

By: Representative Blackmon

To: Judiciary B

HOUSE BILL NO. 1137
(As Passed the House)

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.