

By: Senator(s) Carlton

To: Judiciary

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2457

1 AN ACT TO AMEND SECTION 99-3-7, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE ARREST PROCEDURE FOR DOMESTIC VIOLENCE; AND FOR RELATED
3 PURPOSES. BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF
4 MISSISSIPPI:

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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,
35 justice or municipal court pursuant to the Protection from
36 Domestic Abuse Law, Sections 93-21-1 through 93-21-29, Mississippi
37 Code of 1972, that require such person to absent himself from a
38 particular geographic area, provided that such order specifically
39 provides for an arrest pursuant to this section for such
40 violation.

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

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

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

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

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