

By: Representatives Campbell, Willis,  
Crawford, Baria, Bain, Anderson, Lane, Dixon

To: Judiciary B

HOUSE BILL NO. 1030  
(As Sent to Governor)

1 AN ACT TO CREATE THE OFFICE AGAINST INTERPERSONAL VIOLENCE  
2 WITHIN THE STATE DEPARTMENT OF HEALTH AND TO ESTABLISH THE  
3 MEMBERSHIP, POWERS AND DUTIES OF THE ADVISORY BOARD; TO GRANT TO  
4 THE OFFICE THE AUTHORITY TO RECEIVE AND ADMINISTER CERTAIN FEDERAL  
5 GRANT FUNDS; TO AMEND SECTION 93-21-101, MISSISSIPPI CODE OF 1972,  
6 TO DEFINE CERTAIN TERMS; TO AMEND SECTION 93-21-103, MISSISSIPPI  
7 CODE OF 1972, TO GRANT THE OFFICE AUTHORITY TO SET RULES REGARDING  
8 THE DISTRIBUTION OF GRANT FUNDS TO SHELTERS AND OTHER PROGRAMS; TO  
9 AMEND SECTION 93-21-107, MISSISSIPPI CODE OF 1972, TO MODIFY  
10 REQUIREMENTS FOR LOCAL MATCH PAYMENTS FOR GRANTS AND GRANT  
11 CEILINGS; TO AMEND SECTION 93-21-109, MISSISSIPPI CODE OF 1972, TO  
12 ESTABLISH CIVIL PENALTIES FOR STAFF AND VOLUNTEERS OF SHELTERS OR  
13 OTHER ORGANIZATIONS WHO DISCLOSE INFORMATION ABOUT PERSONS  
14 RECEIVING SERVICES FROM SHELTERS; TO AMEND SECTION 93-21-117,  
15 MISSISSIPPI CODE OF 1972, TO MAKE THE OFFICE RESPONSIBLE FOR  
16 ADMINISTERING THE VICTIMS OF DOMESTIC VIOLENCE FUND; TO AMEND  
17 SECTION 93-21-33, MISSISSIPPI CODE OF 1972, TO REVISE THE DUTIES  
18 OF THE DOMESTIC VIOLENCE TASK FORCE TO REQUIRE FURTHER STUDY AND  
19 REPORTING, AND TO PROVIDE A DATE OF DISSOLUTION; TO REPEAL SECTION  
20 93-21-105, MISSISSIPPI CODE OF 1972, TO WHICH SETS CERTAIN  
21 CRITERIA FOR THE DISTRIBUTION OF GRANT FUNDS TO SHELTERS; AND FOR  
22 RELATED PURPOSES.

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

24 **SECTION 1.** The following shall be codified as Section  
25 93-21-119, Mississippi Code of 1972:

26 93-21-119. (1) There is established the Office Against  
27 Interpersonal Violence (OAIIV) within the Mississippi Department of  
28 Health under the direct supervision of the State Health Officer.



29 The OAIIV shall be responsible for administering certain state and  
30 federal pass-through victim-services funds and related monies, and  
31 for developing, promulgating and implementing certification and  
32 reporting standards for domestic violence and related victim  
33 service providers, and related activities.

34 (2) (a) There is established an OAIIV Advisory Board. The  
35 purpose of the Advisory Board is to make recommendations to the  
36 Department of Health and to assist the Department of Health in the  
37 development, promulgation and implementation of certification and  
38 reporting standards for domestic violence and other victim service  
39 providers, and in other related activities to be undertaken by the  
40 office. The Advisory Board shall not have independent authority  
41 to take official action on behalf of the office or the Mississippi  
42 Department of Health and its actions are purely advisory in  
43 nature.

