

By: Representatives Brown, Mayo, Whittington To: Judiciary En Banc

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 551

1 AN ACT TO AMEND SECTION 99-17-20, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THE USE OF DNA EVIDENCE IN CAPITAL CASES; AND FOR
3 RELATED PURPOSES.

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

5 **SECTION 1.** Section 99-17-20, Mississippi Code of 1972, is
6 amended as follows:

7 99-17-20. (1) No person shall be tried for capital murder,
8 or any other crime punishable by death as provided by law, unless
9 such offense was specifically cited in the indictment returned
10 against the accused by setting forth the section and subsection
11 number of the code defining the offense alleged to have been
12 committed by the accused. The judge, in cases where the offense
13 cited in the indictment is punishable by death, may grant an
14 instruction for the state or the defendant which instructs the
15 jury as to their discretion to convict the accused of the
16 commission of an offense not specifically set forth in the
17 indictment returned against the accused. Any conviction of the
18 accused for an offense punishable by death shall not be valid
19 unless the offense for which the accused is convicted shall have
20 been set forth in the indictment by section and subsection number
21 of the code which defined the offense allegedly committed by the
22 accused.

23 (2) If biological evidence is available, the state shall
24 notify a defendant in a capital case of the existence of such
25 evidence. The state shall administer a DNA (deoxyribonucleic
26 acid) test of such biological evidence and shall provide the
27 results of such test to the defendant. If the results of such

28 test prove guilt, the defendant may request independent testing of
29 such evidence at the state's expense.

30 **SECTION 2.** This act shall take effect and be in force from
31 and after its passage.