

By: Fredericks, Clarke, Coleman (29th),
Coleman (65th), Dickson, Jennings, Peranich,
Stevens, Straughter, Thomas, Whittington

To: Judiciary B

HOUSE BILL NO. 566

1 AN ACT TO AMEND SECTION 99-3-7, MISSISSIPPI CODE OF 1972, TO
2 REVISE WARRANTLESS ARRESTS IN DOMESTIC VIOLENCE; AND FOR RELATED
3 PURPOSES.

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

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 an ex parte
33 protective order, protective order after hearing or court-approved
34 consent agreement entered by a chancery, county, justice or
35 municipal court pursuant to the Protection from Domestic Abuse
36 Law, Sections 93-21-1 through 93-21-29, Mississippi Code of 1972,
37 or a restraining or protective order entered by a foreign court of
38 competent jurisdiction to protect an applicant from domestic
39 violence as defined by Section 97-3-7 that require such person to
40 absent himself from a particular geographic area, or prohibits
41 such person from being within a specified distance of another
42 person or persons.

43 (4) As used in subsection (3) of this section, the phrase
44 "misdemeanor which is an act of domestic violence" shall mean one
45 or more of the following acts between family or household members
46 who reside together or formerly resided together, current or
47 former spouses, persons who have a biological or legally adopted
48 child together or persons who have a current or former dating
49 relationship at the time of the offense:

50 (a) Simple domestic violence within the meaning of
51 Section 97-3-7;

52 (b) Disturbing the family or public peace within the

53 meaning of Section 97-35-9, 97-35-11, 97-35-13 or 97-35-15; or

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

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

58 SECTION 2. This act shall take effect and be in force from
59 and after July 1, 2000.