44 (b) The Advisory Board shall consist of seven (7)  
45 members to be appointed by the State Health Officer as follows:

46 (i) One (1) licensed therapist or social worker,  
47 whose initial term shall be for two (2) years;

48 (ii) One (1) member of the faith community, whose  
49 initial term shall be for two (2) years;

50 (iii) One (1) licensed attorney, whose initial  
51 term shall be for three (3) years;



52 (iv) One (1) certified public accountant with  
53 experience in auditing, whose initial term shall be for three (3)  
54 years;

55 (v) One (1) business professional, whose initial  
56 term shall be for four (4) years;

57 (vi) One (1) medical professional with forensic  
58 experience who may be either a medical doctor or a registered  
59 nurse, whose initial term shall be for five (5) years; and

60 (vii) One (1) survivor of interpersonal violence  
61 whose initial term shall be for six (6) years.

62 All appointees must have general knowledge or first-hand  
63 knowledge, or both, of interpersonal violence, and successfully  
64 complete training on interpersonal violence provided by Department  
65 of Health staff. The members of the Advisory Board shall be women  
66 and men of recognized achievement who are representative of the  
67 ethnic, geographic, socioeconomic and cultural diversity of the  
68 State of Mississippi. Preference in appointments shall be given  
69 to appointees who have been members of the Domestic Violence Task  
70 Force established in Section 93-21-33. The initial appointments  
71 must be made within twenty (20) days after the passage of this  
72 act. As the initial terms expire, the State Health Officer shall  
73 appoint members for terms of six (6) years.

74 (3) Members of the Advisory Board shall be entitled to  
75 travel and per diem expenses as provided in Sections 25-3-41 and  
76 25-3-69.



77 (4) The Advisory Board shall create a steering committee at  
78 its first meeting. The purpose of the steering committee is to  
79 provide assistance and recommendations to the Advisory Board in  
80 the performance of its statutory duties. The steering committee  
81 shall consist of four (4) program directors actively engaged in  
82 the management of programs for interpersonal violence victims, the  
83 Executive Director of the Mississippi Coalition Against Domestic  
84 Violence, the Executive Director of the Mississippi Coalition  
85 Against Sexual Assault, a representative of the Mississippi  
86 Attorney General's Office Bureau of Victim Assistance, and any  
87 other individuals whose experience or expertise are deemed  
88 necessary to the process or projects of the commission. The  
89 members of the steering committee shall be nominated and approved  
90 by the Advisory Board, and members of the steering committee shall  
91 serve at the pleasure of the Advisory Board. The Advisory Board  
92 may authorize members of the steering committee to receive  
93 reimbursement for travel and per diem expenses as provided in  
94 Sections 25-3-41 and 25-3-69.

95 **SECTION 2.** The following shall be codified as Section  
96 93-21-121, Mississippi Code of 1972:

97 93-21-121. (1) The Office Against Interpersonal Violence  
98 shall have authority to:

99 (a) Receive funds intended for care of victims of  
100 interpersonal violence when those funds are not directed  
101 elsewhere;



102           (b) Administer funds received from any source and  
103 establish procedures for the disbursement of funds to certified  
104 agencies for the delivery of shelter and other services for  
105 victims of interpersonal violence;

106           (c) Cooperate with the Attorney General's office for  
107 the certification of any programs receiving funding;

108           (d) Study the subject of interpersonal violence and  
109 related matters, and regularly report to the Legislature on the  
110 need for legislative revisions and initiatives in those areas; and

111           (e) Develop a strategic plan for the delivery of  
112 services for victims of interpersonal violence.

113           (2) The Mississippi Department of Health shall seek  
114 appropriations authority on behalf of the OAIIV to expend any funds  
115 it receives from any source, and shall comply with all statutes  
116 and regulations of the state pertaining to fiscal management of  
117 public funds.

118           (3) The OAIIV shall have the authority, with the assistance  
119 of the Advisory Board, to develop performance standards, financial  
120 audit standards, and other necessary standards to insure that all  
121 the grantees are managing their facilities and services consistent  
122 with the purposes of the grant. From and after July 1, 2016, only  
123 agencies meeting the standards developed by the OAIIV shall be  
124 eligible to receive funding administered by the OAIIV.

125           **SECTION 3.** The following shall be codified as Section  
126 93-21-123, Mississippi Code of 1972:



127           93-21-123. (1) From and after July 1, 2016, the Office  
128 Against Interpersonal Violence shall be the single state agency  
129 for the receipt and administration of and the sole authority and  
130 responsibility to seek grants on behalf of the state which will be  
131 administered or available after July 1, 2016.

