

By: Senator(s) Ross

To: Judiciary

SENATE BILL NO. 3038

1 AN ACT TO BRING FORWARD SECTIONS 19-21-105, 41-61-57,
2 41-61-63, 41-61-77, 45-1-2, 45-1-17, 45-1-25, 45-1-27, 45-1-29,
3 45-1-31, 45-33-1, 45-33-15, 63-11-5, 63-11-8, 63-11-13, 63-11-19,
4 63-11-32, 63-11-47 AND 99-19-73, MISSISSIPPI CODE OF 1972, FOR
5 PURPOSES OF AMENDMENT, AS THEY RELATE TO THE ORGANIZATION AND
6 PURPOSE OF THE STATE CRIME LAB; AND FOR RELATED PURPOSES.

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

8 SECTION 1. Section 19-21-105, Mississippi Code of 1972, is
9 brought forward as follows:

10 19-21-105. (1) Each coroner elected in the 1987 general
11 election and thereafter shall attend the Mississippi Crime
12 Laboratory and State Medical Examiner Death Investigation Training
13 School provided for in subsection (5) of Section 41-61-57, and
14 shall successfully complete subsequent testing on the subject
15 material prior to taking the oath of office. If the elected
16 coroner fails to successfully complete the school and testing, he
17 shall not be eligible to take the oath of office.

18 (2) Upon successful completion of the death investigation
19 training school, the coroner shall take the oath of office, and he
20 then shall be designated the chief county medical examiner or
21 chief county medical examiner investigator, as provided in
22 subsection (2) of Section 41-61-57, and shall perform the duties
23 of such office as required by law.

24 SECTION 2. Section 41-61-57, Mississippi Code of 1972, is
25 brought forward as follows:

26 41-61-57. (1) There are hereby created the positions of
27 county medical examiners and county medical examiner
28 investigators, to be established as herein provided through

29 successful completion of the death investigation training school
30 provided for in subsection (5) of this section. Each county
31 medical examiner (CME) shall be a doctor of medicine (M.D.) or
32 osteopathic medicine (D.O.) licensed in the State of Mississippi.

33 Each county medical examiner investigator (CMEI) shall be a
34 nonphysician who shall, as a minimum, possess a high school
35 graduation diploma or its equivalent. Extra consideration for the
36 CMEI position may be given for experience and/or training in
37 health-related fields and medicolegal death investigations.

38 (2) Each coroner elected in the 1987 general election and
39 thereafter, upon successful completion of the death investigation
40 training school provided for in subsection (5) of this section,
41 shall be recognized as a county medical examiner or county medical
42 examiner investigator, according to the qualifications set out in
43 subsection (1) of this section, and shall be designated the chief
44 for the county in which he was elected. If the elected or
45 appointed coroner fails to successfully complete the death
46 investigation training school, and thus is unable to take the oath
47 of office, as provided in Section 19-21-105, there shall promptly
48 be appointed a coroner pro tempore in the manner prescribed by
49 Section 9-1-27, and that person shall be designated the chief
50 county medical examiner or county medical examiner investigator
51 until the time of the next death investigation training school,
52 which he must successfully complete or be removed from office.
53 Any elected coroner who has failed to successfully complete the
54 death investigation training school may attend any subsequent
55 death investigation training school conducted during the term for
56 which he was elected, and upon the successful completion thereof,
57 he shall become the chief CME or CMEI for the county in which he
58 was elected. The coroner pro tempore then shall become a deputy
59 CME or CMEI, provided he has successfully completed the death
60 investigation training school. Notwithstanding anything in this
61 section to the contrary, each coroner holding office on July 1,
62 1986, shall be the chief CME or CMEI for the county in which he
63 was elected through the expiration of his term in January 1988
64 without having to attend the death investigation training school;
65 however, he may voluntarily attend any such school conducted

66 prior to that time.

67 (3) There shall be at least one (1) county medical examiner
68 and/or county medical examiner investigator for each county, and
69 one (1) county medical examiner or county medical examiner
70 investigator shall be designated as the chief for each county,
71 except as otherwise provided in subsection (4) of this section.
72 Any county may have deputy county medical examiners or deputy
73 county medical examiner investigators as deemed necessary who
74 shall be appointed jointly by the board of supervisors and the CME
75 or CMEI. However, when the population of a county reaches a total
76 of twenty thousand (20,000) or greater, there shall be one or more
77 officially appointed deputies. Deputies shall be subject to the
78 same qualifications, training and certification requirements, and
79 shall possess the same authority and discharge the same duties, as
80 other county medical examiners or county medical examiner
81 investigators, and shall receive fees and expenses as provided in
82 Sections 41-61-69 and 41-61-75. Any CME or CMEI may be removed by
83 the State Medical Examiner prior to the expiration of his term as
84 CME or CMEI for inefficiency, or other good cause, after written
85 notice and a hearing in compliance with due process law.

86 (4) One (1) person may serve as the chief CME or CMEI for
87 two (2) or more adjacent counties when that person consents and
88 the boards of supervisors of each county involved and the State
89 Medical Examiner consent in writing. Each respective county
90 involved shall be responsible for payment for the services given
91 to that county by the chief CME or CMEI.

92 (5) Chief and deputy CME's and CMEI's shall attend the death
93 investigation training school provided by the Mississippi Crime
94 Laboratory and the State Medical Examiner, and shall successfully
95 complete subsequent testing on the subject material by the State
96 Medical Examiner at least once every four (4) years. Room, board
97 and transportation expenses for attending the school shall be
98 borne by the county in which the CME or CMEI is serving. In

99 addition to the above training, the individual shall receive at
100 least twenty-four (24) hours annually of continuing education as
101 prescribed and certified by the State Medical Examiner. If the
102 above requirements for training or continuing education are not
103 met, the individual immediately shall be disqualified and removed
104 from office as CME and/or CMEI. Reapplication for the office may
105 be made the following year after removal.

