

By: Senator(s) Hill, Fillingane

To: Judiciary, Division B

SENATE BILL NO. 2211

1 AN ACT TO AMEND SECTION 99-51-3, MISSISSIPPI CODE OF 1972, TO
2 COMPLY WITH REQUIREMENTS TO RECEIVE FEDERAL STOP GRANT FUNDS; TO
3 PROVIDE THAT A VICTIM OF SEXUAL ASSAULT SHALL HAVE THE RIGHT TO BE
4 INFORMED IN WRITING OF POLICIES GOVERNING THE COLLECTION AND
5 PRESERVATION OF A SEXUAL ASSAULT EVIDENCE COLLECTION KIT; TO
6 PROVIDE THAT A VICTIM OF SEXUAL ASSAULT SHALL HAVE THE RIGHT TO BE
7 INFORMED OF THE RIGHTS GRANTED TO THE VICTIM UNDER SECTION
8 99-51-3(3); TO EXTEND THE PERIOD OF TIME FOR WRITTEN NOTIFICATION
9 TO A VICTIM OF SEXUAL ASSAULT OF A LAW ENFORCEMENT AGENCY'S INTENT
10 TO DESTROY OR DISPOSE OF THE SEXUAL ASSAULT EVIDENCE KIT OR ANY
11 OTHER CRIME SCENE EVIDENCE FROM AN UNSOLVED SEXUAL ASSAULT CASE;
12 AND FOR RELATED PURPOSES.

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

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

16 99-51-3. (1) Upon the request of a sexual assault victim
17 or * * * his or her designee, the law enforcement agency that is
18 investigating the assault of such victim shall inform the victim
19 of the location of the sexual assault evidence kit or other crime
20 scene evidence from the victim's case and the status of the DNA
21 testing of the sexual assault evidence kit or other crime scene
22 evidence from the victim's case.



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

27 (3) In addition to the rights provided in the "Mississippi
28 Crime Victims' Bill of Rights," in Sections 99-43-1 through
29 99-43-101, a victim of sexual assault shall have:

30 (a) The right to be informed by the law enforcement
31 agency handling the case whether a DNA profile of the assailant
32 was obtained from the testing of the sexual assault evidence kit
33 or other crime scene evidence from * * * his or her case.

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

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

44 (d) The right to be informed in writing of policies
45 governing the collection and preservation of a sexual assault
46 evidence collection kit.



47 (e) The right to be informed of the rights under this
48 subsection.

49 (4) If the law enforcement agency intends to destroy or
50 dispose of the sexual assault evidence kit or any other crime
51 scene evidence from an unsolved sexual assault case, the victim of
52 the case shall be given written notification by the law
53 enforcement agency of that intention within twenty (20) days. The
54 victim shall be granted further preservation of the kit or its
55 probative contents, upon * * * his or her request.

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

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

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



72 (8) A defendant or person accused or convicted of a crime
73 against the victim shall have no standing to object to any failure
74 to comply with this section. The failure to provide a right or
75 notice to a sexual assault victim under this section may not be
76 used by a defendant to seek to have the conviction or sentence set
77 aside.

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

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

