

By: Representative Malone

To: Corrections; Judiciary B

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 or saliva.

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

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

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

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

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

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

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

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

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