

By: Representative Reeves

To: Judiciary A; Ways and
MeansHOUSE BILL NO. 715
(As Passed the House)

1 AN ACT TO PROVIDE THAT GAMING AND BINGO PROCEEDS SHALL BE
2 SUBJECT TO CHILD SUPPORT JUDGMENTS; TO REQUIRE REPORTING OF SUCH
3 PROCEEDS; TO PROVIDE PENALTIES FOR VIOLATIONS OF THIS ACT; TO
4 AMEND SECTION 93-11-71, MISSISSIPPI CODE OF 1972, TO CONFORM TO
5 THE PROVISIONS OF THIS ACT; TO ENCOURAGE GAMING ENTITIES NOT
6 SUBJECT TO STATE REGULATION TO COMPLY WITH THIS ACT; AND FOR
7 RELATED PURPOSES.

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

9 SECTION 1. (1) Gaming proceeds (proceeds) shall be subject
10 to encumbrance for child support payments found by a court of
11 competent jurisdiction to be delinquent.

12 (2) The Mississippi Department of Human Services, Division
13 of Child Support Enforcement (the department) shall make and keep
14 a registry in which shall be kept information of delinquent child
15 support judgments, as provided in subsection (3). If a payee
16 receives proceeds in the amount of One Thousand Two Hundred
17 Dollars (\$1,200.00) or more as the result of gaming on any slot or
18 video machine or as the result of any bingo game, or in the amount
19 of Ten Thousand Dollars (\$10,000.00) or more for all games except
20 slot or video machines as the term "game" is defined in Section
21 75-76-5, the payor of such proceeds shall determine if the
22 proceeds are subject to a judgment for delinquent child support
23 and withhold the proceeds pursuant to the provisions set forth
24 herein.

25 (3) To engage the benefits of this act, any person to whom a
26 duty of child support is owed, or such person's attorney, must
27 provide a copy of the judgment finding a delinquency to the
28 department. The judgment shall be maintained by the department in
29 a registry which shall be current and which shall be easily and

30 readily accessible to the payor, payee, obligee and the attorney
31 for any of these at all times when any payor is open for business.
32 Accessibility shall be maintained through electronic media or
33 other means which provides instant feedback.

34 (4) If it is determined that the payee has a child support
35 delinquency, proceeds necessary to pay the full amount of the
36 delinquency shall be withheld and disbursed to the department. If
37 a payee contests such delinquency as provided herein, the proceeds
38 shall be held by the department until the final disposition of
39 such contest by the court which issued the delinquency judgment.
40 Proceeds beyond the amount of the delinquency shall be delivered
41 to the payee. No disbursement shall be made by the department for
42 a period of thirty (30) days in order to allow the payee
43 sufficient time to contest the validity of the claim to the
44 proceeds in the court which issued the judgment of delinquency.

45 (5) The payee shall have available to him or her the
46 opportunity to contest the accuracy of said payee's identity or
47 the accuracy of the reported amount of the delinquency as follows:

48 (a) To initiate such contest, the payee must file a
49 petition or complaint in the court which issued the delinquency
50 judgment if same be in the State of Mississippi. If said court is
51 outside the State of Mississippi, such contest shall be filed in
52 the chancery court of the county in which the payor is located.
53 Such petition or complaint must be filed within five (5) business
54 days from the date which the payee becomes entitled to the
55 proceeds.

56 (b) Any such contest shall be governed, procedurally,
57 by Rule 81(d)(2) of the Mississippi Rules of Civil Procedure.
58 Service upon the department, where applicable, shall be made as
59 provided by Rule 4(d)(5).

60 (c) Throughout the contest, the proceeds shall be held
61 in escrow by the department in an account of the department's
62 choosing. Upon the expiration of time for filing a contest or
63 conclusion of a contest to the claim in court, whichever first
64 occurs, the proceeds shall be delivered to the obligee or if
65 represented by an attorney, his or her attorney, if the outcome be
66 against the payee or to the payee if the outcome be in his favor.

67 (d) An administrative fee to be established by the

department shall be assessed to the payee and collected from the proceeds in the event the proceeds forwarded to the department are determined to be due under the delinquency judgment.

(6) A payee shall have thirty (30) days from the date of notification of completion of the administrative review provided in subsection (5)(b) of this act to contest such proceedings. Any in court contest of such proceedings shall be had in the court which issued the delinquency judgment support against the payee. If such court be outside the State of Mississippi, such contest shall be had in the chancery court of the county where the payor is located.

(7) **Definitions.**

(a) "Gaming proceeds" or "proceeds" shall mean any monies paid in lump sum or otherwise to an individual from lotteries, games or gambling games as defined by Section 75-76-5(k), or games or gambling games as described by Section 97-33-50 et seq.

(b) "Child support delinquency" shall have the same meaning as that given it in Section 93-11-101.

(c) "Payor" shall mean the individual, agent or entity, licensed or unlicensed, disbursing the gaming proceeds to the payee.

(d) "Payee" shall mean the gaming activity participant to whom the gaming proceeds are due.

(e) "Obligee" shall mean the person to whom the support obligation is owed.

(8) A payor shall be immune from any civil action for compliance with the provisions of this act provided that such compliance is in good faith.

(9) The provisions of this act shall be cumulative, and not in lieu of, any other provisions of law concerning collection or enforcements of judgments.

SECTION 2. Section 93-11-71, Mississippi Code of 1972, is amended as follows:

93-11-71. (1) Whenever a court orders any person to make periodic payments for the maintenance or support of a child, and whenever such payments as have become due remain unpaid for a period of at least thirty (30) days, the person to whom such payments are owed, or his legal representative, shall be entitled to a judgment against the obligor in such amount as is equal to all such payments which are then due and owing.

(2) Any judgment obtained under the provisions of this section shall operate as a lien upon all the property of the judgment debtor, both real and personal. Such judgment shall be entered on the judgment roll by means of sworn documentation of delinquent child support. Liens arising under the provisions of this section may be executed upon and enforced in the same manner and to the same extent as any other judgment.

(3) Any judgment obtained under the provisions of this section shall subject the following assets to interception or seizure without regard to the entry of such judgment on the judgment roll of the situs district or jurisdiction:

(a) Periodic or lump-sum payments from a federal, state or local agency, including unemployment compensation, workers' compensation and other benefits;

(b) Winnings from lotteries and gaming winnings * * *;

(c) Assets held in financial institutions;

(d) Settlements and awards resulting from civil actions; and

(e) Public and private retirement funds, only to the extent that the obligor is qualified to receive and receives a lump sum or periodic distribution from the funds.

(4) In any case in which a child receives assistance from block grants for Temporary Assistance for Needy Families (TANF), and the obligor owes past-due child support, the obligor, if not incapacitated, may be required by the court to participate in any work programs offered by any state agency.

SECTION 3. The Governor shall make a good faith effort to

136 enter into a compact with any Native Americans operating gaming
137 activities to encourage voluntary compliance with the provisions
138 of this act.

139 SECTION 4. This act shall take effect and be in force from
140 and after July 1, 1999.