106 SECTION 3. Section 41-61-63, Mississippi Code of 1972, is
107 brought forward as follows:

108 41-61-63. (1) The State Medical Examiner shall:

109 (a) Provide assistance, consultation and training to
110 county medical examiners, county medical examiner investigators
111 and law enforcement officials.

112 (b) Keep complete records of all relevant information
113 concerning deaths or crimes requiring investigation by the medical
114 examiners.

115 (c) Promulgate rules and regulations regarding the
116 manner and techniques to be employed while conducting autopsies;
117 the nature, character and extent of investigations to be made into
118 deaths affecting the public interest to allow a medical examiner
119 to render a full and complete analysis and report; the format and
120 matters to be contained in all reports rendered by the medical
121 examiners; and all other things necessary to carry out the
122 purposes of Sections 41-61-51 through 41-61-79. The State Medical
123 Examiner shall make such amendments to these rules and regulations
124 as may be necessary. All medical examiners, coroners and law
125 enforcement officers shall be subject to such rules.

126 (d) Cooperate with the crime detection and medical
127 examiner laboratories authorized by Section 45-1-17, the
128 University Medical Center, the Attorney General, law enforcement
129 agencies, the courts and the State of Mississippi.

130 (2) In addition, the medical examiners shall:

131 (a) Upon receipt of notification of a death affecting

132 the public interest, make inquiries regarding the cause and manner
133 of death, reduce the findings to writing and promptly make a full
134 report to the State Medical Examiner on forms prescribed for that
135 purpose. The medical examiner shall be authorized to inspect and
136 copy the medical reports of the decedent whose death is under
137 investigation. However, the records copied shall be maintained as
138 confidential so as to protect the doctor/patient privilege. The
139 medical examiners shall be authorized to request the issuance of
140 subpoenas, through the proper court, for the attendance of persons
141 and for the production of documents as may be required by their
142 investigation.

143 (b) Complete the medical examiner's portion of the
144 certificate of death within seventy-two (72) hours of assuming
145 jurisdiction over a death, and forward the certificate to the
146 funeral director or to the family. The medical examiner's portion
147 of the certificate of death shall include the decedent's name, the
148 date and time of death, the cause of death and the certifier's
149 signature. If determination of the cause and/or manner of death
150 are pending an autopsy or toxicological or other studies, these
151 sections on the certificate may be marked "pending," with
152 amendment and completion to follow the completion of the
153 postmortem studies. The State Medical Examiner shall be
154 authorized to amend a death certificate; however, the State
155 Medical Examiner is not authorized to change or amend any death
156 certificate after he has resigned or been removed from his office
157 as the State Medical Examiner. Where an attending physician
158 refuses to sign a certificate of death, or in case of any death,
159 the State Medical Examiner or properly qualified designee may sign
160 the death certificate.

161 (c) Cooperate with other agencies as provided for the
162 State Medical Examiner in subsection (1)(d) of this section.

163 (d) In all investigations of deaths affecting the
164 public interest where an autopsy will not be performed, obtain or

165 attempt to obtain postmortem blood, urine and/or vitreous fluids.
166 Medical examiners may also obtain rectal temperature measurements,
167 known hair samples, radiographs, gunshot residue/wiping studies,
168 fingerprints, palm prints and other noninvasive studies as the
169 case warrants and/or as directed by the State Medical Examiner.
170 Decisions may be made in consultation with investigating law
171 enforcement officials and/or the State Medical Examiner. The cost
172 of all studies not performed by the Mississippi Crime Laboratory
173 shall be borne by the county. County medical examiner
174 investigators shall be authorized to obtain these postmortem
175 specimens themselves following successful completion of the death
176 investigation training school.

177 (3) The medical examiner shall not use his position or
178 authority to favor any particular funeral home or funeral homes.

179 (4) The State Medical Examiner shall obtain such liability
180 insurance as deemed appropriate to the needs of the office, and
181 may be sued by anyone affected to the extent of such insurance
182 carried; however, immunity from suit is only waived to the extent
183 of such liability insurance carried, and a judgment creditor shall
184 have recourse only to the proceeds or right to proceeds of such
185 liability insurance. No attempt shall be made in the trial of any
186 case to suggest the existence of any insurance which covers in
187 whole or in part any judgment or award rendered in favor of a
188 claimant, but if the verdict rendered by the jury exceeds the
189 limit of applicable insurance, the court on motion shall reduce
190 the amount of the judgment to a sum equal to the applicable limit
191 stated in the insurance policy. This subsection (4) shall stand
192 repealed from and after July 1, 1993, by operation of law.

193 SECTION 4. Section 41-61-77, Mississippi Code of 1972, is
194 brought forward as follows:

195 41-61-77. (1) The Department of Public Safety shall
196 establish and maintain a central office for the Mississippi Crime
197 Laboratory and the State Medical Examiner with appropriate

198 facilities and personnel for postmortem medicolegal examinations.

199 District offices, with appropriate facilities and personnel, may
200 also be established and maintained if considered necessary by the
201 department for the proper management of postmortem examinations.

202 The facilities of the central and district offices and their
203 staff services may be available to the medical examiners and
204 designated pathologists in their investigations.

205 (2) In order to provide proper facilities for investigating
206 deaths as authorized in Sections 41-61-51 through 41-61-79, the
207 State Medical Examiner may arrange for the use of existing public
208 or private laboratory facilities. The State Medical Examiner may
209 contract with qualified persons to perform or to provide support
210 services for autopsies, studies and investigations not
211 inconsistent with other applicable laws. Such laboratory
212 facilities may be located at the University of Mississippi Medical
213 Center or any other suitable location. The State Medical Examiner
214 may also serve as a member of the faculty at the University of
215 Mississippi Medical Center and other institutions of higher
216 learning. He shall be authorized to employ, with the approval of
217 the Commissioner of Public Safety, such additional scientific,
218 technical, administrative and clerical assistants as are necessary
219 for performance of his duties. Such employees in the office of
220 the State Medical Examiner shall be subject to the rules,
221 regulations and policies of the state personnel system in their
222 employment.

