

**Pending
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

Senate Bill No. 2268

BY: Committee

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

47 **SECTION 1.** (1) As used in this section, the following words
48 shall have the meanings herein ascribed unless the context clearly
49 requires otherwise:

50 (a) "Forensic genetic genealogy testing" means the
51 combination of laboratory testing, genetic genealogy, and law
52 enforcement investigative techniques to develop investigate leads
53 as to the identify of unidentified human remains. "Forensic
54 genetic genealogy testing" includes developing genealogy DNA
55 profiles consisting of one hundred thousand (100,000) or more



56 markers that are compatible with multiple genealogy databases
57 consented for law enforcement use.

58 (b) "Missing person" means a person reported to a law
59 enforcement agency as missing and unaccounted for from expected
60 and normal activities. "Missing person" includes, but is not
61 limited to, children under eighteen (18) years of age and those
62 missing persons described in Sections 43-15-401 and 45-41-1.

63 (c) "Unidentified person" means a person living or
64 deceased who is unidentified after all available methods used to
65 identify a person have been exhausted, including a decedent
66 released to the State Medical Examiner in which the positive
67 identity of the decedent cannot be established by the State
68 Medical Examiner. "Unidentified person" includes unidentified
69 human remains as defined in 41-61-53(1).

70 (2) (a) When a credible report of a missing person or
71 unidentified person is received, a law enforcement agency shall
72 initiate the following procedures upon receipt of the report, if
73 possible, but no later than ten (10) days of receiving the missing
74 person or unidentified person report:

75 (i) Submit the missing person or unidentified
76 person case to the National Missing and Unidentified Persons
77 System and to any database of missing persons or unidentified
78 persons currently required by the law enforcement agency,
79 providing all appropriate data. The requirements of this
80 subparagraph (i) may be fulfilled by a law enforcement agency



81 submitting the report to the National Crime Information Center
82 (NCIC). The State Medical Examiner shall transfer the submitted
83 data into the National Missing and Unidentified Persons System on
84 behalf of the law enforcement agency;

85 (ii) Locate and obtain biometric records,
86 including medical and dental records, medical and dental X-rays,
87 or other medical imaging, and enter those records into the
88 National Missing and Unidentified Persons System. Records
89 described under this subparagraph (ii) are considered confidential
90 and shall not be released to the public;

91 (iii) Utilize a CODIS approved buccal swab
92 collection kit or similar and obtain voluntary DNA samples from
93 appropriate family members to submit to the State Medical Examiner
94 who shall coordinate submission of samples to a CODIS/NDIS
95 participating laboratory for DNA testing and development of a full
96 genetic profile, including, but not limited to, testing of
97 mitochondrial DNA, short tandem repeats on the Y-chromosome, and
98 nuclear analyses, to be documented in the National Missing and
99 Unidentified Persons System, missing persons or unidentified
100 persons file, and submitted to the Federal Bureau of
101 Investigation's National DNA Index System using the Combined DNA
102 Index System. If necessary, the law enforcement agency may
103 request assistance in obtaining family reference DNA samples; and



104 (iv) Attempt to locate any fingerprints from
105 available resources and submit the fingerprints to the National
106 Missing and Unidentified Persons System.

107 (b) At the request of a law enforcement agency, any of
108 the requirements of paragraph (a) of this subsection may be
109 fulfilled by the State Medical Examiner of behalf of the law
110 enforcement agency.

111 (3) A law enforcement agency or the State Medical Examiner
112 shall input the following data, if available for an unidentified
113 person, into the National Missing and Unidentified Persons System:

114 (a) Copies of fingerprints on standardized fingerprint
115 cards measuring eight inches by eight inches (8" x 8") or the
116 equivalent digital image, including partial prints of any fingers;

117 (b) Forensic dental report or radiology imaging;

118 (c) Detailed personal descriptions;

119 (d) Deoxyribonucleic acid (DNA) information;

120 (e) Radiology imaging and medical data; and

121 (f) All other identifying data, including date and
122 place of death.

123 (4) (a) A law enforcement agency shall not require a delay
124 before accepting or investigating a report of a missing person
125 when reliable information has been provided to the law enforcement
126 agency that the person is missing.



