

Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO

House Bill No. 861

BY: Committee

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

SECTION 1. Section 97-31-55, Mississippi Code of 1972, is
amended as follows:

97-31-55. (1) The following words shall have the meanings
described herein, unless the context otherwise indicates:

(a) "Person" means a victim of or a witness to a sexual
offense.

(b) "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.



(* * *2) A peace officer shall not issue a citation, take a person into custody, or make an arrest, based solely on the commission of an offense involving alcohol if the peace officer, after making a reasonable determination and considering the facts and surrounding circumstances, reasonably believes that all of the following apply:

(a) The peace officer has contact with the person because the person acting in good faith requested:

(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 from a medical provider or a law enforcement officer for a sexual offense or sought to report a 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 paragraph (a)(i) of this subsection,

1. Remained at the scene with the individual who reasonably appeared to be in need of medical assistance due to alcohol consumption until emergency medical assistance arrived; 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
46 prosecution for any offense related solely to the possession and
47 consumption of alcohol.

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

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

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

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

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



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

71 (b) "Drug violation" means:

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

79 (ii) A violation of Section 41-29-139 for
80 possession of thirty (30) grams or less of marijuana or ten (10)
81 grams or less of synthetic cannabinoids; or

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

84 (c) "Medical assistance" means aid provided to a person
85 experiencing or believed to be experiencing a drug overdose by a
86 health care professional who is licensed, registered, or certified
87 under the laws of this state and who, acting within the lawful



88 scope of practice, may provide diagnosis, treatment, or emergency
89 services relative to the overdose.

90 (d) "Seeks medical assistance" means accesses or
91 assists in accessing the E-911 system or otherwise contacts or
92 assists in contacting law enforcement or a poison control center
93 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
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:

123 (i) Penalties for a violation of a permanent or
124 temporary protective order or restraining order;

125 (ii) Sanctions for a violation of a condition of
126 pretrial release, condition of probation, or condition of parole
127 based on a drug violation; or

128 (iii) Forfeiture of property pursuant to Section
129 41-29-153 or 41-29-176 for a drug violation, except that prima
130 facie contraband shall be subject to forfeiture.

131 (4) Nothing in this section shall be construed:

132 (a) To limit the admissibility of any evidence in
133 connection with the investigation or prosecution of a crime with
134 regard to a defendant who does not qualify for the protections of
135 subsection (3) of this section or with regard to other crimes
136 committed by a person who otherwise qualifies for protection
137 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:

AN ACT TO AMEND SECTIONS 97-31-55 AND 41-29-149.1, MISSISSIPPI CODE OF 1972, TO PROVIDE IMMUNITY FOR THOSE WHO REPORT SEXUAL ABUSE; AND FOR RELATED PURPOSES.

