

By: Ross

To: Judiciary;
Appropriations

SENATE BILL NO. 3003

1 AN ACT TO CREATE THE MISSISSIPPI CRIME LABORATORY AND MEDICAL
2 EXAMINER BOARD; TO SPECIFY THE MEMBERSHIP; TO AUTHORIZE THE BOARD
3 TO ADOPT RULES AND REGULATIONS; TO CREATE AN ADVISORY COUNCIL; TO
4 PROVIDE FOR PAYMENT OF PER DIEM; TO SPECIFY THE POWERS AND DUTIES
5 OF THE STATE MEDICAL EXAMINER; TO SPECIFY THE POWERS AND DUTIES OF
6 THE DIRECTOR OF THE CRIME LAB; TO REPEAL SECTIONS 45-1-17,
7 45-1-25, 45-1-27, 45-1-29 AND 45-1-31, MISSISSIPPI CODE OF 1972,
8 WHICH PROVIDE FOR THE ESTABLISHMENT OF THE CRIME DETECTION AND
9 MEDICAL EXAMINER LABORATORY, THE APPOINTMENT, RESPONSIBILITIES AND
10 QUALIFICATIONS OF THE DIRECTOR OF THE CRIME LABORATORY, AND THE
11 FUNDING AND EQUIPMENT FOR THE CRIME LABORATORY; TO REPEAL SECTION
12 41-61-77, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR A CENTRAL
13 MEDICAL EXAMINER OFFICE AND USE OF PRIVATE FACILITIES FOR
14 INVESTIGATING DEATHS; AND FOR RELATED PURPOSES.

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

16 SECTION 1. (1) There shall be a Mississippi Crime
17 Laboratory and Medical Examiner Board, the membership of which is
18 to be composed of the Attorney General, who shall serve as the
19 chairman of the board, the Chairman of the Pathology Department of
20 the University of Mississippi Medical Center, the State Chemist,
21 the Commissioner of Public Safety and six (6) other members of the
22 board to be appointed by the Governor, with the advice and consent
23 of the Senate, as hereinafter provided. The board shall select
24 annually a vice chairman from its membership.

25 (2) The Governor shall appoint six (6) other members, with
26 the advice and consent of the Senate, as follows:

27 One (1) sheriff;

28 One (1) municipal police chief;

29 Two (2) members-at-large who are adult resident citizens of
30 the state;

31 One (1) member of The Mississippi Bar who primarily practices
32 criminal defense law; and

33 One (1) district attorney;

34 All members shall take and subscribe to the general oath of
35 office as provided in Section 268, Mississippi Constitution of
36 1890.

37 (3) For the initial purposes of appointment, the sheriff and
38 criminal defense lawyer members shall be appointed for a
39 three-year term; the municipal police chief and one (1) of the two
40 (2) members-at-large shall be appointed for a two-year term; and
41 the remaining member-at-large and the district attorney member
42 shall be appointed for a four-year term; all terms shall
43 thereafter be for four (4) years, except for appointments to fill
44 vacancies which shall be for the unexpired term only. Members
45 shall be eligible for reappointment to the same or a different
46 category.

47 (4) On or before December 31, 2000, the board shall appoint
48 the State Medical Examiner and the Director of the Crime Lab.

49 (5) The crime detection and medical examiner laboratory
50 established under this act shall be operated in cooperation with
51 the University Medical Center and other hospitals and
52 laboratories, and the Mississippi Crime Laboratory and the Office
53 of the State Medical Examiner shall comprise two (2) separate
54 divisions of the agency that shall operate in conjunction, sharing
55 facilities and equipment to the extent that the board may direct.

56 (6) There is created an advisory council to advise the
57 Mississippi Crime Laboratory and Medical Examiner Board on matters
58 concerning the board. The council shall be composed of the
59 Chairman of the Senate Judiciary Committee, the Chairman of the
60 House Judiciary En Banc Committee, and one (1) appointee of the
61 Lieutenant Governor and one (1) appointee of the Speaker of the
62 House of Representatives. The members of the advisory council
63 shall serve in an advisory capacity only. For attending meetings
64 of the council, such legislators shall receive per diem and
65 expenses which shall be paid from the contingent expense funds of

66 their respective houses in the same amounts provided for committee
67 meetings when the Legislature is not in session; however, no per
68 diem or expenses for attending meetings of the council shall be
69 paid while the Legislature is in session. No per diem and
70 expenses shall be paid except for attending meetings of the
71 council without prior approval of the proper committee in their
72 respective houses.

73 SECTION 2. (1) The Mississippi Crime Laboratory and Medical
74 Examiner Board shall secure office space at the seat of the
75 government as it deems necessary and requisite for the fulfillment
76 of its duties and responsibilities.

