

By: Senator(s) Albritton

To: Judiciary, Division A

SENATE BILL NO. 2402

1 AN ACT TO CREATE SECTION 99-3-14, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE FOR TEMPORARY DETENTION BY A PEACE OFFICER OF A PERSON
3 SUSPECTED OF CRIMINAL BEHAVIOR OR OF VIOLATING CONDITIONS OF
4 PAROLE OR PROBATION IN CONFORMITY TO THE TERRY STOP CASE; TO ENACT
5 CERTAIN LIMITATIONS; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** The following shall be codified as Section

8 99-3-14, Mississippi Code of 1972:

9 99-3-14. **Detention not amounting to arrest.** (1) (a) Any
10 peace officer may detain any person whom the officer encounters
11 under circumstances which reasonably indicate that the person has
12 committed, is committing or is about to commit a crime.

13 (b) Any peace officer may detain any person the officer
14 encounters under circumstances which reasonably indicate that the
15 person has violated or is violating the conditions of his parole
16 or probation.

17 (c) The officer may detain the person pursuant to this
18 section only to ascertain his identity and the suspicious
19 circumstances surrounding his presence abroad. Any person so
20 detained shall identify himself, but may not be compelled to
21 answer any other inquiry of any peace officer.

22 (d) A person must not be detained longer than is
23 reasonably necessary to effect the purposes of this section. The
24 detention must not extend beyond the place or the immediate
25 vicinity of the place where the detention was first effected,
26 unless the person is arrested.

27 (2) At any time after the onset of the detention pursuant to
28 subsection (1) of this section, the person so detained may be

29 arrested if probable cause for an arrest appears. If, after
30 inquiry into the circumstances which prompted the detention, no
31 probable cause for arrest appears, such person shall be released.

32 (3) (a) If any peace officer reasonably believes that any
33 person whom he has detained or is about to detain pursuant to
34 subsection (1) of this section is armed with a dangerous weapon
35 and is a threat to the safety of the peace officer or another, the
36 peace officer may search such person to the extent reasonably
37 necessary to ascertain the presence of such weapon. If the search
38 discloses a weapon or any evidence of a crime, such weapon or
39 evidence may be seized.

40 (b) Nothing seized by a peace officer in any such
41 search is admissible in any proceeding unless the search which
42 disclosed the existence of such evidence is authorized by and
43 conducted in compliance with this section.

44 **SECTION 2.** This act shall take effect and be in force from
45 and after July 1, 2006.