

**\*\*\*Pending\*\*\***

**AMENDMENT No. 1 PROPOSED TO**

**House Bill NO. 1084**

**By Senator(s) Committee**

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

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

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

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

26 so requests, the warrant shall be shown to him as soon as  
27 practicable.

28 (3) Any law enforcement officer shall arrest a person with  
29 or without a warrant when he has probable cause to believe that  
30 the person has, within twenty-four (24) hours of such arrest,  
31 knowingly committed a misdemeanor which is an act of domestic  
32 violence or knowingly violated provisions of a protective order or  
33 court-approved consent agreement entered by a chancery, county,  
34 justice or municipal court pursuant to the Protection from  
35 Domestic Abuse Law, Sections 93-21-1 through 93-21-29, Mississippi  
36 Code of 1972, that require such person to absent himself from a  
37 particular geographic area, provided that such order specifically  
38 provides for an arrest pursuant to this section for such  
39 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 domestic assault within the meaning of  
45 Section 97-3-7; or

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.

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

51 SECTION 2. This act shall take effect and be in force from  
52 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; AND FOR RELATED  
3 PURPOSES.

**99\SS01\HB1084A.J \*SS01\HB1084AJ\***