

By: Representatives Cockerham, Gunn

To: Judiciary A

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 672

1 AN ACT TO REQUIRE ANY MEDICAL FACILITY OR ANY OTHER FACILITY
2 THAT CONDUCTS A MEDICAL FORENSIC EXAMINATION ON AN ALLEGED RAPE OR
3 SEXUAL ASSAULT VICTIM AND PREPARES A SEXUAL ASSAULT EVIDENCE
4 COLLECTION KIT TO IMMEDIATELY CONTACT THE APPROPRIATE LAW
5 ENFORCEMENT AGENCY TO COLLECT THE KIT; TO REQUIRE THE LAW
6 ENFORCEMENT AGENCY TO IMMEDIATELY COLLECT AND STORE THE KIT IN
7 COMPLIANCE WITH CERTAIN STANDARDS; TO REQUIRE THE LAW ENFORCEMENT
8 AGENCY TO SEND THE KIT TO THE MISSISSIPPI FORENSICS LABORATORY
9 WITHIN A CERTAIN NUMBER OF DAYS; TO REQUIRE THE FORENSICS
10 LABORATORY TO PROCESS THE KIT AND ENTER DNA INFORMATION INTO THE
11 APPROPRIATE FEDERAL, STATE AND LOCAL DATABASES; TO CREATE THE
12 SEXUAL ASSAULT EVIDENCE KIT ACCOUNTABILITY TASK FORCE; TO PROVIDE
13 THE PURPOSE OF THE TASK FORCE; TO AMEND SECTION 99-37-25,
14 MISSISSIPPI CODE OF 1972, TO CLARIFY THAT THE VICTIMS COMPENSATION
15 FUND SHALL PAY ALL MEDICAL COSTS ASSOCIATED WITH FORENSIC MEDICAL
16 EXAMINATION AND PREPARATION OF SEXUAL ASSAULT EVIDENCE KITS; TO
17 AMEND SECTION 99-49-1, MISSISSIPPI CODE OF 1972, TO REVISE THE
18 PROCEDURES FOR PRESERVATION OF BIOLOGICAL EVIDENCE; TO AMEND
19 SECTION 45-47-1, MISSISSIPPI CODE OF 1972, TO REQUIRE DNA SAMPLES
20 OF THOSE ARRESTED FOR THE COMMISSION OR ATTEMPTED COMMISSION OF
21 RAPE OR SEXUAL ASSAULT TO BE ENTERED INTO FEDERAL, STATE AND LOCAL
22 DATABASES FOR COMPARISON TO OTHER SAMPLES; TO AMEND SECTION
23 73-15-20, MISSISSIPPI CODE OF 1972, TO PROVIDE CERTAIN EXEMPTIONS
24 FOR NURSE PRACTITIONER WITH MASTERS OR HIGHER IN ADVANCED FORENSIC
25 NURSING; TO BRING FORWARD SECTION 99-36-5, MISSISSIPPI CODE OF
26 1972, WHICH PROVIDES FOR VICTIMS RIGHTS, FOR PURPOSES OF
27 AMENDMENT; AND FOR RELATED PURPOSES.

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

29 **SECTION 1.** (1) The following words shall have the meanings
30 described in this act:



31 (a) "Medical facility" means any doctor's office,
32 hospital, medical clinic or nonprofit facility equipped to perform
33 forensic medical examinations and prepare sexual assault evidence
34 kits.

35 (b) "Sexual assault" means rape, sexual assault, sexual
36 battery or any other nonconsensual forcible sexual intercourse.

37 (c) "Sexual assault evidence collection kit" means a
38 sexual assault or rape kit approved by the Mississippi Association
39 of Forensic Nurses.

40 (2) (a) Any medical facility that conducts a medical
41 forensic examination and/or prepares a sexual assault evidence
42 collection kit shall immediately contact the appropriate law
43 enforcement agency to collect the kit. The medical facility shall
44 store the kit in a refrigerated manner in conformity with
45 guidelines established by the Sexual Assault Evidence Kit
46 Accountability Task Force until the kit is picked up by
47 appropriate law enforcement. When a law enforcement agency is
48 contacted to collect a sexual assault evidence kit, the agency
49 shall immediately take possession of the kit from the medical
50 facility. For purposes of this paragraph (a), the term
51 "immediately" means no less than twenty-four (24) hours from the
52 time of contact.

