

By: Senator(s) Wiggins

To: Judiciary, Division A

SENATE BILL NO. 2761

1 AN ACT TO PROVIDE CERTAIN PROCEDURES FOR LAW ENFORCEMENT
2 AGENCIES CONCERNING THE INVESTIGATION INTO A MISSING OR
3 UNIDENTIFIED PERSON; TO REQUIRE A LAW ENFORCEMENT AGENCY TO
4 INITIATE CERTAIN PROCEDURES UPON THE RECEIPT OF A CREDIBLE REPORT
5 OF A MISSING OR UNIDENTIFIED PERSON; TO REQUIRE CERTAIN
6 INFORMATION ABOUT THE MISSING OR UNIDENTIFIED PERSON TO BE ENTERED
7 INTO THE NATIONAL MISSING AND UNIDENTIFIED PERSONS SYSTEM; TO
8 REQUIRE A LAW ENFORCEMENT AGENCY TO ENTER A REPORT OF A MISSING
9 CHILD INTO THE NATIONAL MISSING AND UNIDENTIFIED PERSONS SYSTEM
10 WITHOUT DELAY; TO REQUIRE THE STATE MEDICAL EXAMINER TEST THE DNA
11 OF UNIDENTIFIED HUMAN REMAINS USING FORENSIC GENETIC GENEALOGY
12 TESTING; TO AMEND SECTION 41-61-53, MISSISSIPPI CODE OF 1972, TO
13 DEFINE THE TERMS "UNCLAIMED HUMAN REMAINS" AND "UNIDENTIFIED HUMAN
14 REMAINS"; TO AMEND SECTION 41-61-59, MISSISSIPPI CODE OF 1972, TO
15 PROVIDE THAT WHEN A BODY IS UNIDENTIFIED HUMAN REMAINS, THE BODY
16 SHALL BE SUBMITTED TO THE STATE MEDICAL EXAMINER; TO AMEND SECTION
17 41-61-61, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT UPON
18 DISCOVERY, UNIDENTIFIED HUMAN REMAINS OR ANATOMICAL MATERIAL
19 SUSPECTED OF BEING PART OF THE HUMAN BODY SHALL BE THE
20 JURISDICTION OF THE STATE MEDICAL EXAMINER BY OPERATION OF LAW; TO
21 PROVIDE THAT THE WILLFUL DESTRUCTION OF A BODY, BODY PART OR
22 UNIDENTIFIED HUMAN REMAINS SHALL BE A FELONY; TO REQUIRE THE
23 COUNTY MEDICAL EXAMINER INVESTIGATOR IN CONCERT WITH THE STATE
24 MEDICAL EXAMINER TO ENTER INTO THE NATIONAL MISSING AND
25 UNIDENTIFIED PERSONS SYSTEM ALL UNCLAIMED HUMAN REMAINS CASES
26 WITHIN A CERTAIN AMOUNT OF DAYS; TO AMEND SECTION 41-39-5,
27 MISSISSIPPI CODE OF 1972, TO REQUIRE ANY PHYSICIAN, HOSPITAL,
28 FUNERAL DIRECTOR, EMBALMER, COUNTY MEDICAL EXAMINER OR OTHER
29 PERSON ACQUIRING POSSESSION OF UNIDENTIFIED HUMAN REMAINS TO
30 SUBMIT THE REMAINS TO THE STATE MEDICAL EXAMINER AND NOT SUBJECT
31 THE REMAINS TO CREMATION, EMBALMING OR OTHER DESTRUCTIVE
32 TREATMENT; TO AMEND SECTION 45-6-7, MISSISSIPPI CODE OF 1972, TO
33 REVISE THE BOARD'S POWERS AND DUTIES TO INCLUDE INVESTIGATIVE
34 AUTHORITY; AND FOR RELATED PURPOSES.



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

SECTION 1. (1) As used in this section, the following words shall have the meanings herein ascribed unless the context clearly requires otherwise:

(a) "Forensic genetic genealogy testing" means the combination of laboratory testing, genetic genealogy, and law enforcement investigative techniques to develop investigate leads as to the identify of unidentified human remains. "Forensic genetic genealogy testing" includes developing genealogy DNA profiles consisting of one hundred thousand (100,000) or more markers that are compatible with multiple genealogy databases consented for law enforcement use.

(b) "Missing person" means a person reported to a law enforcement agency as missing and unaccounted for from expected and normal activities. "Missing person" includes, but is not limited to, children under eighteen (18) years of age and those missing persons described in Sections 43-15-401 and 45-41-1.

