

By: Representative Malone

To: Corrections; Judiciary B

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 432

1 AN ACT TO CREATE A NEW SECTION TO BE CODIFIED AS SECTION
2 47-5-197, MISSISSIPPI CODE OF 1972, TO MAKE IT A CRIMINAL ACT FOR
3 AN OFFENDER TO ENDANGER A CORRECTIONS EMPLOYEE, VISITOR OR ANOTHER
4 OFFENDER WITH BODILY SUBSTANCES; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** The following shall be codified as Section
7 47-5-197, Mississippi Code of 1972:

8 47-5-197. (1) Any offender or prisoner commits the crime of
9 endangering a corrections employee or a visitor to a correctional
10 facility or another offender or prisoner if he or she attempts to
11 cause or knowingly causes such person to come into contact with
12 blood, seminal fluid, urine, feces, saliva or other bodily
13 substances.

14 (2) As used in this section, the following definitions shall
15 apply unless the context clearly provides otherwise:

16 (a) "Corrections employee" means a person who is an
17 employee, or contracted employee of a subcontractor of a
18 department or agency responsible for operating a jail, prison,
19 correctional facility or a person who is assigned to work in a
20 jail, prison or correctional facility.

21 (b) "Offender" means a person who is in the custody of
22 the Department of Corrections.

23 (c) "Prisoner" means a person confined in a county or
24 city jail.

25 (3) Endangering a corrections employee, or a visitor to a
26 correctional facility, or another offender or prisoner is a felony
27 unless the substance, as described in subsection (1), is
28 unidentifiable in which case it is a misdemeanor. If an offender

29 or prisoner is knowingly infected with the human immunodeficiency
30 virus (HIV), hepatitis B or hepatitis C and exposes another person
31 to HIV or hepatitis B or hepatitis C by committing the crime of
32 endangering a corrections employee, or a visitor to a correctional
33 facility or another offender or prisoner, it shall be a felony.

34 (4) Punishment for any person guilty of a felony violation
35 upon conviction, as described in this section, shall be by
36 confinement in a prison for not less than three (3) years but not
37 more than five (5) years and may be fined Ten Thousand Dollars
38 (\$10,000.00), or both.

39 (5) Punishment for any person guilty of a misdemeanor
40 violation, as described in this section, upon conviction shall be
41 by confinement in a county jail for up to one (1) year and may be
42 fined One Thousand Dollars (\$1,000.00), or both.

43 **SECTION 2.** This act shall take effect and be in force from
44 and after its passage.