53 (b) Upon taking physical possession of the sexual
54 assault evidence collection kit, the law enforcement agency shall
55 transport the kit in a manner that preserves the evidence in the



56 kit, and conforms to the guidelines for transportation of sexual
57 assault evidence kits established by the Sexual Assault Evidence
58 Kit Accountability Task Force. The agency shall: (i) store the
59 kit in a secure, refrigerated location in the agency no more than
60 two (2) hours after taking physical possession of the kit; or (ii)
61 transport the kit directly to the Mississippi Forensics Laboratory
62 in conformity with guidelines established by the Sexual Assault
63 Evidence Kit Accountability Task Force if the agency is unable to
64 store the kit in a secure, refrigerated location in the agency.
65 All kits must be delivered to the Mississippi Forensics Laboratory
66 no later than seven (7) days from the date the law enforcement
67 agency took physical possession of the kit.

68 (3) (a) The Mississippi Forensics Laboratory should test
69 sexual assault evidence collection kits within forty-five (45)
70 days of receipt from a law enforcement agency. Forensic DNA
71 testing shall be performed according to laboratory methods that
72 determine the presence of DNA suitable for autosomal STR analysis.
73 Any autosomal, CODIS eligible DNA profile shall be entered into
74 the Combined DNA Index System (CODIS) or equivalency thereof and
75 state or local DNA database. If the Mississippi Forensics
76 Laboratory is unable to determine DNA present in the sexual
77 assault evidence collection kit, the laboratory should evaluate
78 the case to determine if any other DNA results could be used for
79 investigative purposes.



80 (b) When testing does result in a DNA profile, the
81 Mississippi Forensics Laboratory should enter the full DNA profile
82 into the Combined DNA Index System (CODIS) or equivalency thereof
83 and any other required state or local DNA databases. The average
84 completion rate for this analysis and classification should not
85 exceed sixty (60) days.

86 (c) The Mississippi Forensics Laboratory is authorized
87 to contract with other laboratories to ensure that each kit is
88 tested and the information from such kit is entered into CODIS
89 within the time frames required by this subsection.

90 (4) (a) There is hereby created a Sexual Assault Evidence
91 Kit Accountability Task Force which shall consist of seven (7)
92 members. The Commissioner of the Department of Public Safety, or
93 his or her designee shall be the Chairperson of the task force.
94 The Executive Director of the Mississippi Association of Forensic
95 Nurses, or his or her designee shall be the Co-Chairperson of the
96 task force. The remaining five members of the task force shall be
97 members of, and appointed by the: Mississippi Prosecutors
98 Association, Mississippi Forensics Laboratory, Mississippi Bureau
99 of Investigation, Mississippi Association of Chiefs of Police and
100 the Mississippi Sheriffs Association. The purpose of the task
101 force is to create standards and policies for the maintenance,
102 preservation, transportation and evidentiary chain of custody for
103 sexual assault evidence kits no later than January 1, 2023.



104 (b) The Commissioner of the Department of Public Safety
105 shall convene the members of the task force for its first meeting
106 within thirty (30) days after the effective date of this act. A
107 majority of the members of the task force shall constitute a
108 quorum. An affirmative vote of a majority of the task force shall
109 be required to be recorded in the official minutes of the meeting
110 in which the vote occurred. Meetings of the task force shall be
111 held at the Department of Public Safety or a location designated
112 by a majority of the committee. The task force may convene
113 utilizing an online meeting platform that is accessible for
114 viewing by the public.

115 (c) The Department of Public Safety shall use existing
116 resources, administrative and clerical assistance to support the
117 task force.

118 (d) Members of the task force who are not state
119 employees may be compensated at the per diem rate authorized by
120 Section 25-3-69 and reimbursed in accordance with Section 25-3-41
121 for mileage and actual expenses incurred in the performance of
122 their duties. However, task force members may not incur per diem,
123 travel or other expenses unless previously authorized by vote, at
124 a meeting of the task force, which action must be recorded in the
125 official minutes of the meeting. Per diem and expense payments
126 made pursuant to this subsection may be paid from any funds made
127 available to the task force for that purpose.



128 (e) The task force shall publish all polices, standards
129 and/or regulations it adopts on the website of the Department of
130 Public Safety for use by any state or local law enforcement agency
131 or medical facility that handles sexual assault evidence kits.