132           (2) The OAIIV shall also be authorized to contract with any  
133 agency of the state to receive grants or subgrants for the  
134 delivery of services to victims of interpersonal violence.

135           (3) The OAIIV shall have the authority to seek grants from  
136 any other source making funds available when the purpose of the  
137 grant is to provide services and assistance to victims of  
138 interpersonal violence, or offers training to persons who assist  
139 such victims.

140           **SECTION 4.** Section 93-21-101, Mississippi Code of 1972, is  
141 amended as follows:

142           93-21-101. As used in Sections 93-21-101 through 93-21-113,  
143 unless the context otherwise requires:

144           \* \* \*

145           ( \* \* \* a) "Domestic violence shelter" means a place  
146 established to provide temporary food and shelter, counseling, and  
147 related services to victims of domestic violence.

148           (b) "Interpersonal violence" means any behavior between  
149 family members and intimate partners, but also between  
150 acquaintances and strangers, that causes physical, psychological,  
151 or sexual harm and includes the crimes of domestic violence,



152 stalking, sexual assault, trafficking, child sexual abuse, and  
153 related crimes.

154 (c) "Batterer intervention program" means a program  
155 that focuses on behavior modification for perpetrators of domestic  
156 violence in an effort to prevent domestic violence from  
157 reoccurring. This shall not include programs focusing on anger  
158 management or marriage counseling. Any batterer intervention  
159 program must document cooperation with a domestic violence shelter  
160 program.

161 (d) "OAIV" means the Office Against Interpersonal  
162 Violence established in Section 93-21-119.

163 **SECTION 5.** Section 93-21-103, Mississippi Code of 1972, is  
164 amended as follows:

165 93-21-103. There is hereby established a program for victims  
166 of domestic violence through domestic violence shelters. The  
167 oversight of shelters, and distribution of state funds for the  
168 purpose of serving victims of domestic violence, shall be the  
169 responsibility of the Office Against Interpersonal Violence  
170 created in this act. The Office Against Interpersonal Violence  
171 shall have the authority to promulgate the administrative rules  
172 that are necessary and proper to further carry out the purposes of  
173 this section.

174 **SECTION 6.** Section 93-21-107, Mississippi Code of 1972, is  
175 amended as follows:



176 93-21-107. (1) To qualify for funds under the provisions of  
177 Sections 93-21-101 through 93-21-113, a domestic violence shelter  
178 shall meet all the following requirements:

179 (a) Be incorporated in the state or recognized by the  
180 Secretary of State as a private or public nonprofit corporation.  
181 Such corporation shall have a board of directors and/or an  
182 advisory committee who represents the racial, ethnic and social  
183 economic diversity of the area to be served, including, if  
184 possible, at least one (1) person who is or has been a victim of  
185 domestic violence.

186 (b) Have designed and developed a program to provide  
187 the following basic services to victims of domestic violence and  
188 their children:

189 (i) Shelter on a twenty-four (24) hour a day,  
190 seven (7) days a week basis.

191 (ii) A twenty-four (24) hour, seven (7) days a  
192 week switchboard for crisis calls.

193 (iii) Temporary housing and food facilities.

194 (iv) Group support and peer counseling.

195 (v) Referrals to existing services in the  
196 community and follow-up on the outcome of the referrals.

197 (vi) A method of referral for medical care, legal  
198 assistance and group support and counseling of victims of domestic  
199 violence.





200 (vii) Information regarding reeducation, marriage  
201 and family counseling, job counseling, and training programs,  
202 housing referrals, and other available social services.

203 (viii) A referral program of counseling for the  
204 victim and the offender.

205 (2) Domestic violence shelters shall establish procedures  
206 for admission of victims of domestic violence who may seek  
207 admission to these shelters on a voluntary basis.

208 (3) A domestic violence shelter shall not qualify for funds  
209 if it discriminates in its admissions or provision of services on  
210 the basis of race, religion, color, age, marital status, national  
211 origin or ancestry.

