

By: Representative Blackmon

To: Judiciary B

## HOUSE BILL NO. 1137

1 AN ACT TO AMEND SECTION 99-37-25, MISSISSIPPI CODE OF 1972,  
2 TO REVISE MEDICAL EXAMINATION OF RAPE PAYMENT PROVISIONS; AND FOR  
3 RELATED PURPOSES.

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

5 SECTION 1. Section 99-37-25, Mississippi Code of 1972, is  
6 amended as follows:

7 99-37-25. (1) (a) When a person is brought into a doctor's  
8 office, a hospital or a medical clinic of this state by a law  
9 enforcement agency as the victim of an alleged rape or sexual  
10 assault, or comes into a doctor's office, a hospital or a medical  
11 clinic of this state alleging rape or sexual assault against the  
12 person which results in a criminal investigation, the bill for the  
13 initial medical examination and the preparation of the rape kit  
14 shall be sent to the district attorney who has jurisdiction over  
15 the prosecution of the alleged occurrence. The county in which  
16 the alleged offense occurred shall pay for the initial medical  
17 examination conducted for the procurement of evidence to aid in  
18 the investigation and prosecution of the alleged offense. Such  
19 payment shall be limited to the customary and usual hospital and  
20 physician charges for such services in the area. Such payment  
21 shall be made by the county directly to the health care provider.  
22 No bill for the initial examination shall be submitted to the  
23 victim, nor shall the medical facility hold the victim responsible  
24 for payment. However, if the victim refuses to cooperate with the  
25 investigation or prosecution of the case, the county may seek  
26 reimbursement from the victim. The victim may be billed for any

27 further medical services not required for the investigation and  
28 prosecution of the alleged offense. In cases where the damage  
29 caused by the alleged rape or sexual assault requires medical  
30 treatment or diagnosis in addition to the initial examination, the  
31 patient shall be given information about the availability of  
32 victim's compensation and the procedure for applying for such  
33 compensation.

34 (b) Upon application of the district attorney, provided  
35 the proper warrant or court order has been issued, the county in  
36 which an offense of rape or felonious abuse or battery of a child  
37 as described in section 97-5-39, touching or handling a child for  
38 lustful purposes as described in Section 97-5-23, exploitation of  
39 children as described in Section 97-5-33 or sexual battery as  
40 described in Section 97-3-95, or an attempt to commit such offense  
41 has occurred shall pay for a medical examination of the person  
42 arrested, charged or convicted of such offense to determine if the  
43 person so arrested, charged or convicted has any sexually  
44 transmitted disease. Such payment shall be made by the county  
45 directly to the health care provider or other service performing  
46 the tests. The results of such test shall be made available to  
47 the victim or, if the victim is a child, to the guardian of the  
48 victim.

49 (2) Any defendant who is convicted of, or pleads guilty or  
50 nolo contendere to, an offense in violation of rape, felonious  
51 abuse or battery of a child as described in Section 97-5-39,  
52 touching or handling a child for lustful purposes as described in  
53 Section 97-5-23, exploitation of children as described in Section  
54 97-5-33 or sexual battery as described in Section 97-3-95, or an  
55 attempt to commit any such offense, shall be ordered by the court  
56 to make restitution to the county in an amount equal to the  
57 compensation paid by the county to the \* \* \* medical provider for  
58 the initial medical examination and tests for sexually transmitted  
59 diseases. Such restitution shall be in addition to any  
60 restitution which the court orders the defendant to pay the victim  
61 under the provisions of Chapter 37 of Title 99, (Sections 99-37-1  
62 through 99-37-21), Mississippi Code of 1972.

63 (3) The board of supervisors of any county is hereby

64 authorized, in its discretion, to make application for and comply  
65 with such requirements as may be necessary to qualify for any  
66 federal funds as may be made available through the Department of  
67 Criminal Justice Planning as a result of services rendered to  
68 crime victims under the provisions of this section.

69 SECTION 2. This act shall take effect and be in force from  
70 and after July 1, 1999.