132 **SECTION 2.** Section 99-37-25, Mississippi Code of 1972, is
133 amended as follows:

134 99-37-25. (1) (a) When a * * * medical forensic
135 examination is performed and/or a sexual assault evidence
136 collection kit is prepared by a doctor's office, * * * hospital
137 or * * * medical clinic * * * as a result of an alleged rape or
138 sexual assault having occurred in this state, * * * the bill for
139 the medical forensic examination and the preparation of the sexual
140 assault evidence collection kit * * * shall be sent to and shall
141 be paid by the Division of Victim Compensation, Office of the
142 Attorney General. The Division of Victim Compensation shall pay
143 for the medical examination conducted for the procurement of
144 evidence to aid in the investigation and prosecution of the
145 alleged offense. Such payment shall be limited to the customary
146 and usual hospital and physician charges for such services in the
147 area. Such payment shall be made by the Division of Victim
148 Compensation directly to the health care provider. No bill for
149 the examination will be submitted to the victim, nor shall the
150 medical facility hold the victim responsible for payment. The
151 victim may be billed for any further medical services not required
152 for the investigation and prosecution of the alleged offense. In



153 cases where the damage caused by the alleged sexual assault
154 requires medical treatment or diagnosis in addition to the
155 examination, the patient will be given information about the
156 availability of victim compensation and the procedure for applying
157 for such compensation.

158 (b) Upon application submitted by the district
159 attorney, provided the proper warrant or court order has been
160 issued, the county in which an offense of sexual assault or of
161 felonious abuse or battery of a child as described in Section
162 97-5-39, touching or handling a child for lustful purposes as
163 described in Section 97-5-23, exploitation of children as
164 described in Section 97-5-33 or sexual battery as described in
165 Section 97-3-95, or statutory rape as defined in Section 97-3-65,
166 or an attempt to commit such offense has occurred shall pay for a
167 medical forensic examination of the person arrested, charged or
168 convicted of such offense to determine if the person so arrested,
169 charged or convicted has any sexually transmitted disease and for
170 the collection of evidence. Such payment shall be made by the
171 county directly to the health care provider or other service
172 performing the collection of evidence and tests. At the victim's
173 request, a test for human immunodeficiency virus (HIV) shall be
174 administered to the defendant/accused not later than forty-eight
175 (48) hours after the date on which the information or indictment
176 is presented, and the defendant/accused shall be subjected to
177 follow-up testing for HIV upon a determination that such follow-up



178 testing is medically necessary and reasonable. The results of any
179 such test shall be confidential but shall be made available to the
180 victim or, if the victim is a child, to the guardian of the
181 victim. After an indictment, if the case is dismissed, the
182 defendant is found not guilty or the case is not prosecuted within
183 three (3) years of the indictment, all records of tests shall be
184 returned to the accused or destroyed as provided in Section
185 99-49-1. Upon a showing of good cause, the court may retain such
186 records and allow a case to remain open after the expiration of
187 the three-year limitation provided herein.

188 (2) Any defendant who is convicted of, or pleads guilty or
189 nolo contendere to, any offense or an attempt to commit any such
190 offense specified in subsection (1)(b) shall be ordered by the
191 court to make restitution to the Division of Victim Compensation
192 in an amount equal to the compensation paid by the Division of
193 Victim Compensation to the victim or medical provider for the
194 medical forensic examination and to the county for tests for
195 sexually transmitted diseases. Such restitution shall be in
196 addition to any restitution which the court orders the defendant
197 to pay the victim under the provisions of Chapter 37 * * *, Title
198 99, (Sections 99-37-1 through 99-37-21), Mississippi Code of 1972.

199 (3) The Division of Victim Compensation is hereby
200 authorized, in its discretion, to make application for and comply
201 with such requirements as may be necessary to qualify for any



202 federal funds as may be available as a result of services rendered
203 to crime victims under the provisions of this section.

