

If any person shall carnally know and abuse any woman child under the age of fourteen years, or knowingly carnally know and abuse any woman who is an imbecile, non compos mentis or insane, of any age whatever, every such carnal knowledge shall be deemed felony, and the offender being convicted thereof shall at the discretion of the court suffer [death or] imprisonment [for life] in the penitentiary[, or for a definite period,] FOR not less than eighteen months nor more than [twenty-one years.] THE PERIOD OF HIS NATURAL LIFE.

616.

(A) [In] EXCEPT AS PROVIDED IN SUBSECTION (B), IN any indictment for murder or manslaughter, or for being an accessory thereto, it shall not be necessary to set forth the manner or means of death. It shall be sufficient to use a formula substantially to the following effect: "That A. B., On the day of nineteen hundred and, at the county aforesaid, feloniously (wilfully and of deliberately premeditated malice aforethought) did kill (and murder) C. D. against the peace, government and dignity of the State."

(B) IN ANY INDICTMENT FOR MURDER IN WHICH THE STATE SEEKS THE IMPOSITION OF THE DEATH PENALTY, THE INDICTMENT SHALL SET FORTH A CONCISE AND DEFINITE STATEMENT OF THE OFFENSE. THIS PORTION OF THE INDICTMENT SHALL BE A SEPARATE CHARGE AND MAY NOT BE A PART OF ANY OTHER COUNT OR CHARGE. IT IS SUFFICIENT TO USE A FORM SUBSTANTIALLY AS FOLLOWS:

"THAT A.B. ON THE DAY OF NINETEEN HUNDRED AND AT THE COUNTY AFORESAID, FELONIOUSLY, WILFULLY AND OF DELIBERATELY PREMEDITATED MALICE AFORETHOUGHT, DID MURDER C.D. AGAINST THE PEACE, GOVERNMENT AND DIGNITY OF THE STATE; THAT HE IS THE PERSON WHO ACTUALLY COMMITTED AN ACT WHICH PROXIMATELY CAUSED THE VICTIM'S DEATH; THAT AT THE TIME OF THE COMMISSION OF THE ACT, HE WAS 18 YEARS OF AGE OR OLDER; AND THAT THE MURDER WAS COMMITTED UNDER THE FOLLOWING CIRCUMSTANCE:

(STRIKE IF NOT APPLICABLE)

(1) AT THE TIME OF THE MURDER, THE DEFENDANT WAS CONFINED OR UNDER SENTENCE OF CONFINEMENT TO A CORRECTIONAL INSTITUTION IN THIS STATE;

(2) THE DEFENDANT COMMITTED THE MURDER IN FURTHERANCE OF AN ATTEMPT TO ESCAPE FROM OR EVADE THE LAWFUL CUSTODY, ARREST, OR DETENTION OF OR BY A LAW ENFORCEMENT OFFICER, (CORRECTIONAL OFFICER), (GUARD);