223 (3) The State Medical Examiner shall be authorized to
224 appoint and/or employ qualified pathologists as additional
225 associate and assistant state medical examiners as are necessary
226 to carry out the duties of his office. The associate and
227 assistant state medical examiners shall be licensed to practice
228 medicine in Mississippi and, insofar as practicable, shall be
229 trained in the field of forensic pathology. The State Medical
230 Examiner may delegate specific duties to competent and qualified

231 medical examiners within the scope of the express authority
232 granted to him by law or regulation. Employees of the office of
233 the State Medical Examiner shall have the authority to enter any
234 political subdivisions of this state for the purpose of carrying
235 out medical investigations.

236 (4) The board of supervisors of any two (2) or more adjacent
237 counties may enter into written agreements with one another, in
238 accordance with Section 17-13-1 et seq., to establish regional
239 medical examiner districts for the purposes of providing and
240 coordinating medical examiner services on a regional basis,
241 establishing central forensic facilities for the counties
242 involved, and employing or contracting with one or more
243 pathologists to serve as medical examiners of the district, who
244 will perform postmortem examinations and autopsies for the
245 counties involved. Any powers which may be exercised under this
246 chapter by an individual county, county medical examiner or county
247 medical examiner investigator may be exercised jointly with any
248 other county or with the county medical examiner or county medical
249 examiner investigator of such other county, in accordance with the
250 terms of the agreement between the counties involved. Any county
251 entering into such an agreement shall be authorized to expend any
252 funds necessary to carry out the purposes of such agreement. Any
253 municipality located within any such district is hereby authorized
254 and empowered to contribute funds to such district. For any such
255 district established, the counties involved shall attempt to
256 coordinate the operation of the district and any district
257 facilities with the operation of any district office or offices
258 established by the State Medical Examiner under subsection (1) of
259 this section which include such counties. The medical examiners
260 authorized in this subsection shall have the same authority within
261 a medical examiner district and the counties served by such
262 district as does the State Medical Examiner.

263 SECTION 5. Section 45-1-2, Mississippi Code of 1972, is

264 brought forward as follows:

265 45-1-2. (1) The Executive Director of the Department of
266 Public Safety shall be the Commissioner of Public Safety.

267 (2) The Mississippi Department of Public Safety shall be
268 organized into the following offices:

269 (a) Office of Public Safety Planning;

270 (b) Office of Medical Examiner;

271 (c) Office of Mississippi Highway Safety Patrol;

272 (d) Office of Crime Laboratories;

273 (e) Office of Law Enforcement Officers' Training
274 Academy;

275 (f) Office of Support Services.

276 (3) The department shall be headed by a commissioner who
277 shall be appointed by and serve at the pleasure of the Governor.
278 The appointment of the commissioner shall be made with the advice
279 and consent of the Senate. The commissioner may assign to the
280 appropriate offices such powers and duties as deemed appropriate
281 to carry out the department's lawful functions.

282 (4) The commissioner of the department shall appoint heads
283 of offices, who shall serve at the pleasure of the commissioner.
284 The commissioner shall have the authority to organize the offices
285 established by subsection (2) of this section as deemed
286 appropriate to carry out the responsibilities of the department.
287 The organization charts of the department shall be presented
288 annually with the budget request of the Governor for review by the
289 Legislature.

290 SECTION 6. Section 45-1-17, Mississippi Code of 1972, is
291 brought forward as follows:

292 45-1-17. The commissioner shall have the authority to
293 establish, staff, equip and operate a crime detection and medical
294 examiner laboratory, and to cooperate with the University Medical
295 Center and other hospitals and laboratories in its operation.

296 SECTION 7. Section 45-1-25, Mississippi Code of 1972, is

297 brought forward as follows:

298 45-1-25. The director of the Mississippi Crime Laboratory
299 which has been established by the Commissioner of Public Safety
300 under the authority of Section 45-1-17 shall be a person who is
301 experienced in crime laboratory operations, knowledgeable of the
302 criminal justice system, and who shall have the following minimum
303 qualifications:

304 (a) Graduation from an accredited four-year college or
305 university with major course work in forensic science, chemistry,
306 biology, commercial science or physics.

307 (b) At least five (5) years' full-time employment in a
308 crime laboratory, with supervisory or administrative
309 responsibility.

310 (c) Thorough knowledge of the utilization of crime
311 laboratory services and their relation to the investigating law
312 enforcement officers.

313 (d) Thorough knowledge of techniques employed in
314 processing of physical evidence.

315 (e) Membership in professional organizations promoting
316 advancement of forensic science.

317 (f) Proven effectiveness as a manager and
318 administrator.

319 Unusual strength in one or more of the above qualifications
320 may compensate for failure to exactly satisfy paragraph (b) of
321 this section.

322 The director of the crime laboratory may only be removed by
323 the Commissioner of Public Safety upon proof of his inability to
324 serve due to illness, administrative or managerial
325 ineffectiveness, incompetence, malfeasance, dereliction of duty or
326 moral turpitude.

327 SECTION 8. Section 45-1-27, Mississippi Code of 1972, is
328 brought forward as follows:

329 45-1-27. The director shall have responsibilities and duties

330 including but not limited to the following:

331 (a) To plan and give general direction to activities or
332 programs for which he is responsible, through the issuance of
333 directives and orders.

334 (b) To review proposed changes in policies affecting
335 the operation of the division under his direction.

336 (c) To maintain liaison with other agencies, divisions
337 or departments of state and federal government.

338 (d) To approve and maintain uniform procedures and
339 standards of operation for the laboratory.

340 (e) To supervise and approve procedures and processing
341 of physical evidence.

342 (f) To present testimony in court in analysis of
343 physical evidence.

344 (g) To supervise the State Medical Examiner.

