

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

Senate Bill No. 2658

BY: Committee

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

38 **SECTION 1.** Section 97-41-16, Mississippi Code of 1972, is
39 amended as follows:

40 97-41-16. (1) (a) The provisions of this section shall be
41 known and may be cited as the "Mississippi Dog and Cat Pet
42 Protection Law of 2011."

43 (b) The intent of the Legislature in enacting this law
44 is to provide only for the protection of domesticated dogs and
45 cats, as these are the animals most often serving as the loyal and
46 beloved pets of the citizens of this state. Animals other than
47 domesticated dogs and cats are specifically excluded from the



48 enhanced protection described in this section for dogs and cats.
49 The provisions of this section do not apply, and shall not be
50 construed as applying, to any animal other than a domesticated dog
51 or cat.

52 (2) (a) If a person shall intentionally or with criminal
53 negligence wound, deprive of adequate shelter, food or water, or
54 carry or confine in a cruel manner, any domesticated dog or cat,
55 or cause any person to do the same, then he or she shall be guilty
56 of the offense of simple cruelty to a domesticated dog or cat. A
57 person who is convicted of the offense of simple cruelty to a
58 domesticated dog or cat shall be guilty of a misdemeanor and fined
59 not more than One Thousand Dollars (\$1,000.00), or imprisoned not
60 more than six (6) months, or both. Each act of simple cruelty
61 that is committed against more than one (1) domesticated dog or
62 cat constitutes a separate offense.

63 (b) (i) If a person with malice shall intentionally
64 torture, mutilate, maim, burn, starve * * * to death, crush,
65 disfigure, drown, suffocate or impale any domesticated dog or cat,
66 or cause any person to do the same, then he or she shall be guilty
67 of the offense of aggravated cruelty to a domesticated dog or cat.
68 Each act of aggravated cruelty that is committed against more than
69 one (1) domesticated dog or cat shall constitute a separate
70 offense.

71 (* * * ii) A person who is convicted of a first
72 offense of aggravated cruelty to a domesticated dog or cat shall



73 be guilty of a * * * felony and fined not more than * * * Five
74 Thousand Dollars (\$5,000.00), or * * * committed to the custody of
75 the Department of Corrections for not more than * * * three (3)
76 years, or both.

77 (* * * iii) A person who is convicted of a second
78 or subsequent offense of aggravated cruelty to a domesticated dog
79 or cat, the offenses being committed within a period of five (5)
80 years, shall be guilty of a felony and fined not more than * * *
81 Ten Thousand Dollars (\$10,000.00) and imprisoned in the custody of
82 the Department of Corrections for not less than one (1) year nor
83 more than * * * ten (10) years.

84 For purposes of calculating previous offenses of aggravated
85 cruelty under this subparagraph (iii), commission of one or more
86 acts of aggravated cruelty against one or more domesticated dogs
87 or cats within a twenty-four-hour period shall be considered one
88 (1) offense.

89 (c) A conviction entered upon a plea of nolo contendere
90 to a charge of aggravated cruelty to a domesticated dog or cat
91 shall be counted as a conviction for the purpose of determining
92 whether a later conviction is a first or subsequent offense.

93 * * *

94 (3) In addition to such fine or imprisonment which may be
95 imposed:

96 (a) The court shall order that restitution be made to
97 the owner of such domesticated dog or cat. The measure for



98 restitution in money shall be the current replacement value of
99 such loss and the actual veterinarian fees, medicine, special
100 supplies, loss of income and other costs incurred as a result of
101 actions in violation of subsection (2) of this section; and

102 (b) The court may order that:

103 (i) The reasonable costs of sheltering,
104 transporting and rehabilitating the domesticated dog or cat, and
105 any other costs directly related to the care of the dog or cat, be
106 reimbursed to:

107 1. Any law enforcement agency; or

108 2. Any agency or department of a political

109 subdivision that is charged with the control, protection or

110 welfare of domesticated or feral dogs or cats within the

111 subdivision. The agency or department may reimburse a

112 nongovernmental organization for such costs, if the organization

113 possesses nonprofit status under the United States Internal

114 Revenue Code and has the purpose of protecting the welfare of, or

115 preventing cruelty to, dogs or cats whether domesticated or feral.

116 (ii) The person convicted:

117 1. Receive a psychiatric or psychological

118 evaluation and counseling or treatment for a length of time as

119 prescribed by the court. The cost of any evaluation, counseling

120 and treatment shall be paid by the offender upon order of the

121 court, up to a maximum amount that is no more than the

122 jurisdictional limit of the sentencing court.



123 2. Perform community service for a period not
124 exceeding the applicable maximum term of imprisonment that may be
125 imposed for conviction of the offense.

126 3. Be enjoined from employment in any
127 position that involves the care of a domesticated dog or cat, or
128 in any place where domesticated dogs or cats are kept or confined,
129 for a period which the court deems appropriate.

