

By: Senator(s) Carlton

To: Judiciary

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:

5  
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(3); 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 violence on both the  
51 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.