MISSISSIPPI LEGISLATURE

REGULAR SESSION 2024

By: Representatives Burnett, Nelson

To: Judiciary B

HOUSE BILL NO. 842

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

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

SECTION 1. (1) (a) There is hereby created the Domestic Violence Fatality Review Team within the Office of the State Medical Examiner. The Domestic Violence Fatality Review Committee is a multidisciplinary team created to review the deaths resulting from suspected domestic violence and/or suicide. The review of a domestic violence incident may include a review of events leading up to the domestic violence incident, available community resources, current laws and policies, actions taken by the agencies and individuals related to the incident and the
parties, and any other information considered relevant by the team. The team may determine the number and type of incidents it wishes to review and shall make policy and other recommendations as to how incidents of domestic violence may be prevented.

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

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

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

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

(iv) A county law-enforcement official;

(v) A local municipality police officer;

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

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

(viii) An adult protective service worker currently employed in investigating reports of adult abuse or neglect;
(ix) A social worker who may be employed in medical social work;

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

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

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

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

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

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

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

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

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

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

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

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

(f) Except for the initial nomination based on the effective date of this act, each nomination is to be submitted to the Governor not later than eight (8) months prior to the date on which the appointment is to become effective. In the case of an appointment to fill a vacancy, the nominations are to be submitted to the Governor within thirty (30) days after the request for the
nomination has been made by the Governor to the chairperson or president of the organization. When an association fails to submit any nominations for the appointment in accordance with the requirements of this section, the Governor may make the appointment from any nomination provided by the State Medical Examiner.

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

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

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

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

(iv) Provide statistical analysis regarding the causes of domestic violence fatalities in Mississippi;
Promote public awareness of the incidence and causes of domestic violence fatalities, including policy recommendations for their reduction; and

Provide training for state agencies.

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

The domestic violence fatality review team, in the exercise of its duties, shall not:

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

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

(c) Enforce any public health standard or criminal law or otherwise participate in any legal proceeding, except if a
member of the team is involved in the active investigation of the
death or resulting prosecution and must participate in a
legal proceeding in the course of performing his or her duties
outside of the team.

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

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

(8) All research findings from the reviews of the fatality
review committee shall be made public. All state agencies and
local governments shall be required to cooperate with the review
team. State, county, and local agencies, hospitals and other
health agencies shall provide the domestic violence fatality
review team with any information requested in writing by the team.
as allowable by law or upon receipt of a certified copy of the circuit court's order directing said agencies to release information in its possession relating to the deceased. The team shall assure that all information received and developed in connection with the provisions of this act remain confidential.

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

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