77 (2) All funds, property and other assets of the Mississippi
78 Crime Laboratory shall be transferred to the Mississippi Crime
79 Laboratory and Medical Examiner Board on July 1, 2000. All
80 current positions of the Mississippi Crime Laboratory shall be
81 transferred to the reorganized Mississippi Crime Laboratory on
82 July 1, 2000. Such transfer shall be based on consultation with
83 the Legislative Budget Office staff and on estimated fiscal year
84 2000 budget expenditures as contained in the fiscal year 2001
85 budget request of the Crime Lab. Before establishment and
86 allotment of such resources for fiscal year 2001, copies of the
87 proposed division of resources shall be provided for review to the
88 advisory council for the Mississippi Crime Laboratory and Medical
89 Examiner Board, the Legislative Budget Office and the Joint
90 Legislative Committee on Performance, Evaluation and Review. It
91 is the intent of the Legislature that funds shall be transferred
92 to the Mississippi Crime Laboratory and Medical Examiner Board
93 sufficient to carry out the purposes of Senate Bill No. 3003, 2000
94 Regular Session.

95 SECTION 3. The board shall adopt rules and regulations as it
96 deems proper to carry out its statutory powers and duties. The
97 rules and regulations shall also prescribe the dates and hours of
98 meetings to be held every other month and provide that special

99 meetings shall be called by the chairman at the request of the
100 Medical Examiner or the Director of the Crime Lab, on three (3)
101 days' written notice or by a majority vote of the entire board on
102 three (3) days' written notice.

103 SECTION 4. The members of the Mississippi Crime Laboratory
104 and Medical Examiner Board who are not full-time public officers
105 or public employees shall be entitled to a per diem as is provided
106 by Section 25-3-69, not to exceed twenty (20) days in any fiscal
107 year. All members shall be entitled to mileage and actual and
108 necessary expenses in attending such regular or special meetings,
109 as provided by Section 25-3-41.

110 SECTION 5. The State Medical Examiner is authorized and
111 empowered to employ the necessary professional, technical and
112 clerical personnel as he deems necessary to carry out the powers
113 and duties of his office, and to fix their compensation. The
114 State Medical Examiner shall serve at the will and pleasure of the
115 board.

116 (1) The Mississippi Crime Laboratory and Medical Examiner
117 Board shall establish and maintain a central office for the State
118 Medical Examiner with appropriate facilities and personnel for
119 postmortem medicolegal examinations. District offices, with
120 appropriate facilities and personnel, may also be established and
121 maintained if considered necessary by the board for the proper
122 management of postmortem examinations.

123 The facilities of the central and district offices and their
124 staff services may be available to the medical examiners and
125 designated pathologists in their investigations.

126 (2) In order to provide proper facilities for investigating
127 deaths as authorized in Sections 41-61-51 through 41-61-79, the
128 State Medical Examiner may arrange for the use of existing public
129 or private laboratory facilities. The State Medical Examiner may
130 contract with qualified persons to perform or to provide support
131 services for autopsies, studies and investigations not

132 inconsistent with other applicable laws. Such laboratory
133 facilities may be located at the University of Mississippi Medical
134 Center or any other suitable location. The State Medical Examiner
135 may also serve as a member of the faculty at the University of
136 Mississippi Medical Center and other institutions of higher
137 learning. He shall be authorized to employ such additional
138 scientific, technical, administrative and clerical assistants as
139 are necessary for performance of his duties. Such employees in
140 the office of the State Medical Examiner shall be subject to the
141 rules, regulations and policies of the state personnel system in
142 their employment.

143 (3) The State Medical Examiner shall be authorized to
144 appoint or employ qualified pathologists as additional associate
145 and assistant state medical examiners as are necessary to carry
146 out the duties of his office. The associate and assistant state
147 medical examiners shall be licensed to practice medicine in
148 Mississippi and, insofar as practicable, shall be trained in the
149 field of forensic pathology. The State Medical Examiner may
150 delegate specific duties to competent and qualified medical
151 examiners within the scope of the express authority granted to him
152 by law or regulation. Employees of the office of the State
153 Medical Examiner shall have the authority to enter any political
154 subdivisions of this state for the purpose of carrying out medical
155 investigations.

