

By: Representative Reeves

To: Judiciary A; Ways and  
Means

## HOUSE BILL NO. 715

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 REQUIRE WINNERS TO SIGN A STATEMENT REGARDING  
4 OUTSTANDING JUDGMENTS; TO PROVIDE PENALTIES FOR VIOLATIONS OF THIS  
5 ACT; TO AMEND SECTION 93-11-71, MISSISSIPPI CODE OF 1972, TO  
6 CONFORM TO THE PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

8 SECTION 1. (1) Gaming proceeds (proceeds) shall be subject  
9 to encumbrance for delinquent child support payments assessed by a  
10 court of competent jurisdiction or as otherwise provided in Titles  
11 43 and 93, Mississippi Code of 1972.

12 (2) Proceeds in amounts equal to or above amounts subject to  
13 taxation under applicable state or federal gaming laws shall be  
14 reported by the payor to the Mississippi Department of Human  
15 Services, Division of Child Support Enforcement (the department)  
16 pursuant to the provisions set forth herein. The payor may  
17 interplead such proceeds to the appropriate chancery court.

18 (3) Initial inquiry shall be made by any entity or licensee  
19 engaging in business regulated by or similar to business regulated  
20 by the provisions of the Gaming Control Act or the Charitable  
21 Bingo Law. Such inquiry shall determine the existence and amount  
22 of any child support delinquency and may be made via telephone to  
23 a telephone number provided and maintained by the department, and  
24 shall be accessible twenty-four (24) hours, seven (7) days a week,  
25 or such other electronic media as may be agreed upon by the  
26 department and the payor.

27 (4) Initial inquiries pursuant to this section shall be made  
28 within twenty-four (24) hours.

29 (5) If it is determined that the payee has a child support

30 delinquency, proceeds up to the full amount of the delinquency  
31 shall be withheld and disbursed to the department. Proceeds  
32 beyond the amount of the delinquency shall be delivered to the  
33 payee.

34 (6) The payee shall have available to him or her the  
35 opportunity to contest the accuracy of said payee's identity or  
36 the reported amount of the delinquency:

37 (a) The payee shall have the right to a review of the  
38 department's claim of the proceeds. To request such review, the  
39 payee must contact the office of the department in the county in  
40 which the child support order is entered. Such contact must be  
41 made within five (5) business days from the date upon which the  
42 payee seeks payment of the proceeds from the payor.

43 (b) The department shall grant a review which shall  
44 occur within twenty-four (24) business hours if contact is made  
45 with the office by personal appearance, telephone or electronic  
46 medium. If contact is made by writing, such review shall occur  
47 within five (5) business days of receipt of such contact.

48 (c) The payee may contest the determination of the  
49 review by filing a petition with a court of competent jurisdiction  
50 as in any matter governed by Rule 81(d)(2) of the Mississippi  
51 Rules of Civil Procedure. Service upon the department shall be  
52 made as provided by Rule 4(d)(5).

53 (d) Throughout the review and determination processes,  
54 the proceeds shall be held by the department in an account of the  
55 department's choosing, and shall be delivered to the payee, should  
56 he or she prevail.

57 (e) Any administrative and legal fees incurred by the  
58 payor or the department throughout the procedures described herein  
59 or pursuant to such procedures shall be assessed to the payee in  
60 the event the proceeds are forwarded to the department.

61 (7) Any person who receives gaming proceeds of One Thousand  
62 Dollars (\$1,000.00) or more shall sign a statement under oath  
63 stating whether such person has an outstanding child support

64 judgment against him. If such person makes a false statement on  
65 such statement, he shall be guilty of a felony and upon conviction  
66 shall be punished by a fine not to exceed Fifty Thousand Dollars  
67 (\$50,000.00) or by imprisonment of not more than ten (10) years,  
68 or both. The Gaming Commission shall prepare and furnish a  
69 statement form to payors to carry out the provisions of this  
70 subsection.

71 (8) **Definitions.**

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

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

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

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

83 (9) Failure by the payor or payee to comply with the  
84 provisions of this section except for subsection (7) shall subject  
85 the payor or payee to a fine of not less than One Thousand Dollars  
86 (\$1,000.00).

87 (10) Notwithstanding any provision of this or any other  
88 section of the Mississippi Code, the Department of Human Services  
89 shall not be prohibited from entering into a contractual or other  
90 similar arrangement with any individual, agent, entity or payor  
91 conducting such games or gambling games in Mississippi as are  
92 addressed herein.

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

95 93-11-71. (1) Whenever a court orders any person to make  
96 periodic payments for the maintenance or support of a child, and  
97 whenever such payments as have become due remain unpaid for a

98 period of at least thirty (30) days, the person to whom such  
99 payments are owed, or his legal representative, shall be entitled  
100 to a judgment against the obligor in such amount as is equal to  
101 all such payments which are then due and owing.

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

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

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

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

117 (c) Assets held in financial institutions;

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

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

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

128 SECTION 3. This act shall take effect and be in force from  
129 and after July 1, 1999.