

By: Senator(s) Fillingane

To: Judiciary, Division B

## SENATE BILL NO. 2203

1       AN ACT TO CREATE THE CRIME OF LOITERING WHERE A PERSON  
2 LINGERS, REMAINS, OR PROWLS IN CERTAIN PLACES; TO ENUMERATE  
3 CERTAIN CIRCUMSTANCES THAT MAY BE CONSIDERED TO DETERMINE IF THAT  
4 PERSON IS LOITERING; TO REQUIRE A LAW ENFORCEMENT OFFICER TO  
5 AFFORD THE ACTOR AN OPPORTUNITY TO DISPEL ANY ALARM THAT WOULD  
6 OTHERWISE BE WARRANTED BY REQUESTING THE ACTOR TO IDENTIFY HIMSELF  
7 OR HERSELF AND EXPLAIN HIS OR HER PRESENCE AND CONDUCT; TO PROVIDE  
8 CERTAIN DEFENSES TO PROSECUTION; TO PROVIDE CRIMINAL PENALTIES FOR  
9 THE CRIME OF LOITERING; TO CREATE THE CRIME OF AGGRESSIVE  
10 PANHANDLING WHERE A PERSON SOLICITS A DONATION OF MONEY OR GOODS  
11 UNDER CERTAIN CIRCUMSTANCES; TO PROVIDE CRIMINAL PENALTIES FOR THE  
12 CRIME OF AGGRESSIVE PANHANDLING; AND FOR RELATED PURPOSES.

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

14       SECTION 1. (1) A person commits the offense of loitering if  
15 he or she:

16               (a) Lingers, remains, or prowls in a public place or  
17 the premises of another person without apparent reason and under  
18 circumstances that warrant alarm or concern for the safety of  
19 persons or property in the vicinity and, upon inquiry by a law  
20 enforcement officer, refuses to identify himself or herself and  
21 give a reasonably credible account of his or her presence and  
22 purpose;





46 (h) Lingers or remains on or about the premises of  
47 another person for the purpose of spying upon or invading the  
48 privacy of another person; or

49 (i) Lingers or remains on or about the premises of any  
50 off-site customer-bank communication terminal without any  
51 legitimate purpose.

52 (2) Among the circumstances that may be considered in  
53 determining whether a person is loitering are that the person:

54 (a) Takes flight upon the appearance of a law  
55 enforcement officer:

56 (b) Refuses to identify himself or herself;

57 (c) Manifestly endeavors to conceal himself or herself  
58 or any object; or

59 (d) Has acted in a harassing or threatening manner or  
60 in a way likely to cause alarm to another person after sunset or  
61 before sunrise.

68                   (4) It is a defense to a prosecution under subsection (1)(a)  
69 of this section if:



70 (a) The law enforcement officer did not afford the  
71 defendant an opportunity to identify himself or herself and  
72 explain his or her presence and conduct; or

73 (b) It appears at trial that an explanation given by  
74 the defendant to the law enforcement officer was true and, if  
75 believed by the law enforcement officer at that time, would have  
76 dispelled the alarm.

81        **SECTION 2.** (1) A person commits aggressive panhandling who  
82    solicits a donation of money or goods in the following manner:

83 (a) By intentionally touching the person being  
84 solicited without the person's consent;

85 (b) By intentionally obstructing the path of the  
86 person, or of the vehicle of the person, being solicited;

87 (c) By following a person who is walking away from the  
88 person soliciting the donation, unless that person has indicated  
89 that the person wishes to make a donation; or

90 (d) By making any statement, gesture, or other  
91 communication that would cause a reasonable person to feel fear of  
92 personal harm for refusing a solicitation of a donation.

93                   (2) (a) Upon conviction for a first violation of this  
94 section, a person shall be sentenced to imprisonment in the county



95 jail for a term not more than thirty (30) days, or a fine of not  
96 more than Five Hundred Dollars (\$500.00), or by both.

97 (b) Upon conviction for a second or subsequent  
98 violation of this section, a person shall be sentenced to  
99 imprisonment in the county jail for a term not more than ninety  
100 (90) days, or a fine of not more than One Thousand Dollars  
101 (\$1000.00), or by both.

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