212 (4) Any state-source grant made to a shelter shall be  
213 matched with local funds in an amount not less than twenty-five  
214 percent (25%) of the state-source grant amount. The local  
215 contribution may not include in-kind contributions.

216 (5) A domestic violence shelter receiving state funding  
217 under the provisions of Sections 93-21-101 through 93-21-113 shall  
218 not be prohibited from accepting gifts, trusts, bequests, grants,  
219 endowments, federal funds, other special source funds or transfers  
220 of property of any kind for the support of that shelter program.

221 (6) \* \* \* The OAIV shall insure that no grant made with  
222 state funds is in an amount that would exceed One Hundred Thousand  
223 Dollars (\$100,000.00) inflated by a general CPI inflator to insure



224 that the grant offers shelters the same buying power that a grant  
225 of One Hundred Thousand Dollars (\$100,000.00) provided in 1983.

226 (7) A domestic violence shelter shall require persons  
227 employed by or volunteering services to the shelter to maintain  
228 the confidentiality of any information that would identify  
229 individuals served by the shelter.

230 (8) A domestic violence shelter shall provide educational  
231 programs relating to battered spouses and domestic violence  
232 designed for both the community at large and/or specialized groups  
233 such as hospital personnel and law enforcement officials.

234 (9) No child shall be placed in any domestic violence  
235 shelter that receives state funding under these provisions of  
236 Sections 93-21-101 through 93-21-113, and no domestic violence  
237 shelter that receives state funding under these provisions may  
238 admit or accept any child, unless the child is accompanied by his  
239 parent or guardian and such parent or guardian will remain with  
240 the child in the shelter until the child leaves or is released  
241 from the shelter. However, this subsection shall not prevent any  
242 rape crisis center from providing care, counseling and related  
243 services to any child who is a victim of rape, attempted rape,  
244 sexual battery or attempted sexual battery and who is not  
245 accompanied by his parent or guardian.

246 **SECTION 7.** Section 93-21-109, Mississippi Code of 1972, is  
247 amended as follows:



248           93-21-109. (1) Records maintained by domestic violence  
249 shelters, except the official minutes of the board of directors of  
250 the shelter, and financial reports filed as required by statute  
251 with the board of supervisors or municipal authorities or any  
252 other agency of government, shall be withheld from public  
253 disclosure under the provisions of the Mississippi Public Records  
254 Act of 1983.

255           (2) Any employee, contractor, volunteer or agent of a  
256 domestic violence shelter, or of any other entity in possession of  
257 information which would tend to identify a victim of domestic  
258 violence, who discloses any information that is exempt from  
259 disclosure under the Mississippi Public Records Act of 1983, or  
260 makes any observation or comment about the identity or condition  
261 of any person admitted to a shelter or receiving services of a  
262 shelter, unless directed to do so by an order of a court of  
263 competent jurisdiction, shall be civilly liable to the person  
264 whose personal information was disclosed in the amount of Ten  
265 Thousand Dollars (\$10,000.00), plus any compensatory damages that  
266 the individual may have suffered as the result of the disclosure.

267           (3) (a) No employee, contractor, volunteer or agent of a  
268 domestic violence shelter shall be compelled to testify in any  
269 civil matter, or surrender any documents, files, or other records  
270 of the shelter, regarding a victim of domestic violence or sexual  
271 assault without the consent of the victim, except as provided  
272 herein.



273           (b) A defendant may request from the court an in camera  
274 review of the materials in possession of any shelter employees,  
275 contractors, agents or volunteers to determine if there would be a  
276 good cause for allowing disclosure of the materials. In deciding  
277 on disclosure, the court shall consider the following factors:

278           (i) The materiality of the information to the  
279 defense; and

280           (ii) The effect disclosure may have on the victim  
281 and the victim's relationship with the employee, contractor,  
282 volunteer, or agent of the shelter.

283       (4) A resident or staff member of a domestic violence  
284 shelter shall not be required to disclose the street address or  
285 physical location of that shelter to any public or private agency.  
286 In all cases where the provision of a physical address is  
287 required, a post office box address for the domestic violence  
288 shelter shall be deemed sufficient.

