

By: Stringer

To: Judiciary B

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 570

1 AN ACT TO AMEND SECTIONS 99-3-1 AND 99-3-7, MISSISSIPPI CODE
2 OF 1972, TO PERMIT PERSONS AUTHORIZED BY A COURT TO SUPERVISE OR
3 MONITOR OFFENDERS UNDER A HOUSE ARREST PROGRAM TO ARREST OFFENDERS
4 WHO ARE IN VIOLATION OF THE TERMS OF THE HOUSE ARREST PROGRAM
5 UNDER CERTAIN CONDITIONS; AND FOR RELATED PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

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

9 99-3-1. (1) Arrests for crimes and offenses may be made by
10 the sheriff or his deputy or by any constable or conservator of
11 the peace within his county, or by any marshal or policeman of a
12 city, town or village within the same, or by any United States
13 Marshal or Deputy United States Marshal, or, when in cooperation
14 with local law enforcement officers, by any other federal law
15 enforcement officer who is employed by the United States
16 government, authorized to effect an arrest for a violation of the
17 United States Code, and authorized to carry a firearm in the
18 performance of his duties. Private persons may also make arrests.

19 (2) (a) Any person authorized by a court of law to
20 supervise or monitor a convicted offender who is under an
21 intensive supervision program may arrest the offender when the
22 offender is in violation of the terms or conditions of the
23 intensive supervision program, without having a warrant if:

24 (i) The arrest is authorized or ordered by a judge
25 of the court;

26 (ii) The person making the arrest has been trained
27 at the Law Enforcement Officers Training Academy established under

28 Section 45-5-1 et seq.; and

29 (iii) The judge identifies the person making the
30 arrest in his order and a copy of the order is served upon the
31 person being arrested.

32 (b) For the purposes of the subsection, the term
33 "intensive supervision program" means an intensive supervision
34 program of the Department of Corrections as described in Section
35 47-5-1001 et seq., of any similar program authorized by a court
36 for offenders who are not under jurisdiction of the Department of
37 Corrections.

38 SECTION 2. Section 99-3-7, Mississippi Code of 1972, is
39 amended as follows:

40 99-3-7. (1) An officer or private person may arrest any
41 person without warrant, for an indictable offense committed, or a
42 breach of the peace threatened or attempted in his presence; or
43 when a person has committed a felony, though not in his presence;
44 or when a felony has been committed, and he has reasonable ground
45 to suspect and believe the person proposed to be arrested to have
46 committed it; or on a charge, made upon reasonable cause, of the
47 commission of a felony by the party proposed to be arrested. And
48 in all cases of arrests without warrant, the person making such
49 arrest must inform the accused of the object and cause of the
50 arrest, except when he is in the actual commission of the offense,
51 or is arrested on pursuit.

52 (2) Any law enforcement officer may arrest any person on a
53 misdemeanor charge without having a warrant in his possession when
54 a warrant is in fact outstanding for that person's arrest and the
55 officer has knowledge through official channels that the warrant
56 is outstanding for that person's arrest. In all such cases, the
57 officer making the arrest must inform such person at the time of
58 the arrest the object and cause therefor. If the person arrested
59 so requests, the warrant shall be shown to him as soon as
60 practicable.

(3) Any law enforcement officer shall arrest a person with or without a warrant when he has probable cause to believe that the person has, within twenty-four (24) hours of such arrest, knowingly committed a misdemeanor which is an act of domestic violence or knowingly violated provisions of a protective order or court-approved consent agreement entered by a chancery, county, justice or municipal court pursuant to the Protection from Domestic Abuse Law, Sections 93-21-1 through 93-21-29, Mississippi Code of 1972, that require such person to absent himself from a particular geographic area, provided that such order specifically provides for an arrest pursuant to this section for such violation.

(4) (a) Any person authorized by a court of law to supervise or monitor a convicted offender who is under an intensive supervision program may arrest the offender when the offender is in violation of the terms or conditions of the intensive supervision program, without having a warrant if:

(i) The arrest is authorized or ordered by a judge of the court;

(ii) The person making the arrest has been trained at the law Enforcement Officers Training Academy established under Section 45-5-1 et seq.; and

(iii) The judge identifies the person making the arrest in his order and a copy of the order is served upon the person being arrested.

(b) For the purposes of this subsection, the term "intensive supervision program" means an intensive supervision program of the Department of Corrections as described in Section 47-5-1001 et seq., or any similar program authorized by a court for offenders who are not under jurisdiction of the Department of Corrections.

(5) As used in subsection (3) of this section, the phrase "misdemeanor which is an act of domestic violence" shall mean one

94 or more of the following acts between family or household members
95 who reside together or formerly resided together:

96 (a) Simple domestic assault within the meaning of
97 Section 97-3-7;

98 (b) Disturbing the family or public peace within the
99 meaning of Section 97-35-9, 97-35-11, 97-35-13 or 97-35-15; or

100 (c) Stalking within the meaning of Section 97-3-107.

101 (6) Any arrest made pursuant to subsection (3) of this
102 section shall be designated as domestic assault or domestic
103 violence on both the arrest docket and the incident report.

104 SECTION 3. This act shall take effect and be in force from
105 and after July 1, 2000.