204 **SECTION 3.** Section 99-49-1, Mississippi Code of 1972, is
205 amended as follows:

206 99-49-1. (1) **Legislative intent.** The Legislature finds
207 that:

208 (a) The value of properly preserved biological evidence
209 has been enhanced by the discovery of modern DNA testing methods,
210 which, coupled with a comprehensive system of DNA databases that
211 store crime scene and offender profiles, allow law enforcement to
212 improve its crime-solving potential;

213 (b) Tapping the potential of preserved biological
214 evidence requires the proper identification, collection,
215 preservation, storage, cataloguing and organization of such
216 evidence;

217 (c) Law enforcement agencies indicate that "cold" case
218 investigations are hindered by an inability to access biological
219 evidence that was collected in connection with criminal
220 investigations;

221 (d) Innocent people mistakenly convicted of the serious
222 crimes for which biological evidence is probative cannot prove
223 their innocence if such evidence is not accessible for testing in
224 appropriate circumstances;



225 (e) It is well established that the failure to update
226 policies regarding the preservation of evidence squanders valuable
227 law enforcement resources, manpower hours and storage space; and

228 (f) Simple but crucial enhancements to protocols for
229 properly preserving biological evidence can solve old crimes,
230 enhance public safety and settle claims of innocence.

231 (2) **Definitions.** For the purposes of this section:

232 (a) "Biological evidence" means the contents of a
233 sexual assault examination kit or any item that contains blood,
234 semen, hair, saliva, skin tissue, fingernail scrapings, bone,
235 bodily fluids or other identifiable biological material that was
236 collected as part of the criminal investigation or may reasonably
237 be used to incriminate or exculpate any person for the offense.
238 This definition applies whether that material is catalogued
239 separately, such as on a slide, swab or in a test tube, or is
240 present on other evidence, including, but not limited to,
241 clothing, ligatures, bedding or other household material, drinking
242 cups, cigarettes or other items.

243 (b) "DNA" means deoxyribonucleic acid.

244 (c) "Custody" means persons currently incarcerated;
245 civilly committed; on parole or probation; or subject to sex
246 offender registration for the period of the registration or for
247 the first five (5) years of the registration, whichever is the
248 shorter period.



249 (d) "Profile" means a unique identifier of an
250 individual, derived from DNA.

251 (e) "State" refers to any governmental or public entity
252 within Mississippi, including all private entities that perform
253 such functions, and its officials or employees, including, but not
254 limited to, law enforcement agencies, prosecutors' offices,
255 courts, public hospitals, forensics laboratories, and any other
256 entity or individual charged with the collection, storage or
257 retrieval of biological evidence.

258 (3) **Preservation of evidence procedures.** (a) The state
259 shall preserve all biological evidence:

260 (i) That is secured in relation to an
261 investigation or prosecution of a crime for * * * a period
262 of * * * no less than fifty (50) years; or

263 (ii) That is secured in relation to an
264 investigation or prosecution of a crime for * * * a period
265 of * * * no less than fifty (50) years.

266 (b) This section applies to evidence that:

267 (i) Was in the possession of the state during the
268 investigation and prosecution of the case; and

269 (ii) At the time of conviction was likely to
270 contain biological material.

271 (c) The state shall not destroy biological evidence
272 should one or more additional co-defendants, convicted of the same



273 crime, remain in custody, and shall preserve the evidence for the
274 period of time * * * described in this act.

275 (d) The state shall retain evidence in the amount and
276 manner sufficient to develop a DNA profile from the biological
277 material contained in or included on the evidence.

278 (e) * * * The state shall prepare an inventory of
279 biological evidence that has been preserved in connection with the
280 defendant's criminal case.

281 (f) The state may destroy evidence that includes
282 biological material before the expiration of the time period
283 specified in paragraph (a) of this subsection if all of the
284 following apply:

285 (i) No other provision of federal or state law
286 requires the state to preserve the evidence.

287 (ii) The state sends certified delivery of notice
288 of intent to destroy the evidence to:

289 1. All persons who remain in custody as a
290 result of the criminal conviction, delinquency adjudication, or
291 commitment related to evidence in question;

292 2. The attorney of record for each person in
293 custody;

294 3. The Mississippi Office of Indigent
295 Appeals;

296 4. The district attorney in the county of
297 conviction; and



298 5. The Mississippi Attorney General.
299 (iii) No person who is notified under subparagraph
300 (ii) of this paragraph (f) does either of the following within
301 sixty (60) days after the date on which the person received the
302 notice:

- 303 1. Files a motion for testing of evidence
304 under * * * Chapter 39, Title 99, Mississippi Code of 1972; or
305 2. Submits a written request for retention of
306 evidence to the state entity which provided notice of its intent
307 to destroy evidence under subparagraph (ii) of this paragraph (f).

