

REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT AND MR. SPEAKER:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

S. B. No. 2211: Sexual assault victim's rights; amend provision related to in order to qualify for federal STOP Grant funds.

We, therefore, respectfully submit the following report and recommendation:

1. That the House recede from its Amendment No. 1.
2. That the Senate and House adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

32 **SECTION 1.** Section 99-51-3, Mississippi Code of 1972, is
33 amended as follows:

34 99-51-3. (1) Upon the request of a sexual assault victim
35 or * * * his or her designee, the law enforcement agency that is
36 investigating the assault of such victim shall inform the victim
37 of the location of the sexual assault evidence kit or other crime
38 scene evidence from the victim's case and the status of the DNA
39 testing of the sexual assault evidence kit or other crime scene
40 evidence from the victim's case.

41 (2) The law enforcement agency shall respond to the victim's
42 request as soon as possible, but no longer than seven (7) calendar
43 days, with either an oral or written communication, or by email,
44 if an email address is available.



45 (3) In addition to the rights provided in the "Mississippi
46 Crime Victims' Bill of Rights," in Sections 99-43-1 through
47 99-43-101, a victim of sexual assault shall have:

48 (a) The right to be informed by the law enforcement
49 agency handling the case whether a DNA profile of the assailant
50 was obtained from the testing of the sexual assault evidence kit
51 or other crime scene evidence from * * * his or her case.

52 (b) The right to be informed whether the DNA profile of
53 the assailant developed from the sexual assault evidence kit or
54 other crime scene evidence has been entered into the Mississippi
55 Forensics Laboratory's DNA identification system or CODIS.

56 (c) The right to be informed whether there is a match
57 between the DNA profile of the assailant developed from the rape
58 kit evidence or other crime scene evidence and a DNA profile
59 contained in the Mississippi Forensics Laboratory's DNA
60 identification system, provided that disclosure would not impede
61 or compromise an ongoing investigation.

62 (d) The right to be informed in writing of policies
63 governing the collection and preservation of a sexual assault
64 evidence collection kit.

65 (e) The right to be informed of the rights under this
66 subsection.

67 (4) If the law enforcement agency intends to destroy or
68 dispose of the sexual assault evidence kit or any other crime
69 scene evidence from an unsolved sexual assault case, the victim of



70 the case shall be given written notification by the law
71 enforcement agency of that intention within * * * sixty (60) days.
72 The victim shall be granted further preservation of the kit or its
73 probative contents, upon * * * his or her request.

74 (5) A law enforcement agency shall not destroy or dispose of
75 the sexual assault evidence kit or any other crime scene evidence
76 from an unsolved sexual assault case before twenty (20) years
77 after the collection of the evidence of the crime or, if the
78 victim was under eighteen (18) years of age at the time of the
79 alleged offense, before the victim is forty (40) years of age.

80 (6) A sexual assault victim may designate a sexual assault
81 victim advocate, or other support person of the victim's choosing,
82 to act as a recipient of the above information required to be
83 provided by this section.

84 (7) For the purpose of receiving notice under this section,
85 the victim or the victim's designee may keep appropriate
86 authorities informed of the name, address, telephone number, and
87 email address of the person to whom the information should be
88 provided, and any changes of the name, address, telephone number,
89 and email address, if an email address is available.

90 (8) A defendant or person accused or convicted of a crime
91 against the victim shall have no standing to object to any failure
92 to comply with this section. The failure to provide a right or
93 notice to a sexual assault victim under this section may not be



used by a defendant to seek to have the conviction or sentence set aside.

(9) The sole civil or criminal remedy available to a sexual assault victim for a law enforcement agency's failure to fulfill its responsibilities under this section shall be standing to file a writ of mandamus to require compliance with subdivision with the requirements of this chapter.

SECTION 2. (1) As used in this section, the terms "sexual assault" and "sexual assault evidence collection kit" have the meanings as defined in Section 99-51-1.

(2) Each licensed hospital in the state that operates an emergency department shall be required to have at least one (1) physician, advanced practice registered nurse, physician assistant or registered nurse available at all times who is able to conduct forensic examinations of victims of sexual assault who present themselves or are brought to the emergency department for examination or treatment and prepare sexual assault evidence collection kits for those victims.

(3) All licensed hospitals in the state shall screen, treat or examine victims of sexual assault who present to a hospital or are brought to the hospital for examination or treatment.

(4) Each licensed hospital in the state shall maintain a sufficient supply of sexual assault evidence collection kits for use when conducting forensic examinations of victims of sexual assault.