130 4. If convicted of simple cruelty under this
131 section, be prohibited from owning or possessing or residing with
132 a domesticated dog or cat for any period of time not exceeding
133 five (5) years from the date of sentencing, or any period of time
134 not exceeding fifteen (15) years from the date of sentencing if
135 the conviction involved four (4) or more counts of simple cruelty.

136 (c) The court shall order that any person convicted of
137 an offense of aggravated cruelty under this section be prohibited
138 from owning or possessing or residing with a domesticated dog or
139 cat for a period not less than five (5) years nor more than
140 fifteen (15) years from the date of sentencing.

141 (d) A person found in violation of a court order
142 incorporating the provisions of paragraph (b) (ii)4. or (c) of this
143 subsection may, in addition to any other punishment provided by
144 law, be fined in an amount not exceeding One Thousand Dollars
145 (\$1,000.00) for each domesticated dog or cat unlawfully owned or
146 possessed.



147 (e) Any domesticated dog or cat involved in a violation
148 of a court order described in paragraph (d) of this subsection
149 shall be forfeited to the state.

150 (4) (a) Nothing in this section shall be construed as
151 prohibiting a person from:

152 (i) Defending himself or herself or another person
153 from physical * * * injury being threatened or caused by a
154 domesticated or feral dog or cat.

155 (ii) Injuring or killing an unconfined
156 domesticated or feral dog or cat on the property of the person, if
157 the unconfined dog or cat is believed to constitute a threat of
158 physical injury or damage to any domesticated animal under the
159 care or control of such person.

160 (iii) Acting under the provisions of Section
161 95-5-19 to protect poultry or livestock from a trespassing dog
162 that is in the act of chasing or killing the poultry or livestock,
163 or acting to protect poultry or livestock from a trespassing cat
164 that is in the act of chasing or killing the poultry or livestock.

165 (iv) Engaging in practices that are licensed or
166 lawful under the Mississippi Veterinary Practice Act, Section
167 73-39-51 et seq., or engaging in activities by any licensed
168 veterinarian while following accepted standards of practice of the
169 profession within the State of Mississippi, including the
170 euthanizing of a dog or cat.



171 (v) Rendering emergency care, treatment, or
172 assistance to a dog or cat that is abandoned, ill, injured, or in
173 distress, if the person rendering the care, treatment, or
174 assistance is acting in good faith.

175 (vi) Performing activities associated with
176 accepted agricultural and animal husbandry practices with regard
177 to livestock, poultry or other animals, including those activities
178 which involve:

- 179 1. Using dogs in such practices.
- 180 2. Raising, managing and using animals to
181 provide food, fiber or transportation.
- 182 3. Butchering animals and processing food.

183 (vii) Training for, or participating in, a rodeo,
184 equine activity, dog show, event sponsored by a kennel club or
185 other bona fide organization that promotes the breeding or showing
186 of dogs or cats, or any other competitive event which involves the
187 lawful use of dogs or cats.

188 (viii) Engaging in accepted practices of dog or
189 cat identification.

190 (ix) Engaging in lawful activities that are
191 regulated by the Mississippi Department of Wildlife, Fisheries and
192 Parks or the Mississippi Department of Marine Resources, including
193 without limitation, hunting, trapping, fishing, and wildlife and
194 seafood management.



195 (x) Performing scientific, research, medical and
196 zoological activities undertaken by research and education
197 facilities or institutions that are:

198 1. Regulated under the provisions of the
199 Animal Welfare Act, 7 USCS 2131 et seq., as in effect on July 1,
200 2011;

201 2. Regulated under the provisions of the
202 Health Research Extension Act of 1985, Public Law No. 99-158; or

203 3. Subject to any other applicable state or
204 federal law or regulation governing animal research as in effect
205 on July 1, 2011.

206 (xi) Disposing of or destroying certain dogs under
207 authority of Sections 19-5-50, 21-19-9 and 41-53-11, which allow
208 counties, municipalities and certain law enforcement officers to
209 destroy dogs running at large without proper identification
210 indicating that such dogs have been vaccinated for rabies.

211 (xii) Engaging in professional pest control
212 activities, including those activities governed by the Mississippi
213 Pesticide Law of 1975, Section 69-23-1 et seq.; professional
214 services related to entomology, plant pathology, horticulture,
215 tree surgery, weed control or soil classification, as regulated
216 under Section 69-19-1 et seq.; and any other pest control
217 activities conducted in accordance with state law.

218 (xiii) Performing the humane euthanization of a
219 dog or cat pursuant to Section 97-41-3.



220 (xiv) Engaging in the training of service dogs
221 used to assist those with physical or mental health conditions.

222 (b) If the owner or person in control of a domesticated
223 dog or cat is precluded, by natural or other causes beyond his
224 reasonable control, from acting to prevent an act or omission that
225 might otherwise constitute an allegation of the offense of simple
226 cruelty to a domesticated dog or cat or the offense of aggravated
227 cruelty to a domesticated dog or cat, then that person shall not
228 be guilty of the offense. Natural or other causes beyond the
229 reasonable control of the person include, without limitation, acts
230 of God, declarations of disaster, emergencies, acts of war,
231 earthquakes, hurricanes, tornadoes, fires, floods or other natural
232 disasters.

