

## Senate Amendments to House Bill No. 861

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

### AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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.

44 ( \* \* \*3) A person who meets the criteria of subsection  
45 ( \* \* \*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 experiencing a drug overdose while awaiting the arrival of medical 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

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

121 ( \* \* \*d) A person shall also not be subject to, if  
122 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.

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

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

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

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.

SS08\HB861A.J

Amanda White  
Secretary of the Senate