(c) "Unidentified person" means a person living or deceased who is unidentified after all available methods used to identify a person have been exhausted, including a decedent released to the State Medical Examiner in which the positive identity of the decedent cannot be established by the State Medical Examiner. "Unidentified person" includes unidentified human remains as defined in 41-61-53(1).



59 (2) When a credible report of a missing person or
60 unidentified person is received, a law enforcement agency shall:

61 (a) Submit the case to the National Missing and
62 Unidentified Persons System in addition to any database of missing
63 persons or unidentified persons currently required by the law
64 enforcement agency.

65 (b) Attempt to locate any fingerprints from available
66 resources and submit the fingerprints to the National Missing and
67 Unidentified Persons System.

68 (c) Input the following data, if available, into the
69 National Missing and Unidentified Persons System:

70 (i) Copies of fingerprints on standardized
71 fingerprint cards measuring eight inches by eight inches (8" x 8")
72 or the equivalent digital image, including partial prints of any
73 fingers;

74 (ii) Forensic dental report or radiology imaging;

75 (iii) Detailed personal descriptions;

76 (iv) Deoxyribonucleic acid (DNA) information;

77 (v) Radiology imaging and medical data;

78 (vi) All other identifying data, including date
79 and place of death; and

80 (vii) Enter the report of a missing child into the
81 National Missing and Unidentified Persons System without delay
82 upon receipt of the report.



(3) The State Medical Examiner shall test the DNA using forensic genetic genealogy testing no later than forty-five (45) days after receiving possession of unidentified human remains.

(4) The duties required under this section are in addition to any duties and procedures required of a law enforcement agency by Sections 43-15-401 and 45-41-1.

SECTION 2. Section 41-61-53, Mississippi Code of 1972, is amended as follows:

41-61-53. For the purposes of Sections 41-61-51 through 41-61-79, the following definitions shall apply:

(a) "Certification of death" means signing the death certificate.

(b) "Coroner" means the elected county official provided for in Sections 19-21-101 through 19-21-107.

(c) "County medical examiner investigator" means a nonphysician coroner or deputy coroner trained to investigate and certify deaths affecting the public interest.

(d) "County medical examiner" means a licensed physician who is a coroner or deputy coroner trained to investigate and certify deaths affecting the public interest.

(e) "Death affecting the public interest" means any death of a human being where the circumstances are sudden, unexpected, violent, suspicious or unattended.

(f) "Medical examiner" means the medical examiner system which is composed of the State Medical Examiner, county



medical examiners and county medical examiner investigators collectively, and is a jurisdictional identifier, not a title, unless the context clearly requires otherwise.

(g) "Medical examiner investigator" means a nonphysician appointed, trained and supervised by the State Medical Examiner to investigate and assist with the certification of deaths affecting the public interest.

(h) "Pronouncement of death" means the statement of opinion that life has ceased for an individual.

(i) "State Medical Examiner" means the person appointed by the Commissioner of Public Safety pursuant to Section 41-61-55 to investigate and certify deaths that affect the public interest.

(j) "Autopsy" means a postmortem examination.

(k) "Postmortem examination" means an examination of a dead human body that may include the least invasive to most invasive methods based on the expertise and judgment of the pathologist handling the case.

(l) "Unclaimed human remains" means all coroner cases with a confirmed identification that have not been claimed by family or where no family has been located in order to claim the remains.

(m) "Unidentified human remains" means deceased human remains, skeletonized or with tissue, which require the application of scientific identification methods to determine positive identity, as established by best practices.



"Unidentified human remains" include all deceased human remains without a positive identity, including those deceased human remains:

(i) With or without a presumptive identification;

or

(ii) Which are visually unrecognizable due to traumatic injury or decomposition.

"Unidentified human remains" does not include deceased human remains which have been determined to be solely archaeological in origin.

SECTION 3. Section 41-61-59, Mississippi Code of 1972, is amended as follows:

41-61-59. (1) A person's death that affects the public interest as specified in subsection (2) of this section shall be promptly reported to the medical examiner by the physician in attendance, any hospital employee, any law enforcement officer having knowledge of the death, the embalmer or other funeral home employee, any emergency medical technician, any relative or any other person present. The appropriate medical examiner shall notify the municipal or state law enforcement agency or sheriff and take charge of the body. When the medical examiner has received notification under Section * * * 41-39-143 that the deceased is medically suitable to be an organ and/or tissue donor, the medical examiner's authority over the body shall be subject to the provisions of Section * * * 41-39-143. When the body is



158 unidentified human remains, the medical examiner's jurisdiction of
159 the body shall be subject to the provisions of Section 41-61-61,
160 and the body shall be submitted to the State Medical Examiner.