308 (g) If, after providing notice under paragraph (f)(ii)
309 of this subsection of its intent to destroy evidence, the state
310 receives a written request for retention of the evidence, the
311 state shall retain the evidence while the person remains in
312 custody.

313 (h) * * * When such retention is impracticable, the
314 state shall remove and preserve portions of the material evidence
315 likely to contain biological evidence related to the offense, in a
316 quantity sufficient to permit future DNA testing, before returning
317 or disposing of the physical evidence.

318 (i) Should the state be called upon to produce
319 biological evidence that could not be located and whose
320 preservation was required under the provisions of this statute,
321 the chief evidence custodian assigned to the entity charged with
322 the preservation of the evidence shall provide an affidavit in



323 which the custodian stipulates, under penalty of perjury, an
324 accurate description of the efforts taken to locate that evidence
325 and that the evidence could not be located.

326 (4) This section does not require or otherwise authorize the
327 state to preserve the biological evidence that is obtained in
328 performing the test required by Section 99-3-41 and is required to
329 be destroyed under that section.

330 (5) Any evidence in a murder, manslaughter or felony sexual
331 assault case in the possession of the state on July 1, 2009,
332 whether biological or not, shall be preserved by the state
333 consistent with the legislative intent expressed in subsection (1)
334 and subject to compliance with subsection (3)(f).

335 (6) The preservation of evidence procedures and requirements
336 are subject to appropriate funding for Mississippi Forensics
337 Laboratory personnel dedicated exclusively for these described
338 tasks.

339 (* * *7) **Remedies for noncompliance.** If the court finds
340 that biological evidence was destroyed in violation of the
341 provisions of this section, it may impose appropriate sanctions
342 and order appropriate remedies.

343 **SECTION 4.** Section 45-47-1, Mississippi Code of 1972, is
344 amended as follows:

345 45-47-1. (1) Every person who is arrested for the
346 commission or attempted commission of a crime of violence as
347 defined in Section 97-3-2 shall provide a biological sample for



348 DNA testing to jail or detention center personnel upon booking.
349 The analysis shall be performed by the Mississippi Forensics * * *
350 Laboratory or other entity designated by the Department of Public
351 Safety, and the results shall be maintained by the Forensics * * *
352 Laboratory according to standard protocols adopted for maintenance
353 of DNA records in conformity to federal guidelines for the
354 maintenance of such records. If the person is arrested for the
355 commission or attempted commission of rape or sexual assault, the
356 results shall be entered into federal, state or local databases
357 for the purpose of comparing the DNA sample to other samples in
358 the database.

359 (2) (a) A DNA sample shall be collected by an individual
360 who is trained in the collection procedures that the Forensics
361 Laboratory uses.

362 (b) Upon motion of one (1) of the parties, or sua
363 sponte by the court, the court may direct the Forensics * * *
364 Laboratory to destroy the sample and delete from the database all
365 records thereof if there is no other pending qualifying warrant or
366 capias for an arrest or felony conviction that would require that
367 the sample remain in the DNA data bank if:

368 (i) The charge for which the sample was taken is
369 dismissed;

370 (ii) The defendant is acquitted at trial or
371 convicted of a lesser included misdemeanor offense that is not an
372 offense listed in this section;



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

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

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

381 (b) Any person who disseminates, receives, or otherwise
382 uses or attempts to use information in the DNA data bank, knowing
383 that the dissemination, receipt or use is for a purpose other than
384 as authorized by law, shall be guilty of a * * * felony.

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

388 (4) (a) Any person convicted under subsection (3)(a) shall
389 be * * * subject to a fine not to exceed Five Hundred Dollars
390 (\$500.00) or confinement in the county jail not to exceed thirty
391 (30) days, or both.

392 (b) Any person convicted under subsection (3)(b) shall
393 be * * * subject to a fine not * * * less than One Thousand
394 Dollars (\$1,000.00) or confinement in the * * * custody of the
395 Mississippi Department of Corrections not to exceed * * * five (5)
396 years, or both.



397 (c) Any person convicted under subsection (3)(c) shall
398 be sentenced to a fine not to exceed One Thousand Dollars
399 (\$1,000.00) or commitment to the custody of the Department of
400 Corrections not to exceed two (2) years, or both.

