

By: Senator(s) Albritton

To: Judiciary, Division B

SENATE BILL NO. 2842

1 AN ACT TO AMEND SECTION 93-21-21, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE PUNISHMENT FOR VIOLATION OF A PROTECTIVE ORDER
3 AGAINST DOMESTIC VIOLENCE UNDER CERTAIN CIRCUMSTANCES; AND FOR
4 RELATED PURPOSES.

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

6 **SECTION 1.** Section 93-21-21, Mississippi Code of 1972, is
7 amended as follows:

8 93-21-21. (1) Except as provided in subsection (2) of this
9 section, upon a knowing violation of a protective order issued
10 after a hearing or an ex parte protective order, either of which
11 was issued for the purpose of protecting the victim from abuse as
12 defined by Section 93-21-3(a), whether the order was issued by a
13 Mississippi court or a foreign court of competent jurisdiction,
14 the person violating the order commits a misdemeanor or the court
15 may hold the person in contempt. If the court convicts the person
16 of a misdemeanor, the court may punish the defendant by
17 imprisonment in the county jail for not more than six (6) months
18 or a fine of not more than One Thousand Dollars (\$1,000.00), or
19 both.

20 (2) Upon a knowing violation of a protective order issued
21 after a hearing or an ex parte protective order, either of which
22 was issued for the purpose of protecting the victim from abuse as
23 defined by Section 93-21-3(a), whether the order was issued by a
24 Mississippi court or a foreign court of competent jurisdiction, if
25 an element of the violation is that the person went to a domestic
26 violence shelter, the person violating the order commits a felony
27 and shall be punished by commitment to the custody of the

28 Department of Corrections for not more than five (5) years or a
29 fine of not more than Ten Thousand Dollars (\$10,000.00), or both.

30 (3) A person shall not be both convicted of and held in
31 contempt for the same violation of an order.

32 (4) Any law enforcement officer has the authority to make an
33 arrest for such violation, either with a warrant or without a
34 warrant pursuant to Section 99-3-7, when he has probable cause to
35 believe that a violation has been committed which is an act of
36 domestic violence or is a violation of an order and has been
37 committed within twenty-four (24) hours of the arrest as described
38 in Section 99-3-7.

39 **SECTION 2.** This act shall take effect and be in force from
40 and after July 1, 2006.