MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Shanks

To: Judiciary B

HOUSE BILL NO. 768

AN ACT TO AMEND SECTION 97-3-21, MISSISSIPPI CODE OF 1972, TO PROVIDE ALTERNATIVE SENTENCING OPTIONS FOR JUVENILE OFFENDERS WITH CERTAIN MURDER CONVICTIONS; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 97-3-21, Mississippi Code of 1972, is amended as follows:

97-3-21. (1) (a) Except as otherwise provided in paragraph (b) of this subsection for a juvenile offender, every person who shall be convicted of first-degree murder shall be sentenced by the court to imprisonment for life in the custody of the Department of Corrections.

(b) Every juvenile offender who shall be convicted of first-degree murder may be sentenced to life imprisonment or if the penalty is not set at life then the court shall impose a penalty of not less than twenty-five (25) years nor more than fifty (50) years in the custody of the Department of Corrections.

(2) Every person who shall be convicted of second-degree murder shall be imprisoned for life in the custody of the

Department of Corrections if the punishment is so fixed by the jury in its verdict after a separate sentencing proceeding. If the jury fails to agree on fixing the penalty at imprisonment for life, the court shall fix the penalty at not less than twenty (20) nor more than forty (40) years in the custody of the Department of Corrections.

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

(b) Every juvenile offender who shall be convicted of capital murder may be sentenced to life imprisonment, or if the penalty is not set at life, then the court shall impose a penalty of not less than twenty-five (25) years nor more than fifty (50) years in the custody of the Department of Corrections.

(4) The provisions of this section regarding juvenile offenders shall apply retroactively to all arrests and convictions regardless of the date on which the arrests were made or the convictions were entered.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.