

By: Representative Beckett

To: Judiciary B

HOUSE BILL NO. 157

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 which 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 (1) year nor more than five (5) years in the custody of



21 the Department of Corrections, and shall be fined not less than
22 Two Thousand Dollars (\$2,000.00) nor more than Five Thousand
23 Dollars (\$5,000.00). Any accepted medical procedure performed in
24 the usual scope of practice shall not be a violation of this
25 subsection.

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

38 (ii) For any third or subsequent misdemeanor
39 conviction of any person violating any part of this paragraph, the
40 offenses being committed within a period of five (5) years, such
41 person shall be guilty of a felony and shall be sentenced to not
42 less than one (1) year nor more than five (5) years in the custody
43 of the Department of Corrections and shall be fined not less than
44 Two Thousand Dollars (\$2,000.00) nor more than Five Thousand
45 Dollars (\$5,000.00).



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

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

57 * * *

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

61 **SECTION 2.** This act shall take effect and be in force from
62 and after July 1, 2020.

