

By: Senator(s) Hill, Fillingane

To: Judiciary, Division B

SENATE BILL NO. 2211
(As Sent to Governor)

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 TO REQUIRE LICENSED HOSPITALS THAT OPERATE AN EMERGENCY DEPARTMENT
13 TO HAVE AT LEAST ONE PHYSICIAN, ADVANCED PRACTICE REGISTERED
14 NURSE, PHYSICIAN ASSISTANT OR REGISTERED NURSE WHO IS AVAILABLE AT
15 ALL TIMES AND WHO IS ABLE TO CONDUCT FORENSIC EXAMINATIONS OF
16 VICTIMS OF SEXUAL ASSAULT AND PREPARE SEXUAL ASSAULT EVIDENCE
17 COLLECTION KITS FOR THOSE VICTIMS; TO REQUIRE LICENSED HOSPITALS
18 TO SCREEN, TREAT OR EXAMINE VICTIMS OF SEXUAL ASSAULT WHO PRESENT
19 TO A HOSPITAL; TO REQUIRE LICENSED HOSPITALS TO MAINTAIN A
20 SUFFICIENT SUPPLY OF SEXUAL ASSAULT EVIDENCE COLLECTION KITS FOR
21 USE WHEN CONDUCTING FORENSIC EXAMINATIONS OF VICTIMS OF SEXUAL
22 ASSAULT; TO AUTHORIZE LICENSED HOSPITALS TO CONTRACT WITH FORENSIC
23 NURSES TO CONDUCT FORENSIC EXAMINATIONS OF VICTIMS OF SEXUAL
24 ASSAULT AND PREPARE SEXUAL ASSAULT EVIDENCE COLLECTION KITS FOR
25 THE HOSPITAL; AND FOR RELATED PURPOSES.

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

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



29 99-51-3. (1) Upon the request of a sexual assault victim
30 or * * * his or her designee, the law enforcement agency that is
31 investigating the assault of such victim shall inform the victim
32 of the location of the sexual assault evidence kit or other crime
33 scene evidence from the victim's case and the status of the DNA
34 testing of the sexual assault evidence kit or other crime scene
35 evidence from the victim's case.

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

40 (3) In addition to the rights provided in the "Mississippi
41 Crime Victims' Bill of Rights," in Sections 99-43-1 through
42 99-43-101, a victim of sexual assault shall have:

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

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

51 (c) The right to be informed whether there is a match
52 between the DNA profile of the assailant developed from the rape
53 kit evidence or other crime scene evidence and a DNA profile



54 contained in the Mississippi Forensics Laboratory's DNA
55 identification system, provided that disclosure would not impede
56 or compromise an ongoing investigation.

57 (d) The right to be informed in writing of policies
58 governing the collection and preservation of a sexual assault
59 evidence collection kit.

60 (e) The right to be informed of the rights under this
61 subsection.

62 (4) If the law enforcement agency intends to destroy or
63 dispose of the sexual assault evidence kit or any other crime
64 scene evidence from an unsolved sexual assault case, the victim of
65 the case shall be given written notification by the law
66 enforcement agency of that intention within * * * sixty (60) days.
67 The victim shall be granted further preservation of the kit or its
68 probative contents, upon * * * his or her request.

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

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



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

85 (8) A defendant or person accused or convicted of a crime
86 against the victim shall have no standing to object to any failure
87 to comply with this section. The failure to provide a right or
88 notice to a sexual assault victim under this section may not be
89 used by a defendant to seek to have the conviction or sentence set
90 aside.

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

96 **SECTION 2.** (1) As used in this section, the terms "sexual
97 assault" and "sexual assault evidence collection kit" have the
98 meanings as defined in Section 99-51-1.

99 (2) Each licensed hospital in the state that operates an
100 emergency department shall be required to have at least one (1)
101 physician, advanced practice registered nurse, physician assistant
102 or registered nurse available at all times who is able to conduct
103 forensic examinations of victims of sexual assault who present



104 themselves or are brought to the emergency department for
105 examination or treatment and prepare sexual assault evidence
106 collection kits for those victims.

107 (3) All licensed hospitals in the state shall screen, treat
108 or examine victims of sexual assault who present to a hospital or
109 are brought to the hospital for examination or treatment.

110 (4) Each licensed hospital in the state shall maintain a
111 sufficient supply of sexual assault evidence collection kits for
112 use when conducting forensic examinations of victims of sexual
113 assault.

114 (5) Any licensed hospital in the state is authorized to
115 contract with forensic nurses to conduct forensic examinations of
116 victims of sexual assault and prepare sexual assault evidence
117 collection kits for the hospital.

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

