

By: Representative Beckett

To: Judiciary B

HOUSE BILL NO. 1442

1 AN ACT TO AMEND SECTION 43-47-19, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT THE ABUSE OF A VULNERABLE PERSON IS A FELONY
3 INSTEAD OF A MISDEMEANOR; TO PROVIDE THAT A PERSON IS GUILTY OF
4 ABUSING A VULNERABLE PERSON IF THE ACT OR OMISSION THAT CAUSES THE
5 ABUSE WAS DONE RECKLESSLY, NOT JUST WILLFULLY; AND FOR RELATED
6 PURPOSES.

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

8 **SECTION 1.** Section 43-47-19, Mississippi Code of 1972, is
9 amended as follows:

10 43-47-19. (1) It shall be unlawful for any person to abuse,
11 neglect or exploit any vulnerable person.

12 (2) (a) Any person who willfully and/or recklessly commits
13 an act or willfully and/or recklessly omits the performance of any
14 duty, which act or omission contributes to, tends to contribute
15 to, or results in neglect, physical pain, injury, mental anguish,
16 unreasonable confinement or deprivation of services * * * that are
17 necessary to maintain the mental or physical health of a
18 vulnerable person, shall be guilty of a * * * felony and, upon
19 conviction thereof, shall be punished by a fine * * * of not less
20 than One Thousand Dollars (\$1,000.00) or by * * * not less than



21 one (1) year in * * * the custody of the Department of
22 Corrections, or by both such fine and * * * custody. Any accepted
23 medical procedure performed in the usual scope of practice shall
24 not be a violation of this subsection.

25 (b) Any person who willfully exploits a vulnerable
26 person, where the value of the exploitation is less than Two
27 Hundred Fifty Dollars (\$250.00), shall be guilty of a misdemeanor
28 and, upon conviction thereof, shall be punished by a fine not to
29 exceed Five Thousand Dollars (\$5,000.00) or by imprisonment not to
30 exceed one (1) year in the county jail, or by both such fine and
31 imprisonment; where the value of the exploitation is Two Hundred
32 Fifty Dollars (\$250.00) or more, the person who exploits a
33 vulnerable person shall be guilty of a felony and, upon conviction
34 thereof, shall be punished by imprisonment in the custody of the
35 Department of Corrections for not more than ten (10) years.

36 (3) Any person who willfully and/or recklessly inflicts
37 physical pain or injury upon a vulnerable person shall be guilty
38 of felonious abuse or battery, or both, of a vulnerable person
39 and, upon conviction thereof, may be punished by imprisonment in
40 the State Penitentiary for not more than twenty (20) years.

41 (4) For any third or subsequent misdemeanor conviction of
42 any person violating any part of this section, the offenses being
43 committed within a period of five (5) years, such person shall be
44 guilty of a felony and shall be sentenced to not less than one (1)
45 year nor more than five (5) years in the custody of the Department



46 of Corrections and shall be fined not less than Two Thousand
47 Dollars (\$2,000.00) nor more than Five Thousand Dollars
48 (\$5,000.00).

49 (5) Nothing contained in this section shall prevent
50 proceedings against a person under any statute of this state or
51 municipal ordinance defining any act as a crime or misdemeanor.

52 **SECTION 2.** This act shall take effect and be in force from
53 and after July 1, 2018.

