

By: Representatives Fredericks, Dickson,
Miller, Peranich, Simmons, Thomas, Scott
(80th)

To: Judiciary B

HOUSE BILL NO. 1084
(As Passed the House)

1 AN ACT TO AMEND SECTION 99-3-7, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE ARREST PROCEDURE FOR DOMESTIC VIOLENCE; TO INCLUDE
3 STALKING AS AN OFFENSE FOR WHICH AN ARREST WITHOUT A WARRANT CAN
4 BE MADE FOR AN ACT OF VIOLENCE; AND FOR RELATED PURPOSES. BE IT
5 ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6
7 SECTION 1. Section 99-3-7, Mississippi Code of 1972, is

8 amended as follows:

9 99-3-7. (1) An officer or private person may arrest any
10 person without warrant, for an indictable offense committed, or a
11 breach of the peace threatened or attempted in his presence; or
12 when a person has committed a felony, though not in his presence;
13 or when a felony has been committed, and he has reasonable ground
14 to suspect and believe the person proposed to be arrested to have
15 committed it; or on a charge, made upon reasonable cause, of the
16 commission of a felony by the party proposed to be arrested. And
17 in all cases of arrests without warrant, the person making such
18 arrest must inform the accused of the object and cause of the
19 arrest, except when he is in the actual commission of the offense,
20 or is arrested on pursuit.

21 (2) Any law enforcement officer may arrest any person on a
22 misdemeanor charge without having a warrant in his possession when
23 a warrant is in fact outstanding for that person's arrest and the
24 officer has knowledge through official channels that the warrant
25 is outstanding for that person's arrest. In all such cases, the
26 officer making the arrest must inform such person at the time of
27 the arrest the object and cause therefor. If the person arrested
28 so requests, the warrant shall be shown to him as soon as

29 practicable.

30 (3) Any law enforcement officer shall arrest a person with
31 or without a warrant when he has probable cause to believe that
32 the person has, within twenty-four (24) hours of such arrest,
33 knowingly committed a misdemeanor which is an act of domestic
34 violence or knowingly violated provisions of a protective order or
35 court-approved consent agreement entered by a chancery, county,
36 justice or municipal court pursuant to the Protection from
37 Domestic Abuse Law, Sections 93-21-1 through 93-21-29, Mississippi
38 Code of 1972, that require such person to absent himself from a
39 particular geographic area, provided that such order specifically
40 provides for an arrest pursuant to this section for such
41 violation.

42 (4) As used in subsection (3) of this section, the phrase
43 "misdemeanor which is an act of domestic violence" shall mean one
44 or more of the following acts between family or household members
45 who reside together or formerly resided together:

46 (a) Simple domestic assault within the meaning of
47 Section 97-3-7(3); * * *

48 (b) Disturbing the family or public peace within the
49 meaning of Section 97-35-9, 97-35-11, 97-35-13 or 97-35-15; or

50 (c) Stalking within the meaning of Section 97-3-107.

51 (5) Any arrest made pursuant to subsection (3) of this
52 section shall be designated as domestic violence on both the
53 arrest docket and the incident report.

54 SECTION 2. This act shall take effect and be in force from
55 and after July 1, 1999.