(5) Any licensed hospital in the state is authorized to contract with forensic nurses to conduct forensic examinations of victims of sexual assault and prepare sexual assault evidence collection kits for the hospital.

SECTION 3. Section 99-51-1, Mississippi Code of 1972, is amended as follows:

99-51-1. (1) The following words shall have the meanings described in this chapter:

(a) "Law enforcement" means the law enforcement agency with the primary responsibility for investigating an alleged sexual assault.

(b) "Medical facility" means any state, local, tribal, community, free, nonprofit, academic, or private doctor's office, hospital, or medical clinic equipped to perform forensic medical examinations and prepare sexual assault evidence kits.

(c) "Reported kit" means a sexual assault evidence kit in which the survivor has consented to participate in the criminal justice process through reporting the crime to law enforcement.

(d) "Sexual assault" means rape as defined in Section 97-3-71, sexual battery as defined in Section 97-3-95 and sexual penetration as defined in Section 97-3-97.

(e) "Sexual assault evidence collection kit" means a sexual assault or rape kit developed by the Mississippi chapter of the International Association of Forensic Nurses (IAFN) and approved by the Sexual Assault Evidence Accountability Task Force.



144 (f) "Sexual Assault Nurse Examiner" means a registered
145 nurse or advanced practice nurse, with a minimum of one (1) year
146 of experience in areas of practice that require advanced physical
147 assessment skills, such as emergency, critical care and maternal
148 child health, who has completed sexual assault nurse examiner
149 (SANE) training consistent with IAFN SANE Education Guidelines
150 that consists of both classroom and clinical components.

151 (g) "Unreported kit" means a sexual assault evidence
152 kit in which the survivor consented to the evidence collection,
153 but has not consented to participate in the criminal justice
154 process by reporting the crime to law enforcement - meaning they
155 are not seeking to have their kit tested.

156 (2) Sexual assault evidence collection kits shall be
157 processed in the following manner:

158 (a) Any medical facility that conducts a medical
159 forensic examination and/or prepares a sexual assault evidence
160 collection kit shall immediately, but no longer than four (4)
161 hours after the finalization of examination, contact the
162 appropriate law enforcement agency to collect the kit. Until the
163 kit is retrieved by law enforcement, the medical facility shall
164 store the kit in a refrigerated manner in conformity with the
165 Scientific Working Group for DNA Analysis Method. The medical
166 facility shall keep sexual assault evidence collection kits in a
167 separate refrigeration unit that is used only for the storage of



168 laboratory results or a similar unit used to store sensitive
169 hospital materials related to the medical treatment of patients.

170 (b) When a law enforcement agency is contacted to
171 collect a sexual assault evidence kit, the law enforcement agency
172 shall take possession of the kit from the medical facility within
173 twenty-four (24) hours. Upon taking physical possession of the
174 sexual assault evidence collection kit, the law enforcement agency
175 shall transport the kit in a manner that preserves the evidence in
176 the kit. The agency shall: (i) store the kit in a secure,
177 refrigerated location in the agency no more than two (2) hours
178 after taking physical possession of the kit; or (ii) transport the
179 kit directly to the Mississippi Forensics Laboratory.

180 (c) All kits must be delivered to the Mississippi
181 Forensics Laboratory no later than seven (7) calendar days from
182 the date the law enforcement agency took physical possession of
183 the kit.

184 (d) A law enforcement agency that receives a sexual
185 assault collection kit from a healthcare provider that relates to
186 a report of a sexual assault that occurred outside the
187 jurisdiction of that law enforcement agency shall have the sexual
188 assault collection kit delivered to the law enforcement agency
189 having jurisdiction within ten (10) days of learning that the
190 other law enforcement agency has jurisdiction.

191 (3) (a) The Mississippi Forensics Laboratory shall test
192 sexual assault evidence collection kits within sixty (60) days of



193 receipt from a law enforcement agency. Forensic DNA testing shall
194 be performed according to laboratory methods that determine the
195 presence of DNA suitable for STR analysis. Any autosomal, CODIS
196 eligible DNA profile shall be entered into the Combined DNA Index
197 System (CODIS) or equivalency thereof and state or local DNA
198 database. If the Mississippi Forensics Laboratory is unable to
199 determine DNA present, other than the victim's DNA, in the sexual
200 assault evidence collection kit, the laboratory should evaluate
201 the case, when suitable, to determine if any other DNA results
202 could be used for investigative purposes.

