

**\*\*\*Adopted\*\*\***

**AMENDMENT No. 1 PROPOSED TO**

**House Bill NO. 570**

**By Senator(s) Committee**

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

9

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

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

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

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

29               (ii) The person making the arrest has been trained

30 at the Law Enforcement Officers Training Academy established under  
31 Section 45-5-1 et seq.; and

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

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

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

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

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

64 (3) Any law enforcement officer shall arrest a person with

65or without a warrant when he has probable cause to believe that  
66the person has, within twenty-four (24) hours of such arrest,  
67knowingly committed a misdemeanor which is an act of domestic  
68violence or knowingly violated provisions of a protective order or  
69court-approved consent agreement entered by a chancery, county,  
70justice or municipal court pursuant to the Protection from  
71Domestic Abuse Law, Sections 93-21-1 through 93-21-29, Mississippi  
72Code of 1972, that require such person to absent himself from a  
73particular geographic area, provided that such order specifically  
74provides for an arrest pursuant to this section for such  
75violation.

76       (4) (a) Any person authorized by a court of law to  
77supervise or monitor a convicted offender who is under an  
78intensive supervision program may arrest the offender when the  
79offender is in violation of the terms or conditions of the  
80intensive supervision program, without having a warrant if:

81               (i) The arrest is authorized or ordered by a judge  
82of the court;

83               (ii) The person making the arrest has been trained  
84at the law Enforcement Officers Training Academy established under  
85Section 45-5-1 et seq.; and

86               (iii) The judge identifies the person making the  
87arrest in his order and a copy of the order is served upon the  
88person being arrested.

89       (b) For the purposes of this subsection, the term  
90"intensive supervision program" means an intensive supervision  
91program of the Department of Corrections as described in Section  
9247-5-1001 et seq., or any similar program authorized by a court  
93for offenders who are not under jurisdiction of the Department of  
94Corrections.

95       (5) As used in subsection (3) of this section, the phrase  
96 "misdemeanor which is an act of domestic violence" shall mean one  
97 or more of the following acts between family or household members  
98 who reside together or formerly resided together:

99       (a) Simple domestic assault within the meaning of

100Section 97-3-7;

101           (b) Disturbing the family or public peace within the  
102meaning 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  
105section shall be designated as domestic assault or domestic  
106violence on both the arrest docket and the incident report.

107       SECTION 3. This act shall take effect and be in force from  
108and after July 1, 2000, and shall stand repealed on July 2, 2000.