156 (4) The board of supervisors of any two (2) or more adjacent
157 counties may enter into written agreements with one another, in
158 accordance with Section 17-13-1 et seq., to establish regional
159 medical examiner districts for the purposes of providing and
160 coordinating medical examiner services on a regional basis,
161 establishing central forensic facilities for the counties
162 involved, and employing or contracting with one or more
163 pathologists to serve as medical examiners of the district, who
164 will perform postmortem examinations and autopsies for the

165 counties involved. Any powers which may be exercised under this
166 chapter by an individual county, county medical examiner or county
167 medical examiner investigator may be exercised jointly with any
168 other county or with the county medical examiner or county medical
169 examiner investigator of such other county, in accordance with the
170 terms of the agreement between the counties involved. Any county
171 entering into such an agreement shall be authorized to expend any
172 funds necessary to carry out the purposes of such agreement. Any
173 municipality located within any such district is hereby authorized
174 and empowered to contribute funds to such district. For any such
175 district established, the counties involved shall attempt to
176 coordinate the operation of the district and any district
177 facilities with the operation of any district office or offices
178 established by the State Medical Examiner under subsection (1) of
179 this section which include such counties. The medical examiners
180 authorized in this subsection shall have the same authority within
181 a medical examiner district and the counties served by such
182 district as does the State Medical Examiner.

183 SECTION 6. (1) The Director of the Crime Lab is authorized
184 and empowered to employ the necessary professional, technical and
185 clerical personnel as he deems necessary to carry out the powers
186 and duties of the board, and to fix their compensation. The State
187 director shall serve at the will and pleasure of the board.

188 (2) The director of the Mississippi Crime Laboratory shall
189 be a person who is experienced in crime laboratory operations,
190 knowledgeable of the criminal justice system, and who shall have
191 the following minimum qualifications:

192 (a) Graduation from an accredited four-year college or
193 university with major course work in forensic science, chemistry,
194 biology, commercial science or physics.

195 (b) At least five (5) years' full-time employment in a
196 crime laboratory, with supervisory or administrative
197 responsibility.

198 (c) Thorough knowledge of the utilization of crime
199 laboratory services and their relation to the investigating law
200 enforcement officers.

201 (d) Thorough knowledge of techniques employed in
202 processing of physical evidence.

203 (e) Membership in professional organizations promoting
204 advancement of forensic science.

205 (f) Proven effectiveness as a manager and
206 administrator.

207 Unusual strength in one or more of the above qualifications
208 may compensate for failure to exactly satisfy paragraph (b) of
209 this section.

210 (3) The director shall have responsibilities and duties
211 including but not limited to the following:

212 (a) To plan and give general direction to activities or
213 programs for which he is responsible, through the issuance of
214 directives and orders.

215 (b) To review proposed changes in policies affecting
216 the operation of the division under his direction.

217 (c) To maintain liaison with other agencies, divisions
218 or departments of state and federal government.

219 (d) To approve and maintain uniform procedures and
220 standards of operation for the laboratory.

221 (e) To supervise and approve procedures and processing
222 of physical evidence.

223 (f) To present testimony in court in analysis of
224 physical evidence.

225 (g) To supervise the state medical examiner.

226 (h) To attend scientific conferences and hold classes
227 for law enforcement officers.

228 (i) To present budget requests to the legislative
229 budget office and to legislative committees.

230 (4) The budget for the Mississippi Crime Laboratory shall be

231 maintained and administered by crime laboratory personnel under
232 the supervision of the director.

233 (5) Grants and donations to the crime laboratory may be
234 accepted from individuals, the federal government, firms,
235 corporations, foundations and other interested organizations and
236 societies.

237 (6) The Mississippi Crime Laboratory shall establish and
238 collect for services rendered proper fees commensurate with the
239 services rendered. Such fees shall be deposited into a special
240 fund in the State Treasury to the credit of the crime laboratory
241 and expended in accordance with applicable rules and regulations
242 of the department of finance and administration. Such fees may be
243 used for any authorized expenditure of the crime laboratory except
244 expenditures for salaries, wages and fringe benefits.

245 (7) (a) The crime laboratory shall be empowered to
246 purchase, equip and maintain vehicles, as authorized by law, and
247 other conveyances for necessary business such as travel to court,
248 crime scene assistance and consultation. The vehicles shall be
249 independent of the vehicles purchased and operated by the
250 department of public safety.

251 (b) Obsolete nonrepairable or salvageable equipment
252 shall be sold, as provided by law, and the funds so derived shall
253 go into the account of the crime laboratory and be used to replace
254 such equipment.

255 SECTION 7. Sections 45-1-17, 45-1-25, 45-1-27, 45-1-29 and
256 45-1-31, Mississippi Code of 1972, which provide the establishment
257 of the crime detection and medical examiner laboratory, the
258 appointment, responsibilities and qualifications of the director
259 of the crime laboratory, and the funding and equipment for the
260 crime laboratory, are repealed.

261 SECTION 8. Section 41-61-77, Mississippi Code of 1972, which
262 provides for a central office and use of private facilities for
263 investigating deaths, is repealed.

264 SECTION 9. This act shall take effect and be in force from
265 and after July 1, 2000.