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To: Public Health and Human
Services

HOUSE BILL NO. 1551

1 AN ACT TO CREATE THE DOMESTIC VIOLENCE FATALITY REVIEW BOARD
2 WITHIN THE STATE DEPARTMENT OF HEALTH TO REVIEW THE DEATHS
3 RESULTING FROM DOMESTIC VIOLENCE INCIDENTS AND ESTABLISH
4 STRATEGIES TO PREVENT DOMESTIC VIOLENCE FATALITIES; TO PROVIDE FOR
5 THE MEMBERS OF THE BOARD TO BE APPOINTED BY THE STATE OFFICER; TO
6 PROVIDE THAT THE DEPARTMENT SHALL BE RESPONSIBLE FOR THE GENERAL
7 ADMINISTRATION OF THE ACTIVITIES OF THE BOARD AND SHALL EMPLOY OR
8 CONTRACT WITH A COORDINATOR AND DESIGNATE OTHER STAFF AS NECESSARY
9 TO PROVIDE ADMINISTRATIVE SUPPORT FOR THE BOARD; TO PRESCRIBE THE
10 DUTIES OF THE COORDINATOR; TO AUTHORIZE THE BOARD TO INVITE OTHER
11 INDIVIDUALS TO PARTICIPATE WITH THE BOARD ON AN AD HOC BASIS FOR A
12 PARTICULAR INVESTIGATION; TO PROVIDE WHAT THE REVIEW OF A DOMESTIC
13 VIOLENCE FATALITY BY THE BOARD WILL INVOLVE, INCLUDING THE TYPES
14 OF RECORDS THAT ARE TO BE REVIEWED; TO DIRECT THE BOARD TO SUBMIT
15 A REPORT EVERY TWO YEARS TO THE HOUSE AND SENATE PUBLIC HEALTH
16 COMMITTEES CONCERNING ITS ACTIVITIES AND THE INCIDENTS OF DOMESTIC
17 VIOLENCE FATALITIES WITHIN THE STATE, WHICH SHALL INCLUDE THE
18 NUMBER, CAUSES AND RELEVANT DEMOGRAPHIC INFORMATION ON DOMESTIC
19 VIOLENCE FATALITIES IN MISSISSIPPI, IDENTIFIABLE TRENDS IN
20 DOMESTIC VIOLENCE FATALITIES IN THE STATE, AND APPROPRIATE POLICY
21 AND SYSTEMS RECOMMENDATIONS TO THE LEGISLATURE ON HOW TO MOST
22 EFFECTIVELY DIRECT STATE RESOURCES TO REDUCE THE NUMBER OF
23 PREVENTABLE DOMESTIC VIOLENCE FATALITIES IN THE STATE; TO PROVIDE
24 THAT DATA FOR THE BOARD'S REVIEW AND REPORTING SHALL BE PROVIDED
25 TO THE BOARD BY AGENCIES, OFFICIALS AND HEALTH CARE PROVIDERS
26 HAVING INFORMATION NECESSARY FOR THE BOARD TO CARRY OUT ITS
27 DUTIES; TO REQUIRE PHYSICIANS, HOSPITALS AND PHARMACIES TO PROVIDE
28 REASONABLE ACCESS TO THE BOARD TO ALL RELEVANT MEDICAL RECORDS
29 ASSOCIATED WITH A CASE UNDER REVIEW BY THE BOARD; TO PROVIDE
30 IMMUNITY TO PHYSICIANS, HOSPITALS AND PHARMACIES PROVIDING ACCESS
31 TO THOSE RECORDS IN GOOD FAITH; TO REQUIRE ANY PERSON HAVING
32 RECORDS OR OTHER INFORMATION RELEVANT TO THE BOARD'S REVIEW OF A
33 DOMESTIC VIOLENCE FATALITY TO PROVIDE THOSE RECORDS OR INFORMATION
34 WHEN REQUESTED BY THE BOARD; TO PROVIDE FOR CONFIDENTIALITY AND



PROHIBITIONS ON DISCLOSURE OR ADMISSIBILITY AS EVIDENCE IN ANY PROCEEDING OF ALL INFORMATION, RECORDS AND OTHER DATA COLLECTED BY THE BOARD; TO PROVIDE THAT ALL PROCEEDINGS AND ACTIVITIES OF THE BOARD, OPINIONS OF MEMBERS OF THE BOARD FORMED AS A RESULT OF THOSE PROCEEDINGS AND ACTIVITIES, AND RECORDS OBTAINED, CREATED OR MAINTAINED BY THE BOARD ARE CONFIDENTIAL AND ARE NOT SUBJECT TO THE MISSISSIPPI PUBLIC RECORDS ACT; TO AUTHORIZE THE BOARD TO COMPILE REPORTS OF AGGREGATED, NONINDIVIDUALLY IDENTIFIABLE DATA ON A ROUTINE BASIS FOR DISTRIBUTION IN AN EFFORT TO FURTHER STUDY THE CAUSES AND PROBLEMS ASSOCIATED WITH DOMESTIC VIOLENCE FATALITIES; TO AMEND SECTION 25-41-3, MISSISSIPPI CODE OF 1972, TO EXEMPT THE BOARD FROM THE OPEN MEETINGS ACT; AND FOR RELATED PURPOSES.

