

*****Adopted*****

AMENDMENT No. 1 PROPOSED TO

Committee Sub. for HB NO. 715

By Representative(s) Reeves, Simpson

1 **AMEND** by striking Section 1 in its entirety and inserting in
2 lieu thereof the following:

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

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

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

24 readily accessible to the payor, payee, obligee and the attorney
25 for any of these at all times when any payor is open for business.

26 Accessibility shall be maintained through electronic media or
27 other means which provides instant feedback.

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

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

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

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

54 (c) Throughout the contest, the proceeds shall be held
55 in escrow by the department in an account of the department's

56 choosing. Upon the expiration of time for filing a contest or
57 conclusion of a contest to the claim in court, whichever first
58 occurs, the proceeds shall be delivered to the obligee or if
59 represented by an attorney, his or her attorney, if the outcome be
60 against the payee or to the payee if the outcome be in his favor.

61 (d) An administrative fee to be established by the
62 department shall be assessed to the payee and collected from the
63 proceeds in the event the proceeds forwarded to the department are
64 determined to be due under the delinquency judgment.

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

73 (7) **Definitions.**

74 (a) "Gaming proceeds" or "proceeds" shall mean any
75 monies paid in lump sum or otherwise to an individual from
76 lotteries, games or gambling games as defined by Section
77 75-76-5(k), or games or gambling games as described by Section
78 97-33-50 et seq.

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

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

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

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

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

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