127 (b) A law enforcement agency shall not mandate the
128 appearance of a next of kin before initiating a missing persons
129 investigation.

130 (5) (a) If a law enforcement agency receives a report of a
131 missing person from another law enforcement agency or from a
132 medical examiner, the law enforcement agency shall maintain a
133 record of the case file.

134 (b) The information contained in a report of a missing
135 person from another law enforcement agency or from a medical
136 examiner shall be made available to appropriate law enforcement
137 agencies and medical examiners attempting to identify unidentified
138 persons.

139 (6) (a) A law enforcement agency shall not establish or
140 maintain a policy that requires the observance of a waiting period
141 before accepting and investigating a report of a missing child.

142 (b) Notwithstanding the timeframe provided in
143 subsection (2) of this section, upon receipt of a report of a
144 missing child, a law enforcement agency shall enter the report
145 into the National Missing and Unidentified Persons System without
146 delay.

147 (7) When a person previously reported missing has been found
148 or when an unidentified person has been identified, the
149 responsible law enforcement agency or the Department of Public
150 Safety shall promptly inform the State Medical Examiner who shall



151 report to the National Missing and Unidentified Persons System
152 within five (5) days of the person being found.

153 (8) This section does not prohibit an authorized law
154 enforcement agency or medical examiner from maintaining case files
155 related to missing persons or unidentified bodies.

156 (9) Notwithstanding the timeframe provided in subsection
157 (2) (a) of this section, after the State Medical Examiner has had
158 possession of unidentified human remains for forty-five (45) days,
159 the State Medical Examiner shall test the DNA using forensic
160 genetic genealogy testing.

161 (10) The duties required under this section are in addition
162 to any duties and procedures required of a law enforcement agency
163 by Sections 43-15-401 and 45-41-1.

164 **SECTION 2.** Section 41-61-53, Mississippi Code of 1972, is
165 amended as follows:

166 41-61-53. For the purposes of Sections 41-61-51 through
167 41-61-79, the following definitions shall apply:

168 (a) "Certification of death" means signing the death
169 certificate.

170 (b) "Coroner" means the elected county official
171 provided for in Sections 19-21-101 through 19-21-107.

172 (c) "County medical examiner investigator" means a
173 nonphysician coroner or deputy coroner trained to investigate and
174 certify deaths affecting the public interest.



175 (d) "County medical examiner" means a licensed
176 physician who is a coroner or deputy coroner trained to
177 investigate and certify deaths affecting the public interest.

178 (e) "Death affecting the public interest" means any
179 death of a human being where the circumstances are sudden,
180 unexpected, violent, suspicious or unattended.

181 (f) "Medical examiner" means the medical examiner
182 system which is composed of the State Medical Examiner, county
183 medical examiners and county medical examiner investigators
184 collectively, and is a jurisdictional identifier, not a title,
185 unless the context clearly requires otherwise.

186 (g) "Medical examiner investigator" means a
187 nonphysician appointed, trained and supervised by the State
188 Medical Examiner to investigate and assist with the certification
189 of deaths affecting the public interest.

190 (h) "Pronouncement of death" means the statement of
191 opinion that life has ceased for an individual.

192 (i) "State Medical Examiner" means the person appointed
193 by the Commissioner of Public Safety pursuant to Section 41-61-55
194 to investigate and certify deaths that affect the public interest.

195 (j) "Autopsy" means a postmortem examination.

196 (k) "Postmortem examination" means an examination of a
197 dead human body that may include the least invasive to most
198 invasive methods based on the expertise and judgment of the
199 pathologist handling the case.



200 (l) "Unclaimed human remains" means all coroner cases
201 with a confirmed identification that have not been claimed by
202 family or where no family has been located in order to claim the
203 remains.

204 (m) "Unidentified human remains" means deceased human
205 remains, skeletonized or with tissue, which require the
206 application of scientific identification methods to determine
207 positive identity, as established by the State Medical Examiner.
208 "Unidentified human remains" includes all deceased human remains
209 without a positive identity, including those deceased human
210 remains:

211 (i) With or without a presumptive identification;
212 or

213 (ii) Which are visually unrecognizable due to
214 traumatic injury or decomposition.

