

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER AND MR. PRESIDENT:

We, the undersigned conferees, have had under consideration the amendments to the following entitled **BILL:**

H.B. No. 1084: Domestic violence; revise arrest procedure.

We, therefore, respectfully submit the following report and recommendation:

- 1. That the Senate recede from its Amendment No. 1.**
- 2. That the House and Senate adopt the following amendment:**

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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

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

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

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; or

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

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

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

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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.

CONFEREES FOR THE HOUSE: CONFEREES FOR THE SENATE:

X_____
Edward Blackmon, Jr.

X_____
Bennie L. Turner

X_____
Jeffrey C. Smith

X_____
Neely C. Carlton

X_____
Frances Fredericks

X_____
Tommy Dickerson