345 (h) To attend scientific conferences and hold classes
346 for law enforcement officers.

347 (i) To present budget requests to the Legislative
348 Budget Office and to legislative committees.

349 SECTION 9. Section 45-1-29, Mississippi Code of 1972, is
350 brought forward as follows:

351 45-1-29. (1) The Mississippi Crime Laboratory shall be
352 funded separately from the Department of Public Safety. Any
353 appropriated funds shall be maintained in an account separate from
354 any funds of the Department of Public Safety and shall never be
355 commingled with any funds of said department.

356 (2) The budget for the Mississippi Crime Laboratory shall be
357 maintained and administered by crime laboratory personnel under
358 the supervision of the director.

359 (3) Grants and donations to the crime laboratory may be
360 accepted from individuals, the federal government, firms,
361 corporations, foundations and other interested organizations and
362 societies.

363 (4) The Mississippi Crime Laboratory shall establish and
364 collect for services rendered proper fees commensurate with the
365 services rendered. Such fees shall be deposited into a special
366 fund in the State Treasury to the credit of the crime laboratory
367 and expended in accordance with applicable rules and regulations
368 of the Fiscal Management Board. Such fees may be used for any
369 authorized expenditure of the crime laboratory except expenditures
370 for salaries, wages and fringe benefits.

371 SECTION 10. Section 45-1-31, Mississippi Code of 1972, is
372 brought forward as follows:

373 45-1-31. (1) The crime laboratory shall be empowered to
374 purchase, equip and maintain vehicles, as authorized by law, and
375 other conveyances for necessary business such as travel to court,
376 crime scene assistance and consultation. The vehicles shall be
377 independent of the vehicles purchased and operated by the
378 Department of Public Safety.

379 (2) Obsolete non-repairable or salvageable equipment shall
380 be sold, as provided by law, and the funds so derived shall go
381 into the account of the crime laboratory and be used to replace
382 such equipment.

383 SECTION 11. Section 45-33-1, Mississippi Code of 1972, is
384 brought forward as follows:

385 45-33-1. (1) Any person residing in this state who has been
386 twice adjudicated delinquent for any sex offense or attempted sex
387 offense or who has been convicted of any sex offense or attempted
388 sex offense or who has been acquitted by reason of insanity for
389 any sex offense or attempted sex offense shall register with the
390 Mississippi Department of Public Safety. The department shall
391 automatically forward the initial registration information as well
392 as any changes of address to the sheriff of the county of the
393 residence address of the registrant, to the Federal Bureau of
394 Investigation and to the appropriate state law enforcement agency
395 of any state to which a registrant is moving or has moved. A

396 sheriff shall maintain records for registrants of the county and
397 shall make available to any person upon request the name, address,
398 place of employment, crime for which convicted and date and place
399 of conviction of any registrant.

400 (2) (a) The following information shall be required for
401 registration: (i) name; (ii) address; (iii) place of employment;
402 (iv) crime for which convicted; (v) date and place of conviction,
403 adjudication, or acquittal by reason of insanity; (vi) aliases
404 used; (vii) Social Security number; (viii) date of birth; (ix)
405 age, race, sex, height, weight, and hair and eye colors; (x) a
406 brief description of the offense or offenses for which the
407 registration is required; (xi) identifying factors; (xii)
408 anticipated future residence; (xiii) offense history; and (xiv)
409 for sexual predators, documentation of any treatment received for
410 any mental abnormality or personality disorder of the person.

411 (b) A person, other than a person confined in a
412 correctional or juvenile detention facility or involuntarily
413 committed on the basis of mental illness, who is required to
414 register on the basis of a sex offense for which a conviction,
415 adjudication of delinquency or acquittal by reason of insanity was
416 entered prior to July 1, 1995, shall register no later than August
417 15, 1995.

418 (c) A person confined in a correctional or juvenile
419 detention facility or involuntarily committed as of July 1, 1995,
420 and who is required to register shall register prior to release in
421 accordance with procedures established by the Department of Public
422 Safety.

423 (d) A person moving to or returning to this state from
424 another jurisdiction shall notify the Department of Public Safety
425 ten (10) days before the person first resides in or returns to a
426 county in this state and shall register with the department within
427 ten (10) days of first residing in or returning to a county of
428 this state.

429 (e) A person required to register on the basis of a
430 conviction, adjudication of delinquency or acquittal by reason of
431 insanity entered after July 1, 1995, shall register within three
432 (3) days of the date of judgment unless the person is immediately
433 confined or committed, in which case the person shall register
434 when released in accordance with the procedures established by the
435 Department of Public Safety. The court shall inform the person of
436 the duty to register and obtain the information required for
437 registration and forward the registration information to the
438 Department of Public Safety within three (3) days.

439 (f) If a person who is required to register under this
440 section is released from prison or placed on parole or supervised
441 release, the Department of Corrections shall perform the
442 registration duties at the time of release and forward the
443 registration information to the Department of Public Safety within
444 three (3) days.

445 (g) If a person required to register under this section
446 is placed on probation, the court, at the time of entering the
447 order, shall obtain the registration information and forward the
448 registration information to the Department of Public Safety within
449 three (3) days.

450 (3) Any person required to register who is neither
451 incarcerated, detained nor committed at the time the requirement
452 to register shall attach shall present himself to the county
453 sheriff who shall perform the registration duties and forward the
454 registration information to the Department of Public Safety within
455 three (3) days.

456 (4) For the purposes of this chapter, the following words
457 shall have the meanings ascribed herein unless the context clearly
458 requires otherwise:

459 (a) "Sexual predator" means a person who has been
460 convicted of a sex offense and who suffers from a mental
461 abnormality or personality disorder that makes the person likely

462 to engage in predatory sexual offenses.

463 (b) "Mental abnormality" means a congenital or acquired
464 condition of a person that affects the emotional or volitional
465 capacity of the person in a manner that predisposes that person to
466 the commission of criminal sexual acts to a degree that makes the
467 person a menace to the health and safety of other persons.

