

By: Senator(s) Bean

To: Judiciary

SENATE BILL NO. 2290
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 99-43-3, MISSISSIPPI CODE OF 1972, TO
2 CLARIFY THE RIGHTS OF VICTIMS IN THE YOUTH COURTS; AND FOR RELATED
3 PURPOSES. BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF
4 MISSISSIPPI:

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6 SECTION 1. Section 99-43-3, Mississippi Code of 1972, is
7 amended as follows:

8 99-43-3. As used in this chapter, the following words shall
9 have the meanings ascribed to them, unless the context clearly
10 requires otherwise:

11 (a) "Accused" means a person who has been arrested for
12 committing a criminal offense and who is held for an initial
13 appearance or other proceeding before trial or who is a target of
14 an investigation for committing a criminal offense.

15 (b) "Appellate proceeding" means an oral argument held
16 in open court before the Mississippi Court of Appeals, the
17 Mississippi Supreme Court, a federal court of appeals or the
18 United States Supreme Court.

19 (c) "Arrest" means the actual custodial restraint of a
20 person or his submission to custody.

21 (d) "Community status" means extension of the limits of
22 the places of confinement of a prisoner through work release,
23 intensive supervision, house arrest, and initial consideration of
24 pre-discretionary leave, passes and furloughs.

25 (e) "Court" means all state courts including juvenile
26 courts; provided, however, that child abuse and neglect cases in
27 the jurisdiction of the youth court are excluded from the

28 provisions of this chapter.

29 (f) "Victim assistance coordinator" means a person who
30 is employed or authorized by a public entity or a private entity
31 that receives public funding primarily to provide counseling,
32 treatment or other supportive assistance to crime victims.

33 (g) "Criminal offense" means conduct that gives a law
34 enforcement officer or prosecutor probable cause to believe that a
35 felony involving physical injury, the threat of physical injury,
36 or a sexual offense, or any offense involving spousal abuse,
37 domestic violence or burglary of a dwelling house has been
38 committed.

39 (h) "Criminal proceeding" means a hearing, argument or
40 other matter scheduled by and held before a trial court but does
41 not include a lineup, grand jury proceeding or other matter not
42 held in the presence of the court.

43 (i) "Custodial agency" means a municipal or county
44 jail, the Department of Corrections, juvenile detention facility,
45 Department of Youth Services or a secure mental health facility
46 having custody of a person who is arrested or is in custody for a
47 criminal offense.

48 (j) "Defendant" means a person or entity that is
49 formally charged by complaint, indictment or information of
50 committing a criminal offense.

51 (k) "Final disposition" means the ultimate termination
52 of the criminal prosecution of a defendant by a trial court,
53 including dismissal, acquittal or imposition of a sentence.

54 (l) "Immediate family" means the spouse, parent, child,
55 sibling, grandparent or guardian of the victim, unless that person
56 is in custody for an offense or is the accused.

57 (m) "Lawful representative" means a person who is a
58 member of the immediate family or who is designated as provided in
59 Section 99-43-5; no person in custody for an offense or who is the
60 accused may serve as lawful representative.

61 (n) "Post-arrest release" means the discharge of the
62 accused from confinement on recognizance, bond or other condition.

63 (o) "Post-conviction release" means parole, or
64 discharge from confinement by an agency having custody of the

65 prisoner.

66 (p) "Post-conviction relief proceeding" means a
67 hearing, argument or other matter that is held in any court and
68 that involves a request for relief from a conviction, sentence or
69 adjudication.

70 (q) "Prisoner" means a person who has been convicted or
71 adjudicated of a criminal offense against a victim and who has
72 been sentenced to the custody of the sheriff, the Department of
73 Corrections, Department of Youth Services, juvenile detention
74 facility, a municipal jail or a secure mental health facility.

75 (r) "Prosecuting attorney" means the district attorney,
76 county prosecuting attorney, municipal prosecuting attorney, youth
77 court prosecuting attorney, special prosecuting attorney or
78 Attorney General.

79 (s) "Right" means any right granted to the victim by
80 the laws of this state.

81 (t) "Victim" means a person against whom the criminal
82 offense has been committed, or if the person is deceased or
83 incapacitated, the lawful representative.

84 SECTION 2. This act shall take effect and be in force from
85 and after its passage.