

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

To: Judiciary B

HOUSE BILL NO. 1084  
(As Sent to Governor)

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; \* \* \*

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 assault or domestic  
53 violence on both the 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.