

By: Stringer

To: Judiciary B

HOUSE BILL NO. 570  
(As Sent to Governor)

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. or at a course approved by the Board on Law  
29 Enforcement Officer Standards and Training; and

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

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

39 SECTION 2. Section 99-3-7, Mississippi Code of 1972, as  
40 amended by House Bill No. 566, 2000 Regular Session, is amended as  
41 follows:

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

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

63 (3) Any law enforcement officer shall arrest a person with  
64 or without a warrant when he has probable cause to believe that

65 the person has, within twenty-four (24) hours of such arrest,  
66 knowingly committed a misdemeanor which is an act of domestic  
67 violence or knowingly violated provisions of an ex parte  
68 protective order, protective order after hearing or court-approved  
69 consent agreement entered by a chancery, county, justice or  
70 municipal court pursuant to the Protection from Domestic Abuse  
71 Law, Sections 93-21-1 through 93-21-29, Mississippi Code of 1972,  
72 or a restraining order entered by a foreign court of competent  
73 jurisdiction to protect an applicant from domestic violence as  
74 defined by Section 97-3-7 that require such person to absent  
75 himself from a particular geographic area, or prohibit such person  
76 from being within a specified distance of another person or  
77 persons.

78 (4) (a) Any person authorized by a court of law to  
79 supervise or monitor a convicted offender who is under an  
80 intensive supervision program may arrest the offender when the  
81 offender is in violation of the terms or conditions of the  
82 intensive supervision program, without having a warrant, provided  
83 that the person making the arrest has been trained at the Law  
84 Enforcement Officers Training Academy established under Section  
85 45-5-1 et seq. or at a course approved by the Board on Law  
86 Enforcement Officer Standards and Training.

87 (b) For the purposes of this subsection, the term  
88 "intensive supervision program" means an intensive supervision  
89 program of the Department of Corrections as described in Section  
90 47-5-1001 et seq., or any similar program authorized by a court  
91 for offenders who are not under jurisdiction of the Department of  
92 Corrections.

93 (5) As used in subsection (3) of this section, the phrase  
94 "misdemeanor which is an act of domestic violence" shall mean one  
95 or more of the following acts between family or household members  
96 who reside together or formerly resided together, current or  
97 former spouses, or persons who have a biological or legally

98 adopted child together:

99           (a) Simple domestic violence within the meaning of  
100 Section 97-3-7;

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

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

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

107       SECTION 3. This act shall take effect and be in force from  
108 and after July 2, 2000.