MISSISSIPPI LEGISLATURE
REGULAR SESSION 2019

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

To: Judiciary B

HOUSE BILL NO. 1075
(As Sent to Governor)

AN ACT TO AMEND SECTION 43-47-19, MISSISSIPPI CODE OF 1972, TO INCLUDE THE INTENTIONAL INFILCTION OF SEVERE MENTAL ANGUISH UPON A VULNERABLE PERSON AS A FELONY; AND FOR RELATED PURPOSES.

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

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

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

(2) (a) Any person who willfully commits an act or willfully omits the performance of any duty, which act or omission contributes to, tends to contribute to, or results in neglect, physical pain, injury, mental anguish, unreasonable confinement or deprivation of services which are necessary to maintain the mental or physical health of a vulnerable person, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed One Thousand Dollars ($1,000.00) or by imprisonment not to exceed one (1) year in the county jail, or by both such fine and imprisonment. Any accepted medical procedure
performed in the usual scope of practice shall not be a violation
of this subsection.

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

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

(4) Any person who willfully inflicts severe mental anguish
upon a vulnerable person shall be guilty of a felony and shall be
sentenced to not less than one (1) year nor more than five (5)
years in the custody of the Department of Corrections and shall be
fined not less than Two Thousand Dollars ($2,000.00) nor more than
Five Thousand Dollars ($5,000.00).
( ** ** 5) For any third or subsequent misdemeanor conviction of any person violating any part of this section, the offenses being committed within a period of five (5) years, such person shall be guilty of a felony and shall be sentenced to not less than one (1) year nor more than five (5) years in the custody of the Department of Corrections and shall be fined not less than Two Thousand Dollars ($2,000.00) nor more than Five Thousand Dollars ($5,000.00).

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

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