

By: Frazier

To: Judiciary

SENATE BILL NO. 2066

1 AN ACT TO AMEND SECTION 99-43-3, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE DEFINITION OF CRIMINAL OFFENSE AS USED IN THE CRIME
3 VICTIMS' BILL OF RIGHTS; AND FOR RELATED PURPOSES.

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

5 SECTION 1. Section 99-43-3, Mississippi Code of 1972, is
6 amended as follows:[JU1]

7 99-43-3. As used in this chapter, the following words shall
8 have the meanings ascribed to them, unless the context clearly
9 requires otherwise:

10 (a) "Accused" means a person who has been arrested for
11 committing a criminal offense and who is held for an initial
12 appearance or other proceeding before trial or who is a target of
13 an investigation for committing a criminal offense.

14 (b) "Appellate proceeding" means an oral argument held
15 in open court before the Mississippi Court of Appeals, the
16 Mississippi Supreme Court, a federal court of appeals or the
17 United States Supreme Court.

18 (c) "Arrest" means the actual custodial restraint of a
19 person or his submission to custody.

20 (d) "Community status" means extension of the limits of
21 the places of confinement of a prisoner through work release,

22 intensive supervision, house arrest, and initial consideration of
23 pre-discretionary leave, passes and furloughs.

24 (e) "Court" means all state courts including juvenile
25 courts.

26 (f) "Victim assistance coordinator" means a person who
27 is employed or authorized by a public entity or a private entity
28 that receives public funding primarily to provide counseling,
29 treatment or other supportive assistance to crime victims.

30 (g) "Criminal offense" means conduct that gives a law
31 enforcement officer or prosecutor probable cause to believe that a
32 felony involving physical injury, the threat of physical injury,
33 or a sexual offense, or any offense involving spousal abuse,
34 domestic violence or burglary of a dwelling house has been
35 committed; provided, however, that burglary of a dwelling house
36 will not be considered a criminal offense under the provisions of
37 this chapter unless one or more of the residents of the dwelling
38 house or one or more guests of the residents are present at the
39 time of the burglary.

40 (h) "Criminal proceeding" means a hearing, argument or
41 other matter scheduled by and held before a trial court but does
42 not include a lineup, grand jury proceeding or other matter not
43 held in the presence of the court.

44 (i) "Custodial agency" means a municipal or county
45 jail, the Department of Corrections, juvenile detention facility,
46 Department of Youth Services or a secure mental health facility
47 having custody of a person who is arrested or is in custody for a
48 criminal offense.

49 (j) "Defendant" means a person or entity that is
50 formally charged by complaint, indictment or information of
51 committing a criminal offense.

52 (k) "Final disposition" means the ultimate termination

53 of the criminal prosecution of a defendant by a trial court,
54 including dismissal, acquittal or imposition of a sentence.

55 (l) "Immediate family" means the spouse, parent, child,
56 sibling, grandparent or guardian of the victim, unless that person
57 is in custody for an offense or is the accused.

58 (m) "Lawful representative" means a person who is a
59 member of the immediate family or who is designated as provided in
60 Section 99-43-5; no person in custody for an offense or who is the
61 accused may serve as lawful representative.

62 (n) "Post-arrest release" means the discharge of the
63 accused from confinement on recognizance, bond or other condition.

64 (o) "Post-conviction release" means parole, or
65 discharge from confinement by an agency having custody of the
66 prisoner.

67 (p) "Post-conviction relief proceeding" means a
68 hearing, argument or other matter that is held in any court and
69 that involves a request for relief from a conviction, sentence or
70 adjudication.

71 (q) "Prisoner" means a person who has been convicted or
72 adjudicated of a criminal offense against a victim and who has
73 been sentenced to the custody of the sheriff, the Department of
74 Corrections, Department of Youth Services, juvenile detention
75 facility, a municipal jail or a secure mental health facility.

76 (r) "Prosecuting attorney" means the district attorney,
77 county prosecuting attorney, municipal prosecuting attorney, youth
78 court prosecuting attorney, special prosecuting attorney or
79 Attorney General.

80 (s) "Right" means any right granted to the victim by

81 the laws of this state.

82 (t) "Victim" means a person against whom the criminal
83 offense has been committed, or if the person is deceased or
84 incapacitated, the lawful representative.

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