

By: Senator(s) Hill

To: Judiciary, Division B

SENATE BILL NO. 2313

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 * * *; or

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;

30 (b) The person:

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

33 (ii) For persons under paragraph (a)(i) of this
34 subsection,

35 1. Remained at the scene with the individual
36 who reasonably appeared to be in need of medical assistance due to
37 alcohol consumption until emergency medical assistance arrived;
38 and

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

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



(* * *3) A person who meets the criteria of 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, 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



94 experiencing a drug overdose while awaiting the arrival of medical
95 assistance to aid the person.

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

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

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

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



offense or the request of assistance for or report of the sexual offense.

(* * *d) A person shall also not be subject to, if related to the seeking of medical assistance:

(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.



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

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