233 (5) The provisions of this section shall not be construed
234 to:

235 (a) Apply to any animal other than a domesticated dog
236 or cat.

237 (b) Create any civil or criminal liability on the part
238 of the driver of a motor vehicle if the driver unintentionally
239 injures or kills a domesticated dog or cat as a result of the
240 domesticated dog or cat being accidentally hit by the vehicle.

241 (6) (a) Except as otherwise provided in Section 97-35-47
242 for the false reporting of a crime, a person, who in good faith
243 and acting without malice, reports a suspected incident of simple
244 cruelty to a domesticated dog or cat, or aggravated cruelty to a



245 domesticated dog or cat, to a local animal control, protection or
246 welfare organization, a local law enforcement agency, or the
247 Mississippi Department of Public Safety, shall be immune from
248 civil and criminal liability for reporting the incident.

249 (b) A veterinarian licensed in Mississippi or a person
250 acting at the direction of a veterinarian licensed in Mississippi,
251 who in good faith and acting without malice, participates in the
252 investigation of an alleged offense of simple or aggravated
253 cruelty to a domesticated dog or cat, or makes a decision or
254 renders services regarding the care of a domesticated or feral dog
255 or cat that is involved in the investigation, shall be immune from
256 civil and criminal liability for those acts.

257 (7) Other than an agency or department of a political
258 subdivision that is charged with the control, protection or
259 welfare of dogs or cats within the subdivision, any organization
260 that has the purpose of protecting the welfare of, or preventing
261 cruelty to, domesticated dogs or cats, shall register the
262 organization with the sheriff of the county in which the
263 organization operates a physical facility for the protection,
264 welfare or shelter of dogs or cats, on or before the first day of
265 October each year. The provisions of this subsection (7) shall
266 apply to any organization that has the purpose of protecting the
267 welfare of dogs or cats, or preventing cruelty to dogs or cats,
268 regardless of whether the organization also protects animals other
269 than domesticated dogs or cats.



270 (8) Nothing in this section shall limit the authority of a
271 municipality or board of supervisors to adopt ordinances, rules,
272 regulations or resolutions which may be, in whole or in part, more
273 restrictive than the provisions of this section, and in those
274 cases, the more restrictive ordinances, rules, regulations or
275 resolutions will govern.

276 **SECTION 2.** The Department of Finance and Administration is
277 authorized to contract with Mississippians Against Human
278 Trafficking (MSAHT) for the purpose of establishing a program to
279 fund or administer shelters that provide counseling, medical
280 needs, transitional housing and other related services to victims
281 of human trafficking and victims of commercial sexual exploitation
282 at no charge to the victim. The contract shall be funded from
283 monies in the "Victims of Human Trafficking and Commercial Sexual
284 Exploitation Fund." The Department of Finance and Administration,
285 in consultation with (MSAHT), shall have the authority to
286 promulgate the administrative rules that are necessary and proper
287 to further carry out the purposes of Sections 1 through 4 of this
288 act.

289 **SECTION 3.** (1) There is created in the State Treasury a
290 special fund to be known as the "Victims of Human Trafficking and
291 Commercial Sexual Exploitation Fund." The administration and
292 regulation of the fund shall be vested in the Department of
293 Finance and Administration, in consultation with Mississippians
294 Against Human Trafficking (MSAHT), 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 99-19-75;
299 (d) Monies received from the federal government;
300 (e) Donations to the fund;
301 (f) Assessments collected pursuant to Section 83-39-31;
302 (g) All other monies received by the state from every
303 source for the support of shelters for victims of human
304 trafficking and commercial sexual exploitation; and
305 (h) Monies received from such other sources as may be
306 provided by law.

307 (2) The monies in the fund shall be distributed by the
308 Department of Finance and Administration, upon appropriation by
309 the Legislature and in consultation with MSAHT, to fund and assist
310 human trafficking shelters and commercial sexual exploitation
311 shelters under the provisions of Sections 1 through 4 of this act.
312 Not more than ten percent (10%) of the monies that are provided to
313 MSAHT from the fund may be used by MSAHT for administrative
314 expenses and other expenses related to carrying out the provisions
315 of Sections 1 through 4 of this act.

316 (3) Nothing in Sections 1 through 4 of this act shall be
317 construed to limit the ability of a human trafficking or
318 commercial sexual exploitation shelter from soliciting private
319 donations or community support. Any funds raised by a shelter or



320 program described in Sections 1 through 4 of this act from private
321 donations or community support shall not be subject to the
322 requirements described in Sections 1 through 4 of this act.

