

By: Representative Eads

To: Judiciary B

HOUSE BILL NO. 1196

1 AN ACT TO AMEND SECTION 99-3-7, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE TIME PERIOD FOR CERTAIN ARRESTS FOR DOMESTIC ACTS OF
3 VIOLENCE; AND FOR RELATED 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 seventy-two (72) 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 order entered by a foreign court of competent
38 jurisdiction to protect an applicant from domestic violence as
39 defined by Section 97-3-7 that require such person to absent
40 himself from a particular geographic area, or prohibit such person
41 from being within a specified distance of another person or
42 persons.

43 (4) (a) Any person authorized by a court of law to
44 supervise or monitor a convicted offender who is under an
45 intensive supervision program may arrest the offender when the
46 offender is in violation of the terms or conditions of the
47 intensive supervision program, without having a warrant, provided
48 that the person making the arrest has been trained at the Law
49 Enforcement Officers Training Academy established under Section
50 45-5-1 et seq. or at a course approved by the Board on Law
51 Enforcement Officer Standards and Training.

52 (b) For the purposes of this subsection, the term
53 "intensive supervision program" means an intensive supervision
54 program of the Department of Corrections as described in Section
55 47-5-1001 et seq., or any similar program authorized by a court
56 for offenders who are not under jurisdiction of the Department of
57 Corrections.

58 (5) As used in subsection (3) of this section, the phrase
59 "misdemeanor which is an act of domestic violence" shall mean one
60 or more of the following acts between family or household members



61 who reside together or formerly resided together, current or
62 former spouses, or persons who have a biological or legally
63 adopted child together:

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

66 (b) Disturbing the family or public peace within the
67 meaning of Section 97-35-9, 97-35-11, 97-35-13 or 97-35-15; or

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

69 (6) Any arrest made pursuant to subsection (3) of this
70 section shall be designated as domestic assault or domestic
71 violence on both the arrest docket and the incident report.

72 **SECTION 2.** This act shall take effect and be in force from
73 and after July 1, 2002.

