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Chapter No. 418
18/SS36/R844SG
AR / TB/RC

SENATE BILL NO. 2568

Originated in Senate Liz Welch Secretary

SENATE BILL NO. 2568

AN ACT TO AMEND SECTION 45-47-1, MISSISSIPPI CODE OF 1972, KNOWN AS "KATIE'S LAW," TO PROVIDE THAT AN ARRESTEE'S DNA SAMPLE MAY BE DESTROYED AND THE RECORD DELETED FROM THE DATABASE UPON MOTION OF ONE OF THE PARTIES, OR THE COURT SUA SPONTE; TO AUTHORIZE AN ADDITIONAL COUNTY COURT JUDGE FOR LEE COUNTY; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 45-47-1, Mississippi Code of 1972, is amended as follows:

45-47-1 (1) Every person who is arrested for the commission or attempted commission of a crime of violence as defined in Section 97-3-2 shall provide a biological sample for DNA testing to jail or detention center personnel upon booking. The analysis shall be performed by the Mississippi * * * Forensics Lab or other entity designated by the Department of Public Safety. and the results shall be maintained by the * * * Forensics Lab according to standard protocols adopted for maintenance of DNA records in conformity to federal guidelines for the maintenance of such records.

(2) (a) A DNA sample shall be collected by an individual who is trained in the collection procedures that the * * * Forensics Laboratory uses.

(b) * * * Upon motion of one (1) of the parties, or sua sponte by the court * * *, the court may direct the * * * Forensics Lab * * * to destroy the sample and delete from the database all records thereof if there is no other pending qualifying warrant or capias for an arrest or felony conviction that would require that the sample remain in the DNA data bank * * * if:

(i) The charge for which the sample was taken is dismissed;

(ii) The defendant is acquitted at trial or convicted of a lesser-included misdemeanor offense that is not an offense listed in this section;

(iii) No charge was filed within the statute of limitations, if any; or

(iv) No conviction has occurred, at least three (3) years have passed since the date of arrest, and there is no active prosecution.

(3) (a) Any person who, without authority, disseminates information contained in the DNA data bank shall be guilty of a misdemeanor.

(b) Any person who disseminates, receives, or otherwise uses or attempts to use information in the DNA data bank, knowing

that the dissemination, receipt or use is for a purpose other than as authorized by law, shall be guilty of a misdemeanor

(c) Except as authorized by law, any person who obtains or attempts to obtain any sample for purposes of having DNA analysis performed shall be guilty of a felony.

(4) (a) Any person convicted under subsection (3)(a) shall be sentenced to a fine not to exceed Five Hundred Dollars ($500.00) or confinement in the county jail not to exceed thirty (30) days, or both.

(b) Any person convicted under subsection (3)(b) shall be sentenced to a fine not to exceed One Thousand Dollars ($1,000.00) or confinement in the county jail not to exceed six (6) months, or both.

(c) Any person convicted under subsection (3)(c) shall be sentenced to a fine not to exceed One Thousand Dollars ($1,000.00) or commitment to the custody of the Department of Corrections not to exceed two (2) years, or both.

* * *

SECTION 2. (1) In order to relieve the crowded condition of the docket in the county court and in the youth court of Lee County and particularly to facilitate and make possible the trial and disposition of the large number of causes in the youth court, there shall be two (2) county judges for Lee County, provided for and elected as herein set out.

(2) For the purposes of nomination and election, the two (2) judgeships shall be separate and distinct, with the county judgeship that existed on January 1, 2018, to be denominated for purposes of appointment, nomination and election only as "Place One" and the additional judgeship hereby created to be designated as "Place Two." There shall be no distinction whatsoever in the powers, duties and emoluments of the two (2) offices of county judge, except that the county judge of Lee County who has been for the longest time continuously a county judge of the county shall have the right to assign causes, terms and dockets. Should neither judge of the county court have served longer in office than the other, then that judge of the county court who has been for the longest time a member of The Mississippi Bar shall have the right to assign causes, terms and dockets

(3) While there shall be no limitation whatsoever upon the powers and duties of the county judges other than as cast upon them by the Constitution and laws of this state, the county court of Lee County may, in the discretion of the county judge who has been for the longest time continuously a judge of the court, be divided into civil, equity, criminal and youth court divisions as a matter of convenience by the entry of an order upon the minutes of the court.

(4) The initial holder of the additional judgeship created by this section, or "Place Two," shall be elected in the regular election of November 2018. The person elected shall begin the

term of office in January 2019 at the same time as county judges generally, and there shall be no vacancy of the office before that time. The two (2) judges shall otherwise be elected, and any vacancy in office filled, as provided for county judges generally.

(5) Each county judge shall appoint a court reporter in accordance with Section 9-13-61 for the purpose of doing the necessary stenographic work of the court.

(6) The Board of Supervisors of Lee County may, in its discretion, set aside, appropriate and expend monies from the general fund to be used in the payment of salaries of judges, clerks, reporters, officers and employees of the youth court division of the county court, including the related facilities of the youth court division of the county court, and such funds shall be expended for no other purposes. The county shall not be reimbursed for the amount of any such levy provided for by this section under the terms of the Homestead Exemption Law.

SECTION 3. This act shall take effect and be in force from and after its passage.

PASSED BY THE SENATE
February 7, 2018

Tate Reeves

PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
February 28, 2018

Philip Gunn

SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR

Phil Bryant

GOVERNOR

March 26, 2018
10:31 AM