

House Amendments to Senate Bill No. 2211

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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

35 99-51-3. (1) Upon the request of a sexual assault victim
36 or * * * his or her designee, the law enforcement agency that is
37 investigating the assault of such victim shall inform the victim
38 of the location of the sexual assault evidence kit or other crime
39 scene evidence from the victim's case and the status of the DNA
40 testing of the sexual assault evidence kit or other crime scene
41 evidence from the victim's case.

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

46 (3) In addition to the rights provided in the "Mississippi
47 Crime Victims' Bill of Rights," in Sections 99-43-1 through
48 99-43-101, a victim of sexual assault shall have:

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

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

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

63 (d) The right to be informed in writing of policies
64 governing the collection and preservation of a sexual assault
65 evidence collection kit.

66 (e) The right to be informed of the rights under this
67 subsection.

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

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

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

85 (7) For the purpose of receiving notice under this section,
86 the victim or the victim's designee may keep appropriate
87 authorities informed of the name, address, telephone number, and
88 email address of the person to whom the information should be
89 provided, and any changes of the name, address, telephone number,
90 and email address, if an email address is available.

91 (8) A defendant or person accused or convicted of a crime
92 against the victim shall have no standing to object to any failure
93 to comply with this section. The failure to provide a right or
94 notice to a sexual assault victim under this section may not be
95 used by a defendant to seek to have the conviction or sentence set
96 aside.

97 (9) The sole civil or criminal remedy available to a sexual
98 assault victim for a law enforcement agency's failure to fulfill
99 its responsibilities under this section shall be standing to file

a writ of mandamus to require compliance with subdivision with the requirements of this chapter.

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

(2) Each licensed hospital in the state that operates an emergency department shall be required to have at least one (1) physician, advanced practice registered nurse, physician assistant or registered nurse available during each shift throughout the day who is able to conduct forensic examinations of victims of sexual assault who present themselves or are brought to the emergency department for examination or treatment and prepare sexual assault evidence collection kits for those victims.

(3) No licensed hospital in the state shall turn away or refuse to treat or examine victims of sexual assault who present themselves or are brought to the hospital for examination or treatment.

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

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

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

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

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

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

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

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

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

(f) "Sexual Assault Nurse Examiner" means a registered nurse or advanced practice nurse, with a minimum of one (1) year of experience in areas of practice that require advanced physical assessment skills, such as emergency, critical care and maternal child health, who has completed sexual assault nurse examiner

(SANE) training consistent with IAFN SANE Education Guidelines that consists of both classroom and clinical components.

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

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

(a) Any medical facility that conducts a medical forensic examination and/or prepares a sexual assault evidence collection kit shall immediately, but no longer than four (4) hours after the finalization of examination, contact the appropriate law enforcement agency to collect the kit. Until the kit is retrieved by law enforcement, the medical facility shall store the kit in a refrigerated manner in conformity with the Scientific Working Group for DNA Analysis Method. The medical facility shall keep sexual assault evidence collection kits in a separate refrigeration unit that is used only for the storage of laboratory results or a similar unit used to store sensitive hospital materials related to the medical treatment of patients.

(b) When a law enforcement agency is contacted to collect a sexual assault evidence kit, the law enforcement agency shall take possession of the kit from the medical facility within twenty-four (24) hours. Upon taking physical possession of the sexual assault evidence collection kit, the law enforcement agency

shall transport the kit in a manner that preserves the evidence in the kit. The agency shall: (i) store the kit in a secure, refrigerated location in the agency no more than two (2) hours after taking physical possession of the kit; or (ii) transport the kit directly to the Mississippi Forensics Laboratory. The agency shall keep sexual assault evidence collection kits in a separate refrigeration unit that is used only for the storage of those kits.

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

(d) A law enforcement agency that receives a sexual assault collection kit from a healthcare provider that relates to 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

203 database. If the Mississippi Forensics Laboratory is unable to
204 determine DNA present, other than the victim's DNA, in the sexual
205 assault evidence collection kit, the laboratory should evaluate
206 the case, when suitable, to determine if any other DNA results
207 could be used for investigative purposes.

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

215 (c) The Mississippi Forensics Laboratory is authorized
216 to contract with other laboratories to ensure that each kit is
217 tested and the information from such kit is entered into CODIS,
218 when applicable, within the time frames required by this
219 subsection.

220 **SECTION 4.** This act shall take effect and be in force from
221 and after July 1, 2025.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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 ON DUTY DURING EACH
15 SHIFT THROUGHOUT THE DAY WHO IS ABLE TO CONDUCT FORENSIC
16 EXAMINATIONS OF VICTIMS OF SEXUAL ASSAULT AND PREPARE SEXUAL
17 ASSAULT EVIDENCE COLLECTION KITS FOR THOSE VICTIMS; TO PROHIBIT
18 LICENSED HOSPITALS FROM TURNING AWAY OR REFUSING TO EXAMINE OR
19 TREAT VICTIMS OF SEXUAL ASSAULT; TO REQUIRE LICENSED HOSPITALS TO
20 MAINTAIN A SUFFICIENT SUPPLY OF SEXUAL ASSAULT EVIDENCE COLLECTION
21 KITS FOR USE WHEN CONDUCTING FORENSIC EXAMINATIONS OF VICTIMS OF
22 SEXUAL ASSAULT; TO AUTHORIZE LICENSED HOSPITALS TO CONTRACT WITH
23 FORENSIC NURSES TO CONDUCT FORENSIC EXAMINATIONS OF VICTIMS OF
24 SEXUAL ASSAULT AND PREPARE SEXUAL ASSAULT EVIDENCE COLLECTION KITS
25 FOR THE HOSPITAL; TO AMEND SECTION 99-51-1, MISSISSIPPI CODE OF
26 1972, TO REQUIRE MEDICAL FACILITIES AND LAW ENFORCEMENT AGENCIES
27 TO KEEP SEXUAL ASSAULT EVIDENCE COLLECTION KITS IN A SEPARATE
28 REFRIGERATION UNIT THAT IS USED ONLY FOR THE STORAGE OF LABORATORY
29 RESULTS OR A SIMILAR UNIT USED TO STORE SENSITIVE HOSPITAL
30 MATERIALS RELATED TO THE MEDICAL TREATMENT OF PATIENTS; AND FOR
31 RELATED PURPOSES.

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Andrew Ketchings
Clerk of the House of Representatives