

By: Senator(s) Hill

To: Judiciary, Division A

SENATE BILL NO. 2380

1 AN ACT TO ENACT THE MISSISSIPPI AID TO SEXUAL OFFENSE VICTIM  
 2 REPORTING ACT; TO DEFINE TERMS; TO PROVIDE IMMUNITY FROM CRIMINAL  
 3 PROSECUTION FOR OFFENSES RELATED TO DRUG VIOLATIONS OR OFFENSES  
 4 RELATED TO THE POSSESSION AND CONSUMPTION OF ALCOHOL FOR PERSONS  
 5 WHO REPORT WHO IN GOOD FAITH SEEK ASSISTANCE FOR OR TO REPORT  
 6 SEXUAL OFFENSES; TO BRING FORWARD SECTIONS 97-31-55 AND  
 7 41-29-149.1, MISSISSIPPI CODE OF 1972, FOR THE PURPOSES OF  
 8 POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** (1) This section shall be known and may be cited  
 11 as the "Mississippi Aid to Sexual Offense Victim Reporting Act."

12 (2) As used in this section, the following words shall have  
 13 the meanings ascribed:

14 (a) "Drug overdose" means an acute condition,  
 15 including, but not limited to, extreme physical illness, decreased  
 16 level of consciousness, respiratory depression, coma, mania, or  
 17 death, resulting from the consumption or use of a controlled  
 18 substance or dangerous drug in violation of this chapter or that a  
 19 layperson would reasonably believe to be resulting from the  
 20 consumption or use of a controlled substance or dangerous drug for  
 21 which medical assistance is required.



22 (b) "Drug violation" means:

23 (i) A violation of Section 41-29-139 for  
24 possession of a controlled substance if the aggregate weight,  
25 including any mixture, is less than four (4) grams of a solid  
26 substance, less than twenty (20) dosage units, less than one (1)  
27 milliliter of liquid substance, or, if the substance is placed  
28 onto a secondary medium, has a combined weight of less than four  
29 (4) grams;

30 (ii) A violation of Section 41-29-139 for  
31 possession of thirty (30) grams or less of marijuana or ten (10)  
32 grams or less of synthetic cannabinoids; or

33 (iii) A violation of Section 41-29-139(d) (2)  
34 relating to possession and use of paraphernalia.

35 (c) "Medical assistance" means aid provided to a person  
36 experiencing or believed to be experiencing a drug overdose by a  
37 health care professional who is licensed, registered, or certified  
38 under the laws of this state and who, acting within the lawful  
39 scope of practice, may provide diagnosis, treatment, or emergency  
40 services relative to the overdose.

41 (d) "Person" means an individual. "Person" includes a  
42 victim of or witness to a sexual offense.

43 (e) "Seeks medical assistance" means accesses or  
44 assists in accessing the E-911 system or otherwise contacts or  
45 assists in contacting law enforcement or a poison control center  
46 or provides care to a person experiencing or believed to be



47 experiencing a drug overdose while awaiting the arrival of medical  
48 assistance to aid the person.

49 (f) "Sexual offense" means any alleged violation of  
50 Section 97-3-65, 97-3-95, 97-5-23, 97-5-24, 97-5-41, 97-29-3 or  
51 97-29-7, regardless of whether or not a civil or criminal action  
52 arises as a result of the alleged violation.

53 (3) (a) Any person who in good faith seeks medical  
54 assistance for or to report a sexual offense shall not be  
55 arrested, charged or prosecuted for a drug violation if there is  
56 evidence that the person is under the influence of a controlled  
57 substance or in possession of a controlled substance as referenced  
58 in subsection (2) (b) of this section.

59 (b) If the criteria of this subsection is met, a person  
60 shall also not be subject to:

61 (i) Penalties for a violation of a permanent or  
62 temporary protective order or restraining order;

63 (ii) Sanctions for a violation of a condition of  
64 pretrial release, condition of probation, or condition of parole  
65 based on a drug violation; or

66 (iii) Forfeiture of property pursuant to Section  
67 41-29-153 or 41-29-176 for a drug violation, except that prima  
68 facie contraband shall be subject to forfeiture.

69 (4) A peace officer shall not issue a citation, take a  
70 person into custody, arrest a person based solely on the  
71 commission of an offense involving alcohol if the peace officer,



72 after making a reasonable determination and considering the facts  
73 and surrounding circumstances, reasonably believes that all of the  
74 following apply:

75 (a) That the peace officer has contact with the person  
76 because the person, acting in good faith, requested assistance  
77 from a medical provider or a law enforcement officer for a sexual  
78 offense or sought to report a sexual offense; and

79 (b) The person provided a full name to be identified  
80 and thereafter cooperated with medical providers or law  
81 enforcement officers, including furnishing any requested  
82 information, unless the person lacked capacity to cooperate.

83 (5) (a) A person who meets the criteria of subsection (4)  
84 of this section shall be immune from criminal prosecution for any  
85 offense related solely to the possession and consumption of  
86 alcohol.

87 (b) A person's pretrial release, probation, furlough,  
88 supervised release or parole shall not be revoked based on an  
89 incident for which the person would be immune from prosecution  
90 under subsection (4) of this section.

91 (6) A person shall not initiate or maintain an action  
92 against a peace officer or the employing state agency or political  
93 subdivision based on the officer's compliance or failure to comply  
94 with this section.

95 (7) Nothing in this section shall be construed:



96 (a) To limit the admissibility of any evidence in  
97 connection with the investigation or prosecution of a crime with  
98 regard to a defendant who does not qualify for the protections of  
99 subsection (3) of this section or with regard to other crimes  
100 committed by a person who otherwise qualifies for protection  
101 pursuant to subsection (3) of this section;

102 (b) To limit any seizure of evidence or contraband  
103 otherwise permitted by law; and

104 (c) To limit or abridge the authority of a law  
105 enforcement officer to detain or take into custody a person in the  
106 course of an investigation or to effectuate an arrest for any  
107 offense except as provided in subsection (3) of this section.

