraph, the term "peace
33 officer" means any state or federal law enforcement officer
34 including but not limited to a federal park ranger, the sheriff of
35 or police officer of a city or town, a conservation officer, a
36 parole officer, a judge, prosecuting attorney or any other court
37 official, an agent of the Alcoholic Beverage Control Division of
38 the State Tax Commission, an agent of the Bureau of Narcotics,
39 personnel of the Mississippi Highway Patrol, and the employees of
40 the Department of Corrections who are designated as peace officers
41 by the Commissioner of Corrections pursuant to Section 47-5-54,
42 and the superintendent and his deputies, guards, officers and
43 other employees of the Mississippi State Penitentiary;

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

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

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

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

58 (f) When done with or without any design to effect
59 death, by any person engaged in the commission of the crime of
60 felonious abuse and/or battery of a child in violation of

61 subsection (2) of Section 97-5-39, or in any attempt to commit
62 such felony;

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

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

69 (i) Murder of two (2) or more human beings by the same
70 person whether or not by a common plan or design and whether or
71 not the deaths occur within any particular period of time.

72 **SECTION 2.** Section 97-3-21, Mississippi Code of 1972, is
73 amended as follows:

74 97-3-21. (1) Every person who is convicted of murder shall
75 be sentenced by the court to imprisonment for life in the State
76 Penitentiary.

77 (2) Every person who is convicted of capital murder, except
78 as provided in subsection (3) of this section, shall be sentenced
79 (a) to death; (b) to imprisonment for life in the State
80 Penitentiary without parole; or (c) to imprisonment for life in
81 the State Penitentiary with eligibility for parole as provided in
82 Section 47-7-3(1)(f).

83 (3) Every person who is convicted of capital murder under
84 Section 97-3-19(2)(i) shall be sentenced to death.

85 **SECTION 3.** This act shall take effect and be in force from
86 and after July 1, 2004.