161 The appropriate medical examiner shall notify the Mississippi
162 Bureau of Narcotics within twenty-four (24) hours of receipt of
163 the body in cases of death as described in subsection (2)(m) or
164 (n) of this section.

165 (2) A death affecting the public interest includes, but is
166 not limited to, any of the following:

167 (a) Violent death, including homicidal, suicidal or
168 accidental death.

169 (b) Death caused by thermal, chemical, electrical or
170 radiation injury.

171 (c) Death caused by criminal abortion, including
172 self-induced abortion, or abortion related to or by sexual abuse.

173 (d) Death related to disease thought to be virulent or
174 contagious that may constitute a public hazard.

175 (e) Death that has occurred unexpectedly or from an
176 unexplained cause.

177 (f) Death of a person confined in a prison, jail or
178 correctional institution.

179 (g) Death of a person where a physician was not in
180 attendance within thirty-six (36) hours preceding death, or in
181 prediagnosed terminal or bedfast cases, within thirty (30) days
182 preceding death.



(h) Death of a person where the body is not claimed by a relative or a friend.

(i) Death of a person where the * * * deceased * * * human remains are unidentified human remains.

(j) Death of a child under the age of two (2) years where death results from an unknown cause or where the circumstances surrounding the death indicate that sudden infant death syndrome may be the cause of death.

(k) Where a body is brought into this state for disposal and there is reason to believe either that the death was not investigated properly or that there is not an adequate certificate of death.

(l) Where a person is presented to a hospital emergency room unconscious and/or unresponsive, with cardiopulmonary resuscitative measures being performed, and dies within twenty-four (24) hours of admission without regaining consciousness or responsiveness, unless a physician was in attendance within thirty-six (36) hours preceding presentation to the hospital, or in cases in which the decedent had a prediagnosed terminal or bedfast condition, unless a physician was in attendance within thirty (30) days preceding presentation to the hospital.

(m) Death that is caused by drug overdose or which is believed to be caused by drug overdose.



(n) When a stillborn fetus is delivered and the cause of the demise is medically believed to be from the use by the mother of any controlled substance as defined in Section 41-29-105.

(o) Death of any person under the age of eighteen (18).

(3) The State Medical Examiner is empowered to investigate deaths, under the authority hereinafter conferred, in any and all political subdivisions of the state. The county medical examiners and county medical examiner investigators, while appointed for a specific county, may serve other counties on a regular basis with written authorization by the State Medical Examiner, or may serve other counties on an as-needed basis upon the request of the ranking officer of the investigating law enforcement agency. If a death affecting the public interest takes place in a county other than the one where injuries or other substantial causal factors leading to the death have occurred, jurisdiction for investigation of the death may be transferred, by mutual agreement of the respective medical examiners of the counties involved, to the county where the injuries or other substantial causal factors occurred, and the costs of autopsy or other studies necessary to the further investigation of the death shall be borne by the county assuming jurisdiction.

(4) (a) In criminal trials where the testimony of a current or former State Medical Examiner, Deputy State Medical Examiner, or member of the Mississippi Forensics Laboratory is needed, the



232 use of audiovisual communications equipment to present such
233 testimony remotely is allowed when the state has provided written
234 notice to the defendant at least ninety (90) days prior to trial
235 of its intent to present such remote testimony, and the defendant
236 provides no written objection within fourteen (14) days of
237 receiving such notice. Should the defendant object, the remote
238 testimony shall only be permitted upon a finding by the court that
239 the rights of the defendant to confront the witness against the
240 defendant is not violated, that compelling circumstances exist to
241 allow such remote testimony, and that the remote testimony can be
242 provided with appropriate safeguards so as to assure the
243 reliability of the testimony of the witness during the trial.

244 (b) All persons qualified to administer an oath in the
245 State of Mississippi may swear in a witness remotely by
246 audiovisual communication technology, provided they can positively
247 identify the witness and they are able to both see and hear the
248 witness via audiovisual communications equipment.

249 (5) The chief county medical examiner or chief county
250 medical examiner investigator may receive from the county in which
251 he serves a salary of One Thousand Two Hundred Fifty Dollars
252 (\$1,250.00) per month, in addition to the fees specified in
253 Sections 41-61-69 and 41-61-75, provided that no county shall pay
254 the chief county medical examiner or chief county medical examiner
255 investigator less than Three Hundred Dollars (\$300.00) per month
256 as a salary, in addition to other compensation provided by law.