203 (b) When forensic laboratory testing does result in a
204 DNA profile foreign to the victim, the Mississippi Forensics
205 Laboratory should enter the foreign DNA profile into the Combined
206 DNA Index System (CODIS) or equivalency thereof and any other
207 required state or local DNA databases. The average completion
208 rate for this analysis and classification should not exceed ninety
209 (90) days.

210 (c) The Mississippi Forensics Laboratory is authorized
211 to contract with other laboratories to ensure that each kit is
212 tested and the information from such kit is entered into CODIS,
213 when applicable, within the time frames required by this
214 subsection.

215 **SECTION 4.** This act shall take effect and be in force from
216 and after July 1, 2025.



**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 99-51-3, MISSISSIPPI CODE OF 1972, TO
2 COMPLY WITH REQUIREMENTS TO RECEIVE FEDERAL STOP GRANT FUNDS; TO
3 PROVIDE THAT A VICTIM OF SEXUAL ASSAULT SHALL HAVE THE RIGHT TO BE
4 INFORMED IN WRITING OF POLICIES GOVERNING THE COLLECTION AND
5 PRESERVATION OF A SEXUAL ASSAULT EVIDENCE COLLECTION KIT; TO
6 PROVIDE THAT A VICTIM OF SEXUAL ASSAULT SHALL HAVE THE RIGHT TO BE
7 INFORMED OF THE RIGHTS GRANTED TO THE VICTIM UNDER SECTION
8 99-51-3(3); TO EXTEND THE PERIOD OF TIME FOR WRITTEN NOTIFICATION
9 TO A VICTIM OF SEXUAL ASSAULT OF A LAW ENFORCEMENT AGENCY'S INTENT
10 TO DESTROY OR DISPOSE OF THE SEXUAL ASSAULT EVIDENCE KIT OR ANY
11 OTHER CRIME SCENE EVIDENCE FROM AN UNSOLVED SEXUAL ASSAULT CASE;
12 TO REQUIRE LICENSED HOSPITALS THAT OPERATE AN EMERGENCY DEPARTMENT
13 TO HAVE AT LEAST ONE PHYSICIAN, ADVANCED PRACTICE REGISTERED
14 NURSE, PHYSICIAN ASSISTANT OR REGISTERED NURSE WHO IS AVAILABLE AT
15 ALL TIMES AND WHO IS ABLE TO CONDUCT FORENSIC EXAMINATIONS OF
16 VICTIMS OF SEXUAL ASSAULT AND PREPARE SEXUAL ASSAULT EVIDENCE
17 COLLECTION KITS FOR THOSE VICTIMS; TO REQUIRE LICENSED HOSPITALS
18 TO SCREEN, TREAT OR EXAMINE VICTIMS OF SEXUAL ASSAULT WHO PRESENT
19 TO A HOSPITAL; TO REQUIRE LICENSED HOSPITALS TO MAINTAIN A
20 SUFFICIENT SUPPLY OF SEXUAL ASSAULT EVIDENCE COLLECTION KITS FOR
21 USE WHEN CONDUCTING FORENSIC EXAMINATIONS OF VICTIMS OF SEXUAL
22 ASSAULT; TO AUTHORIZE LICENSED HOSPITALS TO CONTRACT WITH FORENSIC
23 NURSES TO CONDUCT FORENSIC EXAMINATIONS OF VICTIMS OF SEXUAL
24 ASSAULT AND PREPARE SEXUAL ASSAULT EVIDENCE COLLECTION KITS FOR
25 THE HOSPITAL; TO AMEND SECTION 99-51-1, MISSISSIPPI CODE OF 1972,
26 TO REQUIRE MEDICAL FACILITIES TO KEEP SEXUAL ASSAULT EVIDENCE
27 COLLECTION KITS IN EITHER A SEPARATE REFRIGERATION UNIT THAT IS
28 USED ONLY FOR THE STORAGE OF LABORATORY RESULTS OR A SIMILAR UNIT
29 USED TO STORE SENSITIVE HOSPITAL MATERIALS RELATED TO THE MEDICAL
30 TREATMENT OF PATIENTS; AND FOR RELATED PURPOSES.

CONFEREES FOR THE SENATE

X (SIGNED)
Fillingane

X (SIGNED)
Hill

X (SIGNED)
Wiggins

CONFEREES FOR THE HOUSE

X (SIGNED)
Horan

X (SIGNED)
Burch

X (SIGNED)
McLean

