

By: Senator(s) Nunnelee

To: Judiciary, Division A

SENATE BILL NO. 2120

1 AN ACT TO AMEND SECTION 93-9-27, MISSISSIPPI CODE OF 1972, TO  
2 AUTHORIZE THE DEPARTMENT OF HUMAN SERVICES TO ADMINISTRATIVELY  
3 REPORT PUTATIVE PATERNITY UNDER CERTAIN CONDITIONS; AND FOR  
4 RELATED PURPOSES.

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

6 **SECTION 1.** Section 93-9-27, Mississippi Code of 1972, is  
7 amended as follows:

8 93-9-27. (1) If the court finds that the conclusions of all  
9 the experts, as disclosed by the evidence based upon the tests,  
10 are that the alleged father is not the father of the child, the  
11 question of paternity shall be resolved accordingly. If an expert  
12 concludes that the blood or other tests show the probability of  
13 paternity, such evidence shall be admitted.

14 (2) There shall be rebuttable presumption, affecting the  
15 burden of proof, \* \* \* if the court finds that the probability of  
16 paternity, as calculated by the experts qualified as examiners of  
17 genetic tests, is ninety-eight percent (98%) or greater. This  
18 presumption may only be rebutted by a preponderance of the  
19 evidence.

20 (3) Parties to an action to establish paternity shall not be  
21 entitled to a jury trial.

22 (4) The Mississippi Department of Human Services may report  
23 as positive any putative paternity if the probability of  
24 paternity, as calculated by the experts qualified as examiners of  
25 genetic tests, is ninety-nine percent (99%) or greater, subject  
26 only to a subsequent determination of nonpaternity ordered by a  
27 court under this chapter.

28           **SECTION 2.** This act shall take effect and be in force from  
29 and after July 1, 2007.