289       **SECTION 8.** Section 93-21-117, Mississippi Code of 1972, is  
290 amended as follows:

291       93-21-117. (1) There is hereby created in the State  
292 Treasury a special fund to be known as the "Victims of Domestic  
293 Violence Fund." The fund shall be a continuing fund, not subject  
294 to fiscal-year limitations, and shall consist of:

295           (a) Monies appropriated by the Legislature;

296           (b) The interest accruing to the fund;



297 (c) Monies received under the provisions of Section  
298 99-19-73;  
299 (d) Monies received from the federal government;  
300 (e) Donations to the Victims of Domestic Violence Fund;  
301 (f) Assessments collected pursuant to Section 83-39-31;  
302 and  
303 (g) Monies received from such other sources as may be  
304 provided by law.

305 (2) The circuit clerks of the state shall deposit in the  
306 fund on a monthly basis the additional fee charged and collected  
307 for marriage licenses under the provisions of Section 25-7-13,  
308 Mississippi Code of 1972.

309 (3) All other monies received by the state from every source  
310 for the support of the program for victims of domestic violence,  
311 established by Sections 93-21-101 through 93-21-113, shall be  
312 deposited in the "Victims of Domestic Violence Fund." The monies  
313 in the fund shall be used by the State Department of Health solely  
314 for funding and administering domestic violence shelters under the  
315 provisions of Sections 93-21-101 through 93-21-113, in such  
316 amounts as the Legislature may appropriate to the department for  
317 the program for victims of domestic violence established by  
318 Sections 93-21-101 through 93-21-113. Not more than ten percent  
319 (10%) of the monies in the "Victims of Domestic Violence Fund"  
320 shall be appropriated to the State Department of Health for the  
321 administration of domestic violence shelters.



322       (4) From and after July 1, 2014, the Office Against  
323 Interpersonal Violence is granted all powers and duties with  
324 respect to the management of funds in the Victims of Domestic  
325 Violence Fund. Any reference to the Department of Health in this  
326 article pertaining to the management of the Victims of Domestic  
327 Violence Fund means the Office Against Interpersonal Violence  
328 within the Department of Health. In addition to the ten percent  
329 (10%) set aside in subsection (3), from and after July 1, 2014,  
330 the OAIV is authorized to utilize no more than an additional five  
331 percent (5%) of the monies in the Victims of Domestic Violence  
332 Fund at its discretion for transition expenses and expense related  
333 to statewide projects of the OAIV.

334       (5) Nothing in this chapter shall be construed to limit the  
335 ability of a domestic violence shelter or other domestic violence  
336 program to solicit private donations or community support. Any  
337 funds raised by a shelter or program from private donations or  
338 community support are not subject to the provisions of this act.

339       **SECTION 9.** Section 93-21-33, Mississippi Code of 1972, is  
340 amended as follows:

341       93-21-33. (1) There is established the Domestic Violence  
342 Task Force, which will be made up of not more than twenty-six (26)  
343 members as follows:

344       (a) The Governor shall appoint the following appointees  
345 who shall possess a practicing knowledge of domestic violence as  
346 follows:



347 (i) Four (4) executive directors of domestic  
348 violence shelters representing the geographical divisions of the  
349 Delta, South, Central and North Mississippi;  
350 (ii) Two (2) batterer's intervention program  
351 managers;  
352 (b) The Attorney General, or his designee;  
353 (c) The State Auditor, or his designee;  
354 (d) The Executive Director of the Mississippi  
355 Association of Police Chiefs, or his designee;  
356 (e) The Executive Director of the Mississippi  
357 Prosecutor's Association, or his designee;  
358 (f) The Executive Director of the Mississippi Sheriff's  
359 Association, or his designee;  
360 (g) The Executive Director of the Mississippi Judicial  
361 College, or his or her designee;  
362 (h) A practicing member of the Mississippi State  
363 Medical Association appointed by the Governor;  
364 (i) A seated or retired justice court judge appointed  
365 by the Governor;  
366 (j) A seated or retired chancery court judge appointed  
367 by the Governor;  
368 (k) A seated or retired municipal court judge appointed  
369 by the Governor;  
370 (l) A seated or retired county court judge appointed by  
371 the Governor;