323 **SECTION 4.** (1) To qualify for funds under the program
324 established by the Mississippians Against Human Trafficking
325 (MSAHT) under the contract with the Department of Finance and
326 Administration as authorized in Section 1 of this act, a shelter
327 must meet all of the following requirements:

328 (a) Be incorporated in the state or recognized by the
329 Secretary of State as a private or public nonprofit corporation.
330 Such corporation must have a board of directors and/or an advisory
331 committee that represents the racial, ethnic and social economic
332 diversity of the area to be served, including, if possible, at
333 least one (1) person who is or has been a victim of human
334 trafficking and commercial sexual exploitation; and

335 (b) Have designed and developed a program to provide
336 all of the following services to victims of human trafficking and
337 commercial sexual exploitation and their children, if applicable:

338 (i) Shelter on a twenty-four (24) hours a day,
339 seven (7) days a week basis;

340 (ii) A twenty-four (24) hours, seven (7) days a
341 week crisis line for calls;

342 (iii) Temporary housing and food facilities;

343 (iv) Referrals to existing services in the
344 community and follow-up on the out come of the referrals,



345 including, but not limited to, referrals for medical care, legal
346 assistance and alcohol and drug treatment;

347 (v) Information regarding reeducation,
348 trauma-informed therapy, job counseling, and training programs,
349 housing referrals and other available social services; and

350 (vi) An available licensed therapist on a
351 twenty-four (24) hours a day basis.

352 (c) Have established procedures for admission of
353 victims of human trafficking or commercial sexual exploitation who
354 may seek admission to these shelters on a voluntary basis.

355 (2) No human trafficking or commercial sexual exploitation
356 shelter shall qualify for funds from MSAHT under Sections 1
357 through 4 of this act if it discriminates in its admissions or
358 provision of services on the basis of race, religion, color, age,
359 marital status, national origin or ancestry.

360 (3) Any human trafficking or commercial sexual exploitation
361 shelter receiving funds from MSAHT under Sections 1 through 4 of
362 this act must show receipt of local funds in an amount not less
363 than twenty-five percent (25%) of the funds received from MSAHT.
364 The local contribution may include in-kind contributions.

365 (4) A human trafficking and commercial sexual exploitation
366 shelter receiving funds from MSAHT under Sections 1 through 4 of
367 this act shall not be prohibited from accepting gifts, trusts,
368 bequests, grants, endowments, federal funds, other special source



369 funds or transfers of property of any kind for the support of that
370 shelter program.

371 (5) Each human trafficking and commercial sexual
372 exploitation shelter receiving funds from MSAHT under Sections 1
373 through 4 of this act shall:

374 (a) Perform background checks and maintain copies of
375 such for each person employed by or volunteering services to the
376 shelter; and

377 (b) Require persons employed by or volunteering
378 services to the shelter to maintain the confidentiality of any
379 information that would identify individuals served by the shelter.

380 **SECTION 5.** (1) Any employee, contractor, volunteer or agent
381 of a human trafficking or commercial sexual exploitation shelter
382 receiving funds from Mississippians Against Human Trafficking
383 (MSAHT) under Sections 1 through 4 of this act, or of any other
384 entity in possession of information which would tend to identify a
385 victim of human trafficking and commercial sexual exploitation,
386 who makes any observation or comment about the identity or
387 condition of any person admitted to a shelter or receiving
388 services of a shelter, unless directed to do so by an order of a
389 court of competent jurisdiction, shall be civilly liable to the
390 person whose personal information was disclosed in the amount of
391 Ten Thousand Dollars (\$10,000.00), plus any compensatory damages
392 that the individual may have suffered as the result of the
393 disclosure.



394 Any employee, contractor, volunteer or agent of a human
395 trafficking or commercial sexual exploitation shelter receiving
396 funds from MSAHT who makes any observation or comment about the
397 location of a shelter to a person who uses the information to gain
398 unauthorized access to the shelter or any person located in the
399 shelter, unless directed to do so by an order of a court of
400 competent jurisdiction, shall be civilly liable to the shelter in
401 the amount of Ten Thousand Dollars (\$10,000.00), plus any
402 compensatory damages for any losses related to the disclosure of
403 the shelter's location.

404 (2) (a) No employee, contractor, volunteer or agent of a
405 human trafficking and commercial sexual exploitation shelter
406 receiving funds from MSAHT under Sections 1 through 4 of this act
407 shall be compelled to testify in any civil matter, or surrender
408 any documents, files, or other records of the shelter, regarding a
409 victim of human trafficking and commercial sexual exploitation or
410 sexual assault without the consent of the victim, except as
411 provided in paragraph (b) of this subsection.

412 (b) The court shall perform an in-camera review of the
413 materials in possession of any shelter employees, contractors,
414 agents or volunteers to determine if there would be a good cause
415 for allowing disclosure of the materials before such information
416 is released or otherwise given to any attorney or any other
417 officer of the court, or any relative. In deciding on disclosure,
418 the court shall consider the following factors:



419 (i) The materiality of the information to the
420 defense; and

421 (ii) The effect that such disclosure may have on
422 the victim and the victim's relationship with the employee,
423 contractor, volunteer, or agent of the shelter.

