

By: Representative McLean

To: Judiciary B

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 863

1 AN ACT TO AMEND SECTION 99-51-3, MISSISSIPPI CODE OF 1972, TO
2 EXPAND THE RIGHTS OF SEXUAL ASSAULT VICTIMS BY CONFORMING THEM TO
3 FEDERAL STOP GRANT FUND REQUIREMENTS; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 99-51-3, Mississippi Code of 1972, is
6 amended as follows:

7 99-51-3. (1) Upon the request of a sexual assault victim or
8 their designee, the law enforcement agency that is investigating
9 the assault of such victim shall inform the victim of the location
10 of the sexual assault evidence kit or other crime scene evidence
11 from the victim's case and the status of the DNA testing of the
12 sexual assault evidence kit or other crime scene evidence from the
13 victim's case.

14 (2) The law enforcement agency shall respond to the victim's
15 request as soon as possible, but no longer than seven (7) calendar
16 days, with either an oral or written communication, or by email,
17 if an email address is available.



18 (3) In addition to the rights provided in the "Mississippi
19 Crime Victims' Bill of Rights," in Sections 99-43-1 through
20 99-43-101, a victim of sexual assault shall have:

21 (a) The right to be informed by the law enforcement
22 agency handling the case whether a DNA profile of the assailant
23 was obtained from the testing of the sexual assault evidence kit
24 or other crime scene evidence from their case.

25 (b) The right to be informed whether the DNA profile of
26 the assailant developed from the sexual assault evidence kit or
27 other crime scene evidence has been entered into the Mississippi
28 Forensics Laboratory's DNA identification system or CODIS.

29 (c) The right to be informed whether there is a match
30 between the DNA profile of the assailant developed from the rape
31 kit evidence or other crime scene evidence and a DNA profile
32 contained in the Mississippi Forensics Laboratory's DNA
33 identification system, provided that disclosure would not impede
34 or compromise an ongoing investigation.

35 (d) The right to be informed in writing of policies
36 governing the collection and preservation of a sexual assault
37 evidence collection kit.

38 (e) The right to be informed of the rights under this
39 subsection.

40 (4) If the law enforcement agency intends to destroy or
41 dispose of the sexual assault evidence kit or any other crime
42 scene evidence from an unsolved sexual assault case, the victim of



the case shall be given written notification by the law enforcement agency of that intention within * * * sixty (60) days. The victim shall be granted further preservation of the kit or its probative contents, upon their request.

(5) A law enforcement agency shall not destroy or dispose of the sexual assault evidence kit or any other crime scene evidence from an unsolved sexual assault case before twenty (20) years after the collection of the evidence of the crime or, if the victim was under eighteen (18) years of age at the time of the alleged offense, before the victim is forty (40) years of age.

(6) A sexual assault victim may designate a sexual assault victim advocate, or other support person of the victim's choosing, to act as a recipient of the above information required to be provided by this section.

(7) For the purpose of receiving notice under this section, the victim or the victim's designee may keep appropriate authorities informed of the name, address, telephone number, and email address of the person to whom the information should be provided, and any changes of the name, address, telephone number, and email address, if an email address is available.

(8) A defendant or person accused or convicted of a crime against the victim shall have no standing to object to any failure to comply with this section. The failure to provide a right or notice to a sexual assault victim under this section may not be



67 used by a defendant to seek to have the conviction or sentence set
68 aside.

69 (9) The sole civil or criminal remedy available to a sexual
70 assault victim for a law enforcement agency's failure to fulfill
71 its responsibilities under this section shall be standing to file
72 a writ of mandamus to require compliance with subdivision with the
73 requirements of this chapter.

74 **SECTION 2.** This act shall take effect and be in force from
75 and after July 1, 2025.