468 (c) "Predatory" means an act directed at a stranger, or
469 a person with whom a relationship has been established or promoted
470 for the primary purpose of victimization.

471 (d) "Sex offense" means any of the following offenses:

472 Section 97-3-65 relating to rape and the carnal knowledge of
473 a child under fourteen (14) years of age;

474 Section 97-3-67 relating to the carnal knowledge of unmarried
475 persons over fourteen (14) and under eighteen (18) years of age;

476 Section 97-3-71 relating to rape and assault with intent to
477 ravish;

478 Section 97-3-95 relating to sexual battery;

479 Section 97-5-21 relating to seduction of a child under age
480 eighteen (18);

481 Section 97-5-23 relating to the touching of a child for
482 lustful purposes;

483 Section 97-5-27 relating to the dissemination of sexually
484 oriented material to children;

485 Section 97-5-33 relating to the exploitation of children;

486 Section 97-5-41 relating to the carnal knowledge of a
487 stepchild, adopted child or child of a cohabiting partner;

488 Section 97-29-59 relating to unnatural intercourse;

489 Section 97-3-53 relating to kidnapping, if the victim was
490 below the age of eighteen (18); or

491 Any other offense committed in another jurisdiction which, if
492 committed in this state, would be deemed to be such a crime
493 without regard to its designation elsewhere.

494 (e) "Registration duties" means obtaining the

495 registration information required as well as the photograph,
496 fingerprints, and blood sample of the registrant. Blood samples
497 are to be forwarded to the State Crime Laboratory pursuant to
498 Section 45-33-15; the photograph, fingerprints and other
499 registration information are to be forwarded to the Department of
500 Public Safety within three (3) days.

501 (5) Upon any change of address, a registrant under this
502 chapter must notify the department no less than ten (10) days
503 before he intends to first reside at the new address.

504 (6) If a sex offense for which the individual was convicted,
505 adjudicated delinquent or acquitted by reason of insanity was a
506 felony, or, if committed in another jurisdiction, would be
507 considered a felony under the laws of this state, violation of
508 this section shall be punishable by a fine of not less than One
509 Thousand Five Hundred Dollars (\$1,500.00) nor more than Five
510 Thousand Dollars (\$5,000.00), or imprisonment in the State
511 Penitentiary for not less than one (1) year nor more than five (5)
512 years, or both. If the sex offense for which the individual was
513 convicted, adjudicated delinquent or acquitted by reason of
514 insanity was a misdemeanor, or, if committed in another
515 jurisdiction, would be considered a misdemeanor under the laws of
516 this state, violation of this section shall be punishable by a
517 fine of not less than One Hundred Dollars (\$100.00) nor more than
518 One Thousand Dollars (\$1,000.00) or imprisonment in the county
519 jail for not less than thirty (30) days nor more than one (1)
520 year.

521 (7) Registrants shall re-register every ninety (90) days:

522 (a) The Department of Public Safety shall mail a
523 nonforwardable verification form to the last reported address of
524 the person every ninety (90) days.

525 (b) The person shall mail the verification form to the
526 department within ten (10) days after receipt of the form, stating
527 whether the person still resides at the address last reported.

528 (c) If the person fails to mail the verification form
529 to the department within ten (10) days after receipt of the form,
530 the person shall be in violation of this section unless the person
531 proves that the person has not changed residence address.

532 SECTION 12. Section 45-33-15, Mississippi Code of 1972, is
533 brought forward as follows:

534 45-33-15. (1) The Mississippi Crime Laboratory shall
535 develop a plan for and establish a deoxyribonucleic acid (DNA)
536 identification system. In implementing the plan, the Mississippi
537 Crime Laboratory shall purchase the appropriate equipment. The
538 DNA identification system as established herein shall be
539 compatible with that utilized by the Federal Bureau of
540 Investigation.

541 (2) The Mississippi Crime Laboratory shall report on the DNA
542 identification system to the Mississippi State Legislature no
543 later than November 1, 1994. The report shall include the
544 following:

545 (a) Specific rules and procedures to be used for the
546 collection, analysis, storage, expungement and use of DNA
547 identification data;

548 (b) Specific requirements for the proper administration
549 and collection of blood samples; and

550 (c) A system analysis, a cost purchase analysis, a
551 vendor bid evaluation and a space location analysis that includes
552 a site determination.

553 (3) (a) From and after January 1, 1996, every individual
554 convicted of a sex offense or in the custody of the Mississippi
555 Department of Corrections for a sex offense as defined in Section
556 45-33-1 shall have a blood sample drawn for purposes of DNA
557 identification analysis before release from or transfer to a state
558 correctional facility or county jail or other detention facility.

559 (b) From and after January 1, 1996, any person having a
560 duty to register under Section 45-33-1 for whom a DNA analysis is

561 not already on file shall have a blood sample drawn for purposes
562 of DNA identification analysis within five (5) working days after
563 registration.

564 SECTION 13. Section 63-11-5, Mississippi Code of 1972, is
565 brought forward as follows:

566 63-11-5. (1) Any person who operates a motor vehicle upon
567 the public highways, public roads and streets of this state shall
568 be deemed to have given his consent, subject to the provisions of
569 this chapter, to a chemical test or tests of his breath for the
570 purpose of determining alcohol concentration. A person shall give
571 his consent to a chemical test or tests of his breath, blood or
572 urine for the purpose of determining the presence in his body of
573 any other substance which would impair a person's ability to
574 operate a motor vehicle. The test or tests shall be administered
575 at the direction of any highway patrol officer, any sheriff or his
576 duly commissioned deputies, any police officer in any incorporated
577 municipality, any national park ranger, any officer of a
578 state-supported institution of higher learning campus police force
579 if such officer is exercising this authority in regard to a
580 violation that occurred on campus property, or any security
581 officer appointed and commissioned pursuant to the Pearl River
582 Valley Water Supply District Security Officer Law of 1978 if such
583 officer is exercising this authority in regard to a violation that
584 occurred within the limits of the Pearl River Valley Water Supply
585 District, when such officer has reasonable grounds and probable
586 cause to believe that the person was driving or had under his
587 actual physical control a motor vehicle upon the public streets or
588 highways of this state while under the influence of intoxicating
589 liquor or any other substance which had impaired such person's
590 ability to operate a motor vehicle. No such test shall be
591 administered by any person who has not met all the educational and
592 training requirements of the appropriate course of study
593 prescribed by the Board on Law Enforcement Officers Standards and

594 Training; provided, however, that sheriffs and elected chiefs of
595 police shall be exempt from such educational and training
596 requirement. No such tests shall be given by any officer or any
597 agency to any person within fifteen (15) minutes of consumption of
598 any substance by mouth.

