

By: Representatives Burnett, Nelson, McLean

To: Judiciary B

HOUSE BILL NO. 842

1 AN ACT TO CREATE THE DOMESTIC VIOLENCE FATALITY REVIEW TEAM
 2 WITHIN THE OFFICE OF THE STATE MEDICAL EXAMINER; TO PROVIDE THAT
 3 THE PURPOSE OF THE REVIEW TEAM IS TO ACT AS A MULTIDISCIPLINARY
 4 TEAM TO REVIEW DEATHS RESULTING FROM SUSPECTED DOMESTIC VIOLENCE
 5 AND/OR SUICIDE; TO PROVIDE THAT THE MEMBERS OF THE DOMESTIC
 6 VIOLENCE FATALITY REVIEW SHALL BE APPOINTED BY THE GOVERNOR; TO
 7 LIST THE CATEGORIES OF MEMBERS TO BE APPOINTED BY THE GOVERNOR; TO
 8 PROVIDE THAT EACH MEMBER OF THE DOMESTIC VIOLENCE FATALITY REVIEW
 9 TEAM SHALL SERVE WITHOUT ADDITIONAL COMPENSATION AND SHALL NOT BE
 10 REIMBURSED FOR ANY EXPENSES INCURRED IN THE DISCHARGE OF HIS OR
 11 HER DUTIES; TO PROHIBIT MEMBERS OF THE REVIEW TEAM FROM BEING
 12 QUESTIONED IN ANY CIVIL OR CRIMINAL PROCEEDING REGARDING
 13 INFORMATION PRESENTED IN OR OPINIONS FORMED AS A RESULT OF A
 14 MEETING OF THE TEAM; AND FOR RELATED PURPOSES.

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

16 **SECTION 1.** (1) (a) There is hereby created the Domestic
 17 Violence Fatality Review Team within the Office of the State
 18 Medical Examiner. The Domestic Violence Fatality Review Committee
 19 is a multidisciplinary team created to review the deaths resulting
 20 from suspected domestic violence and/or suicide. The review of a
 21 domestic violence incident may include a review of events leading
 22 up to the domestic violence incident, available community
 23 resources, current laws and policies, actions taken by
 24 the agencies and individuals related to the incident and the



25 parties, and any other information considered relevant by the
26 team. The team may determine the number and type of incidents it
27 wishes to review and shall make policy and other recommendations
28 as to how incidents of domestic violence may be prevented.

29 (b) The members of the domestic violence fatality
30 review shall be appointed by the Governor to include the
31 following:

32 (i) The chief medical examiner, who is to serve as
33 the chairperson of the domestic violence fatality review team;

34 (ii) Two (2) representatives of the Mississippi
35 Coalition Against Domestic Violence;

36 (iii) The Director of the Mississippi Department
37 of Public Safety or a designee thereof;

38 (iv) A county law-enforcement official;

39 (v) A local municipality police officer;

40 (vi) One (1) physician, resident or nurse
41 practitioner specializing in the practice of family medicine or
42 emergency medicine;

43 (vii) One (1) physician, resident or nurse
44 practitioner specializing in the practice of obstetrics and
45 gynecology;

46 (viii) An adult protective service worker
47 currently employed in investigating reports of adult abuse or
48 neglect;



49 (ix) A social worker who may be employed in
50 medical social work;

51 (x) The Executive Director of the Department of
52 Mental Health or his or her designee;

53 (xi) The Director of the Mississippi State
54 Department of Health, or a designee thereof;

55 (xii) A director of a licensed domestic violence
56 shelter;

57 (xiii) Four (4) prosecuting attorneys or their
58 designees;

59 (xiv) Commissioner of the Mississippi Department
60 of Corrections, or a designee thereof; and

61 (xv) Director of epidemiology and health promotion
62 of the University of Mississippi Medical Center, or a designee
63 thereof.

64 (c) Each member of the review team shall serve a three
65 (3) year term at the will and pleasure of the Governor, and shall
66 continue to serve until their respective terms expire and
67 their successors have been appointed.

68 (2) Each appointment shall be made in the following manner:

69 (a) Each appointment of a prosecuting attorney, whether
70 for a full term or to fill a vacancy, is to be made by the
71 Governor from among three (3) nominees selected by the Mississippi
72 Prosecutors Association.



73 (b) Each appointment of a county or local municipality
74 law-enforcement officer, whether for a full term or to fill
75 a vacancy, is to be made by the Governor from among three (3)
76 nominees selected by the State Fraternal Order of Police, the
77 Mississippi Sheriff's Association or the Mississippi Association
78 of Police Chiefs.

79 (c) Each appointment of a physician, resident or nurse
80 practitioner, whether for a full term or to fill a vacancy, is to
81 be made by the Governor from among three (3) nominees selected
82 by the Mississippi State Board of Medical Licensure.