424 (3) A resident or staff member of a human trafficking and
425 commercial sexual exploitation shelter receiving funds from MSAHT
426 under Sections 1 through 4 of this act shall not be required to
427 disclose the street address or physical location of that shelter
428 to any public or private agency. In all cases where the provision
429 of a physical address is required, a post office box address for
430 the human trafficking and commercial sexual exploitation shelter
431 shall be deemed sufficient.

432 **SECTION 6.** Section 99-19-75, Mississippi Code of 1972, is
433 amended as follows:

434 99-19-75. (1) In addition to any monetary penalties and any
435 other penalties imposed by law, there shall be imposed and
436 collected from each person upon whom a court imposes a fine or
437 other penalty for any violation of Section 97-3-65, 97-5-1 et seq.
438 or 97-3-7, * * * when committed against a minor, an assessment of
439 One Thousand Dollars (\$1,000.00) to be deposited into the
440 Mississippi Children's Trust Fund created in Section
441 93-21-305, * * * using the procedures described in Section
442 99-19-73 * * *.



443 (2) In addition to any monetary penalties and any other
444 penalties imposed by law, there shall be imposed and collected
445 from each person upon whom a court imposes a fine or other penalty
446 for any violation of Section 97-3-7, 97-3-65, 97-3-95, 97-5-1 et
447 seq., or 97-29-51, when committed against a minor, an assessment
448 of One Thousand Dollars (\$1,000.00) to be deposited into the
449 "Victims of Human Trafficking and Commercial Sexual Exploitation
450 Fund" created in Section 2 of this act.

451 **SECTION 7.** Section 83-39-31, Mississippi Code of 1972, is
452 amended as follows:

453 83-39-31. (1) Upon every defendant charged with a criminal
454 offense who posts a cash bail bond, a surety bail bond, a property
455 bail bond or a guaranteed arrest bond certificate conditioned for
456 his appearance at trial, there is imposed a fee equal to two
457 percent (2%) of the face value of each bond or Twenty Dollars
458 (\$20.00), whichever is greater, to be collected by the clerk of
459 the court when the defendant appears in court for final
460 adjudication or at the time the defendant posts cash bond unless
461 subsection (4) applies.

462 (2) Upon each defendant charged with a criminal offense who
463 is released on his own recognizance, who deposits his driver's
464 license in lieu of bail, or who is released after arrest on
465 written promise to appear, there is imposed a fee of Twenty
466 Dollars (\$20.00) to be collected by the clerk of the court when



467 the defendant appears in court for final adjudication unless
468 subsection (4) applies.

469 (3) Upon each defendant convicted of a criminal offense who
470 appeals his conviction and posts a bond conditioned for his
471 appearance, there is imposed a fee equal to two percent (2%) of
472 the face value of each bond or Twenty Dollars (\$20.00), whichever
473 is greater. If such defendant is released on his own recognizance
474 pending his appeal, there is imposed a fee of Twenty Dollars
475 (\$20.00). The fee imposed by this subsection shall be imposed and
476 shall be collected by the clerk of the court when the defendant
477 posts a bond unless subsection (4) applies.

478 (4) If a defendant is found to be not guilty or if the
479 charges against a defendant are dismissed, or if the prosecutor
480 enters a nolle prosequi in the defendant's case or retires the
481 defendant's case to the file, or if the defendant's conviction is
482 reversed on appeal, the fees imposed pursuant to subsections (1),
483 (2), (3) * * *, (7) and (8) shall not be imposed.

484 (5) The State Auditor shall establish by regulation
485 procedures providing for the timely collection, deposit,
486 accounting and, where applicable, refund of the fees imposed by
487 this section. The Auditor shall provide in the regulations for
488 certification of eligibility for refunds and may require the
489 defendant seeking a refund to submit a verified copy of a court
490 order or abstract by which the defendant is entitled to a refund.



491 (6) It shall be the duty of the clerk or any officer of the
492 court authorized to take bonds or recognizances to promptly
493 collect, at the time such bonds or recognizances are received or
494 taken, all fees imposed pursuant to this section. In all cases,
495 the clerk or officer of the court shall deposit all fees so
496 collected with the State Treasurer, pursuant to appropriate
497 procedures established by the State Auditor, for deposit into the
498 State General Fund.

499 (7) In addition to the fees imposed by this section, there
500 shall be an assessment of Ten Dollars (\$10.00) imposed upon every
501 criminal defendant charged with a criminal offense who posts a
502 cash bail bond, a surety bail bond, a property bail bond or a
503 guaranteed arrest bond to be collected by the clerk of the court
504 and deposited in the Victims of Domestic Violence Fund created by
505 Section 93-21-117, unless subsection (4) applies.

