

By: Representatives Crawford, Baria, Paden,  
Hines, Faulkner

To: Judiciary B

HOUSE BILL NO. 1075  
(As Passed the House)

1 AN ACT TO AMEND SECTION 43-47-19, MISSISSIPPI CODE OF 1972,  
2 TO INCLUDE THE WILLFUL INFLECTION OF SEVERE MENTAL ANGUISH UPON A  
3 VULNERABLE PERSON, INCLUDING THE OBSTRUCTION OF THE MOUTH OR NOSE  
4 OF A VULNERABLE PERSON IN ANY MANNER TO INTERFERE WITH BREATHING,  
5 AS AN ACT OF FELONY ABUSE; TO AMEND SECTION 97-5-39, MISSISSIPPI  
6 CODE OF 1972, TO BROADEN THE ELEMENTS USED TO DETERMINE FELONIOUS  
7 CHILD ABUSE BY INCLUDING THE OBSTRUCTION OF THE MOUTH OR NOSE OF A  
8 CHILD IN ANY MANNER TO INTERFERE WITH ANY CHILD'S BREATHING AND  
9 CAUSES THAT CHILD MENTAL ANGUISH; AND FOR RELATED PURPOSES.

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

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

13 43-47-19. (1) It shall be unlawful for any person to abuse,  
14 neglect or exploit any vulnerable person.

15 (2) (a) Any person who willfully commits an act or  
16 willfully omits the performance of any duty, which act or omission  
17 contributes to, tends to contribute to, or results in neglect,  
18 physical pain, injury, mental anguish, unreasonable confinement or  
19 deprivation of services which are necessary to maintain the mental  
20 or physical health of a vulnerable person, shall be guilty of a  
21 misdemeanor and, upon conviction thereof, shall be punished by a



22 fine not to exceed One Thousand Dollars (\$1,000.00) or by  
23 imprisonment not to exceed one (1) year in the county jail, or by  
24 both such fine and imprisonment. Any accepted medical procedure  
25 performed in the usual scope of practice shall not be a violation  
26 of this subsection.

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

38 (3) Any person who willfully inflicts physical pain \* \* \*,  
39 injury or severe mental anguish upon a vulnerable person, or  
40 causes the mouth or nose of any vulnerable person to be obstructed  
41 in a manner that causes mental anguish shall be guilty of  
42 felonious abuse or battery, or both, of a vulnerable person and,  
43 upon conviction thereof, may be punished by imprisonment in the  
44 State Penitentiary for not more than twenty (20) years.

45 (4) For any third or subsequent misdemeanor conviction of  
46 any person violating any part of this section, the offenses being



47 committed within a period of five (5) years, such person shall be  
48 guilty of a felony and shall be sentenced to not less than one (1)  
49 year nor more than five (5) years in the custody of the Department  
50 of Corrections and shall be fined not less than Two Thousand  
51 Dollars (\$2,000.00) nor more than Five Thousand Dollars  
52 (\$5,000.00).

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

56 **SECTION 2.** This act shall take effect and be in force from  
57 and after July 1, 2019.

