

By: Representative Yates

To: Judiciary A

HOUSE BILL NO. 1219

1 AN ACT TO AUTHORIZE THE DEPARTMENT OF PUBLIC SAFETY TO SHARE
 2 INFORMATION FROM ITS MOTOR VEHICLE INSURANCE VERIFICATION SYSTEM
 3 AND ANY OTHER SYSTEM UNDER THE AGENCY'S CONTROL WITH CHILD
 4 PROTECTION SERVICES FOR THE PURPOSE OF IDENTIFYING ANY
 5 NONCUSTODIAL PARENT WHO IS OUT OF COMPLIANCE WITH CHILD SUPPORT
 6 PAYMENTS; TO AMEND SECTION 43-26-1, MISSISSIPPI CODE OF 1972, TO
 7 CONFORM THE DUTIES OF CHILD PROTECTION SERVICES TO THIS ACT; TO
 8 AMEND SECTIONS 63-16-5 AND 63-16-7, MISSISSIPPI CODE OF 1972, TO
 9 AUTHORIZE THE DEPARTMENT OF PUBLIC SAFETY TO ALLOW ACCESS TO THE
 10 MOTOR VEHICLE INSURANCE VERIFICATION SYSTEM BY CHILD PROTECTION
 11 SERVICES; AND FOR RELATED PURPOSES.

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

13 **SECTION 1.** The Department of Public Safety is authorized to
 14 share information from its motor vehicle insurance verification
 15 system and any other system under the agency's control with Child
 16 Protection Services for the purpose of identifying any
 17 noncustodial parent who is out of compliance with child support
 18 payments, which may include, but shall not be limited to:

- 19 (a) Vehicle registration,
- 20 (b) Insurance records; and



21 (c) Any other information that may help Child Protection
22 Services identify a noncustodial parent who is out of compliance
23 with his or her child support payments.

24 **SECTION 2.** Section 43-26-1, Mississippi Code of 1972, is
25 amended as follows:

26 43-26-1. (1) There is created a Mississippi Department of
27 Child Protection Services.

28 (2) The Chief Administrative Officer of the Department of
29 Child Protection Services shall be the Commissioner of Child
30 Protection Services who shall be appointed by the Governor with
31 the advice and consent of the Senate. The commissioner shall
32 possess the following qualifications:

33 (a) A bachelor's degree from an accredited institution
34 of higher learning and ten (10) years' experience in management,
35 public administration, finance or accounting; or

36 (b) A master's or doctoral degree from an accredited
37 institution of higher learning and five (5) years' experience in
38 management, public administration, finance, law or accounting.

39 (3) The Department of Child Protection Services shall
40 provide the services authorized by law to every individual
41 determined to be eligible therefor, and in carrying out the
42 purposes of the department, the commissioner is authorized:

43 (a) To formulate the policy of the department regarding
44 child welfare services within the jurisdiction of the department;



45 (b) To adopt, modify, repeal and promulgate, after due
46 notice and hearing, and where not otherwise prohibited by federal
47 or state law, to make exceptions to and grant exemptions and
48 variances from, and to enforce rules and regulations implementing
49 or effectuating the powers and duties of the department under any
50 and all statutes within the department's jurisdiction;

51 (c) To apply for, receive and expend any federal or
52 state funds or contributions, gifts, devises, bequests or funds
53 from any other source;

54 (d) To enter into and execute contracts, grants and
55 cooperative agreements with any federal or state agency or
56 subdivision thereof, or any public or private institution located
57 inside or outside the State of Mississippi, or any person,
58 corporation or association in connection with carrying out the
59 programs of the department; and

60 (e) To discharge such other duties, responsibilities,
61 and powers as are necessary to implement the programs of the
62 department.

63 (4) The commissioner shall establish the organizational
64 structure of the Department of Child Protection Services, which
65 shall include the creation of any units necessary to implement the
66 duties assigned to the department and consistent with specific
67 requirements of law.

68 (5) The commissioner shall appoint heads of offices,
69 bureaus, and divisions, as defined in Section 7-17-11, who shall



70 serve at the pleasure of the commissioner. The salary and
71 compensation of such office, bureau and division heads shall be
72 subject to the rules and regulations adopted and promulgated by
73 the State Personnel Board. The commissioner shall have the
74 authority to organize offices as deemed appropriate to carry out
75 the responsibilities of the department.