506 (8) In addition to the fees imposed by this section, there
507 shall be an assessment of Ten Dollars (\$10.00) imposed upon every
508 criminal defendant charged with a criminal offense who posts a
509 cash bail bond, a surety bail bond, a property bail bond or a
510 guaranteed arrest bond to be collected by the clerk of the court
511 and deposited in the "Victims of Human Trafficking and Commercial
512 Sexual Exploitation Fund" created in Section 2 of this act, unless
513 subsection (4) of this section applies.

514 **SECTION 8.** Section 43-26-1, Mississippi Code of 1972, is
515 amended as follows:



516 43-26-1. (1) There is hereby created a Mississippi
517 Department of Child Protection Services.

518 (2) The Chief Administrative Officer of the Department of
519 Child Protection Services shall be the Commissioner of Child
520 Protection Services who shall be appointed by the Governor with
521 the advice and consent of the Senate. The commissioner shall
522 possess the following qualifications:

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

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

529 (3) The Department of Child Protection Services shall be a
530 subagency independent of, though housed within, the Mississippi
531 Department of Human Services. The Commissioner of the Department
532 of Child Protection Services shall maintain complete and exclusive
533 operational control of the Department of Child Protection
534 Services' functions, except functions shared with the Department
535 of Human Services as provided in subsection (5)(c) and (d) of this
536 section.

537 (4) The Commissioner of Child Protection Services may assign
538 to the appropriate offices such powers and duties deemed
539 appropriate to carry out the lawful functions of the programs
540 transferred to the department under Chapter 494, Laws of 2016.



541 (5) The Commissioner of Child Protection Services and the
542 Executive Director of the Department of Human Services shall
543 develop and implement a plan for the orderly establishment of the
544 Department of Child Protection Services and its transition from
545 the Office of Family and Children's Services of the Department of
546 Human Services. The plan shall:

547 (a) Describe a mechanism for the transfer of any
548 equipment, supplies, records, furnishings or other materials,
549 resources or funds dedicated to the operation of the Office of
550 Family and Children's Services of the Department of Human
551 Services, which may be useful to the Department of Child
552 Protection Services;

553 (b) Determine the allocation of resources between the
554 newly created Department of Child Protection Services and the
555 Department of Human Services, as practicable;

556 (c) Determine the allocation of functions where the
557 performance of services may be shared between the Department of
558 Child Protection Services and other employees of the Department of
559 Human Services, as practicable;

560 (d) Determine whether any administrative support
561 services, such as Information Technology Services, bookkeeping and
562 payroll, can continue to be provided by the Department of Human
563 Services; and



564 (e) Identify other areas deemed relevant by the
565 commissioner and make recommendations thereon to achieve an
566 orderly transition.

567 (6) The programs and services provided by the Office of
568 Family and Children's Services of the Department of Human Services
569 under the following statutes shall be provided by the Department
570 of Child Protection Services: Sections 41-87-5, 41-111-1, 43-1-2,
571 43-1-51, 43-1-55, 43-1-57, 43-1-63, 43-15-3, 43-15-5, 43-15-6,
572 43-15-13, 43-15-15, 43-15-17, 43-15-19, 43-15-21, 43-15-23,
573 43-15-51, 43-15-103, 43-15-105, 43-15-115, 43-15-125, 43-15-201,
574 43-15-203, 43-15-207 and 43-18-3, Mississippi Code of 1972.

575 (7) The PEER Committee shall review the programs or program
576 of the Mississippi Department of Child Protection Services,
577 beginning with fiscal year 2017 and each year thereafter. PEER
578 shall submit this review to the Chair of the Senate Public Health
579 and Welfare Committee, the Chair of the Senate Appropriations
580 Committee, the Chair of the House Public Health and Human Services
581 Committee, the Chair of the House Appropriations Committee, the
582 Lieutenant Governor, the Speaker of the House of Representatives,
583 and the Governor by December 1 of each year. The review shall
584 consist of the following:

585 (a) A review of the effectiveness of any program of the
586 department for which appropriated outcome measures have been
587 established;



588 (b) Caseloads for social workers for each county or
589 another appropriate geographic area;

590 (c) Turnover rates of social worker staff by county or
591 other geographic area;

592 (d) Sources and uses of department funding; and

593 (e) Any other matters that the PEER Committee considers
594 to be pertinent to the performance of agency programs.

595 (8) (a) The Commissioner of Child Protection Services shall
596 hire a Coordinator of Services for Victims of Human Trafficking
597 and Commercial Sexual Exploitation within the Department of Child
598 Protection Services whose duties shall include, but not be limited
599 to, the following:

600 (i) To create multidisciplinary teams within the
601 Department of Child Protection Services on an as-needed basis to
602 act as emergency, separate and specialized human trafficking and
603 commercial sexual exploitation multidisciplinary teams to rapidly
604 respond to the needs of children who are victims of human
605 trafficking and commercial sexual exploitation;

606 (ii) To identify victims of human trafficking and
607 commercial sexual exploitation;

608 (iii) To monitor, record and distribute federal
609 human trafficking funds received by the Department of Child
610 Protection Services;

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



613 (v) To develop and coordinate services within the
614 Department of Child Protection Services to help victims of human
615 trafficking and commercial sexual exploitation.