401 **SECTION 5.** Section 73-15-20, Mississippi Code of 1972, is
402 amended as follows:

403 73-15-20. (1) **Advanced practice registered nurses.** Any
404 nurse desiring to be certified as an advanced practice registered
405 nurse shall apply to the board and submit proof that he or she
406 holds a current license to practice professional nursing and that
407 he or she meets one or more of the following requirements:

408 (a) Satisfactory completion of a formal post-basic
409 educational program of at least one (1) academic year, the primary
410 purpose of which is to prepare nurses for advanced or specialized
411 practice.

412 (b) Certification by a board-approved certifying body.
413 Such certification shall be required for initial state
414 certification and any recertification as a registered nurse
415 anesthetist, nurse practitioner or nurse midwife. The board may
416 by rule provide for provisional or temporary state certification
417 of graduate nurse practitioners for a period of time determined to
418 be appropriate for preparing and passing the National
419 Certification Examination. Those with provisional or temporary
420 certifications must practice under the direct supervision of a



421 licensed physician or a certified nurse practitioner or certified
422 nurse midwife with at least five (5) years of experience.

423 (c) Graduation from a program leading to a master's or
424 post-master's degree in a nursing clinical specialty area with
425 preparation in specialized practitioner skills.

426 (2) **Rulemaking.** The board shall provide by rule the
427 appropriate requirements for advanced practice registered nurses
428 in the categories of certified registered nurse anesthetist,
429 certified nurse midwife and advanced practice registered nurse.

430 (3) **Collaboration.** An advanced practice registered nurse
431 shall perform those functions authorized in this section within a
432 collaborative/consultative relationship with a dentist or
433 physician with an unrestricted license to practice dentistry or
434 medicine in this state and within an established protocol or
435 practice guidelines, as appropriate, that is filed with the board
436 upon license application, license renewal, after entering into a
437 new collaborative/consultative relationship or making changes to
438 the protocol or practice guidelines or practice site. The board
439 shall review and approve the protocol to ensure compliance with
440 applicable regulatory standards. The advanced practice registered
441 nurse may not practice as an APRN if there is no
442 collaborative/consultative relationship with a physician or
443 dentist and a board-approved protocol or practice guidelines.

444 (4) **Renewal.** The board shall renew a license for an
445 advanced practice registered nurse upon receipt of the renewal



446 application, fees and protocol or practice guidelines. The board
447 shall adopt rules establishing procedures for license renewals.
448 The board shall by rule prescribe continuing education
449 requirements for advanced practice nurses not to exceed forty (40)
450 hours biennially as a condition for renewal of a license or
451 certificate.

452 (5) **Reinstatement.** Advanced practice registered nurses may
453 reinstate a lapsed privilege to practice upon submitting
454 documentation of a current active license to practice professional
455 nursing, a reinstatement application and fee, a protocol or
456 practice guidelines, documentation of current certification as an
457 advanced practice nurse in a designated area of practice by a
458 national certification organization recognized by the board and
459 documentation of at least forty (40) hours of continuing education
460 related to the advanced clinical practice of the nurse
461 practitioner within the previous two-year period. The board shall
462 adopt rules establishing the procedure for reinstatement.

463 (6) **Changes in status.** The advanced practice registered
464 nurse shall notify the board immediately regarding changes in the
465 collaborative/consultative relationship with a licensed physician
466 or dentist. If changes leave the advanced practice registered
467 nurse without a board-approved collaborative/consultative
468 relationship with a physician or dentist, the advanced practice
469 nurse may not practice as an advanced practice registered nurse.



470 (7) **Practice requirements.** The advanced practice registered
471 nurse shall practice:

472 (a) According to standards and guidelines of the
473 National Certification Organization.

474 (b) In a collaborative/consultative relationship with a
475 licensed physician whose practice is compatible with that of the
476 nurse practitioner. Certified registered nurse anesthetists may
477 collaborate/consult with licensed dentists. The advanced practice
478 nurse must be able to communicate reliably with a
479 collaborating/consulting physician or dentist while practicing.

480 (c) According to a board-approved protocol or practice
481 guidelines.

482 (d) Advanced practice registered nurses practicing as
483 nurse anesthetists must practice according to board-approved
484 practice guidelines that address pre-anesthesia preparation and
485 evaluation; anesthesia induction, maintenance, and emergence;
486 post-anesthesia care; peri-anesthetic and clinical support
487 functions.

