

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;



23 (b) Lingers, remains, or prowls in or near a school
24 building, not having any reason or relationship involving custody
25 of or responsibility for a student and not having written
26 permission from anyone authorized to grant permission;

27 (c) Lingers or remains on a sidewalk, roadway, or
28 public right-of-way, in a public parking lot or public
29 transportation vehicle or facility, or on private property:

30 (i) In a harassing or threatening manner;

31 (ii) In a way likely to cause alarm to another
32 person; or

33 (iii) Under circumstances that create a traffic
34 hazard or impediment;

35 (d) Lingers or remains in a public place for the
36 purpose of unlawful gambling;

37 (e) Lingers or remains in a public place for the
38 purpose of engaging or soliciting another person to engage in
39 prostitution or deviate sexual activity;

40 (f) Lingers or remains in a public place for the
41 purpose of unlawfully buying, distributing, or using a controlled
42 substance;

43 (g) Lingers or remains in a public place for the
44 purpose of unlawfully buying, distributing, or consuming an
45 alcoholic beverage;



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.

62 (3) Unless flight by the actor or another circumstance makes
63 it impracticable, prior to an arrest for an offense under
64 subsection (1)(a) of this section, a law enforcement officer shall
65 afford the actor an opportunity to dispel any alarm that would
66 otherwise be warranted by requesting the actor to identify himself
67 or herself and explain his or her presence and conduct.

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



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

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

(5) Upon conviction, a person shall be sentenced to imprisonment in the county jail for a term not more than thirty (30) days, or a fine of not more than Five Hundred Dollars (\$500.00), or by both.

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

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

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

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

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

(2) (a) Upon conviction for a first violation of this 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.