616 (b) The Commissioner of Child Protection Services shall
617 develop standard operating procedures for the investigation,
618 custody and services provided to alleged victims of human
619 trafficking and commercial sexual exploitation.

620 **SECTION 9.** The following shall be codified as Section
621 43-26-3, Mississippi Code of 1972:

622 43-26-3. (1) The Department of Child Protection Services,
623 within twenty-four (24) hours of receiving a report of child
624 abuse, human trafficking of a child or commercial sexual
625 exploitation of a child that is located in this state, in addition
626 to the department's duties under Section 43-21-353, shall:

627 (a) Interview the child in person;

628 (b) Attempt to have an on-site interview with the
629 child's caretaker;

630 (c) Attempt to have law enforcement or an appropriate
631 investigator conduct an on-site interview with the child's alleged
632 abuser; and

633 (d) Document and assess the safety of other children in
634 the care or custody of the caretaker and alleged abuser.

635 (2) For purposes of this section, the term "Sexual Assault
636 Nurse Examiner" means a registered nurse who has received a
637 documented forty (40) hours of training as a Sexual Assault Nurse



638 Examiner. If the child is suspected to be a victim of human
639 trafficking or commercial sexual exploitation, the Coordinator of
640 Services for Victims of Human Trafficking and Commercial Sexual
641 Exploitation shall activate an emergency, separate and specialized
642 human trafficking and commercial sexual exploitation
643 multi-disciplinary team. The team shall include, at a minimum:
644 (a) an investigator certified by the Mississippi Human Trafficking
645 Operational Task Force Board in collaboration with MSAHT, (b) an
646 investigator from the Department of Child Protection Services, and
647 (c) a person certified by the MSAHT as an advocate for victims of
648 human trafficking and commercial sexual exploitation. Such
649 emergency multidisciplinary team shall be created without
650 authorization of the youth court.

651 (3) Any person under eighteen (18) years of age taken into
652 custody under the provisions of Section 97-29-49 shall be presumed
653 a victim of human trafficking and commercial sexual exploitation.

654 **SECTION 10.** Section 43-15-51, Mississippi Code of 1972, is
655 amended as follows:

656 43-15-51. (1) The district attorneys, the Department of
657 Human Services or the Department of Child Protection Services may
658 initiate formal cooperative agreements with the appropriate
659 agencies to create multidisciplinary child protection teams in
660 order to implement a coordinated multidisciplinary team approach
661 to intervention in reports involving alleged commercial sexual
662 exploitation, human trafficking, or severe or potential felony



663 child physical or sexual abuse, exploitation, or maltreatment.
664 The multidisciplinary team also may be known as a child abuse task
665 force. The purpose of the team or task force shall be to assist
666 in the evaluation and investigation of reports and to provide
667 consultation and coordination for agencies involved in child
668 protection cases. The agencies to be included as members of the
669 multidisciplinary team are: the district attorney's office, city
670 and county law enforcement agencies, county attorneys, youth court
671 prosecutors, the Human Trafficking Coordinator or his or her
672 designee and other agencies as appropriate. The Department of
673 Child Protection Services shall be included as a member of the
674 multidisciplinary team if the department does not initiate
675 creation of the team.

676 (2) Except as otherwise provided in Section 43-26-3, to
677 implement the multidisciplinary child abuse team, the team or task
678 force must be authorized by court order from the appropriate youth
679 court. The court order will designate which agencies will
680 participate in the cooperative multidisciplinary team.

681 (3) (a) Teams created under this section may invite other
682 persons to serve on the team who have knowledge of and experience
683 in child abuse and neglect and commercial sexual exploitation and
684 human trafficking matters. These persons may include licensed
685 mental and physical health practitioners and physicians, dentists,
686 representatives of the district attorney's office and the Attorney
687 General's office, experts in the assessment and treatment of



688 substance abuse or sexual abuse, the victim assistance coordinator
689 of the district attorney's office, staff members of a child
690 advocacy center, sexual assault nurse examiners and experts in
691 providing services to commercial sexual exploitation and human
692 trafficking victims.

693 (b) (i) A child advocacy center means an agency that
694 advocates on behalf of children alleged to have been abused and
695 assists in the coordination of the investigation of child abuse by
696 providing a location for forensic interviews and promoting the
697 coordination of services for children alleged to have been abused.
698 A child advocacy center provides services that include, but are
699 not limited to, forensic medical examinations, mental health and
700 related support services, court advocacy, consultation, training
701 for social workers, law enforcement training, and child abuse
702 multidisciplinary teams, and staffing of multidisciplinary teams.

