

By: Senator(s) Wiggins, Frazier, Butler

To: Judiciary, Division A

SENATE BILL NO. 2886

1 AN ACT TO ENACT THE MISSISSIPPI DOMESTIC VIOLENCE FATALITY
 2 REVIEW TEAM LAW; TO ESTABLISH A STATEWIDE DOMESTIC VIOLENCE
 3 FATALITY REVIEW TEAM WITHIN THE DEPARTMENT OF PUBLIC SAFETY; TO
 4 AUTHORIZE THE ESTABLISHMENT OF DOMESTIC VIOLENCE FATALITY REVIEW
 5 TEAMS WITHIN THE CIRCUIT COURT DISTRICTS OF THE STATE; TO PROVIDE
 6 GUIDELINES FOR THE MEMBERSHIP OF THE TEAMS; TO PROVIDE THAT A TEAM
 7 SHALL REVIEW FATAL AND NEAR-FATAL INCIDENTS OF DOMESTIC VIOLENCE,
 8 RELATED DOMESTIC VIOLENCE MATTERS, AND SUICIDES WITHIN ITS
 9 JURISDICTION; TO PROVIDE THAT THE PURPOSE OF A TEAM UNDER THIS
 10 SECTION SHALL BE TO LEARNING HOW TO PREVENT DOMESTIC VIOLENCE
 11 THROUGH EARLY INTERVENTION AND IMPROVING THE QUALITY OF THE
 12 RESPONSE BY INDIVIDUALS AND INSTITUTIONS TO DOMESTIC VIOLENCE; TO
 13 PROVIDE LIMITED CIVIL IMMUNITY FOR TEAM MEMBERS AND CERTAIN OTHER
 14 PERSONS; TO PROVIDE PROCEDURES FOR INFORMATION, TESTIMONY,
 15 RECORDS, REPORTS, RECOMMENDATIONS, OR OTHER EVIDENCE OBTAINED,
 16 GENERATED, OR TRANSMITTED BY A TEAM; AND FOR RELATED PURPOSES.

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

18 **SECTION 1.** (1) This section shall be known and may be cited
 19 as the "Mississippi Domestic Violence Fatality Review Team Law."

20 (2) As used in this section, the following terms have the
 21 meanings ascribed herein:

22 (a) "Circuit team" includes the domestic violence
 23 fatality review team established within a circuit court district
 24 or districts by judicial order authorized in subsection (4) of
 25 this section.



26 (b) "Commissioner" means the Commissioner of Public
27 Safety.

28 (c) "Department" means the Department of Public Safety.

29 (d) "Team" includes the statewide team and any circuit
30 teams.

31 (e) "Statewide team" means the statewide domestic
32 violence fatality review team established in subsection (3) (a) of
33 this section.

34 (3) (a) A statewide domestic violence fatality review team
35 is established within the department for administrative purposes.

36 (b) The statewide team shall be no less than five (5)
37 members, including the commissioner. The commissioner shall:

38 (i) Designate four (4) other initial members of
39 the statewide team who may appoint designees; and

40 (ii) Chair the initial meeting of the statewide
41 team.

42 (c) At its first meeting, the initial members of the
43 statewide team shall:

44 (i) Appoint additional members, if any, to the
45 statewide team;

46 (ii) Elect a chair who may be an additional member
47 who has accepted appointment to the team.

48 (d) The statewide team shall have an odd number of
49 members.



50 (4) Additional teams may be established within the circuit
51 court districts of this state. One or more circuit court
52 districts may establish a joint team. The circuit teams shall be
53 established by order of the senior circuit court judge of the
54 district or, in the case of one or more districts creating a joint
55 team, a joint order of the senior circuit court judges of the
56 districts. The order establishing a circuit team shall designate
57 the members of the team and a chair for the team.

58 (5) (a) The membership of a team shall be inclusive and
59 reflect the racial, geographic, urban, rural, and economic
60 diversity of the state or circuit court district or districts.

61 (b) Any member of a team may appoint designees to the
62 team in writing to the chair. A designee who fails to provide
63 written notification to the chair of the team shall not be
64 afforded the civil immunity under subsection (7) of this section.

65 (c) The Governor, Lieutenant Governor, Speaker of the
66 House, and the Attorney General may recommend persons to the
67 commissioner to be appointed as initial members of the statewide
68 team.

