

By: Representative McLean

To: Judiciary B

HOUSE BILL NO. 1587

1 AN ACT TO AMEND SECTION 97-31-55, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE IMMUNITY FOR REPORTING OF SEXUAL OFFENSES; TO AMEND
3 SECTION 41-29-149.1, MISSISSIPPI CODE OF 1972, TO ADD REPORTING OF
4 SEXUAL OFFENSES TO THE MISSISSIPPI MEDICAL EMERGENCY GOOD
5 SAMARITAN ACT AND REVISE THE NAME TO INCLUDE SEXUAL OFFENSES; AND
6 FOR RELATED PURPOSES.

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

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

10 97-31-55. (1) For purposes of this section, the term
11 "sexual offense" means any alleged violation of Section 97-3-65,
12 97-3-95, 97-5-23, 97-5-24, 97-5-41, 97-29-3 or 97-29-7, whether or
13 not a civil or criminal action arises as a result of the alleged
14 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 * * * ; or

27 (ii) Assistance for an individual from a medical
28 provider or a law enforcement officer regarding a sexual offense,
29 or sought to report a sexual offense, and the person is not
30 alleged to have committed the sexual offense;

31 (b) The person:

32 (i) Provided his full name and any other relevant
33 information requested by the peace officer; and

34 (ii) For persons under (2) (a) (i),
35 * * *1. Remained at the scene with the
36 individual who reasonably appeared to be in need of medical
37 assistance due to alcohol consumption until emergency medical
38 assistance arrived; and

39 * * *2. Cooperated with emergency medical
40 assistance personnel and peace officers at the scene.

41 (c) The evidence for an offense involving alcohol was
42 obtained as a result of the individual's actions under (2) (a).

43 (* * *3) A person who meets the criteria of
44 subsection * * * (2) of this section shall be immune from criminal



prosecution for any offense related solely to the possession and consumption of alcohol.

(4) A person's pretrial release, probation, furlough, supervised release, or parole shall not be revoked based on an incident for which the person would be immune from prosecution under subsection (3) of this section.

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

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

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

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

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



(b) "Drug violation" means:

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

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

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

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

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



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

99 (3) (a) Any person who in good faith seeks medical
100 assistance for someone who is experiencing a drug overdose shall
101 not be arrested, charged, or prosecuted for a drug violation if
102 there is evidence that the person is under the influence of a
103 controlled substance or in possession of a controlled substance as
104 referenced in subsection (2)(b) of this section.

105 (b) Any person who is experiencing a drug overdose and,
106 in good faith, seeks medical assistance or is the subject of a
107 request for medical assistance shall not be arrested, charged, or
108 prosecuted for a drug violation if there is evidence that the
109 person is under the influence of a controlled substance or in
110 possession of a controlled substance as referenced in subsection
111 (2)(b) of this section.

112 (c) Any person, who in good faith seeks medical
113 assistance for or to report a sexual offense, shall not be
114 arrested, charged, or prosecuted for a drug violation if there is
115 evidence that the person is or was under the influence of a
116 controlled substance or in possession of a controlled substance as
117 referenced in subsection (2)(b) of this section at the time of the
118 sexual offense or the request of assistance for or report of
119 the sexual offense.



(* * *d) A person shall also not be subject to,
if * * * the criteria of subparagraphs (a), (b) or (c) are met:

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

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

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

(4) Nothing in this section shall be construed:

(a) To limit the admissibility of any evidence in
connection with the investigation or prosecution of a crime with
regard to a defendant who does not qualify for the protections of
subsection (3) of this section or with regard to other crimes
committed by a person who otherwise qualifies for protection
pursuant to subsection (3) of this section;

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

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

(d) To apply to a person alleged to have committed the
sexual offense reported under subsection (3)(c).



145 **SECTION 3.** This act shall take effect and be in force from
146 and after July 1, 2025.

