

By: Senator(s) Burton

To: Judiciary, Division B

SENATE BILL NO. 2694

1 AN ACT TO AMEND SECTIONS 43-53-3 AND 43-53-5, MISSISSIPPI
2 CODE OF 1972, TO TRANSFER THE POWERS AND RESPONSIBILITIES OF THE
3 MISSISSIPPI LEADERSHIP COUNCIL ON AGING FROM THE DEPARTMENT OF
4 PUBLIC SAFETY TO THE OFFICE OF ATTORNEY GENERAL; AND FOR RELATED
5 PURPOSES.

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

7 **SECTION 1.** Section 43-53-3, Mississippi Code of 1972, is
8 amended as follows:

9 43-53-3. (1) Establishment of the council. On July 1,
10 2004, the powers and responsibilities of the Mississippi
11 Leadership Council on Aging shall be transferred to the Office of
12 the Attorney General. The Attorney General may assign to the
13 appropriate offices such responsibilities deemed necessary to
14 carry out the functions of the council. There is hereby
15 established within the Office of the Attorney General the
16 Mississippi Leadership Council on Aging, hereafter in this chapter
17 the "council."

18 (2) Membership of the council:

19 (a) The council shall consist of a representative of
20 the Department of Public Safety to be appointed by the
21 Commissioner of Public Safety;

22 (b) Two (2) representatives of the Mississippi
23 Sheriff's Association, to be elected by the Sheriff's Association;

24 (c) Two (2) representatives of the Mississippi
25 Association of Chiefs of Police, to be elected by the Association
26 of Chiefs of Police;

27 (d) One (1) representative of the Mississippi
28 Department of Human Services, Division of Aging and Adult

29 Services, to be appointed by the Executive Director of the
30 Department of Human Services;

31 (e) Two (2) representatives of the American Association
32 of Retired Persons, to be elected by Mississippi AARP Executive
33 Committee;

34 (f) Two (2) representatives from community volunteer
35 councils on aging, to be appointed by the Office of the Governor;

36 (g) One (1) representative from the Office of the
37 Attorney General, Crime Prevention Unit, to be appointed by the
38 Attorney General; and

39 (h) Two (2) representatives from the aging advocate
40 network, to be appointed by the Lieutenant Governor.

41 (3) In the performance of its functions, the council shall,
42 to the extent possible, solicit the participation and involvement
43 of retired law enforcement personnel.

44 (4) The council shall elect a chairperson by a majority vote
45 of the membership.

46 (5) Members of the council shall serve until the
47 appropriately designated person in each representative
48 organization selects another representative, and all persons on
49 the council shall be subject to the advice and consent of the
50 Senate.

51 (6) Membership on the council shall not constitute the
52 holding of a public office, and members of the council shall not
53 be required to take and file oaths of office before serving on the
54 council.

55 (7) The members of the council shall receive no compensation
56 for their services as members.

57 (8) No member of the council shall be disqualified from
58 holding any public office or employment nor shall any member
59 forfeit any employment or office by reason of his membership on
60 the council.

61 (9) The council shall meet as often as deemed necessary, but
62 in no event less than four (4) times annually. The chairman shall
63 call the first meeting of the council no later than October 1996.
64 A majority of the membership shall constitute a quorum for
65 conducting business.

66 **SECTION 2.** Section 43-53-5, Mississippi Code of 1972, is
67 amended as follows:

68 43-53-5. (1) The council shall advise the Attorney General,
69 the Department of Public Safety, sheriffs and other local law
70 enforcement agencies, senior advocates chosen in consultation with
71 the Area Agencies on Aging, and American Association of Retired
72 Persons representatives in the study and evaluation of "TRIAD
73 Programs" as an effective response to the problems of crime
74 against elderly persons.

75 (2) The council may consult with experts, service providers,
76 and representative organizations engaged in the protection of the
77 elderly and may recommend the development of "TRIAD Programs" in
78 the State of Mississippi to assist the elderly to avoid criminal
79 victimization through the coordinated efforts of state, county and
80 local law enforcement agencies and organizations which provide
81 services for the elderly.

82 (3) The council may recommend policies and programs to
83 assist law enforcement agencies to implement "TRIAD Programs,"
84 including training and crime prevention standards and technical
85 assistance. Such recommendations may include the following:

86 (a) The establishment of a statewide central
87 clearinghouse for information and education materials.

88 (b) The development of innovative community police
89 programs for the elderly.

90 (c) The provision of assistance by the council in the
91 development and delivery of training for law enforcement
92 professionals involved in the "TRIAD Programs," including, but not
93 limited to, the following subjects:

94 (i) Crimes against the elderly and the protection
95 of elderly persons.

96 (ii) Police sensitivity to the needs of elderly
97 persons as victims, witnesses or victims of "vicarious
98 victimization," which impairs the quality of life.

99 (iii) Availability of social and human services.

100 (d) The provision of assistance to state and local law
101 enforcement officials and to nonprofit corporations and
102 organizations with respect to effective policies and responses to
103 crime against elderly persons.

104 (e) The promotion and facilitation of cooperation among
105 state agencies and local government.

106 (f) The promotion of effective advocacy services to
107 protect and assist elderly persons and elderly victims of crime.

108 (g) The evaluation of the relationship between crimes
109 against elderly persons and other problems confronting elderly
110 persons and the making of recommendations for effective policy
111 responses.

112 (h) The collection of statistical data and research.

113 (i) The establishment of rules and regulations
114 necessary to carry out the above.

115 For purposes of this chapter, "TRIAD Program" means the triad
116 cooperative model developed by the American Association of Retired
117 Persons, the National Sheriff's Association and the International
118 Association of Chiefs of Police, which calls for the participation
119 of the sheriff, at least one (1) police chief, at least one (1)
120 member of the American Association of Retired Persons and a
121 representative of at least one (1) senior citizens' organization
122 within a county and may include participation by coalitions of law
123 enforcement, victims' services and senior citizen advocate
124 organizations. If there is not both a sheriff and a police chief
125 in a county or if the sheriff or a police chief does not
126 participate, a TRIAD may include in the place of the sheriff or

127 police chief other members of the criminal justice system, such as
128 a district attorney.

129 **SECTION 3.** This act shall take effect and be in force from
130 and after July 1, 2004.