MISSISSIPPI LEGISLATURE REGULAR SESSION 2007

By: Representative Malone

To: Corrections; Judiciary B

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 432

AN ACT TO CREATE A NEW SECTION TO BE CODIFIED AS SECTION 47-5-197, MISSISSIPPI CODE OF 1972, TO MAKE IT A CRIMINAL ACT FOR AN OFFENDER TO ENDANGER A CORRECTIONS EMPLOYEE, VISITOR OR ANOTHER OFFENDER WITH BODILY SUBSTANCES; AND FOR RELATED PURPOSES.

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

SECTION 1. The following shall be codified as Section 47-5-197, Mississippi Code of 1972:

47-5-197. (1) Any offender or prisoner commits the crime of endangering a corrections employee or a visitor to a correctional facility or another offender or prisoner if he or she attempts to cause or knowingly causes such person to come into contact with blood, seminal fluid, urine, feces, saliva or other bodily substances.

(2) As used in this section, the following definitions shall apply unless the context clearly provides otherwise:

(a) "Corrections employee" means a person who is an employee, or contracted employee of a subcontractor of a department or agency responsible for operating a jail, prison, correctional facility or a person who is assigned to work in a jail, prison or correctional facility.

(b) "Offender" means a person who is in the custody of the Department of Corrections.

(c) "Prisoner" means a person confined in a county or city jail.

(3) Endangering a corrections employee, or a visitor to a correctional facility, or another offender or prisoner is a felony unless the substance, as described in subsection (1), is unidentifiable in which case it is a misdemeanor. If an offender

or prisoner is knowingly infected with the human immunodeficiency virus (HIV), hepatitis B or hepatitis C and exposes another person to HIV or hepatitis B or hepatitis C by committing the crime of endangering a corrections employee, or a visitor to a correctional facility or another offender or prisoner, it shall be a felony.

(4) Punishment for any person guilty of a felony violation upon conviction, as described in this section, shall be by confinement in a prison for not less than three (3) years but not more than five (5) years and may be fined Ten Thousand Dollars ($10,000.00), or both.

(5) Punishment for any person guilty of a misdemeanor violation, as described in this section, upon conviction shall be by confinement in a county jail for up to one (1) year and may be fined One Thousand Dollars ($1,000.00), or both.

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