

By: Senator(s) Doxey

To: Judiciary, Division B

SENATE BILL NO. 2468

1 AN ACT TO CREATE SECTION 47-5-197, MISSISSIPPI CODE OF 1972,
2 TO CREATE THE CRIME OF ENDANGERING A CORRECTIONS EMPLOYEE WHEN AN
3 OFFENDER KNOWINGLY ATTEMPTS OR CAUSE A CORRECTIONS EMPLOYEE TO
4 COME IN CONTACT WITH BODY FLUIDS INFECTED WITH CERTAIN DISEASES;
5 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 47-5-197, Mississippi Code of 1972:

9 47-5-197. (1) For the purpose of this section, the
10 following terms shall have the meanings ascribed unless the
11 context clearly requires otherwise:

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

17 (b) "Offender" means a person in the custody of the
18 Department of Corrections.

19 (c) "Prisoner" means a person confined in a county or
20 city jail.

21 (2) Any offender or prisoner commits the crime of
22 endangerment by bodily substance if he attempts to cause or
23 knowingly causes a corrections employee, a visitor to a
24 correctional facility, or another offender or prisoner to come
25 into contact with blood, seminal fluid, urine, feces or saliva.

26 (3) Endangerment by bodily substance is a misdemeanor unless
27 an offender or prisoner knows he is infected with the Human

28 Immunodeficiency Virus (HIV), Hepatitis B or Hepatitis C, in which
29 case it is a felony.

30 (4) Any person convicted of a felony violation of this
31 section shall be imprisoned for not less than three (3) years nor
32 more than five (5) years and may be fined Ten Thousand Dollars
33 (\$10,000.00), or both.

34 (5) Any person guilty of a misdemeanor violation of this
35 section shall be punished by imprisonment in the county jail for
36 up to one (1) year and may be fined One Thousand Dollars
37 (\$1,000.00), or both.

38 **SECTION 2.** This act shall take effect and be in force from
39 and after July 1, 2007.