

By: Representative McLean

To: Judiciary B

HOUSE BILL NO. 1537

1 AN ACT TO AMEND SECTIONS 97-31-55 AND 41-29-149.1,
2 MISSISSIPPI CODE OF 1972, TO PROVIDE IMMUNITY FOR THOSE WHO REPORT
3 SEXUAL ABUSE; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 97-31-55, Mississippi Code of 1972, is
6 amended as follows:

7 97-31-55. (1) The following words shall have the meanings
8 described herein, unless the context otherwise indicates:

9 (a) "Person" means a victim of or a witness to a sexual
10 offense.

11 (b) "Sexual offense" means any alleged violation of
12 Section 97-3-65, 97-3-95, 97-5-23, 97-5-24, 97-5-41, 97-29-3 or
13 97-29-7, whether or not a civil or criminal action arises as a
14 result of the alleged violation.

15 (* * *2) A peace officer shall not issue a citation, take a
16 person into custody, or make an arrest, based solely on the
17 commission of an offense involving alcohol if the peace officer,
18 after making a reasonable determination and considering the facts



19 and surrounding circumstances, reasonably believes that all of the
20 following apply:

21 (a) The peace officer has contact with the person
22 because the person acting in good faith requested:

23 (i) Emergency medical assistance for an individual
24 who reasonably appeared to be in need of medical assistance due to
25 alcohol consumption and the person did not illegally provide
26 alcohol to the individual * * *;

27 (ii) Assistance from a medical provider or a law
28 enforcement officer for a sexual offense or sought to report a
29 sexual offense; and

30 (b) The person * * * provided a full name to be
31 identified and thereafter cooperated with medical providers or law
32 enforcement officers, including furnishing any requested
33 information, unless the person lacked capacity to cooperate.

34 (* * *3) A person who meets the criteria of
35 subsection * * * (2) of this section shall be immune from criminal
36 prosecution for any offense related solely to the possession and
37 consumption of alcohol.

38 (* * *4) A person shall not initiate or maintain an action
39 against a peace officer or the employing state agency or political
40 subdivision based on the officer's compliance or failure to comply
41 with this section.

42 **SECTION 2.** Section 41-29-149.1, Mississippi Code of 1972, is
43 amended as follows:



44 41-29-149.1. (1) This section shall be known as the
45 "Mississippi Medical Emergency Good Samaritan * * * and Aid to
46 Sexual Offense Victim Reporting Act."

47 (2) As used in this section, the following words shall have
48 the meanings ascribed:

49 (a) "Drug overdose" means an acute condition,
50 including, but not limited to, extreme physical illness, decreased
51 level of consciousness, respiratory depression, coma, mania, or
52 death, resulting from the consumption or use of a controlled
53 substance or dangerous drug in violation of this chapter or that a
54 layperson would reasonably believe to be resulting from the
55 consumption or use of a controlled substance or dangerous drug for
56 which medical assistance is required.

57 (b) "Drug violation" means:

58 (i) A violation of Section 41-29-139 for
59 possession of a controlled substance if the aggregate weight,
60 including any mixture, is less than four (4) grams of a solid
61 substance, less than twenty (20) dosage units, less than one (1)
62 milliliter of liquid substance, or, if the substance is placed
63 onto a secondary medium, has a combined weight of less than four
64 (4) grams;

65 (ii) A violation of Section 41-29-139 for
66 possession of thirty (30) grams or less of marijuana or ten (10)
67 grams or less of synthetic cannabinoids; or



68 (iii) A violation of Section 41-29-139(d) (2)
69 relating to possession and use of paraphernalia.

70 (c) "Medical assistance" means aid provided to a person
71 experiencing or believed to be experiencing a drug overdose by a
72 health care professional who is licensed, registered, or certified
73 under the laws of this state and who, acting within the lawful
74 scope of practice, may provide diagnosis, treatment, or emergency
75 services relative to the overdose.

76 (d) "Person" includes a victim of or a witness to a
77 sexual offense.

78 (* * * e) "Seeks medical assistance" means accesses or
79 assists in accessing the E-911 system or otherwise contacts or
80 assists in contacting law enforcement or a poison control center
81 or provides care to a person experiencing or believed to be
82 experiencing a drug overdose while awaiting the arrival of medical
83 assistance to aid the person.

84 (f) "Sexual offense" means any alleged violation of
85 Section 97-3-65, 97-3-95, 97-5-23, 97-5-24, 97-5-41, 97-29-3 or
86 97-29-7, whether or not a civil or criminal action arises as a
87 result of the alleged violation.

88 (3) (a) Any person who in good faith seeks medical
89 assistance for someone who is experiencing a drug overdose shall
90 not be arrested, charged, or prosecuted for a drug violation if
91 there is evidence that the person is under the influence of a



92 controlled substance or in possession of a controlled substance as
93 referenced in subsection (2)(b) of this section.

94 (b) Any person who is experiencing a drug overdose and,
95 in good faith, seeks medical assistance or is the subject of a
96 request for medical assistance shall not be arrested, charged, or
97 prosecuted for a drug violation if there is evidence that the
98 person is under the influence of a controlled substance or in
99 possession of a controlled substance as referenced in subsection
100 (2)(b) of this section.

101 (c) A person shall also not be subject to, if related
102 to the seeking of medical assistance:

103 (i) Penalties for a violation of a permanent or
104 temporary protective order or restraining order;

105 (ii) Sanctions for a violation of a condition of
106 pretrial release, condition of probation, or condition of parole
107 based on a drug violation; or

108 (iii) Forfeiture of property pursuant to Section
109 41-29-153 or 41-29-176 for a drug violation, except that prima
110 facie contraband shall be subject to forfeiture.

111 (4) Nothing in this section shall be construed:

112 (a) To limit the admissibility of any evidence in
113 connection with the investigation or prosecution of a crime with
114 regard to a defendant who does not qualify for the protections of
115 subsection (3) of this section or with regard to other crimes



116 committed by a person who otherwise qualifies for protection
117 pursuant to subsection (3) of this section;

118 (b) To limit any seizure of evidence or contraband
119 otherwise permitted by law; and

120 (c) To limit or abridge the authority of a law
121 enforcement officer to detain or take into custody a person in the
122 course of an investigation or to effectuate an arrest for any
123 offense except as provided in subsection (3) of this section.

124 **SECTION 3.** This act shall take effect and be in force from
125 and after July 1, 2024.