488 (e) Advanced practice registered nurses practicing in
489 other specialty areas must practice according to a board-approved
490 protocol that has been mutually agreed upon by the nurse
491 practitioner and a Mississippi licensed physician or dentist whose
492 practice or prescriptive authority is not limited as a result of
493 voluntary surrender or legal/regulatory order.



494 (f) Each collaborative/consultative relationship shall
495 include and implement a formal quality assurance/quality
496 improvement program which shall be maintained on site and shall be
497 available for inspection by representatives of the board. This
498 quality assurance/quality improvement program must be sufficient
499 to provide a valid evaluation of the practice and be a valid basis
500 for change, if any.

501 (g) Nurse practitioners may not write prescriptions
502 for, dispense or order the use of or administration of any
503 schedule of controlled substances except as contained in this
504 chapter.

505 (8) **Prescribing controlled substances and medications.**
506 Certified nurse midwives and certified nurse practitioners may
507 apply for controlled substance prescriptive authority after
508 completing a board-approved educational program. Certified nurse
509 midwives and certified nurse practitioners who have completed the
510 program and received prescription authority from the board may
511 prescribe Schedules II-V. The words "administer," "controlled
512 substances" and "ultimate user," shall have the same meaning as
513 set forth in Section 41-29-105, unless the context otherwise
514 requires. The board shall promulgate rules governing prescribing
515 of controlled substances, including distribution, record keeping,
516 drug maintenance, labeling and distribution requirements and
517 prescription guidelines for controlled substances and all
518 medications. Prescribing any controlled substance in violation of



519 the rules promulgated by the board shall constitute a violation of
520 Section 73-15-29(1) (f), (k) and (l) and shall be grounds for
521 disciplinary action. The prescribing, administering or
522 distributing of any legend drug or other medication in violation
523 of the rules promulgated by the board shall constitute a violation
524 of Section 73-15-29(1) (f), (k) and (l) and shall be grounds for
525 disciplinary action.

526 (9) Any nurse practitioner who holds a Masters degree or
527 higher in Advanced Forensic Nursing and whose practice is limited
528 to medical forensic examinations and the treatment of health
529 matters related to such examinations shall be exempt from the
530 requirement in this section to have a collaborative/consultative
531 relationship. The exemption provided in this subsection (9) shall
532 be limited to the performance of examinations and health related
533 matters described in this subsection.

534 **SECTION 6.** Section 99-36-5, Mississippi Code of 1972, is
535 brought forward as follows:

536 99-36-5. (1) A victim, guardian of a victim, or close
537 relative of a deceased victim is entitled to the following rights
538 within the criminal justice system:

539 (a) The right to receive from law enforcement agencies
540 adequate protection from harm and threats of harm arising from
541 cooperation with prosecution efforts, including, but not limited
542 to, the filing of criminal charges where the perpetrator is known;



543 (b) The right to have a circuit or county court judge
544 take the safety of the victim or his family into consideration as
545 an element in fixing the amount of bail for the accused;

546 (c) The right to be informed of relevant court
547 proceedings and to be informed if those court proceedings have
548 been canceled or rescheduled prior to the event;

549 (d) The right to be informed, when requested, by the
550 district attorney's office concerning the general procedures in
551 the criminal justice system, including general procedures in
552 guilty plea negotiations and arrangements;

553 (e) The right to provide a victim impact statement
554 prior to any sentencing of the offender; and

555 (f) The right to receive information regarding
556 compensation to victims of crime as may be provided by law.

557 (2) A victim, guardian of a victim or close relative of a
558 deceased victim has the right to be present at all public court
559 proceedings related to the prosecution of the accused, consistent
560 with the rules of evidence.

561 (3) A judge, attorney for the state, peace officer or law
562 enforcement agency is not liable for a failure or inability to
563 provide a right enumerated in this chapter. The failure or
564 inability of any person to provide a right or service enumerated
565 in this chapter may not be used by a defendant in a criminal case
566 as a ground for appeal. A victim, guardian of a victim, or close
567 relative of a deceased victim does not have standing to



568 participate as a party in a criminal proceeding or to contest the
569 disposition of any charge.

570 **SECTION 7.** This act shall take effect and be in force from
571 and after July 1, 2022.

