

By: Senator(s) Nunnelee

To: Judiciary, Division A

SENATE BILL NO. 2120

1 AN ACT TO AMEND SECTION 93-9-27, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE THE DEPARTMENT OF HUMAN SERVICES TO ADMINISTRATIVELY
3 REPORT PUTATIVE PATERNITY UNDER CERTAIN CONDITIONS; AND FOR
4 RELATED PURPOSES.

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

6 **SECTION 1.** Section 93-9-27, Mississippi Code of 1972, is
7 amended as follows:

8 93-9-27. (1) If the court finds that the conclusions of all
9 the experts, as disclosed by the evidence based upon the tests,
10 are that the alleged father is not the father of the child, the
11 question of paternity shall be resolved accordingly. If an expert
12 concludes that the blood or other tests show the probability of
13 paternity, such evidence shall be admitted.

14 (2) There shall be rebuttable presumption, affecting the
15 burden of proof, * * * if the court finds that the probability of
16 paternity, as calculated by the experts qualified as examiners of
17 genetic tests, is ninety-eight percent (98%) or greater. This
18 presumption may only be rebutted by a preponderance of the
19 evidence.

20 (3) Parties to an action to establish paternity shall not be
21 entitled to a jury trial.

22 (4) The Mississippi Department of Human Services may report
23 as positive any putative paternity if the probability of
24 paternity, as calculated by the experts qualified as examiners of
25 genetic tests, is ninety-nine percent (99%) or greater, subject
26 only to a subsequent determination of nonpaternity ordered by a
27 court under this chapter.

28 **SECTION 2.** This act shall take effect and be in force from
29 and after July 1, 2007.