

By: Senator(s) Albritton

To: Judiciary, Division B

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2817

1 AN ACT TO AMEND SECTION 99-37-25, MISSISSIPPI CODE OF 1972,
2 TO REVISE RAPE KIT PAYMENT RESPONSIBILITY; TO AMEND SECTION
3 99-41-3, MISSISSIPPI CODE OF 1972, TO CLARIFY THE LEGISLATURE'S
4 INTENT IN PROVIDING FOR COMPENSATION TO VICTIMS OF CRIME; TO AMEND
5 SECTION 99-41-7, MISSISSIPPI CODE OF 1972, TO REVISE THE DUTIES OF
6 THE DIRECTOR OF VICTIM COMPENSATION; AND FOR RELATED PURPOSES.

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

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

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

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

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

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

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

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

75 **SECTION 2.** Section 99-41-3, Mississippi Code of 1972, is
76 amended as follows:

77 99-41-3. It is the intent of the Legislature to provide a
78 method of compensating * * * those persons who are innocent
79 victims of criminal acts within the state and who suffer bodily
80 injury or death and of assisting victims of crime through
81 information referrals and advocacy outreach programs. To this
82 end, it is the Legislature's intention to provide compensation for
83 injuries suffered as a direct result of the criminal acts of other
84 persons. It is the further intent of the Legislature that all
85 agencies, departments, boards and commissions of the state and
86 political subdivisions of the state shall cooperate with the
87 Attorney General's Office in carrying out the provisions of this
88 chapter.

89 **SECTION 3.** Section 99-41-7, Mississippi Code of 1972, is
90 amended as follows:

91 99-41-7. There is hereby created in the Attorney General's
92 Office the Division of Victim Compensation, hereafter referred to
93 as "division." In the Division of Victim Compensation there is
94 hereby created the position of Director of Victim Compensation,
95 hereafter referred to as "director." The duties of the director

96 shall include receipt, investigation, verification and
97 adjudication of a claim for compensation under the provisions of
98 this chapter. The duties shall also include facilitating
99 assistance to victims of crime. The director shall be appointed
100 by the Attorney General.

101 **SECTION 4.** This act shall take effect and be in force from
102 and after July 1, 2005.