

By: Senator(s) Albritton

To: Judiciary, Division B

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2466

1 AN ACT TO AMEND SECTION 99-43-3, MISSISSIPPI CODE OF 1972, TO  
2 REVISE THE CRIMINAL OFFENSES WHICH TRIGGER THE PROTECTIONS OFFERED  
3 TO VICTIMS UNDER THE ACT; TO AMEND SECTION 99-43-37, MISSISSIPPI  
4 CODE OF 1972, TO CLARIFY LEGISLATIVE INTENT UNDER THE CRIME  
5 VICTIMS' BILL OF RIGHTS THAT CRIME VICTIMS MAY SUBMIT BOTH A  
6 WRITTEN STATEMENT AND TESTIFY ORALLY; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 99-43-3, Mississippi Code of 1972, is  
9 amended as follows:

10 99-43-3. As used in this chapter, the following words shall  
11 have the meanings ascribed to them unless the context clearly  
12 requires otherwise:

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

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

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

23 (d) "Community status" means extension of the limits of  
24 the places of confinement of a prisoner through work release,  
25 intensive supervision, house arrest and initial consideration of  
26 pre-discretionary leave, passes and furloughs.

27 (e) "Court" means all state courts including juvenile  
28 courts.

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

33           (g) "Criminal offense" means conduct that gives a law  
34 enforcement officer or prosecutor probable cause to believe that a  
35 felony involving physical injury, the threat of physical  
36 injury, \* \* \* a sexual offense, \* \* \* any offense involving  
37 spousal abuse or domestic violence \* \* \* has been committed.

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

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

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

50           (k) "Final disposition" means the ultimate termination  
51 of the criminal prosecution of a defendant by a trial court,  
52 including dismissal, acquittal or imposition of a sentence.

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

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

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

62           (o) "Post-conviction release" means parole or discharge  
63 from confinement by an agency having custody of the prisoner.

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

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

73           (r) "Prosecuting attorney" means the district attorney,  
74 county prosecuting attorney, municipal prosecuting attorney, youth  
75 court prosecuting attorney, special prosecuting attorney or  
76 Attorney General.

77           (s) "Right" means any right granted to the victim by  
78 the laws of this state.

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

82           **SECTION 2.** Section 99-43-37, Mississippi Code of 1972, is  
83 amended as follows:

84           99-43-37. It is the discretion of the victim to exercise the  
85 right to be present and heard, where authorized by law, at a court  
86 proceeding. The absence of the victim at the proceeding of the  
87 court does not preclude the court from going forward with the  
88 proceeding. The right of the victim to be heard may be exercised,  
89 where authorized by law, at the discretion of the victim, through  
90 an oral statement or submission of a written statement, or both.

91           **SECTION 3.** This act shall take effect and be in force from  
92 and after its passage.