76 (6) The Department of Child Protection Services shall be
77 responsible for the development, execution, and provision of
78 services in the following areas:

79 (a) Protective services for children;

80 (b) Foster care;

81 (c) Adoption services;

82 (d) Special services;

83 (e) Interstate compact;

84 (f) Licensure;

85 (g) Prevention services; * * *

86 (h) Such other services as may be designated. Services
87 enumerated under Section 43-15-13 et seq., for the foster care
88 program shall be provided by qualified staff with appropriate case
89 loads * * *;and

90 (i) Child support.

91 (7) The Department of Child Protection Services shall have
92 the following powers and duties:

93 (a) To provide basic services and assistance statewide
94 to needy and disadvantaged individuals and families;



95 (b) To promote integration of the many services and
96 programs within its jurisdiction at the client level thus
97 improving the efficiency and effectiveness of service delivery and
98 providing easier access to clients;

99 (c) To employ personnel and expend funds appropriated
100 to the department to carry out the duties and responsibilities
101 assigned to the department by law;

102 (d) To fingerprint and conduct a background
103 investigation on every employee, contractor, subcontractor and
104 volunteer:

105 (i) Who has direct access to clients of the
106 department who are children or vulnerable adults;

107 (ii) Who is in a position of fiduciary
108 responsibility;

109 (iii) Who is in a position with access to Federal
110 Tax Information (FTI); or

111 (iv) Who is otherwise required by federal law or
112 regulations to undergo a background investigation.

113 Every such employee, contractor, subcontractor and volunteer
114 shall provide a valid current social security number and/or
115 driver's license number, which shall be furnished to conduct the
116 background investigation for determination as to good moral
117 character and to ensure that no person placed in any position
118 referenced in this paragraph (d) has a felony conviction that
119 would prevent employment or access to Federal Tax Information



120 according to department policy. If no disqualifying record is
121 identified at the state level, the fingerprints shall be forwarded
122 to the Federal Bureau of Investigation for a fingerprint-based
123 national criminal history record check. The department shall be
124 the recipient of the results of any background investigation
125 and/or criminal history record check performed in accordance with
126 this paragraph;

127 (e) To establish and maintain programs not inconsistent
128 with the terms of this chapter and the rules, regulations and
129 policies of the Department of Child Protection Services, and
130 publish the rules and regulations of the department pertaining to
131 such programs;

132 (f) To provide all other child welfare programs and
133 services previously provided by the Department of Human Services
134 or a division thereof; * * *

135 (g) Make such reports in such form and containing such
136 information as the federal government may, from time to time,
137 require, and comply with such provisions as the federal government
138 may, from time to time, find necessary to assure the correctness
139 and verification of such reports * * *; and

140 (h) To work with other state and federal agencies to
141 obtain child support payments from noncustodial parents who are
142 out of compliance with child support payments.

143 (8) The Mississippi Department of Child Protection Services
144 shall submit a copy of the federal Annual Progress and Services



145 Report (APSR) to the Chair of the Senate Public Health and Welfare
146 Committee, the Chair of the Senate Appropriations Committee, the
147 Chair of the House Public Health and Human Services Committee, the
148 Chair of the House Appropriations Committee, the Lieutenant
149 Governor, the Speaker of the House of Representatives, and the
150 Governor by December 1 of each year.

151 (9) (a) The Commissioner of Child Protection Services shall
152 hire a Coordinator of Services for Victims of Human Trafficking
153 and Commercial Sexual Exploitation within the Department of Child
154 Protection Services whose duties shall include, but not be limited
155 to, the following:

156 (i) To form specialized human trafficking and
157 commercial sexual exploitation assessment teams to respond on an
158 as-needed basis to act as an emergency, separate and specialized
159 response and assessment team to rapidly respond to the needs of
160 children who are victims of human trafficking and commercial
161 sexual exploitation;

162 (ii) To identify victims of human trafficking and
163 commercial sexual exploitation;

164 (iii) To monitor, record and distribute federal
165 human trafficking funds received by the Department of Child
166 Protection Services;

167 (iv) To employ staff to investigate allegations of
168 human trafficking and commercial sexual exploitation; and



169 (v) To develop and coordinate services within the
170 Department of Child Protection Services and with outside service
171 providers for victims of human trafficking and commercial sexual
172 exploitation.