599 (2) If the officer has reasonable grounds and probable cause
600 to believe such person to have been driving a motor vehicle upon
601 the public highways, public roads, and streets of this state while
602 under the influence of intoxicating liquor, such officer shall
603 inform such person that his failure to submit to such chemical
604 test or tests of his breath shall result in the suspension of his
605 privilege to operate a motor vehicle upon the public streets and
606 highways of this state for a period of ninety (90) days in the
607 event such person has not previously been convicted of a violation
608 of Section 63-11-30, or, for a period of one (1) year in the event
609 of any previous conviction of such person under Section 63-11-30.

610 (3) The traffic ticket, citation or affidavit issued to a
611 person arrested for a violation of this chapter shall conform to
612 the requirements of Section 63-9-21(3)(b).

613 (4) Any person arrested under the provisions of this chapter
614 shall be informed that he has the right to telephone for the
615 purpose of requesting legal or medical assistance immediately
616 after being booked for a violation under this chapter.

617 (5) The Commissioner of Public Safety and the State Crime
618 Laboratory created pursuant to Section 45-1-17 are hereby
619 authorized from and after the passage of this section to adopt
620 procedures, rules and regulations, applicable to the Implied
621 Consent Law.

622 SECTION 14. Section 63-11-8, Mississippi Code of 1972, is
623 brought forward as follows:

624 63-11-8. (1) The operator of any motor vehicle involved in
625 an accident that results in a death shall be tested for the
626 purpose of determining the alcohol content or drug content of such

627 operator's blood, breath or urine. Any blood withdrawal required
628 by this section shall be administered by any qualified person and
629 shall be administered within two (2) hours after such accident, if
630 possible. The exact time of the accident, to the extent possible,
631 and the exact time of the blood withdrawal shall be recorded.

632 (2) If any investigating law enforcement officer has
633 reasonable grounds to believe that a person is the operator of a
634 motor vehicle involved in an accident that has resulted in a
635 death, it shall be such officer's duty to see that a chemical test
636 is administered as required by this section.

637 (3) The results of a test administered pursuant to this
638 section may be used as evidence in any court or administrative
639 hearing without the consent of the person so tested.

640 (4) No person may refuse to submit to a chemical test
641 required under the provisions of this section.

642 (5) Analysis of blood or urine to determine alcohol or drug
643 content pursuant to this section shall be conducted by the
644 Mississippi Crime Laboratory or a laboratory whose methods and
645 procedures have been approved by the Mississippi Crime Laboratory.

646 SECTION 15. Section 63-11-13, Mississippi Code of 1972, is
647 brought forward as follows:

648 63-11-13. The person tested may, at his own expense, have a
649 physician, registered nurse, clinical laboratory technologist or
650 clinical laboratory technician or any other qualified person of
651 his choosing administer a test, approved by the State Crime
652 Laboratory created pursuant to Section 45-1-17, in addition to any
653 other test, for the purpose of determining the amount of alcohol
654 in his blood at the time alleged as shown by chemical analysis of
655 his blood, breath or urine. The failure or inability to obtain an
656 additional test by such arrested person shall not preclude the
657 admissibility in evidence of the test taken at the direction of a
658 law enforcement officer.

659 SECTION 16. Section 63-11-19, Mississippi Code of 1972, is

660 brought forward as follows:

661 63-11-19. A chemical analysis of the person's breath, blood
662 or urine, to be considered valid under the provisions of this
663 section, shall have been performed according to methods approved
664 by the State Crime Laboratory created pursuant to Section 45-1-17
665 and the Commissioner of Public Safety and performed by an
666 individual possessing a valid permit issued by the State Crime
667 Laboratory for making such analysis. The State Crime Laboratory
668 and the Commissioner of Public Safety are authorized to approve
669 satisfactory techniques or methods, to ascertain the
670 qualifications and competence of individuals to conduct such
671 analyses, and to issue permits which shall be subject to
672 termination or revocation at the discretion of the State Crime
673 Laboratory. The State Crime Laboratory shall not approve the
674 permit required herein for any law enforcement officer other than
675 a member of the State Highway Patrol, a sheriff or his deputies, a
676 city policeman, an officer of a state-supported institution of
677 higher learning campus police force, a security officer appointed
678 and commissioned pursuant to the Pearl River Valley Water Supply
679 District Security Officer Law of 1978, a national park ranger, a
680 national park ranger technician, a military policeman stationed at
681 a United States military base located within this state other than
682 a military policeman of the Army or Air National Guard or of
683 Reserve Units of the Army, Air Force, Navy or Marine Corps, or a
684 conservation officer employed by the Mississippi Department of
685 Wildlife, Fisheries and Parks. The permit given a conservation
686 officer shall authorize such officer to administer tests only for
687 violations of Sections 59-23-1 through 59-23-7.

688 The State Crime Laboratory shall make periodic, but not less
689 frequently than quarterly, tests of the methods, machines or
690 devices used in making chemical analysis of a person's breath as
691 shall be necessary to ensure the accuracy thereof, and shall issue
692 its certificate to verify the accuracy of the same.