In any county having one or more deputy medical examiners or deputy medical examiner investigators, each deputy may receive from the county in which he serves, in the discretion of the board of supervisors, a salary of not more than Nine Hundred Dollars (\$900.00) per month, in addition to the fees specified in Sections 41-61-69 and 41-61-75; however, no county shall pay the deputy medical examiners or deputy medical examiner investigators less than Three Hundred Dollars (\$300.00) per month as a salary in addition to other compensation provided by law. For this salary the chief shall assure twenty-four-hour daily and readily available death investigators for the county, and shall maintain copies of all medical examiner death investigations for the county for at least the previous five (5) years. He shall coordinate his office and duties and cooperate with the State Medical Examiner, and the State Medical Examiner shall cooperate with him.

SECTION 4. Section 41-61-61, Mississippi Code of 1972, is amended as follows:

41-61-61. (1) Upon the death of any person where that death affects the public interest, the medical examiner of the county in which the body of the deceased is found or, if death occurs in a moving conveyance, where the conveyance stops and death is pronounced, shall be notified promptly by any person having knowledge or suspicion of such a death, as provided in subsection (1) of Section 41-61-59. The medical examiner shall then notify the State Medical Examiner, in accordance with Section



41-61-63(2)(a). No person shall disturb the body at the scene of such a death until authorized by the medical examiner, unless the medical examiner is unavailable and it is determined by an appropriate law enforcement officer that the presence of the body at the scene would risk the integrity of the body or provide a hazard to the safety of others. For the limited purposes of this section, expression of an opinion that death has occurred may be made by a nurse, an emergency medical technician, or any other competent person, in the absence of a physician.

(2) The discovery of unidentified human remains or of anatomical material suspected of being part of the human body shall be promptly reported either (a) to the medical examiner of the county in which the material is found, who shall report the discovery to the State Medical Examiner, or (b) to the State Medical Examiner. The unidentified human remains or the anatomical material suspected of being part of the human body shall be the jurisdiction of the State Medical Examiner by operation of law.

(3) (a) A person who willfully moves, distributes or conceals a body or body part in violation of this section is guilty of a misdemeanor, and may be punished by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment for not more than six (6) months in the county jail, or by both such fine and imprisonment.



306 (b) A person who willfully destroys a body, body part
307 or unidentified human remains in violation of this section is
308 guilty of a felony, and may be punished by a fine of not more than
309 Five Thousand Dollars (\$5,000.00), or by imprisonment for not more
310 than two (2) years in the custody of the Department of
311 Corrections, or by both such fine and imprisonment.

312 (4) Upon oral or written authorization * * *, if an autopsy
313 is to be performed, the body shall be transported directly to an
314 autopsy facility in a suitable secure conveyance, and the expenses
315 of transportation shall be paid by the county for which the
316 service is provided. The county may contract with individuals or
317 make available a vehicle to the medical examiner or law
318 enforcement personnel for transportation of bodies. If transport
319 must be delayed for any reason, the county shall store the body in
320 an environment conducive to maintaining preservation prior to
321 transporting the body to the State Medical Examiner's Office for
322 postmortem examination.

323 (5) The county medical examiner investigator in concert with
324 the State Medical Examiner shall enter into the National Missing
325 and Unidentified Persons System all unclaimed human remains cases
326 as defined in 41-61-53(1) within five (5) days following the
327 identification of the unclaimed human remains but in no case
328 longer than fifteen (15) days from the date of death of the
329 individual. The State Medical Examiner is authorized to enter



these cases into the National Missing and Unidentified Persons
System on behalf of the county medical examiner investigator.

SECTION 5. Section 41-39-5, Mississippi Code of 1972, is
amended as follows:

41-39-5. (1) Any physician, hospital, funeral director,
embalmer, county medical examiner or other person acquiring
possession of unidentified human remains as defined in
41-61-53(m), or portion thereof, shall:

(a) Immediately submit the unidentified human remains
to the State Medical Examiner pursuant to Sections 41-61-59 and
41-61-61; and

(b) Not subject the unidentified human remains to
cremation, embalming or other destructive treatment.

(2) Any physician, hospital, funeral director,
embalmer * * * or other person acquiring possession of a dead
human body or portion thereof which is not claimed for burial or
cremation within forty-eight (48) hours of its acquisition and is
not unidentified human remains shall give written notice thereof
to the board of supervisors, or a member thereof, of the county in
which the dead body or portion thereof is located, furnishing such
identification of the decedent as may be available. The board of
supervisors or the coroner shall make reasonable efforts to notify
members of the decedent's family or other known interested
persons, and, if the dead body or portion thereof shall not be
claimed for burial or cremation by any interested person within



five (5) days of the aforementioned written notice, the board of supervisors or coroner shall, as soon as it may think appropriate, authorize and direct the burial or cremation and burial of the residue of such dead body or portion thereof. In its discretion and where otherwise permitted to do so by law, the board of supervisors may direct the disposition of the dead body or portion thereof as provided by Section 41-39-7. The reasonable expense of such burial or cremation and burial of the residue of a dead body shall be borne by the estate of the decedent or of any person liable at law for the necessities of the decedent during his lifetime or, if they are unable to pay the same, by the county of residence or settlement of the decedent, if known, and, if not known, by the county in which the dead body or portion thereof is located.