215 "Unidentified human remains" do not include deceased human
216 remains which have been determined to be solely archaeological in
217 origin through consultation between the State Medical Examiner and
218 the Mississippi Department of Archives and History.

219 **SECTION 3.** Section 41-61-59, Mississippi Code of 1972, is
220 amended as follows:

221 41-61-59. (1) A person's death that affects the public
222 interest as specified in subsection (2) of this section shall be
223 promptly reported to the medical examiner by the physician in
224 attendance, any hospital employee, any law enforcement officer



225 having knowledge of the death, the embalmer or other funeral home
226 employee, any emergency medical technician, any relative or any
227 other person present. The appropriate medical examiner shall
228 notify the municipal or state law enforcement agency or sheriff
229 and take charge of the body. When the medical examiner has
230 received notification under Section * * * 41-39-143 that the
231 deceased is medically suitable to be an organ and/or tissue donor,
232 the medical examiner's authority over the body shall be subject to
233 the provisions of Section * * * 41-39-143. When the body is
234 unidentified human remains, the medical examiner's jurisdiction of
235 the body shall be subject to the provisions of Section 41-61-61,
236 and the body shall be submitted to the State Medical Examiner.
237 The appropriate medical examiner shall notify the Mississippi
238 Bureau of Narcotics within twenty-four (24) hours of receipt of
239 the body in cases of death as described in subsection (2)(m) or
240 (n) of this section.

241 (2) A death affecting the public interest includes, but is
242 not limited to, any of the following:

243 (a) Violent death, including homicidal, suicidal or
244 accidental death.

245 (b) Death caused by thermal, chemical, electrical or
246 radiation injury.

247 (c) Death caused by criminal abortion, including
248 self-induced abortion, or abortion related to or by sexual abuse.



249 (d) Death related to disease thought to be virulent or
250 contagious that may constitute a public hazard.

251 (e) Death that has occurred unexpectedly or from an
252 unexplained cause.

253 (f) Death of a person confined in a prison, jail or
254 correctional institution.

255 (g) Death of a person where a physician was not in
256 attendance within thirty-six (36) hours preceding death, or in
257 prediagnosed terminal or bedfast cases, within thirty (30) days
258 preceding death.

259 (h) Death of a person where the body is not claimed by
260 a relative or a friend.

261 (i) Death of a person where the * * * deceased * * *
262 human remains are unidentified human remains.

263 (j) Death of a child under the age of two (2) years
264 where death results from an unknown cause or where the
265 circumstances surrounding the death indicate that sudden infant
266 death syndrome may be the cause of death.

267 (k) Where a body is brought into this state for
268 disposal and there is reason to believe either that the death was
269 not investigated properly or that there is not an adequate
270 certificate of death.

271 (l) Where a person is presented to a hospital emergency
272 room unconscious and/or unresponsive, with cardiopulmonary
273 resuscitative measures being performed, and dies within



274 twenty-four (24) hours of admission without regaining
275 consciousness or responsiveness, unless a physician was in
276 attendance within thirty-six (36) hours preceding presentation to
277 the hospital, or in cases in which the decedent had a prediagnosed
278 terminal or bedfast condition, unless a physician was in
279 attendance within thirty (30) days preceding presentation to the
280 hospital.

281 (m) Death that is caused by drug overdose or which is
282 believed to be caused by drug overdose.

283 (n) When a stillborn fetus is delivered and the cause
284 of the demise is medically believed to be from the use by the
285 mother of any controlled substance as defined in Section
286 41-29-105.

287 (3) The State Medical Examiner is empowered to investigate
288 deaths, under the authority hereinafter conferred, in any and all
289 political subdivisions of the state. The county medical examiners
290 and county medical examiner investigators, while appointed for a
291 specific county, may serve other counties on a regular basis with
292 written authorization by the State Medical Examiner, or may serve
293 other counties on an as-needed basis upon the request of the
294 ranking officer of the investigating law enforcement agency. If a
295 death affecting the public interest takes place in a county other
296 than the one where injuries or other substantial causal factors
297 leading to the death have occurred, jurisdiction for investigation
298 of the death may be transferred, by mutual agreement of the



299 respective medical examiners of the counties involved, to the
300 county where the injuries or other substantial causal factors
301 occurred, and the costs of autopsy or other studies necessary to
302 the further investigation of the death shall be borne by the
303 county assuming jurisdiction.

