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To: Judiciary B

HOUSE BILL NO. 566  
(As Passed the House)

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.