693 SECTION 17. Section 63-11-32, Mississippi Code of 1972, is
694 brought forward as follows:

695 63-11-32. (1) The State Department of Public Safety in
696 conjunction with the Governor's Highway Safety Program, the State
697 Board of Health, or any other state agency or institution shall
698 develop and implement a driver improvement program for persons
699 identified as first offenders convicted of driving while under the
700 influence of intoxicating liquor or another substance which had
701 impaired such person's ability to operate a motor vehicle,
702 including provision for referral to rehabilitation facilities.

703 (2) The program shall consist of a minimum of ten (10) hours
704 of instruction. Each person who participates shall pay a nominal
705 fee to defray a portion of the cost of the program.

706 (3) Such assessments as are collected under subsection (2)
707 of Section 99-19-73 shall be deposited in a special fund hereby
708 created in the State Treasury and designated the "Mississippi
709 Alcohol Safety Education Program Fund." Monies deposited in such
710 fund shall be expended by the Board of Trustees of State
711 Institutions of Higher Learning as authorized and appropriated by
712 the Legislature to defray the costs of the Mississippi Alcohol
713 Safety Education Program operated pursuant to the provisions of
714 this section. Any revenue in the fund which is not encumbered at
715 the end of the fiscal year shall lapse to the General Fund.

716 (4) Such assessments as are collected under subsection (2)
717 of Section 99-19-73 shall be deposited in a special fund hereby
718 created in the State Treasury and designated the "Federal-State
719 Alcohol Program Fund." Monies deposited in such fund shall be
720 expended by the Department of Public Safety as authorized and
721 appropriated by the Legislature to defray the costs of alcohol and
722 traffic safety programs. Any revenue in the fund which is not
723 encumbered at the end of the fiscal year shall lapse to the
724 General Fund.

725 (5) Such assessments as are collected under subsection (2)

726 of Section 99-19-73 shall be deposited in a special fund hereby
727 created in the State Treasury and designated the "Mississippi
728 Crime Laboratory Implied Consent Law Fund." Monies deposited in
729 such fund shall be expended by the Department of Public Safety as
730 authorized and appropriated by the Legislature to defray the costs
731 of equipment replacement and operational support of the
732 Mississippi Crime Laboratory relating to enforcement of the
733 Implied Consent Law. Any revenue in the fund which is not
734 encumbered at the end of the fiscal year shall not lapse to the
735 General Fund but shall remain in the fund.

736 SECTION 18. Section 63-11-47, Mississippi Code of 1972, is
737 brought forward as follows:

738 63-11-47. The Commissioner of Public Safety, acting in
739 concert with the State Crime Laboratory created pursuant to
740 Section 45-1-17, is hereby expressly authorized and directed to
741 determine the equipment and supplies which are adequate and
742 necessary from both a medical and law enforcement standpoint for
743 administration of this chapter. The Commissioner of Public
744 Safety, upon receiving such recommendation from the State Crime
745 Laboratory, shall recommend an equipment standard for such
746 equipment to the State Fiscal Management Board. The State Fiscal
747 Management Board, using such a uniform standard for said
748 equipment, shall advertise its intention of purchasing said
749 equipment by one (1) publication in at least one (1) newspaper
750 having general circulation in the State of Mississippi at least
751 ten (10) days before the purchase of such equipment and supplies,
752 and the advertisement shall clearly and distinctly describe the
753 articles to be purchased, and shall receive sealed bids thereon
754 which shall be opened in public at a time and place to be
755 specified in the advertisement.

756 The State Fiscal Management Board shall accept the lowest and
757 best bid for said equipment and supplies; in its discretion, it
758 may reject any and all bids submitted. The lowest and best bid

759 for said equipment and supplies accepted by the State Fiscal
760 Management Board shall be the state-approved price of said
761 equipment for purchase by the state, county and city governments.

762 Title to all such testing equipment in the state purchased
763 hereunder shall remain in the Commissioner of Public Safety
764 regardless of what entity pays the purchase price.

765 The state, counties and municipalities may purchase in the
766 name of the Commissioner of Public Safety such equipment and
767 supplies from other vendors of said equipment and supplies
768 necessary to implement this chapter, provided they purchase of the
769 same quality and standard as certified to the State Fiscal
770 Management Board and approved by the department. However, such
771 equipment and supplies shall not be purchased by the state,
772 counties and municipalities unless it is at a price equivalent to
773 or lower than that approved by the State Fiscal Management Board,
774 pursuant to the bid procedure as outlined herein.

775 SECTION 19. Section 99-19-73, Mississippi Code of 1972, is
776 brought forward as follows:

777 99-19-73. (1) **Traffic Violations.** In addition to any
778 monetary penalties and any other penalties imposed by law, there
779 shall be imposed and collected the following state assessment from
780 each person upon whom a court imposes a fine or other penalty for
781 any violation in Title 63, Mississippi Code of 1972, except
782 offenses relating to the Mississippi Implied Consent Law (Section
783 63-11-1 et seq.) and offenses relating to vehicular parking or
784 registration:

785	FUND	AMOUNT
786	State Court Education Fund.....	\$ 1.50
787	State Prosecutor Education Fund.....	.50
788	Driver Training Penalty Assessment Fund.....	7.00
789	Law Enforcement Officers Training Fund.....	5.00
790	Spinal Cord and Head Injury Trust Fund	
791	(for all moving violations).....	4.00

792 Emergency Medical Services Operating Fund..... 10.00
793 Mississippi Leadership Council on Aging
794 Fund..... 1.00
795 TOTAL STATE ASSESSMENT..... \$ 29.00

796 (2) **Implied Consent Law Violations.** In addition to any
797 monetary penalties and any other penalties imposed by law, there
798 shall be imposed and collected the following state assessment from
799 each person upon whom a court imposes a fine or any other penalty
800 for any violation of the Mississippi Implied Consent Law (Section
801 63-11-1 et seq.):

