

## REPORT OF CONFERENCE COMMITTEE

# 2

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:

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

29           99-51-3. (1) Upon the request of a sexual assault victim  
30 or \* \* \* his or her designee, the law enforcement agency that is  
31 investigating the assault of such victim shall inform the victim  
32 of the location of the sexual assault evidence kit or other crime  
33 scene evidence from the victim's case and the status of the DNA  
34 testing of the sexual assault evidence kit or other crime scene  
35 evidence from the victim's case.

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



40 (3) In addition to the rights provided in the "Mississippi  
41 Crime Victims' Bill of Rights," in Sections 99-43-1 through  
42 99-43-101, a victim of sexual assault shall have:

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

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

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

57 (d) The right to be informed in writing of policies  
58 governing the collection and preservation of a sexual assault  
59 evidence collection kit.

60 (e) The right to be informed of the rights under this  
61 subsection.

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



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

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

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

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

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



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

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

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

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

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

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



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

118 **SECTION 3.** This act shall take effect and be in force from  
119 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; 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

