

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

House Bill No. 645

BY: Committee

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

8 **SECTION 1.** Section 99-19-301, Mississippi Code of 1972, is
9 amended as follows:

10 99-19-301. (1) The penalty for any felony or misdemeanor
11 shall be subject to enhancement as provided in Sections 99-19-301
12 through 99-19-307 if the felony or misdemeanor was committed
13 because of the actual or perceived race, color, ancestry,
14 ethnicity, religion, national origin or gender of the victim.

15 (2) The penalty for any felony or misdemeanor shall be
16 subject to enhancement as provided in Sections 99-19-301 through
17 99-19-307 if the felony or misdemeanor was committed with the



18 specific intent to target an individual or group because of actual
19 or perceived employment as a law enforcement officer, firefighter
20 or emergency medical technician.

21 (3) As used in Sections 99-19-301 through 99-19-307:

22 (a) "Law enforcement officer" means any law enforcement
23 officer, part-time law enforcement officer or law enforcement
24 trainee as defined in Section 45-6-3, as well as any reserve or
25 volunteer law enforcement officer and any federal law enforcement
26 officer or employee whose permanent duties include making arrests,
27 performing search and seizures, execution of criminal arrest
28 warrants, execution of civil seizure warrants, or the care,
29 custody, control or supervision of inmates.

30 (b) "Firefighter" means any firefighter regularly
31 employed by a fire department of any municipality, county, or fire
32 protection district of the State of Mississippi and includes a
33 volunteer firefighter.

34 (c) "Emergency medical technician" means a person
35 qualified under Sections 41-59-33 and 41-59-35.

36 **SECTION 2.** Section 99-19-305, Mississippi Code of 1972, is
37 amended as follows:

38 99-19-305. (1) Upon conviction or adjudication of guilt of
39 a defendant where notice has been duly given that an enhanced
40 penalty will be sought as provided in Sections 99-19-301 through
41 99-19-307, the court shall conduct a separate sentencing
42 proceeding to determine the sentence. The proceeding shall be



43 conducted by the trial judge before the trial jury as soon as
44 practicable. If, through impossibility or inability, the trial
45 jury is unable to reconvene for a hearing on the issue of penalty,
46 having determined the guilt of the accused, the trial judge shall
47 summon a jury to determine whether an enhanced penalty should be
48 imposed. If trial by jury has been waived, or if the defendant
49 pleaded guilty, the sentencing proceeding shall be conducted
50 before a jury impaneled for that purpose. Provided, however, that
51 if the defendant enters a plea of guilty and waives trial by jury
52 for the sentencing proceeding, the sentencing proceeding shall be
53 conducted before the trial judge sitting without a jury. In the
54 proceeding, evidence may be presented as to any matter that the
55 court deems relevant to sentence. However, this subsection shall
56 not be construed to authorize the introduction of any evidence
57 secured in violation of the Constitution of the United States or
58 of the State of Mississippi. The state and the defendant or his
59 counsel or both defendant and counsel shall be permitted to
60 present arguments for or against any sentence sought.

61 (2) In order to impose an enhanced penalty under the
62 provisions of Sections 99-19-301 through 99-19-307, the jury must
63 find beyond a reasonable doubt:

64 (a) That the defendant perceived, knew, or had
65 reasonable grounds to know or perceive that the victim was within
66 the class delineated; and



67 (b) That the defendant maliciously and with specific
68 intent committed the offense because the victim was within the
69 class delineated.

70 (3) That the victim was within the class delineated means
71 that the reason the underlying crime was committed was the
72 victim's actual or perceived race, color, religion, ethnicity,
73 ancestry, national origin or gender, or that the reason the
74 underlying crime was committed was the victim's actual or
75 perceived employment as a law enforcement officer, firefighter or
76 emergency medical technician.

77 **SECTION 3.** Section 99-19-307, Mississippi Code of 1972, is
78 amended as follows:

79 99-19-307. * * * If it is found beyond a reasonable doubt
80 that the offense was committed by reason of (a) the actual or
81 perceived race, color, ancestry, ethnicity, religion, national
82 origin or gender of the victim, or (b) the victim's actual or
83 perceived employment as a law enforcement officer, firefighter or
84 emergency medical technician, then the penalty for the offense may
85 be enhanced by punishment for a term of imprisonment of up to
86 twice that authorized by law for the offense committed, or a fine
87 of up to twice that authorized by law for the offense committed,
88 or both.

89 **SECTION 4.** This act shall take effect and be in force from
90 and after July 1, 2017.



**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTIONS 99-19-301, 99-19-305 AND 99-19-307,
2 MISSISSIPPI CODE OF 1972, TO INCLUDE LAW ENFORCEMENT OFFICERS,
3 FIREFIGHTERS AND EMERGENCY MEDICAL PERSONNEL IN THE CLASS OF
4 VICTIMS WHERE OFFENSES ARE SUBJECT TO ENHANCED PENALTIES, TO BE
5 KNOWN AS THE BLUE, RED AND MED LIVES MATTER ACT; AND FOR RELATED
6 PURPOSES.

