

By: Senator(s) Albritton

To: Judiciary, Division B

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; 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:

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
33 injury, * * * a sexual offense, * * * any offense involving
34 spousal abuse or domestic violence * * * has been committed.

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

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

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

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

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

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

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

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

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

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

70 (r) "Prosecuting attorney" means the district attorney,
71 county prosecuting attorney, municipal prosecuting attorney, youth
72 court prosecuting attorney, special prosecuting attorney or
73 Attorney General.

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

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

79 **SECTION 2.** This act shall take effect and be in force from
80 and after July 1, 2004.