304 (4) (a) In criminal trials where the testimony of a current
305 or former State Medical Examiner, Deputy State Medical Examiner,
306 or member of the Mississippi Forensics Laboratory is needed, the
307 use of audiovisual communications equipment to present such
308 testimony remotely is allowed when the state has provided written
309 notice to the defendant at least ninety (90) days prior to trial
310 of its intent to present such remote testimony, and the defendant
311 provides no written objection within fourteen (14) days of
312 receiving such notice. Should the defendant object, the remote
313 testimony shall only be permitted upon a finding by the court that
314 the rights of the defendant to confront the witness against the
315 defendant is not violated, that compelling circumstances exist to
316 allow such remote testimony, and that the remote testimony can be
317 provided with appropriate safeguards so as to assure the
318 reliability of the testimony of the witness during the trial.

319 (b) All persons qualified to administer an oath in the
320 State of Mississippi may swear in a witness remotely by
321 audiovisual communication technology, provided they can positively
322 identify the witness and they are able to both see and hear the
323 witness via audiovisual communications equipment.



324 (5) The chief county medical examiner or chief county
325 medical examiner investigator may receive from the county in which
326 he serves a salary of One Thousand Two Hundred Fifty Dollars
327 (\$1,250.00) per month, in addition to the fees specified in
328 Sections 41-61-69 and 41-61-75, provided that no county shall pay
329 the chief county medical examiner or chief county medical examiner
330 investigator less than Three Hundred Dollars (\$300.00) per month
331 as a salary, in addition to other compensation provided by law.
332 In any county having one or more deputy medical examiners or
333 deputy medical examiner investigators, each deputy may receive
334 from the county in which he serves, in the discretion of the board
335 of supervisors, a salary of not more than Nine Hundred Dollars
336 (\$900.00) per month, in addition to the fees specified in Sections
337 41-61-69 and 41-61-75; however, no county shall pay the deputy
338 medical examiners or deputy medical examiner investigators less
339 than Three Hundred Dollars (\$300.00) per month as a salary in
340 addition to other compensation provided by law. For this salary
341 the chief shall assure twenty-four-hour daily and readily
342 available death investigators for the county, and shall maintain
343 copies of all medical examiner death investigations for the county
344 for at least the previous five (5) years. He shall coordinate his
345 office and duties and cooperate with the State Medical Examiner,
346 and the State Medical Examiner shall cooperate with him.

347 **SECTION 4.** Section 41-61-61, Mississippi Code of 1972, is
348 amended as follows:



349 41-61-61. (1) Upon the death of any person where that death
350 affects the public interest, the medical examiner of the county in
351 which the body of the deceased is found or, if death occurs in a
352 moving conveyance, where the conveyance stops and death is
353 pronounced, shall be notified promptly by any person having
354 knowledge or suspicion of such a death, as provided in subsection
355 (1) of Section 41-61-59. The medical examiner shall then notify
356 the State Medical Examiner, in accordance with Section
357 41-61-63(2) (a). No person shall disturb the body at the scene of
358 such a death until authorized by the medical examiner, unless the
359 medical examiner is unavailable and it is determined by an
360 appropriate law enforcement officer that the presence of the body
361 at the scene would risk the integrity of the body or provide a
362 hazard to the safety of others. For the limited purposes of this
363 section, expression of an opinion that death has occurred may be
364 made by a nurse, an emergency medical technician, or any other
365 competent person, in the absence of a physician.

366 (2) The discovery of unidentified human remains or of
367 anatomical material suspected of being part of the human body
368 shall be promptly reported either (a) to the medical examiner of
369 the county in which the material is found, who shall report the
370 discovery to the State Medical Examiner, or (b) to the State
371 Medical Examiner. The unidentified human remains or the
372 anatomical material suspected of being part of the human body
373 shall be submitted to the State Medical Examiner.



