

By: Senator(s) Hopson

To: Judiciary, Division B

SENATE BILL NO. 2568  
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 45-47-1, MISSISSIPPI CODE OF 1972,  
2 KNOWN AS "KATIE'S LAW," TO PROVIDE THAT AN ARRESTEE'S DNA SAMPLE  
3 MAY BE DESTROYED AND THE RECORD DELETED FROM THE DATABASE UPON  
4 MOTION OF ONE OF THE PARTIES, OR THE COURT SUA SPONTE; TO  
5 AUTHORIZE AN ADDITIONAL COUNTY COURT JUDGE FOR LEE COUNTY; AND FOR  
6 RELATED PURPOSES.

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

8 **SECTION 1.** Section 45-47-1, Mississippi Code of 1972, is  
9 amended as follows:

10 45-47-1. (1) Every person who is arrested for the  
11 commission or attempted commission of a crime of violence as  
12 defined in Section 97-3-2 shall provide a biological sample for  
13 DNA testing to jail or detention center personnel upon booking.  
14 The analysis shall be performed by the Mississippi \* \* \* Forensics  
15 Lab or other entity designated by the Department of Public Safety,  
16 and the results shall be maintained by the \* \* \* Forensics Lab  
17 according to standard protocols adopted for maintenance of DNA  
18 records in conformity to federal guidelines for the maintenance of  
19 such records.



20 (2) (a) A DNA sample shall be collected by an individual  
21 who is trained in the collection procedures that the \* \* \*  
22 Forensics Laboratory uses.

23 (b) \* \* \* Upon motion of one (1) of the parties, or sua  
24 sponte by the court \* \* \*, the court may direct the \* \* \*  
25 Forensics Lab \* \* \* to destroy the sample and delete from the  
26 database all records thereof if there is no other pending  
27 qualifying warrant or capias for an arrest or felony conviction  
28 that would require that the sample remain in the DNA data  
29 bank \* \* \* if:

30 (i) The charge for which the sample was taken is  
31 dismissed;

32 (ii) The defendant is acquitted at trial or  
33 convicted of a lesser-included misdemeanor offense that is not an  
34 offense listed in this section;

35 (iii) No charge was filed within the statute of  
36 limitations, if any; or

37 (iv) No conviction has occurred, at least three  
38 (3) years have passed since the date of arrest, and there is no  
39 active prosecution.

40 (3) (a) Any person who, without authority, disseminates  
41 information contained in the DNA data bank shall be guilty of a  
42 misdemeanor.

43 (b) Any person who disseminates, receives, or otherwise  
44 uses or attempts to use information in the DNA data bank, knowing



45 that the dissemination, receipt or use is for a purpose other than  
46 as authorized by law, shall be guilty of a misdemeanor.

47 (c) Except as authorized by law, any person who obtains  
48 or attempts to obtain any sample for purposes of having DNA  
49 analysis performed shall be guilty of a felony.

50 (4) (a) Any person convicted under subsection (3)(a) shall  
51 be sentenced to a fine not to exceed Five Hundred Dollars  
52 (\$500.00) or confinement in the county jail not to exceed thirty  
53 (30) days, or both.

54 (b) Any person convicted under subsection (3)(b) shall  
55 be sentenced to a fine not to exceed One Thousand Dollars  
56 (\$1,000.00) or confinement in the county jail not to exceed six  
57 (6) months, or both.

58 (c) Any person convicted under subsection (3)(c) shall  
59 be sentenced to a fine not to exceed One Thousand Dollars  
60 (\$1,000.00) or commitment to the custody of the Department of  
61 Corrections not to exceed two (2) years, or both.

62 \* \* \*

63 **SECTION 2.** (1) In order to relieve the crowded condition of  
64 the docket in the county court and in the youth court of Lee  
65 County and particularly to facilitate and make possible the trial  
66 and disposition of the large number of causes in the youth court,  
67 there shall be two (2) county judges for Lee County, provided for  
68 and elected as herein set out.



69           (2) For the purposes of nomination and election, the two (2)  
70 judgeships shall be separate and distinct, with the county  
71 judgeship that existed on January 1, 2018, to be denominated for  
72 purposes of appointment, nomination and election only as "Place  
73 One" and the additional judgeship hereby created to be designated  
74 as "Place Two." There shall be no distinction whatsoever in the  
75 powers, duties and emoluments of the two (2) offices of county  
76 judge, except that the county judge of Lee County who has been for  
77 the longest time continuously a county judge of the county shall  
78 have the right to assign causes, terms and dockets. Should  
79 neither judge of the county court have served longer in office  
80 than the other, then that judge of the county court who has been  
81 for the longest time a member of The Mississippi Bar shall have  
82 the right to assign causes, terms and dockets.

83           (3) While there shall be no limitation whatsoever upon the  
84 powers and duties of the county judges other than as cast upon  
85 them by the Constitution and laws of this state, the county court  
86 of Lee County may, in the discretion of the county judge who has  
87 been for the longest time continuously a judge of the court, be  
88 divided into civil, equity, criminal and youth court divisions as  
89 a matter of convenience by the entry of an order upon the minutes  
90 of the court.

91           (4) The initial holder of the additional judgeship created  
92 by this section, or "Place Two," shall be elected in the regular  
93 election of November 2018. The person elected shall begin the



94 term of office in January 2019 at the same time as county judges  
95 generally, and there shall be no vacancy of the office before that  
96 time. The two (2) judges shall otherwise be elected, and any  
97 vacancy in office filled, as provided for county judges generally.

98 (5) Each county judge shall appoint a court reporter in  
99 accordance with Section 9-13-61 for the purpose of doing the  
100 necessary stenographic work of the court.

101 (6) The Board of Supervisors of Lee County may, in its  
102 discretion, set aside, appropriate and expend monies from the  
103 general fund to be used in the payment of salaries of judges,  
104 clerks, reporters, officers and employees of the youth court  
105 division of the county court, including the related facilities of  
106 the youth court division of the county court, and such funds shall  
107 be expended for no other purposes. The county shall not be  
108 reimbursed for the amount of any such levy provided for by this  
109 section under the terms of the Homestead Exemption Law.

110 **SECTION 3.** This act shall take effect and be in force from  
111 and after its passage.

