

By: Representative McLean

To: Judiciary B

HOUSE BILL NO. 1298

1 AN ACT TO AMEND SECTION 99-51-1, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE ALL MEDICAL FACILITIES, LAW ENFORCEMENT AGENCIES, CRIME
3 LABORATORIES, AND ANY OTHER FACILITIES THAT RECEIVE, MAINTAIN,
4 STORE, OR PRESERVE SEXUAL ASSAULT EVIDENCE KITS TO SUBMIT A REPORT
5 CONTAINING THE FOLLOWING INFORMATION TO THE ATTORNEY GENERAL; TO
6 LIST THE INFORMATION REQUIRED TO BE INCLUDED; TO REQUIRE THE
7 ATTORNEY GENERAL TO MAKE THE REQUIRED REPORTS AVAILABLE TO THE
8 PUBLIC; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** Section 99-51-1, Mississippi Code of 1972, is
11 amended as follows:

12 99-51-1. (1) The following words shall have the meanings
13 described in this chapter:

14 (a) "Law enforcement" means the law enforcement agency
15 with the primary responsibility for investigating an alleged
16 sexual assault.

17 (b) "Medical facility" means any state, local, tribal,
18 community, free, nonprofit, academic, or private doctor's office,
19 hospital, or medical clinic equipped to perform forensic medical
20 examinations and prepare sexual assault evidence kits.



21 (c) "Reported kit" means a sexual assault evidence kit
22 in which the survivor has consented to participate in the criminal
23 justice process through reporting the crime to law enforcement.

24 (d) "Sexual assault" means rape as defined in Section
25 97-3-71, sexual battery as defined in Section 97-3-95 and sexual
26 penetration as defined in Section 97-3-97.

27 (e) "Sexual assault evidence collection kit" means a
28 sexual assault or rape kit developed by the Mississippi chapter of
29 the International Association of Forensic Nurses (IAFN) and
30 approved by the Sexual Assault Evidence Accountability Task Force.

31 (f) "Sexual Assault Nurse Examiner" means a registered
32 nurse or advanced practice nurse, with a minimum of one (1) year
33 of experience in areas of practice that require advanced physical
34 assessment skills, such as emergency, critical care and maternal
35 child health, who has completed sexual assault nurse examiner
36 (SANE) training consistent with IAFN SANE Education Guidelines
37 that consists of both classroom and clinical components.

38 (g) "Unreported kit" means a sexual assault evidence
39 kit in which the survivor consented to the evidence collection,
40 but has not consented to participate in the criminal justice
41 process by reporting the crime to law enforcement - meaning they
42 are not seeking to have their kit tested.

43 (2) Sexual assault evidence collection kits shall be
44 processed in the following manner:



45 (a) Any medical facility that conducts a medical
46 forensic examination and/or prepares a sexual assault evidence
47 collection kit shall immediately, but no longer than four (4)
48 hours after the finalization of examination, contact the
49 appropriate law enforcement agency to collect the kit. Until the
50 kit is retrieved by law enforcement, the medical facility shall
51 store the kit in a refrigerated manner in conformity with the
52 Scientific Working Group for DNA Analysis Method.

53 (b) When a law enforcement agency is contacted to
54 collect a sexual assault evidence kit, the law enforcement agency
55 shall take possession of the kit from the medical facility within
56 twenty-four (24) hours. Upon taking physical possession of the
57 sexual assault evidence collection kit, the law enforcement agency
58 shall transport the kit in a manner that preserves the evidence in
59 the kit. The agency shall: (i) store the kit in a secure,
60 refrigerated location in the agency no more than two (2) hours
61 after taking physical possession of the kit; or (ii) transport the
62 kit directly to the Mississippi Forensics Laboratory.

63 (c) All kits must be delivered to the Mississippi
64 Forensics Laboratory no later than seven (7) calendar days from
65 the date the law enforcement agency took physical possession of
66 the kit.

67 (d) A law enforcement agency that receives a sexual
68 assault collection kit from a healthcare provider that relates to
69 a report of a sexual assault that occurred outside the



jurisdiction of that law enforcement agency shall have the sexual assault collection kit delivered to the law enforcement agency having jurisdiction within ten (10) days of learning that the other law enforcement agency has jurisdiction.

(3) (a) The Mississippi Forensics Laboratory shall test sexual assault evidence collection kits within sixty (60) days of receipt from a law enforcement agency. Forensic DNA testing shall be performed according to laboratory methods that determine the presence of DNA suitable for STR analysis. Any autosomal, CODIS eligible DNA profile shall be entered into the Combined DNA Index System (CODIS) or equivalency thereof and state or local DNA database. If the Mississippi Forensics Laboratory is unable to determine DNA present, other than the victim's DNA, in the sexual assault evidence collection kit, the laboratory should evaluate the case, when suitable, to determine if any other DNA results could be used for investigative purposes.

(b) When forensic laboratory testing does result in a DNA profile foreign to the victim, the Mississippi Forensics Laboratory should enter the foreign DNA profile into the Combined DNA Index System (CODIS) or equivalency thereof and any other required state or local DNA databases. The average completion rate for this analysis and classification should not exceed ninety (90) days.

(c) The Mississippi Forensics Laboratory is authorized to contract with other laboratories to ensure that each kit is



tested and the information from such kit is entered into CODIS,
when applicable, within the time frames required by this
subsection.

(4) One hundred eighty (180) days from and after July 1, 2025, and annually thereafter, all medical facilities, law enforcement agencies, crime laboratories, and any other facilities that receive, maintain, store, or preserve sexual assault evidence kits shall submit a report containing the following information to the Attorney General:

(a) The total number of all untested kits in possession of each medical facility, law enforcement agency, crime laboratory, and any other facility that receives, maintains, stores, or preserves kits.

(b) For each kit the facility shall provide:

(i) The category of the kit:

1. Whether sexual assault was reported to law enforcement; or

2. Whether the victim chose not to file a report with law enforcement.

(ii) The status of the kit:

(c) For kits of medical facilities: The date when the kit was reported to law enforcement, the date the kit was collected, and the date when the kit was picked up by law enforcement;



119 (d) For kits of a law enforcement agency: The date the
120 kit was picked up from a medical facility, the date when the kit
121 was submitted to a crime laboratory, and for any kit not submitted
122 to a crime lab, the reason the kit was not submitted;

123 (e) For kits belonging to another jurisdiction: The
124 date that the jurisdiction was notified and the date the kit was
125 picked up; and

126 (f) For kits in possession of crime laboratories: The
127 date the kit was received from law enforcement and from which
128 agency the kit was received; the date when the kit was tested; the
129 date when the resulting information was entered into CODIS or
130 other relevant state or local DNA databases, and the reasoning, if
131 applicable, that a kit was not tested or a DNA profile was not
132 created.

133 (g) The total number of kits in possession of the
134 entity for more than thirty (30) days or beyond the statutory time
135 frame for kit submission and testing.

136 (h) The total number of kits destroyed and the reason
137 for destruction.

138 (i) The Attorney General shall compile the data from
139 the reports in a summary report. The summary report shall include
140 a list of all agencies or facilities that failed to participate in
141 the preparation of the report. The annual summary report shall be
142 made publicly available on the Attorney General's website, and



143 shall be submitted to the Governor, the Speaker of the House of
144 Representatives, and the President of the Senate.

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