374 (3) (a) A person who willfully moves, distributes or
375 conceals a body or body part in violation of this section is
376 guilty of a misdemeanor, and may be punished by a fine of not more
377 than Five Hundred Dollars (\$500.00), or by imprisonment for not
378 more than six (6) months in the county jail, or by both such fine
379 and imprisonment.

380 (b) A person who willfully destroys a body, body part
381 or unidentified human remains in violation of this section is
382 guilty of a felony, and may be punished by a fine of not more than
383 Five Thousand Dollars (\$5,000.00), or by imprisonment for not more
384 than two (2) years in the custody of the Department of
385 Corrections, or by both such fine and imprisonment.

386 (4) Upon oral or written authorization of the medical
387 examiner, if an autopsy is to be performed, the body shall be
388 transported directly to an autopsy facility in a suitable secure
389 conveyance, as determined by the State Medical Examiner, and the
390 expenses of transportation shall be paid by the county for which
391 the service is provided. The county may contract with individuals
392 or make available a vehicle to the medical examiner or law
393 enforcement personnel for transportation of bodies. If transport
394 must be delayed for any reason, the county shall store the body in
395 an environment conducive to maintaining preservation prior to
396 transporting the body to the State Medical Examiner's Office for
397 postmortem examination.



398 (5) The county medical examiner investigator shall enter
399 into the National Missing and Unidentified Persons System all
400 unclaimed human remains cases as defined in 41-61-53(1) within
401 five (5) days following the identification of the unclaimed human
402 remains but in no case longer than fifteen (15) days from the date
403 of death of the individual. The State Medical Examiner is
404 authorized to enter these cases into the National Missing and
405 Unidentified Persons System on behalf of the county medical
406 examiner investigator.

407 **SECTION 5.** Section 41-39-5, Mississippi Code of 1972, is
408 amended as follows:

409 41-39-5. (1) Any physician, hospital, funeral director,
410 embalmer, county medical examiner or other person acquiring
411 possession of unidentified human remains as defined in
412 41-61-53(m), or portion thereof, shall:

413 (a) Immediately submit the unidentified human remains
414 to the State Medical Examiner pursuant to Sections 41-61-59 and
415 41-61-61; and

416 (b) Not subject the unidentified human remains to
417 cremation, embalming or other destructive treatment.

418 (2) Any physician, hospital, funeral director,
419 embalmer * * * or other person acquiring possession of a dead
420 human body or portion thereof which is not claimed for burial or
421 cremation within forty-eight (48) hours of its acquisition and is
422 not unidentified human remains shall give written notice thereof



423 to the board of supervisors, or a member thereof, of the county in
424 which the dead body or portion thereof is located, furnishing such
425 identification of the decedent as may be available. The board of
426 supervisors or the coroner shall make reasonable efforts to notify
427 members of the decedent's family or other known interested
428 persons, and, if the dead body or portion thereof shall not be
429 claimed for burial or cremation by any interested person within
430 five (5) days of the aforementioned written notice, the board of
431 supervisors or coroner shall, as soon as it may think appropriate,
432 authorize and direct the burial or cremation and burial of the
433 residue of such dead body or portion thereof. In its discretion
434 and where otherwise permitted to do so by law, the board of
435 supervisors may direct the disposition of the dead body or portion
436 thereof as provided by Section 41-39-7. The reasonable expense of
437 such burial or cremation and burial of the residue of a dead body
438 shall be borne by the estate of the decedent or of any person
439 liable at law for the necessities of the decedent during his
440 lifetime or, if they are unable to pay the same, by the county of
441 residence or settlement of the decedent, if known, and, if not
442 known, by the county in which the dead body or portion thereof is
443 located.

444 (3) If the person having possession of such dead human body
445 or portion thereof shall have no available means of preserving the
446 same and shall so notify the board of supervisors, or a member
447 thereof, of the county in which the dead body or portion thereof



448 is located, it shall be the duty of the board of supervisors to
449 make arrangements for the preservation of the same until burial or
450 cremation and burial of the residue of the dead body as
451 hereinabove provided, and the expense of such preservation shall
452 be borne as hereinabove provided with respect to the expense of
453 burial or cremation.

