

By: Representative Banks

To: Judiciary B

HOUSE BILL NO. 1252

1 AN ACT TO AMEND SECTIONS 99-3-1, 99-3-3 AND 99-3-7,
2 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT ARRESTS MAY ONLY BE MADE
3 FOR OFFENSES WHICH HAVE IMPRISONMENT PENALTIES; AND FOR RELATED
4 PURPOSES.

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

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

8 99-3-1. (1) Arrests for crimes and offenses may be made by
9 the sheriff or his deputy or by any constable or conservator of
10 the peace within his county, or by any marshal or policeman of a
11 city, town or village within the same, or by any United States
12 Marshal or Deputy United States Marshal, or, when in cooperation
13 with local law enforcement officers, by any other federal law
14 enforcement officer who is employed by the United States
15 government, authorized to effect an arrest for a violation of the
16 United States Code, and authorized to carry a firearm in the
17 performance of his duties. Private persons may also make arrests.
18 No arrest may be made for any offense that does not have an
19 imprisonment penalty.

20 (2) (a) Any person authorized by a court of law to
21 supervise or monitor a convicted offender who is under an
22 intensive supervision program may arrest the offender when the
23 offender is in violation of the terms or conditions of the
24 intensive supervision program, without having a warrant if:

25 (i) The arrest is authorized or ordered by a judge
26 of the court;

27 (ii) The person making the arrest has been trained
28 at the Law Enforcement Officers Training Academy established under



29 Section 45-5-1 et seq. or at a course approved by the Board on Law
30 Enforcement Officer Standards and Training; and

31 (iii) The judge identifies the person making the
32 arrest in his order and a copy of the order is served upon the
33 person being arrested.

34 (b) For the purposes of the subsection, the term
35 "intensive supervision program" means an intensive supervision
36 program of the Department of Corrections as described in Section
37 47-5-1001 et seq., of any similar program authorized by a court
38 for offenders who are not under jurisdiction of the Department of
39 Corrections.

40 **SECTION 2.** Section 99-3-3, Mississippi Code of 1972, is
41 amended as follows:

42 99-3-3. Arrests for criminal offenses, and to prevent a
43 breach of the peace, or the commission of a crime, may be made at
44 any time or place, but such arrests shall only be made for
45 offenses which have imprisonment penalties.

46 **SECTION 3.** Section 99-3-7, Mississippi Code of 1972, is
47 amended as follows:

48 99-3-7. (1) An officer or private person may arrest any
49 person without warrant, for an indictable offense committed, or a
50 breach of the peace threatened or attempted in his presence; or
51 when a person has committed a felony, though not in his presence;
52 or when a felony has been committed, and he has reasonable ground
53 to suspect and believe the person proposed to be arrested to have
54 committed it; or on a charge, made upon reasonable cause, of the
55 commission of a felony by the party proposed to be arrested. And
56 in all cases of arrests without warrant, the person making such
57 arrest must inform the accused of the object and cause of the
58 arrest, except when he is in the actual commission of the offense,
59 or is arrested on pursuit.

60 (2) Any law enforcement officer may arrest any person on a
61 misdemeanor charge without having a warrant in his possession when



62 a warrant is in fact outstanding for that person's arrest and the
63 officer has knowledge through official channels that the warrant
64 is outstanding for that person's arrest. In all such cases, the
65 officer making the arrest must inform such person at the time of
66 the arrest the object and cause therefor. If the person arrested
67 so requests, the warrant shall be shown to him as soon as
68 practicable.

69 (3) Any law enforcement officer shall arrest a person with
70 or without a warrant when he has probable cause to believe that
71 the person has, within twenty-four (24) hours of such arrest,
72 knowingly committed a misdemeanor which is an act of domestic
73 violence or knowingly violated provisions of an ex parte
74 protective order, protective order after hearing or court-approved
75 consent agreement entered by a chancery, county, justice or
76 municipal court pursuant to the Protection from Domestic Abuse
77 Law, Sections 93-21-1 through 93-21-29, Mississippi Code of 1972,
78 or a restraining order entered by a foreign court of competent
79 jurisdiction to protect an applicant from domestic violence as
80 defined by Section 97-3-7 that require such person to absent
81 himself from a particular geographic area, or prohibit such person
82 from being within a specified distance of another person or
83 persons.

84 (4) (a) Any person authorized by a court of law to
85 supervise or monitor a convicted offender who is under an
86 intensive supervision program may arrest the offender when the
87 offender is in violation of the terms or conditions of the
88 intensive supervision program, without having a warrant, provided
89 that the person making the arrest has been trained at the Law
90 Enforcement Officers Training Academy established under Section
91 45-5-1 et seq. or at a course approved by the Board on Law
92 Enforcement Officer Standards and Training.

93 (b) For the purposes of this subsection, the term
94 "intensive supervision program" means an intensive supervision



95 program of the Department of Corrections as described in Section
96 47-5-1001 et seq., or any similar program authorized by a court
97 for offenders who are not under jurisdiction of the Department of
98 Corrections.

99 (5) As used in subsection (3) of this section, the phrase
100 "misdemeanor which is an act of domestic violence" shall mean one
101 or more of the following acts between family or household members
102 who reside together or formerly resided together, current or
103 former spouses, or persons who have a biological or legally
104 adopted child together:

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

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

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

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

113 (7) Any arrest made under this section may only be made for
114 offenses which have imprisonment penalties.

115 **SECTION 4.** This act shall take effect and be in force from
116 and after July 1, 2002.

