

Senate Amendments to House Bill No. 1075

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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

7 43-47-19. (1) It shall be unlawful for any person to abuse,
8 neglect or exploit any vulnerable person.

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

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

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

37 (4) Any person who willfully inflicts severe mental anguish
38 upon a vulnerable person shall be guilty of a felony and shall be
39 sentenced to not less than one (1) year nor more than five (5)
40 years in the custody of the Department of Corrections and shall be
41 fined not less than Two Thousand Dollars (\$2,000.00) nor more than
42 Five Thousand Dollars (\$5,000.00).

43 (* * *5) For any third or subsequent misdemeanor conviction
44 of any person violating any part of this section, the offenses
45 being committed within a period of five (5) years, such person
46 shall be guilty of a felony and shall be sentenced to not less

47 than one (1) year nor more than five (5) years in the custody of
48 the Department of Corrections and shall be fined not less than Two
49 Thousand Dollars (\$2,000.00) nor more than Five Thousand Dollars
50 (\$5,000.00).

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

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

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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

SS36\HB1075A.J

Liz Welch
Secretary of the Senate