83 (d) Each appointment of an adult protective services
84 worker and a social worker, whether for a full term or to fill
85 a vacancy, is to be made by the Governor from among three (3)
86 nominees selected by the Mississippi Board of Examiners for Social
87 Workers and Marriage and Family Therapists.

88 (e) Each appointment of a domestic violence Shelter
89 Director is to be made by the Governor from among three (3)
90 nominees selected by the Mississippi Coalition Against Domestic
91 Violence.

92 (f) Except for the initial nomination based on the
93 effective date of this act, each nomination is to be submitted to
94 the Governor not later than eight (8) months prior to the date on
95 which the appointment is to become effective. In the case of an
96 appointment to fill a vacancy, the nominations are to be submitted
97 to the Governor within thirty (30) days after the request for the



98 nomination has been made by the Governor to the chairperson
99 or president of the organization. When an association fails to
100 submit any nominations for the appointment in accordance with the
101 requirements of this section, the Governor may make the
102 appointment from any nomination provided by the State Medical
103 Examiner.

104 (g) Each member of the domestic violence fatality
105 review team shall serve without additional compensation and may
106 not be reimbursed for any expenses incurred in the discharge of
107 his or her duties under the provisions of this act. The domestic
108 violence fatality review team shall promulgate rules applicable to
109 the following:

110 (i) The standard procedures for the establishment,
111 formation and conduct of the domestic violence fatality review
112 team; and

113 (ii) Recommend protocols for the systematic review
114 of domestic violence fatalities where other than natural causes
115 are suspected. The domestic violence fatality review team shall:

116 (iii) Review all deaths of victims or suspected
117 victims of domestic violence, including suicides, eighteen (18)
118 years and older, in order to identify trends, patterns and risk
119 factors;

120 (iv) Provide statistical analysis regarding the
121 causes of domestic violence fatalities in Mississippi;



122 (v) Promote public awareness of the incidence and
123 causes of domestic violence fatalities, including policy
124 recommendations for their reduction; and

125 (vi) Provide training for state agencies.

126 (4) The domestic violence fatality review team shall submit
127 an annual report to the Governor and to the Legislature concerning
128 its activities and the incidents of domestic violence fatalities
129 within the state. The report is due March 1 of each year. The
130 report is to include statistics setting forth the number
131 of domestic violence fatalities, identifiable trends in domestic
132 violence fatalities in the state, including possible causes, if
133 any, for policy and systems recommendations to reduce the number
134 of preventable domestic violence fatalities in the state.

135 (5) The domestic violence fatality review team, in the
136 exercise of its duties, shall not:

137 (a) Call witnesses or take testimony from individuals
138 involved in active investigation of a domestic violence fatality;

139 (b) Contact a family member of the deceased. Any
140 member of the team when involved in the active investigation of a
141 death while performing his or her duties outside of the team shall
142 notify the team and will be recused from any analysis or other
143 participation or discussion of that death by the domestic
144 violence fatality review team; and

145 (c) Enforce any public health standard or criminal law
146 or otherwise participate in any legal proceeding, except if a



147 member of the team is involved in the active investigation of the
148 death or resulting prosecution and must participate in a
149 legal proceeding in the course of performing his or her duties
150 outside of the team.

151 (6) Proceedings, records and opinions of the domestic
152 violence fatality review team are confidential and are not subject
153 to discovery, subpoena or introduction into evidence in any civil
154 or criminal proceeding. The provisions of this act shall not be
155 construed to limit or restrict the right to discover or use in any
156 civil or criminal proceeding anything that is available from
157 another source and entirely independent of the proceedings of the
158 domestic violence fatality review team.

159 (7) Members of the domestic violence fatality review team
160 may not be questioned in any civil or criminal proceeding
161 regarding information presented in or opinions formed as a result
162 of a meeting of the team. Nothing in this subsection may be
163 construed to prevent a member of the domestic violence fatality
164 review team from testifying to information obtained independently
165 of the team or which is public information.

166 (8) All research findings from the reviews of the fatality
167 review committee shall be made public. All state agencies and
168 local governments shall be required to cooperate with the review
169 team. State, county, and local agencies, hospitals and other
170 health agencies shall provide the domestic violence fatality
171 review team with any information requested in writing by the team



172 as allowable by law or upon receipt of a certified copy of the
173 circuit court's order directing said agencies to release
174 information in its possession relating to the deceased. The team
175 shall assure that all information received and developed in
176 connection with the provisions of this act remain confidential.

177 (9) The domestic violence fatality review team may not take
178 any action which, in the determination of the prosecuting attorney
179 or his or her assistant, impairs the ability of the prosecuting
180 attorney, his or her assistant or any law enforcement officer to
181 perform his or her statutory duties.

182 **SECTION 2.** This act shall take effect and be in force from
183 and after July 1, 2024.