802 FUND	AMOUNT
803 Crime Victims' Compensation Fund.....	\$ 10.00
804 State Court Education Fund.....	1.50
805 State Prosecutor Education Fund.....	.50
806 Driver Training Penalty Assessment Fund.....	22.00
807 Law Enforcement Officers Training Fund.....	11.00
808 Emergency Medical Services Operating Fund.....	10.00
809 Mississippi Alcohol Safety Education Program Fund.....	5.00
810 Federal-State Alcohol Program Fund.....	10.00
811 Mississippi Crime Laboratory	
812 Implied Consent Law Fund.....	25.00
813 Spinal Cord and Head Injury Trust Fund.....	25.00
814 State General Fund.....	35.00
815 TOTAL STATE ASSESSMENT.....	\$155.00

816 (3) **Game and Fish Law Violations.** In addition to any
817 monetary penalties and any other penalties imposed by law, there
818 shall be imposed and collected the following state assessment from
819 each person upon whom a court imposes a fine or other penalty for
820 any violation of the game and fish statutes or regulations of this
821 state:

822 FUND	AMOUNT
823 State Court Education Fund.....	\$ 1.50
824 State Prosecutor Education Fund.....	.50

825 Law Enforcement Officers Training Fund..... 5.00
 826 Hunter Education and Training Program Fund..... 5.00
 827 State General Fund..... 30.00
 828 TOTAL STATE ASSESSMENT..... \$ 42.00

829 (4) **Litter Law Violations.** In addition to any monetary
 830 penalties and any other penalties imposed by law, there shall be
 831 imposed and collected the following state assessment from each
 832 person upon whom a court imposes a fine or other penalty for any
 833 violation of Section 97-15-29 or 97-15-30:

834 FUND	AMOUNT
835 Statewide Litter Prevention Fund.....	\$ 25.00
836 TOTAL STATE ASSESSMENT.....	\$ 25.00

837 (5) **Other Misdemeanors.** In addition to any monetary
 838 penalties and any other penalties imposed by law, there shall be
 839 imposed and collected the following state assessment from each
 840 person upon whom a court imposes a fine or other penalty for any
 841 misdemeanor violation not specified in subsection (1), (2) or (3)
 842 of this section, except offenses relating to vehicular parking or
 843 registration:

844 FUND	AMOUNT
845 Crime Victims' Compensation Fund.....	\$ 10.00
846 State Court Education Fund.....	1.50
847 State Prosecutor Education Fund.....	.50
848 Law Enforcement Officers Training Fund.....	5.00
849 State General Fund.....	30.00
850 State Crime Stoppers Fund.....	1.50
851 TOTAL STATE ASSESSMENT.....	\$ 48.50

852 (6) **Other Felonies.** In addition to any monetary penalties
 853 and any other penalties imposed by law, there shall be imposed and
 854 collected the following state assessment from each person upon
 855 whom a court imposes a fine or other penalty for any felony
 856 violation not specified in subsection (1), (2) or (3) of this
 857 section:

858	FUND	AMOUNT
859	Crime Victims' Compensation Fund.....	\$ 10.00
860	State Court Education Fund.....	1.50
861	State Prosecutor Education Fund.....	.50
862	Law Enforcement Officers Training Fund.....	5.00
863	State General Fund.....	60.00
864	Criminal Justice Fund.....	50.00
865	TOTAL STATE ASSESSMENT.....	\$127.00

866 (7) If a fine or other penalty imposed is suspended, in
867 whole or in part, such suspension shall not affect the state
868 assessment under this section. No state assessment imposed under
869 the provisions of this section may be suspended or reduced by the
870 court.

871 (8) After a determination by the court of the amount due, it
872 shall be the duty of the clerk of the court to promptly collect
873 all state assessments imposed under the provisions of this
874 section. The state assessments imposed under the provisions of
875 this section may not be paid by personal check. It shall be the
876 duty of the chancery clerk of each county to deposit all such
877 state assessments collected in the circuit, county and justice
878 courts in such county on a monthly basis with the State Treasurer
879 pursuant to appropriate procedures established by the State
880 Auditor. The chancery clerk shall make a monthly lump-sum deposit
881 of the total state assessments collected in the circuit, county
882 and justice courts in such county under this section, and shall
883 report to the Department of Finance and Administration the total
884 number of violations under each subsection for which state
885 assessments were collected in the circuit, county and justice
886 courts in such county during such month. It shall be the duty of
887 the municipal clerk of each municipality to deposit all such state
888 assessments collected in the municipal court in such municipality
889 on a monthly basis with the State Treasurer pursuant to
890 appropriate procedures established by the State Auditor. The

891 municipal clerk shall make a monthly lump-sum deposit of the total
892 state assessments collected in the municipal court in such
893 municipality under this section, and shall report to the
894 Department of Finance and Administration the total number of
895 violations under each subsection for which state assessments were
896 collected in the municipal court in such municipality during such
897 month.

898 (9) It shall be the duty of the Department of Finance and
899 Administration to deposit on a monthly basis all such state
900 assessments into the proper special fund in the State Treasury.
901 The monthly deposit shall be based upon the number of violations
902 reported under each subsection and the pro rata amount of such
903 assessment due to the appropriate special fund. The Department of
904 Finance and Administration shall issue regulations providing for
905 the proper allocation of these special funds.

906 (10) The State Auditor shall establish by regulation
907 procedures for refunds of state assessments, including refunds
908 associated with assessments imposed before July 1, 1990, and
909 refunds after appeals in which the defendant's conviction is
910 reversed. The auditor shall provide in such regulations for
911 certification of eligibility for refunds and may require the
912 defendant seeking a refund to submit a verified copy of a court
913 order or abstract by which such defendant is entitled to a refund.
914 All refunds of state assessments shall be made in accordance with
915 the procedures established by the auditor.

916 SECTION 20. This act shall take effect and be in force from
917 and after July 1, 1999.