454 (4) No county funds may be expended in excess of the amount
455 budgeted for the purposes of this section without the prior
456 approval of the board of supervisors of the county.

457 **SECTION 6.** Section 45-6-7, Mississippi Code of 1972, is
458 amended as follows:

459 45-6-7. In addition to the powers conferred upon the board
460 elsewhere in this chapter, the board shall have power to:

461 (a) Promulgate rules and regulations for the
462 administration of this chapter, including the authority to require
463 the submission of reports and information by law enforcement
464 agencies of the state and its political subdivisions.

465 (b) Establish minimum educational and training
466 standards for admission to employment or appointment as a law
467 enforcement officer or a part-time law enforcement officer: (i)
468 in a permanent position; and (ii) in a probationary status. The
469 minimum educational and training standards for any law enforcement
470 officer assigned to field or investigative duties shall include at
471 least two (2) hours of training related to handling complaints of
472 human trafficking and commercial sexual exploitation of children



473 as defined in Section 43-21-105, communicating with such victims,
474 and requiring the officer to contact the Department of Child
475 Protection Services when human trafficking or commercial sexual
476 exploitation is suspected and at least two (2) hours of training
477 related to the investigation of unidentified and missing persons.

478 (c) Certify persons as being qualified under the
479 provisions of this chapter to be law enforcement officers or
480 part-time law enforcement officers.

481 (d) Revoke certification for cause and in the manner
482 provided in this chapter. The board is authorized to subpoena
483 documents regarding revocations. The board shall maintain a
484 current list of all persons certified under this chapter who have
485 been placed on probation, suspended, subjected to revocation of
486 certification, or any combination of these.

487 (e) Establish minimum curriculum requirements for basic
488 and advanced courses and programs for schools operated by or for
489 the state or any political subdivision thereof for the specific
490 purpose of training police and other law enforcement officers,
491 both full- and part-time, which shall include a minimum of two (2)
492 hours of training in a course or courses related to the
493 identification of and support for victims of human trafficking and
494 commercial sexual exploitation.

495 (f) Consult and cooperate with counties,
496 municipalities, state agencies, other governmental agencies, and
497 with universities, colleges, community and junior colleges and



498 other institutions concerning the development of training schools,
499 programs or courses of instruction for personnel defined in this
500 chapter.

501 (g) Make recommendations concerning any matter within
502 its purview pursuant to this chapter.

503 (h) Make such inspection and evaluation as may be
504 necessary to determine if governmental units are complying with
505 the provisions of this chapter.

506 (i) Approve law enforcement officer training schools
507 for operation by or for the state or any political subdivision
508 thereof for the specific purpose of training personnel defined in
509 this chapter.

510 (j) Upon the request of agencies employing personnel
511 defined in this chapter, conduct surveys or aid municipalities and
512 counties to conduct surveys through qualified public or private
513 agencies and assist in the implementation of any recommendations
514 resulting from such surveys.

515 (k) Upon request of agencies within the purview of this
516 chapter, conduct general and specific management surveys and
517 studies of the operations of the requesting agencies at no cost to
518 those agencies. The role of the board under this subsection shall
519 be that of management consultant.

520 (l) Adopt and amend regulations consistent with law,
521 for its internal management and control of board programs.



522 (m) Enter into contracts or do such things as may be
523 necessary and incidental to the administration of this chapter.

524 (n) Establish jointly with the State Board of Education
525 the minimum level of basic law enforcement training required of
526 persons employed by school districts as school security guards, or
527 school resource officers or in other positions that have the
528 powers of a peace officer.

529 **SECTION 7.** (1) As used in this section, the following words
530 and phrases have the meanings ascribed in this subsection unless
531 the context clearly requires otherwise:

532 (a) "Organ procurement organization PEER review
533 committee," "PEER review committee" or "committee" means a
534 committee of representatives of a not-for-profit organization
535 responsible for recovering organs from donors for transplantation,
536 which organization's federally designated donation service area
537 includes all or a portion of the State of Mississippi. An "organ
538 procurement organization PEER review committee" may be comprised
539 solely of representatives of a state not-for-profit organization
540 or any national not-for-profit entity with which the federal
541 government contracts to serve as the nation's transplant system,
542 or a combination of representatives from both the state
543 organization and entity servicing as the nation's transplant
544 system.