108 **SECTION 2.** Section 97-31-55, Mississippi Code of 1972, is  
109 brought forward as follows:

110 97-31-55. (1) A peace officer shall not take a person into  
111 custody based solely on the commission of an offense involving  
112 alcohol if the peace officer, after making a reasonable  
113 determination and considering the facts and surrounding  
114 circumstances, reasonably believes that all of the following  
115 apply:

116 (a) The peace officer has contact with the person  
117 because the person acting in good faith requested emergency  
118 medical assistance for an individual who reasonably appeared to be  
119 in need of medical assistance due to alcohol consumption and the  
120 person did not illegally provide alcohol to the individual.



121 (b) The person:

122 (i) Provided his full name and any other relevant

123 information requested by the peace officer;

124 (ii) Remained at the scene with the individual who

125 reasonably appeared to be in need of medical assistance due to

126 alcohol consumption until emergency medical assistance arrived;

127 and

128 (iii) Cooperated with emergency medical assistance

129 personnel and peace officers at the scene.

130 (2) A person who meets the criteria of subsection (1) of

131 this section shall be immune from criminal prosecution for any

132 offense related solely to the possession and consumption of

133 alcohol.

134 (3) A person shall not initiate or maintain an action

135 against a peace officer or the employing state agency or political

136 subdivision based on the officer's compliance or failure to comply

137 with this section.

138 **SECTION 3.** Section 41-29-149.1, Mississippi Code of 1972, is

139 brought forward as follows:

140 41-29-149.1. (1) This section shall be known as the

141 "Mississippi Medical Emergency Good Samaritan Act."

142 (2) As used in this section, the following words shall have

143 the meanings ascribed:

144 (a) "Drug overdose" means an acute condition,

145 including, but not limited to, extreme physical illness, decreased



146 level of consciousness, respiratory depression, coma, mania, or  
147 death, resulting from the consumption or use of a controlled  
148 substance or dangerous drug in violation of this chapter or that a  
149 layperson would reasonably believe to be resulting from the  
150 consumption or use of a controlled substance or dangerous drug for  
151 which medical assistance is required.

152 (b) "Drug violation" means:

153 (i) A violation of Section 41-29-139 for  
154 possession of a controlled substance if the aggregate weight,  
155 including any mixture, is less than four (4) grams of a solid  
156 substance, less than twenty (20) dosage units, less than one (1)  
157 milliliter of liquid substance, or, if the substance is placed  
158 onto a secondary medium, has a combined weight of less than four  
159 (4) grams;

160 (ii) A violation of Section 41-29-139 for  
161 possession of thirty (30) grams or less of marijuana or ten (10)  
162 grams or less of synthetic cannabinoids; or

163 (iii) A violation of Section 41-29-139(d) (2)  
164 relating to possession and use of paraphernalia.

165 (c) "Medical assistance" means aid provided to a person  
166 experiencing or believed to be experiencing a drug overdose by a  
167 health care professional who is licensed, registered, or certified  
168 under the laws of this state and who, acting within the lawful  
169 scope of practice, may provide diagnosis, treatment, or emergency  
170 services relative to the overdose.



171           (d) "Seeks medical assistance" means accesses or  
172 assists in accessing the E-911 system or otherwise contacts or  
173 assists in contacting law enforcement or a poison control center  
174 or provides care to a person experiencing or believed to be  
175 experiencing a drug overdose while awaiting the arrival of medical  
176 assistance to aid the person.

177           (3) (a) Any person who in good faith seeks medical  
178 assistance for someone who is experiencing a drug overdose shall  
179 not be arrested, charged, or prosecuted for a drug violation if  
180 there is evidence that the person is under the influence of a  
181 controlled substance or in possession of a controlled substance as  
182 referenced in subsection (2)(b) of this section.

183           (b) Any person who is experiencing a drug overdose and,  
184 in good faith, seeks medical assistance or is the subject of a  
185 request for medical assistance shall not be arrested, charged, or  
186 prosecuted for a drug violation if there is evidence that the  
187 person is under the influence of a controlled substance or in  
188 possession of a controlled substance as referenced in subsection  
189 (2)(b) of this section.

190           (c) A person shall also not be subject to, if related  
191 to the seeking of medical assistance:

192           (i) Penalties for a violation of a permanent or  
193 temporary protective order or restraining order;





194 (ii) Sanctions for a violation of a condition of  
195 pretrial release, condition of probation, or condition of parole  
196 based on a drug violation; or

197 (iii) Forfeiture of property pursuant to Section  
198 41-29-153 or 41-29-176 for a drug violation, except that prima  
199 facie contraband shall be subject to forfeiture.

200 (4) Nothing in this section shall be construed:

201 (a) To limit the admissibility of any evidence in  
202 connection with the investigation or prosecution of a crime with  
203 regard to a defendant who does not qualify for the protections of  
204 subsection (3) of this section or with regard to other crimes  
205 committed by a person who otherwise qualifies for protection  
206 pursuant to subsection (3) of this section;

207 (b) To limit any seizure of evidence or contraband  
208 otherwise permitted by law; and

209 (c) To limit or abridge the authority of a law  
210 enforcement officer to detain or take into custody a person in the  
211 course of an investigation or to effectuate an arrest for any  
212 offense except as provided in subsection (3) of this section.

213 **SECTION 4.** This act shall take effect and be in force from  
214 and after July 1, 2024.