- 372                   (m) One (1) licensed social worker appointed by the  
373 Governor;
- 374                   (n) One (1) attorney with lobbying experience appointed  
375 by the Governor;
- 376                   (o) Two (2) victims of domestic violence appointed by  
377 the Governor;
- 378                   (p) One (1) practicing municipal prosecutor appointed  
379 by the Governor;
- 380                   (q) One (1) member of the faith-based community to be  
381 appointed by the Governor;
- 382                   (r) One (1) statistical expert appointed by the  
383 Governor;
- 384                   (s) One (1) information technology professional  
385 appointed by the Governor; and
- 386                   (t) The Director of the Mississippi Coalition Against  
387 Domestic Violence, or her designee.

388           The members of the task force shall serve at the pleasure of  
389 their respective appointing authorities; ten (10) members shall  
390 constitute a quorum for the transaction of business. The members  
391 shall elect a chairman and committees whose duties shall be  
392 established by the task force.

393           (2) The Chairmen of the House Public Health and Welfare  
394 Committee, the House Appropriations Committee, the Senate Public  
395 Health and Welfare Committee and the Senate Appropriations  
396 Committee, or their designees, two (2) members of the State Senate





397 appointed by the Lieutenant Governor and one (1) member of the  
398 House of Representatives appointed by the Speaker of the House,  
399 shall serve as ex officio nonvoting members of the task force.

400 (3) In addition to the committee members required by  
401 subsection (2), the task force shall consist of such other members  
402 as are necessary to meet the requirements of any federal  
403 regulation applicable to the task force.

404 (4) The chairman of the task force shall be elected by the  
405 voting members of the committee annually and shall not serve more  
406 than two (2) consecutive years as chairman. The chair shall call  
407 the meetings of the task force.

408 (5) The members of the task force shall serve without  
409 compensation.

410 (6) The task force shall meet not less than quarterly, and  
411 task force members shall be furnished written notice of the  
412 meetings at least ten (10) days before the date of the meeting.  
413 The first meeting of the task force shall be called by the  
414 Governor within sixty (60) days of March 20, 2013.

415 (7) The task force shall provide recommendations and advice  
416 regarding the following:

417 (a) Streamlining funding to domestic violence shelters  
418 resulting in uniform and objective funding and auditing standards;

419 (b) Providing recommendations regarding the Victims of  
420 Domestic Violence Fund under Section 93-21-117 and its  
421 disbursement to shelters;



422           (c) Considering the impact, definition, funding and  
423 certification of batterer intervention programs;

424           (d) Creating standards for confidentiality of client  
425 records;

426           (e) Updating training requirements for grant monitors,  
427 law enforcement and court personnel;

428           (f) Providing uniform reporting and automation options;

429           (g) Implementing the formation of a domestic violence  
430 commission with the charge of executing recommendations made by  
431 this task force \* \* \*;

432           (h) Recommending whether the administration of federal  
433 grant funds, including, but not limited to, the grant funds known  
434 as VOCA and VOWA, should be relocated to the Office of  
435 Interpersonal Violence under the umbrella of the Department of  
436 Health.

437           (8) The Joint Legislative Committee on Performance  
438 Evaluation and Expenditure Review (PEER) will provide support and  
439 recommendations to the task force.

440           (9) (a) The task force will develop a report with  
441 legislative recommendations to the Governor and to the 2014  
442 Regular Session of the Legislature to be submitted no later than  
443 October 1, 2013.

444           (b) The task force will develop an additional report  
445 with legislative recommendations to the Governor and to the 2015



446 Regular Session of the Legislature to be submitted no later than  
447 October 15, 2014.

448 (c) The task force shall stand dissolved on December  
449 31, 2014.

450 **SECTION 10.** Section 93-21-105, Mississippi Code of 1972,  
451 which sets out specific statutory criteria for the allocation of  
452 domestic violence shelters, is hereby repealed.

453 **SECTION 11.** Sections 1 and 9 of this act shall take effect  
454 and be in force from and after its passage. Sections 2 through 8  
455 and Section 10 of this act shall take effect and be in force from  
456 and after July 1, 2014.