545 (b) "Proceedings" means all reviews, meetings,
546 conversations and communications of an organ procurement
547 organization PEER review committee.

548 (c) "Records" means all committee minutes, transcripts,
549 applications, correspondence, incident reports and other documents
550 created, received or reviewed by or for an organ procurement
551 organization PEER review committee.

552 (2) A not-for-profit organization responsible for recovering
553 organs from donors for transplantation in all or a portion of the
554 state may establish an organ procurement organization PEER review
555 committee. The functions of an organ procurement organization
556 PEER review committee include, but are not limited to: evaluating
557 and improving the quality of services rendered by the state
558 organization; evaluating the competence or practice of employees
559 and staff of the state organization; and determining if services
560 rendered by the organization were professionally performed in
561 compliance with the applicable standard of care.

562 (3) A person or institution furnishing information, data,
563 reports or records to a PEER review committee may not be held
564 liable for damages to another person by reason of furnishing the
565 information. A member of a PEER review committee may not be held
566 liable for damages to a person for an action taken or
567 recommendation made within the scope of the functions of the
568 committee if the committee or committee member acted without
569 malice and in the reasonable belief that the action or



570 recommendation was warranted by the facts known to the individual
571 at the time of the action or recommendation.

572 (4) The identity of a person who is an organ donor or organ
573 recipient is confidential and may not be revealed by a PEER review
574 committee or member of the committee.

575 (5) Notwithstanding any conflicting statute, court rule or
576 other law, in order to encourage PEER review activity, the
577 proceedings and records of an organ procurement organization PEER
578 review committee are confidential and not subject to discovery or
579 introduction into evidence in a civil action arising out of the
580 matters which are the subject of evaluation and review by the
581 committee. A person who was in attendance at a meeting of the
582 PEER review committee may not be permitted or required to testify
583 in a civil action regarding evidence or other matters produced or
584 presented during the proceedings of the committee or as to any
585 findings, recommendations, evaluations, opinions or other actions
586 of the committee or its members. However, information, documents
587 or records otherwise discoverable or admissible from original
588 sources are not to be construed as immune from discovery or use in
589 a civil action merely because they were presented during the
590 proceedings of the committee. A person who testifies before the
591 committee or who is a member of the committee may not be prevented
592 from testifying as to other matters within the person's knowledge;
593 however, a witness may not be questioned concerning the person's
594 participation on or testimony before the committee or opinions



595 formed by the witness as a result of the PEER review committee
596 hearings or proceedings.

597 (6) The provisions of subsection (5) of this section which
598 limit the discovery of PEER review committee records and
599 proceedings do not apply in a legal action brought by a PEER
600 review committee against an employee of the organization or other
601 person for alleged wrongdoing or in a legal action brought by an
602 aggrieved employee of the organization or other person against the
603 committee or a member of the committee for actions alleged to have
604 been malicious.

