

By: Representatives Davis, Formby, Jennings To: Judiciary B

HOUSE BILL NO. 1103

1 AN ACT TO AMEND SECTION 99-3-7, MISSISSIPPI CODE OF 1972, TO
2 INCLUDE STALKING AS AN OFFENSE FOR WHICH AN ARREST WITHOUT A
3 WARRANT CAN BE MADE FOR AN ACT OF DOMESTIC VIOLENCE; AND FOR
4 RELATED PURPOSES.

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

6 SECTION 1. Section 99-3-7, Mississippi Code of 1972, is
7 amended as follows:

8 99-3-7. (1) An officer or private person may arrest any
9 person without warrant, for an indictable offense committed, or a
10 breach of the peace threatened or attempted in his presence; or
11 when a person has committed a felony, though not in his presence;
12 or when a felony has been committed, and he has reasonable ground
13 to suspect and believe the person proposed to be arrested to have
14 committed it; or on a charge, made upon reasonable cause, of the
15 commission of a felony by the party proposed to be arrested. And
16 in all cases of arrests without warrant, the person making such
17 arrest must inform the accused of the object and cause of the
18 arrest, except when he is in the actual commission of the offense,
19 or is arrested on pursuit.

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

28 practicable.

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

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

44 (a) Simple assault within the meaning of Section
45 97-3-7; * * *

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

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

49 SECTION 2. This act shall take effect and be in force from
50 and after its passage.