(3) If the person having possession of such dead human body or portion thereof shall have no available means of preserving the same and shall so notify the board of supervisors, or a member thereof, of the county in which the dead body or portion thereof is located, it shall be the duty of the board of supervisors to make arrangements for the preservation of the same until burial or cremation and burial of the residue of the dead body as hereinabove provided, and the expense of such preservation shall be borne as hereinabove provided with respect to the expense of burial or cremation.



(4) No county funds may be expended in excess of the amount budgeted for the purposes of this section without the prior approval of the board of supervisors of the county.

SECTION 6. Section 45-6-7, Mississippi Code of 1972, is amended as follows:

45-6-7. In addition to the powers conferred upon the board elsewhere in this chapter, the board shall have power to:

(a) Promulgate rules and regulations for the administration of this chapter, including the authority to require the submission of reports and information by law enforcement agencies of the state and its political subdivisions.

(b) Establish minimum educational and training standards for admission to employment or appointment as a law enforcement officer or a part-time law enforcement officer: (i) in a permanent position; and (ii) in a probationary status. The minimum educational and training standards for any law enforcement officer assigned to field or investigative duties shall include at least two (2) hours of training related to handling complaints of human trafficking and commercial sexual exploitation of children as defined in Section 43-21-105, communicating with such victims, and requiring the officer to contact the Department of Child Protection Services when human trafficking or commercial sexual exploitation is suspected and at least two (2) hours of training related to the investigation of unidentified and missing persons.



403 (c) Certify persons as being qualified under the
404 provisions of this chapter to be law enforcement officers or
405 part-time law enforcement officers.

406 (d) Revoke certification for cause and in the manner
407 provided in this chapter. The board is authorized to conduct
408 investigations and subpoena documents regarding revocations. The
409 board shall maintain a current list of all persons certified under
410 this chapter who have been placed on probation, suspended,
411 subjected to revocation of certification, or any combination of
412 these. The board may establish a hearing panel for the purpose of
413 providing a hearing to any law enforcement officer for whom the
414 board believes there is a basis for reprimand, suspension,
415 cancellation of, or recalling the certification of a law
416 enforcement officer. The hearing panel shall provide its written
417 findings and recommendations to the board.

418 (e) Establish minimum curriculum requirements for basic
419 and advanced courses and programs for schools operated by or for
420 the state or any political subdivision thereof for the specific
421 purpose of training police and other law enforcement officers,
422 both full- and part-time, which shall include a minimum of two (2)
423 hours of training in a course or courses related to the
424 identification of and support for victims of human trafficking and
425 commercial sexual exploitation.

426 (f) Consult and cooperate with counties,
427 municipalities, state agencies, other governmental agencies, and



with universities, colleges, community and junior colleges and other institutions concerning the development of training schools, programs or courses of instruction for personnel defined in this chapter.

(g) Make recommendations concerning any matter within its purview pursuant to this chapter.

(h) Make such inspection and evaluation as may be necessary to determine if governmental units are complying with the provisions of this chapter.

(i) Approve law enforcement officer training schools for operation by or for the state or any political subdivision thereof for the specific purpose of training personnel defined in this chapter.

(j) Upon the request of agencies employing personnel defined in this chapter, conduct surveys or aid municipalities and counties to conduct surveys through qualified public or private agencies and assist in the implementation of any recommendations resulting from such surveys.

(k) Upon request of agencies within the purview of this chapter, conduct general and specific management surveys and studies of the operations of the requesting agencies at no cost to those agencies. The role of the board under this subsection shall be that of management consultant.

(l) Adopt and amend regulations consistent with law, for its internal management and control of board programs.



453 (m) Enter into contracts or do such things as may be
454 necessary and incidental to the administration of this chapter.

455 (n) Establish jointly with the State Board of Education
456 the minimum level of basic law enforcement training required of
457 persons employed by school districts as school security guards, or
458 school resource officers or in other positions that have the
459 powers of a peace officer.

460 **SECTION 7.** This act shall take effect and be in force from
461 and after July 1, 2025.

