

By: Senator(s) Chaney, Williamson, White

To: Judiciary, Division B

SENATE BILL NO. 2814

1 AN ACT TO AMEND SECTION 99-37-25, MISSISSIPPI CODE OF 1972,
2 TO REVISE RAPE KIT PAYMENT RESPONSIBILITY; AND FOR RELATED
3 PURPOSES.

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

5 **SECTION 1.** Section 99-37-25, Mississippi Code of 1972, is
6 amended as follows:

7 99-37-25. (1) (a) When a person is brought into a doctor's
8 office, a hospital or a medical clinic in this state by a law
9 enforcement agency as the victim of an alleged rape or sexual
10 assault, or comes into a doctor's office, a hospital or a medical
11 clinic in the state alleging rape or sexual assault against the
12 person which results in a criminal investigation, the bill for
13 the * * * medical forensic examination and the preparation of the
14 sexual assault evidence collection kit will be sent to the
15 Division of Victim Compensation, Office of the Attorney General.
16 The Division of Victim Compensation shall pay for the * * *
17 medical examination conducted for the procurement of evidence to
18 aid in the investigation and prosecution of the alleged offense.
19 Such payment shall be limited to the customary and usual hospital
20 and physician charges for such services in the area. Such payment
21 shall be made by the Division of Victim Compensation directly to
22 the health care provider. No bill for the * * * examination will
23 be submitted to the victim, nor shall the medical facility hold
24 the victim responsible for payment. However, if the victim
25 refuses to cooperate with the investigation or prosecution of the
26 case, the Division of Victim Compensation may seek reimbursement
27 from the victim. The victim may be billed for any further medical

28 services not required for the investigation and prosecution of the
29 alleged offense. In cases where the damage caused by the
30 alleged * * * sexual assault requires medical treatment or
31 diagnosis in addition to the * * * examination, the patient will
32 be given information about the availability of victim compensation
33 and the procedure for applying for such compensation.

34 (b) Upon application submitted by the district
35 attorney, provided the proper warrant or court order has been
36 issued, the county in which an offense of sexual assault or of
37 felonious abuse or battery of a child as described in Section
38 97-5-39, touching or handling a child for lustful purposes as
39 described in Section 97-5-23, exploitation of children as
40 described in Section 97-5-33 or sexual battery as described in
41 Section 97-3-95, or an attempt to commit such offense has occurred
42 shall pay for a medical forensic examination of the person
43 arrested, charged or convicted of such offense to determine if the
44 person so arrested, charged or convicted has any sexually
45 transmitted disease and for the collection of evidence. Such
46 payment shall be made by the county directly to the health care
47 provider or other service performing the collection of evidence
48 and tests. The results of such test shall be made available to
49 the victim or, if the victim is a child, to the guardian of the
50 victim.

51 (2) Any defendant who is convicted of, or pleads guilty or
52 nolo contendere to, an offense in violation of rape, felonious
53 abuse or battery of a child as described in Section 97-5-39,
54 touching or handling a child for lustful purposes as described in
55 Section 97-5-23, exploitation of children as described in Section
56 97-5-33 or sexual battery as described in Section 97-3-95, or an
57 attempt to commit any such offense, shall be ordered by the court
58 to make restitution to the Division of Victim Compensation in an
59 amount equal to the compensation paid by the Division of Victim
60 Compensation to the victim or medical provider for the * * *

61 medical forensic examination and to the county for tests for
62 sexually transmitted diseases and the collection of forensic
63 evidence. Such restitution shall be in addition to any
64 restitution which the court orders the defendant to pay the victim
65 under the provisions of Chapter 37 of Title 99, (Sections 99-37-1
66 through 99-37-21), Mississippi Code of 1972.

67 (3) The Division of Victim Compensation is hereby
68 authorized, in its discretion, to make application for and comply
69 with such requirements as may be necessary to qualify for any
70 federal funds as may be * * * available * * * as a result of
71 services rendered to crime victims under the provisions of this
72 section.

73 **SECTION 2.** This act shall take effect and be in force from
74 and after July 1, 2005.