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

SECTION 1. (1) The Domestic Violence Fatality Review Board ("board") is established within the State Department of Health ("department") to review the deaths resulting from domestic violence incidents and establish strategies to prevent domestic violence fatalities. For the purpose of this section, the term "domestic violence" has the meaning as defined in Section 97-3-7.

(2) The board shall be multidisciplinary and be composed of the following members appointed by the State Health Officer:

- (a) Two (2) survivors of domestic abuse;
- (b) A representative who is an employee of the Mississippi Coalition Against Domestic Violence;
- (c) A representative of a domestic violence shelter program that has been certified through the Mississippi Coalition Against Domestic Violence;
- (d) A licensed physician or nurse with experience in conducting forensics examinations of victims of domestic violence



65 (e) A licensed mental health professional who is
66 knowledgeable concerning impact of domestic violence on mental
67 health in Mississippi;

68 (f) An officer of a municipal law enforcement agency
69 with experience investigating domestic violence in Mississippi;

70 (g) An officer of a county sheriff's office with
71 experience investigating domestic violence in Mississippi;

72 (h) A licensed social worker from the Department of
73 Child Protection Services;

74 (i) A county prosecutor;

75 (j) A representative from an office of a district
76 attorney;

77 (k) A coroner or medical examiner;

78 (l) A county court judge;

79 (m) A representative from the Department of Public
80 Safety;

81 (n) A representative from the Bureau of Victim
82 Assistance within the Attorney General's Office;

83 (o) The team coordinator employed under subsection (3)
84 of this section.

85 (2) The members of the board shall serve for terms of four
86 (4) years. The chairman of the board shall be elected every two
87 (2) years by the membership of the board. The board shall develop
88 and implement such procedures and policies necessary for its
89 operation, including providing the necessary data, information and



resources to ensure successful completion of the ongoing review required by this section, and information storage and deletion.

(3) The department shall be responsible for the general administration of the activities of the board and shall employ or contract with a coordinator and designate other staff as necessary to provide administrative support for the board. The coordinator shall:

(a) Gather, store, and distribute the necessary records and information for investigations made available to the board;

(b) Ensure timely notification of the board members of upcoming meetings;

(c) Ensure that all board reporting and data collection requirements are met;

(d) Oversee adherence to the review process established by this section and the protocols developed by the board; and

(e) Perform such other duties as the board deems appropriate.

(4) The board may invite other individuals to participate with the board on an ad hoc basis for a particular investigation. Such individuals may include those with expertise that would aid in the investigation and representatives from organizations or agencies that had contact with, or provide services to, the decedent victim or associated victim, and families of the decedent victim or associated victim and perpetrator. If the domestic violence death occurred on tribal lands or if the domestic



115 violence death involves a member of a federally recognized Indian
116 tribe, additional agencies and tribal representatives may be
117 invited to participate. The board shall require any person
118 appearing before it to sign a confidentiality agreement to ensure
119 confidentiality. The board may consult and share information with
120 the Child Death Review Panel created by Section 41-111-1 and the
121 Maternal Mortality Review Committee created by Section 41-112-1
122 when the decedent victim or any associated victim is also the
123 subject of an investigation of a child death or investigation of a
124 maternal death.

125 (5) The review of a domestic violence fatality by the board
126 shall involve a review of existing records, documents, and other
127 information regarding the decedent victim and perpetrator from
128 relevant agencies, professionals, providers of health care, and
129 family and household members of the decedent victim or
130 perpetrator. The records to be reviewed shall include: Protection
131 orders; dissolution, mediation, custody, and support agreements
132 and related court records; medical records; mental health records;
133 therapy records; autopsy reports; birth and death certificates;
134 court records, including juvenile cases and dismissed criminal
135 cases; social services records, including juvenile records;
136 educational records; emergency medical services records;
137 Department of Corrections information and records; parole and
138 probation information and records; law enforcement agency



investigative information and reports; and any other information considered relevant by the board.

(6) The board shall submit a report once every two (2) years to the Chairmen of the House Public Health and Human Services Committee and the Senate Public Health and Welfare Committee concerning its activities and the incidents of domestic violence fatalities within the state. The report is due on or before December 1 of each year. The report shall include the number, causes and relevant demographic information on domestic violence fatalities in Mississippi, identifiable trends in domestic violence fatalities in the state, and appropriate policy and systems recommendations to the Legislature on how to most effectively direct state resources to reduce the number of preventable domestic violence fatalities in the state.

