

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:



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

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

(b) The person:

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

(ii) For persons under (2) (a) (i),

* * *1. Remained at the scene with the
nably appeared to be in need of medical
cohol consumption until emergency medical
and

* * * 2. Cooperated with emergency medical and peace officers at the scene.

(c) The evidence for an offense involving alcohol was 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



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

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

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

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

57 41-29-149.1. (1) This section shall be known as the
58 "Mississippi Medical Emergency Good Samaritan and Aid to Sexual
59 Offense Victim Reporting Act."

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

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



(b) "Drug violation" means:

71 (i) A violation of Section 41-29-139 for
72 possession of a controlled substance if the aggregate weight,
73 including any mixture, is less than four (4) grams of a solid
74 substance, less than twenty (20) dosage units, less than one (1)
75 milliliter of liquid substance, or, if the substance is placed
76 onto a secondary medium, has a combined weight of less than four
77 (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

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

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

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



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



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