703 (ii) Child advocacy centers may provide a
704 video-taped forensic interview of the child in a child friendly
705 environment or separate building. The purpose of the video-taped
706 forensic interview is to prevent further trauma to a child in the
707 investigation and prosecution of child physical and sexual abuse
708 cases. Child advocacy centers can also assist child victims by
709 providing therapeutic counseling subsequent to the interview by a
710 qualified therapist. Child advocacy centers can also assist law
711 enforcement and prosecutors by acquainting child victim witnesses



712 and their parents or guardians to the courtroom through child
713 court school programs.

714 (4) A team or task force created under this section shall
715 review records on cases referred to the team by the Department
716 of * * * Child Protection Services or law enforcement or the
717 district attorney's office. The team shall meet at least monthly.

718 (5) No person shall disclose information obtained from a
719 meeting of the multidisciplinary team unless necessary to comply
720 with * * * the Department of Child Protection Services regulations
721 or conduct and proceeding in youth court or criminal court
722 proceedings or as authorized by a court of competent jurisdiction.

723 **SECTION 11.** This act shall take effect and be in force from
724 and after July 1, 2020.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 97-41-16, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE OFFENSE OF ABUSE OF A DOMESTICATED DOG OR CAT; TO
3 AUTHORIZE THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO CONTRACT
4 WITH MISSISSIPPIANS AGAINST HUMAN TRAFFICKING FOR THE PURPOSE OF
5 ESTABLISHING A PROGRAM TO PROVIDE COUNSELING, MEDICAL NEEDS,
6 TRANSITIONAL HOUSING AND OTHER RELATED SERVICES TO VICTIMS OF
7 HUMAN TRAFFICKING AND COMMERCIAL SEXUAL EXPLOITATION THROUGH
8 SHELTERS ESTABLISHED TO SERVE SUCH VICTIMS AT NO CHARGE TO THE
9 VICTIM; TO CREATE THE "VICTIMS OF HUMAN TRAFFICKING AND COMMERCIAL
10 SEXUAL EXPLOITATION FUND" AS A SPECIAL FUND IN THE STATE TREASURY;
11 TO PROVIDE THAT MONIES IN THE FUND SHALL BE DISTRIBUTED BY THE
12 DEPARTMENT OF FINANCE AND ADMINISTRATION AND MISSISSIPPIANS
13 AGAINST HUMAN TRAFFICKING TO FUND AND ASSIST HUMAN TRAFFICKING AND
14 COMMERCIAL SEXUAL EXPLOITATION SHELTERS; TO PROVIDE THE
15 REQUIREMENTS THAT SHELTERS MUST MEET TO QUALIFY FOR FUNDS UNDER
16 THE PROGRAM; TO AMEND SECTIONS 99-19-75 AND 83-39-31, MISSISSIPPI
17 CODE OF 1972, TO CREATE CERTAIN ASSESSMENTS TO PROVIDE MONIES TO
18 BE DEPOSITED INTO THE FUND; TO AMEND SECTION 43-26-1, MISSISSIPPI



19 CODE OF 1972, TO REQUIRE THE COMMISSIONER OF CHILD PROTECTION
20 SERVICES TO HIRE A COORDINATOR OF SERVICES FOR VICTIMS OF HUMAN
21 TRAFFICKING AND COMMERCIAL SEXUAL EXPLOITATION WITHIN THE
22 DEPARTMENT OF CHILD PROTECTION SERVICES; TO REQUIRE THE
23 COMMISSIONER OF CHILD PROTECTION SERVICES TO DEVELOP STANDARDS FOR
24 THE INVESTIGATION, CUSTODY AND CARE FOR VICTIMS OF HUMAN
25 TRAFFICKING AND COMMERCIAL SEXUAL EXPLOITATION; TO PROVIDE THE
26 DUTIES FOR THE COORDINATOR OF SERVICES FOR VICTIMS OF HUMAN
27 TRAFFICKING AND COMMERCIAL SEXUAL EXPLOITATION; TO CREATE NEW
28 SECTION 43-26-3, MISSISSIPPI CODE OF 1972, TO REQUIRE THE
29 DEPARTMENT OF CHILD PROTECTION SERVICES TO FOLLOW CERTAIN
30 PROCEDURES WHEN RESPONDING TO ALLEGATIONS OF CHILD ABUSE, HUMAN
31 TRAFFICKING AND COMMERCIAL SEXUAL EXPLOITATION; TO REQUIRE CERTAIN
32 PERSONS TO BE PLACED ON AN EMERGENCY, SEPARATE AND SPECIALIZED
33 MULTIDISCIPLINARY TEAM CREATED BY THE COORDINATOR OF SERVICES FOR
34 VICTIMS OF HUMAN TRAFFICKING AND COMMERCIAL SEXUAL EXPLOITATION;
35 TO AMEND SECTION 43-15-51, MISSISSIPPI CODE OF 1972, TO CONFORM TO
36 THE PRECEDING SECTIONS; AND FOR RELATED PURPOSES.

