

By: Senator(s) Watson, Jackson (11th)

To: Judiciary, Division A

SENATE BILL NO. 2197
(As Sent to Governor)

1 AN ACT TO PROVIDE CERTAIN IMMUNITY FOR PERSONS WHEN
2 ASSISTANCE IS REQUESTED FOR A MEDICAL EMERGENCY DUE TO CONSUMPTION
3 OF ALCOHOL; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** (1) A peace officer shall not take a person into
6 custody based solely on the commission of an offense involving
7 alcohol if the peace officer, after making a reasonable
8 determination and considering the facts and surrounding
9 circumstances, reasonably believes that all of the following
10 apply:

11 (a) The peace officer has contact with the person
12 because the person acting in good faith requested emergency
13 medical assistance for an individual who reasonably appeared to be
14 in need of medical assistance due to alcohol consumption and the
15 person did not illegally provide alcohol to the individual.

16 (b) The person:

17 (i) Provided his full name and any other relevant
18 information requested by the peace officer;



19 (ii) Remained at the scene with the individual who
20 reasonably appeared to be in need of medical assistance due to
21 alcohol consumption until emergency medical assistance arrived;
22 and

23 (iii) Cooperated with emergency medical assistance
24 personnel and peace officers at the scene.

25 (2) A person who meets the criteria of subsection (1) of
26 this section shall be immune from criminal prosecution for any
27 offense related solely to the possession and consumption of
28 alcohol.

29 (3) A person shall not initiate or maintain an action
30 against a peace officer or the employing state agency or political
31 subdivision based on the officer's compliance or failure to comply
32 with this section.

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

