

By: Senator(s) Frazier, White (5th)

To: Judiciary

SENATE BILL NO. 2901  
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 99-37-25, MISSISSIPPI CODE OF 1972,  
2 TO CLARIFY RESPONSIBILITY FOR PAYMENT OF MEDICAL EXAMINATION OF  
3 SEXUAL ASSAULT VICTIMS; AND FOR RELATED PURPOSES. BE IT ENACTED BY  
4 THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

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

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

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

34 (b) Upon application submitted by the district  
35 attorney, \* \* \* provided the proper warrant or court order has  
36 been issued, the county in which an offense of rape or of  
37 felonious abuse or battery of a child as described in Section  
38 97-5-39, touching or handling a child for lustful purposes as  
39 described in Section 97-5-23, exploitation of children as  
40 described in Section 97-5-33 or sexual battery as described in  
41 Section 97-3-95, or an attempt to commit such offense has occurred  
42 shall pay for a medical examination of the person arrested,  
43 charged or convicted of such offense to determine if the person so  
44 arrested, charged or convicted has any sexually transmitted  
45 disease. Such payment shall be made by the county directly to the  
46 health care provider or other service performing the tests. The  
47 results of such test shall be made available to the victim or, if  
48 the victim is a child, to the guardian of the 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 victim or medical provider  
58 for the initial medical examination and tests for sexually  
59 transmitted diseases. Such restitution shall be in addition to  
60 any restitution which the court orders the defendant to pay the  
61 victim under the provisions of Chapter 37 of Title 99, (Sections  
62 99-37-1 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.