69 (d) Circuit teams should function in conjunction with
70 local law enforcement agencies, any local or statewide domestic
71 violence center, and local judicial officers including the court,
72 prosecutor, and public defender.

73 (6) (a) A team shall review fatal and near-fatal incidents
74 of domestic violence, related domestic violence matters, and



75 suicides within its jurisdiction. The review may include an
76 examination of events leading up to the domestic violence
77 incident, available community resources, current laws and
78 policies, and actions taken by organizations, agencies, and
79 individuals incident to the events and the parties. Any
80 information or action deemed relevant by the review team,
81 including an assessment of public records and records for which
82 public records exemptions are granted may also be included within
83 the purview of the review.

84 (b) The purpose of a team under this section shall be
85 to learn how to prevent domestic violence through early
86 intervention and improving the quality of the response by
87 individuals and institutions to domestic violence. The specific
88 structure and operating procedures employed by a review team shall
89 be determined by the team. The team may determine the number and
90 type of incidents it wishes to review and shall make policy and
91 other recommendations on how the community and state may more
92 effectively respond to the needs of domestic violence victims.

93 (7) Any member of a team or any person acting as a witness
94 to or investigator for a team, in addition to any immunity
95 provided otherwise in state law, is not liable to any person for
96 damages as a result of any action taken within the scope of the
97 functions of that team if such action was taken without malice,
98 wantonness, or in a reasonable belief that such action or
99 recommendation is warranted by the facts made known to him or her.



100 (8) Information, testimony, records, reports,
101 recommendations, or other evidence obtained, generated, or
102 transmitted by a team shall not be subject to discovery, subpoena,
103 or introduction into evidence in any civil action, or in any
104 administrative or disciplinary proceeding by any department or
105 employing agency if the information or records arose out of
106 matters that are the subject of evaluation and review by the
107 review team. However, information, documents, and records
108 otherwise independently discovered and available from other
109 sources shall not be exempt from discovery, subpoena, or
110 introduction into evidence solely because the information,
111 documents, or records were presented to or reviewed by a team.

112 (9) A person who attends or participates in a meeting of a
113 team may not testify in any civil or criminal action or
114 administrative or disciplinary proceedings concerning any records
115 or information produced or presented to the review team or the
116 proceedings or deliberations of the review team authorized by this
117 section. This subsection does not preclude or exempt any person
118 who testifies before a review team or who is a member of a review
119 team from testifying to matters otherwise within his or her
120 knowledge.

121 (10) Any information or records otherwise confidential or
122 privileged or exempt from disclosure under Mississippi law which
123 are obtained by or provided to a team conducting activities as
124 described pursuant to this section shall remain confidential or



125 privileged or exempt from disclosure as otherwise provided by law.
126 Any portion of a report produced by the team that contains
127 information that is otherwise confidential or privileged in
128 accordance with Mississippi law shall remain confidential or
129 privileged as otherwise provided by law.

130 (11) A team may consider including in its membership or
131 consulting with, in effectuating the purposes of this section, the
132 following persons or entities:

133 (i) Law enforcement agencies;

134 (ii) The department, the Attorney General, and the
135 President of the Mississippi District Attorney's Association, or a
136 district attorney;

137 (iii) The Mississippi Forensics Laboratory;

138 (iv) Certified domestic violence centers;

139 (v) Child protection service providers;

140 (vi) The Administrative Office of Courts;

141 (vii) The justice, municipal, chancery and circuit
142 clerks of the court;

143 (viii) Victim service programs;

144 (ix) Providers of civil legal assistance to
145 victims;

146 (x) Child death review teams;

147 (xi) Members of the business community;

148 (xii) County probation or corrections agencies;



149 (xiii) Any other persons who have knowledge
150 regarding domestic violence fatalities, nonlethal incidents of
151 domestic violence, or suicide, including research, policy, law,
152 and other matters connected with fatal incidents;
153 (xiv) The humane societies or shelters;
154 (xv) Certified perpetrator intervention programs;
155 (xvi) The Mississippi Coalition Against Domestic
156 Violence;
157 (xvii) The State Medical Examiner, coroner, or
158 county medical examiner;
159 (xviii) The Mississippi Department of Human
160 Services;
161 (xix) The Mississippi Department of Child
162 Protection Services; and
163 (xx) Other representatives as determined by the
164 review team.

165 **SECTION 2.** This act shall take effect and be in force from
166 and after July 1, 2025.