173 (b) The Commissioner of Child Protection Services shall
174 develop standard operating procedures for the investigation,
175 custody and services provided to alleged victims of human
176 trafficking and commercial sexual exploitation.

177 (c) The Commissioner shall require two (2) hours of
178 training regarding the subject of identifying, assessing, and
179 providing comprehensive services to a child who has experienced or
180 is alleged to have experienced commercial sexual exploitation or
181 human trafficking. The training must be incorporated into the
182 pre-service training requirements of all Mississippi Department of
183 Child Protection Services family specialists, adoption
184 specialists, licensure specialists, direct supervisors of family
185 protection specialists, direct supervisors of adoption
186 specialists, and direct supervisors of licensure specialists.

187 (10) This section shall stand repealed on July 1, 2028.

188 **SECTION 3.** Section 63-16-5, Mississippi Code of 1972, is
189 amended as follows:

190 63-16-5. (1) A law enforcement officer or authorized
191 employee of a law enforcement agency may, during the course of a
192 traffic stop or accident investigation, access the verification
193 system established under Section 63-16-3 to verify whether a motor



194 vehicle is covered by a valid motor vehicle liability policy in at
195 least the minimum amounts required under Section 63-15-3(j).

196 (2) The response received from the system supersedes an
197 insurance card produced by a motor vehicle operator, and
198 notwithstanding the display of an insurance card by the operator,
199 the law enforcement officer may issue a complaint and notice to
200 appear to the operator for a violation of the Mississippi Motor
201 Vehicle Safety-Responsibility Law. A law enforcement officer may
202 exercise discretion in issuing a citation during the first sixty
203 (60) days after proof of temporary insurance is issued by an
204 insurance company, if the verification system shows that the
205 insured's policy is expired and the operator provides proof of
206 insurance with a new insurance company or a new insurance card.

207 (3) Except upon reasonable cause to believe that a driver
208 has violated another traffic regulation or that the driver's motor
209 vehicle is unsafe or not equipped as required by law, a law
210 enforcement officer may not use the verification system to stop a
211 driver for operating a motor vehicle in violation of this chapter.

212 (4) Child Protection Services, in cooperation with the
213 Commissioner, may access the verification system established under
214 Section 63-16-3 to obtain information regarding noncustodial
215 parents who are out of compliance with child support payments.

216 **SECTION 4.** Section 63-16-7, Mississippi Code of 1972, is
217 amended as follows:



218 63-16-7. (1) The Department of Public Safety, hereinafter
219 referred to in this section as "department," shall administer and
220 enforce the provisions of this chapter, as applicable, and shall
221 make rules necessary for the administration of the motor vehicle
222 insurance verification system created under Section 63-16-3.

223 (2) The rules must:

224 (a) Establish standards and procedures for accessing
225 the system by authorized personnel of the department, the courts,
226 law enforcement personnel and any other entities authorized by the
227 department that are consistent with specifications and standards
228 of the Insurance Industry Committee on Motor Vehicle
229 Administration and other applicable industry standards;

230 (b) Provide for the suspension of a driver's license
231 when required by this chapter;

232 (c) Prohibit the reinstatement of a driver's license
233 unless the applicable fines have been paid; and

234 (d) Provide for insurance information from insurers,
235 not more often than every thirty (30) days, to identify motor
236 vehicle insurance policy information; however, no insurer shall be
237 required to provide such information in a format other than those
238 set forth by the Insurance Industry Committee on Motor Vehicle
239 Administration "Insurance Data Transfer Guide," as amended.

240 (3) The department may adopt additional rules to:

241 (a) Assist authorized users in interpreting responses
242 received from the motor vehicle insurance verification system and



243 determining the appropriate action to be taken as a result of a
244 response; * * *

245 (b) Otherwise clarify system operations and business
246 rules * * *; and

247 (c) Assist Child Protection Services in obtaining
248 identifying information for noncustodial parents out of compliance
249 with child support payments.

250 **SECTION 5.** This act shall take effect and be in force from
251 and after July 1, 2024.