(7) Data for the board's review and reporting shall be provided to the board, upon the request of the board, by the State Medical Examiner's Office, State Department of Health, Department of Human Services, medical examiners, coroners, health care providers, law enforcement agencies, any other agencies or officials having information that is necessary for the board to carry out its duties under this section.

(8) Physicians licensed under Section 73-25-1 et seq., hospitals licensed under Section 41-9-1 et seq., and pharmacies licensed under Section 73-21-69 et seq., shall provide reasonable access to the board to all relevant medical records associated



164 with a case under review by the board. Any person having records
165 or other information relevant to the board's review of a domestic
166 violence fatality, including, but not limited to, medical records,
167 legal documents, law enforcement records, advocacy records,
168 records of the Department of Child Protection Services, records of
169 youth courts and other courts, birth and death records, clergy
170 records, shall provide those records or information when requested
171 by the board.

172 (9) A physician, hospital or pharmacy providing access to
173 medical records under this section shall not be held liable for
174 civil damages or be subject to any criminal or disciplinary action
175 for good faith efforts in providing such records.

176 (10) Information, records, reports, statements, notes,
177 memoranda or other data collected under this section shall not be
178 admissible as evidence in any action of any kind in any court or
179 before any other tribunal, board, agency or person. Such
180 information, records, reports, statements, notes, memoranda or
181 other data shall not be exhibited nor their contents disclosed in
182 any way, in whole or in part, by any officer or representative of
183 the board or any other person, except as may be necessary for the
184 purpose of furthering the review of the board of the case to which
185 they relate. No person participating in such review shall
186 disclose, in any manner, the information so obtained except in
187 strict conformity with such review project.



188 (11) All information, records of interviews, written
189 reports, statements, notes, memoranda or other data obtained by
190 the department, the board, and other persons, agencies or
191 organizations so authorized by the department or the board under
192 this section shall be confidential.

193 (12) All proceedings and activities of the board under this
194 section, opinions of members of the board formed as a result of
195 those proceedings and activities, and records obtained, created,
196 or maintained under this section, including records of interviews,
197 written reports and statements procured by the board or any other
198 person, agency or organization acting jointly or under contract
199 with the department or the board in connection with the
200 requirements of this section, shall be confidential and shall not
201 be subject to the Mississippi Public Records Act of 1983, Sections
202 25-61-1 through 25-61-17, relating to open records, or subject to
203 subpoena, discovery or introduction into evidence in any civil or
204 criminal proceeding; however, nothing in this section shall be
205 construed to limit or restrict the right to discover or use in any
206 civil or criminal proceeding anything that is available from
207 another source and independently of the proceedings of the board.

208 (13) Members of the board shall not be questioned in any
209 civil or criminal proceeding regarding the information presented
210 in or opinions formed as a result of a meeting or communication of
211 the board; however, nothing in this section shall be construed to
212 prevent a member of the board from testifying to information



obtained independently of the proceedings of the board or which is public information.

(14) Reports of aggregated, nonindividually identifiable data shall be compiled on a routine basis for distribution in an effort to further study the causes and problems associated with domestic violence fatalities. Reports shall be distributed to the Legislature, health care providers and facilities, key government agencies, and others necessary to reduce the rate of domestic violence fatalities.

SECTION 2. Section 25-41-3, Mississippi Code of 1972, is amended as follows:

25-41-3. For purposes of this chapter, the following words shall have the meaning ascribed herein, to wit:

(a) "Public body" means any executive or administrative board, commission, authority, council, department, agency, bureau or any other policymaking entity, or committee thereof, of the State of Mississippi, or any political subdivision or municipal corporation of the state, whether the entity be created by statute or executive order, which is supported wholly or in part by public funds or expends public funds, and any standing, interim or special committee of the Mississippi Legislature. The term "public body" includes the governing board of a charter school authorized by the Mississippi Charter School Authorizer Board and the board of trustees of a community hospital as defined in Section 41-13-10. The term "public body" includes the Mississippi



Lottery Corporation. There shall be exempted from the provisions of this chapter:

(i) The judiciary, including all jury deliberations;

(ii) Law enforcement officials;

(iii) The military;

(iv) The State Probation and Parole Board;

(v) The Workers' Compensation Commission;

(vi) Legislative subcommittees and legislative conference committees;

(vii) The arbitration council established in Section 69-3-19;

(viii) License revocation, suspension and disciplinary proceedings held by the Mississippi State Board of Dental Examiners; * * *

(ix) Hearings and meetings of the Board of Tax Appeals and of the hearing officers and the board of review of the Department of Revenue as provided in Section 27-77-15; and

(x) The Domestic Violence Fatality Review Board established under Section 1 of this act.

(b) "Meeting" means an assemblage of members of a public body at which official acts may be taken upon a matter over which the public body has supervision, control, jurisdiction or advisory power, including an assemblage through the use of video or teleconference devices that conforms to Section 25-41-5.



263 **SECTION 3.** This act shall take effect and be in force from
264 and after July 1, 2025.