605 **SECTION 8.** This act shall take effect and be in force from
606 and after July 1, 2024.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO PROVIDE CERTAIN PROCEDURES FOR LAW ENFORCEMENT
2 AGENCIES CONCERNING THE INVESTIGATION INTO A MISSING OR
3 UNIDENTIFIED PERSON; TO REQUIRE A LAW ENFORCEMENT AGENCY TO
4 INITIATE CERTAIN PROCEDURES UPON THE RECEIPT OF A CREDIBLE REPORT
5 OF A MISSING OR UNIDENTIFIED PERSON; TO REQUIRE CERTAIN
6 INFORMATION ABOUT THE MISSING OR UNIDENTIFIED PERSON TO BE ENTERED
7 INTO THE NATIONAL MISSING AND UNIDENTIFIED PERSONS SYSTEM; TO
8 PROHIBIT A LAW ENFORCEMENT AGENCY FROM REQUIRING A DELAY BEFORE
9 ACCEPTING A REPORT OR REQUIRING THE APPEARANCE OF A NEXT OF KIN
10 BEFORE INITIATING A MISSING PERSONS INVESTIGATION; TO REQUIRE A
11 LAW ENFORCEMENT AGENCY OR THE STATE MEDICAL EXAMINER TO ENTER A
12 REPORT OF A MISSING CHILD INTO THE NATIONAL MISSING AND
13 UNIDENTIFIED PERSONS SYSTEM WITHOUT DELAY; TO REQUIRE THE STATE
14 MEDICAL EXAMINER TEST THE DNA OF UNIDENTIFIED HUMAN REMAINS USING
15 FORENSIC GENETIC GENEALOGY TESTING; TO AMEND SECTION 41-61-53,
16 MISSISSIPPI CODE OF 1972, TO DEFINE THE TERMS "UNCLAIMED HUMAN
17 REMAINS" AND "UNIDENTIFIED HUMAN REMAINS"; TO AMEND SECTION
18 41-61-59, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT WHEN A BODY IS
19 UNIDENTIFIED HUMAN REMAINS, THE BODY SHALL BE SUBMITTED TO THE
20 STATE MEDICAL EXAMINER; TO AMEND SECTION 41-61-61, MISSISSIPPI



21 CODE OF 1972, TO PROVIDE THAT UPON DISCOVERY UNIDENTIFIED HUMAN
22 REMAINS OR ANATOMICAL MATERIAL SUSPECTED OF BEING PART OF THE
23 HUMAN BODY SHALL BE SUBMITTED TO THE STATE MEDICAL EXAMINER; TO
24 PROVIDE THAT THE WILLFUL DESTRUCTION OF A BODY, BODY PART OR
25 UNIDENTIFIED HUMAN REMAINS SHALL BE A FELONY; TO REQUIRE THE
26 COUNTY MEDICAL EXAMINER INVESTIGATOR TO ENTER INTO THE NATIONAL
27 MISSING AND UNIDENTIFIED PERSONS SYSTEM ALL UNCLAIMED HUMAN
28 REMAINS CASES WITHIN A CERTAIN AMOUNT OF DAYS; TO AMEND SECTION
29 41-39-5, MISSISSIPPI CODE OF 1972, TO REQUIRE ANY PHYSICIAN,
30 HOSPITAL, FUNERAL DIRECTOR, EMBALMER, COUNTY MEDICAL EXAMINER OR
31 OTHER PERSON ACQUIRING POSSESSION OF UNIDENTIFIED HUMAN REMAINS TO
32 SUBMIT THE REMAINS TO THE STATE MEDICAL EXAMINER AND NOT SUBJECT
33 THE REMAINS TO CREMATION, EMBALMING OR OTHER DESTRUCTIVE
34 TREATMENT; TO AMEND SECTION 45-6-7, MISSISSIPPI CODE OF 1972, TO
35 REQUIRE A CERTAIN AMOUNT OF TRAINING RELATED TO THE INVESTIGATION
36 OF UNIDENTIFIED AND MISSING PERSONS FOR LAW ENFORCEMENT OFFICERS;
37 TO DECLARE THAT THE RECORDS AND PROCEEDINGS OF AN ORGAN
38 PROCUREMENT ORGANIZATION PEER REVIEW COMMITTEE ARE CONFIDENTIAL
39 AND NOT DISCOVERABLE IN A CIVIL ACTION; TO DEFINE CERTAIN TERMS;
40 TO DESCRIBE THE FUNCTIONS OF PEER REVIEW COMMITTEES; TO PROVIDE
41 THAT PERSONS PROVIDING INFORMATION TO AND MEMBERS OF A PEER REVIEW
42 COMMITTEE MAY NOT BE HELD LIABLE FOR ACTIONS TAKEN BY THE
43 COMMITTEE; TO PROHIBIT A PEER REVIEW COMMITTEE AND ITS MEMBERS
44 FROM REVEALING THE IDENTITY OF ORGAN DONORS AND RECIPIENTS; AND
45 FOR RELATED PURPOSES.

