

**Adopted  
AMENDMENT NO 1 PROPOSED TO**

**Senate Bill No. 2211**

**BY: Representative McLean**

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

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

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

113 (3) No licensed hospital in the state shall turn away or  
114 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



164 appropriate law enforcement agency to collect the kit. Until the  
165 kit is retrieved by law enforcement, the medical facility shall  
166 store the kit in a refrigerated manner in conformity with the  
167 Scientific Working Group for DNA Analysis Method. The medical  
168 facility shall keep sexual assault evidence collection kits in a  
169 separate refrigeration unit that is used only for the storage of  
170 laboratory results or a similar unit used to store sensitive  
171 hospital materials related to the medical treatment of patients.

172 (b) When a law enforcement agency is contacted to  
173 collect a sexual assault evidence kit, the law enforcement agency  
174 shall take possession of the kit from the medical facility within  
175 twenty-four (24) hours. Upon taking physical possession of the  
176 sexual assault evidence collection kit, the law enforcement agency  
177 shall transport the kit in a manner that preserves the evidence in  
178 the kit. The agency shall: (i) store the kit in a secure,  
179 refrigerated location in the agency no more than two (2) hours  
180 after taking physical possession of the kit; or (ii) transport the  
181 kit directly to the Mississippi Forensics Laboratory. The agency  
182 shall keep sexual assault evidence collection kits in a separate  
183 refrigeration unit that is used only for the storage of those  
184 kits.

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



189           (d) A law enforcement agency that receives a sexual  
190 assault collection kit from a healthcare provider that relates to  
191 a report of a sexual assault that occurred outside the  
192 jurisdiction of that law enforcement agency shall have the sexual  
193 assault collection kit delivered to the law enforcement agency  
194 having jurisdiction within ten (10) days of learning that the  
195 other law enforcement agency has jurisdiction.

196           (3) (a) The Mississippi Forensics Laboratory shall test  
197 sexual assault evidence collection kits within sixty (60) days of  
198 receipt from a law enforcement agency. Forensic DNA testing shall  
199 be performed according to laboratory methods that determine the  
200 presence of DNA suitable for STR analysis. Any autosomal, CODIS  
201 eligible DNA profile shall be entered into the Combined DNA Index  
202 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





rate for this analysis and classification should not exceed ninety (90) days.

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

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

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

AN ACT TO AMEND SECTION 99-51-3, MISSISSIPPI CODE OF 1972, TO COMPLY WITH REQUIREMENTS TO RECEIVE FEDERAL STOP GRANT FUNDS; TO PROVIDE THAT A VICTIM OF SEXUAL ASSAULT SHALL HAVE THE RIGHT TO BE INFORMED IN WRITING OF POLICIES GOVERNING THE COLLECTION AND PRESERVATION OF A SEXUAL ASSAULT EVIDENCE COLLECTION KIT; TO PROVIDE THAT A VICTIM OF SEXUAL ASSAULT SHALL HAVE THE RIGHT TO BE INFORMED OF THE RIGHTS GRANTED TO THE VICTIM UNDER SECTION 99-51-3(3); TO EXTEND THE PERIOD OF TIME FOR WRITTEN NOTIFICATION TO A VICTIM OF SEXUAL ASSAULT OF A LAW ENFORCEMENT AGENCY'S INTENT TO DESTROY OR DISPOSE OF THE SEXUAL ASSAULT EVIDENCE KIT OR ANY OTHER CRIME SCENE EVIDENCE FROM AN UNSOLVED SEXUAL ASSAULT CASE; TO REQUIRE LICENSED HOSPITALS THAT OPERATE AN EMERGENCY DEPARTMENT TO HAVE AT LEAST ONE PHYSICIAN, ADVANCED PRACTICE REGISTERED NURSE, PHYSICIAN ASSISTANT OR REGISTERED NURSE ON DUTY DURING EACH SHIFT THROUGHOUT THE DAY WHO IS ABLE TO CONDUCT FORENSIC EXAMINATIONS OF VICTIMS OF SEXUAL ASSAULT AND PREPARE SEXUAL ASSAULT EVIDENCE COLLECTION KITS FOR THOSE VICTIMS; TO PROHIBIT LICENSED HOSPITALS FROM TURNING AWAY OR REFUSING TO EXAMINE OR TREAT VICTIMS OF SEXUAL ASSAULT; TO REQUIRE LICENSED HOSPITALS TO MAINTAIN A SUFFICIENT SUPPLY OF SEXUAL ASSAULT EVIDENCE COLLECTION KITS FOR USE WHEN CONDUCTING FORENSIC EXAMINATIONS OF VICTIMS OF SEXUAL ASSAULT; TO AUTHORIZE LICENSED HOSPITALS TO CONTRACT WITH FORENSIC NURSES TO CONDUCT FORENSIC EXAMINATIONS OF VICTIMS OF SEXUAL ASSAULT AND PREPARE SEXUAL ASSAULT EVIDENCE COLLECTION KITS FOR THE HOSPITAL; TO AMEND SECTION 99-51-1, MISSISSIPPI CODE OF 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.

