

By: Representatives McKnight, McLean

To: Gaming

HOUSE BILL NO. 1349

1 AN ACT TO AMEND SECTION 43-19-31, MISSISSIPPI CODE OF 1972,
 2 TO REQUIRE THE MISSISSIPPI GAMING COMMISSION TO COLLABORATE WITH
 3 THE DEPARTMENT OF HUMAN SERVICES TO ESTABLISH RULES TO WITHHOLD
 4 GAMING WINNINGS OF PERSONS WITH OUTSTANDING CHILD SUPPORT
 5 ARREARAGES; TO CREATE NEW SECTION 43-19-63, MISSISSIPPI CODE OF
 6 1972, TO CREATE A PROCEDURE TO ENCUMBER GAMING WINNINGS FOR THE
 7 PAYMENT OF CHILD SUPPORT; TO AMEND SECTIONS 75-76-33 AND 93-11-71,
 8 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTIONS;
 9 AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** Section 43-19-31, Mississippi Code of 1972, is
 12 amended as follows:

13 43-19-31. The Department of Human Services is hereby
 14 authorized and empowered to establish a single and separate Child
 15 Support Unit for the following purposes:

16 (a) To develop and implement a nonsupport and paternity
 17 program and institute proceedings in the name of the Department of
 18 Human Services or in the name of the recipient in any court of
 19 competent jurisdiction in any county where the mother of the child
 20 resides or is found, in the county where the father resides or is
 21 found, or in the county where the child resides or is found;



22 (b) To secure and collect support by any method
23 authorized under state law and establish paternity for any child
24 or children receiving aid from the department any form of public
25 assistance, including, but not limited to, medical assistance,
26 foster care, food stamps, TANF, or any other program under the
27 federal Social Security Act, from a parent or any other person
28 legally liable for such support who has either failed or refused
29 to provide support, deserted, neglected or abandoned the child or
30 children, including cooperating with other states in establishing
31 paternity, locating absent parents and securing compliance with
32 court orders for support of Temporary Assistance for Needy
33 Families (TANF) children; the department may petition the court
34 for the inclusion of health insurance as part of any child support
35 order on behalf of any child receiving aid from the department
36 unless good cause for noncooperation, as defined by the Social
37 Security Act or the Mississippi Department of Human Services, is
38 established. Unless notified to the contrary, whenever a child or
39 children for whom child support services have been provided ceases
40 to receive public assistance, the department will continue to
41 provide services and establish paternity, secure and collect such
42 support payments from a parent or any other person legally liable
43 for such support in accordance with the standards prescribed
44 pursuant to the federal Social Security Act;

45 (c) To accept applications for child support
46 enforcement services to establish paternity, secure and collect



47 support from any proper party or person as defined by Title IV-D
48 of the federal Social Security Act notwithstanding the fact that
49 the child or children do not currently receive or have never
50 received public assistance. The department shall have the
51 authority to secure and collect support by any method authorized
52 under state law and establish paternity for any child or children
53 on behalf of a recipient of child support services, including
54 individuals who do not currently receive or have never received
55 public assistance from a parent or any other person legally liable
56 for such support who has either failed or refused to provide
57 support, deserted, neglected or abandoned the child or children,
58 including cooperating with other states in establishing paternity,
59 locating absent parents and securing compliance with court orders
60 for support; the department may petition the court for the
61 inclusion of health insurance as part of any child support order
62 on behalf of such recipients of child support services. The
63 proceeds of any collections resulting from such application shall
64 be distributed in accordance with the standards prescribed in the
65 federal Social Security Act;

66 (d) The department shall seek to recover from the
67 individual who owes a support obligation to any individual who is
68 a recipient of Title IV-D services as set forth in paragraph (b)
69 or (c) on whose behalf the department is providing services, upon
70 judicial proceedings conducted thereon after advance notice to
71 such obligor, reasonable attorney's fees and court costs, in



72 excess of any administrative fees collected and in excess of
73 amounts of current support owed by the obligor, which the
74 department incurs in recovering and collecting the support
75 obligation, such costs and fees as the department recovers to be
76 deposited in the Special Fund of the Mississippi Department of
77 Human Services which is hereby established for the pursuit and
78 collection of child support;

79 (e) To initiate contempt of court proceedings or any
80 other remedial proceedings necessary to enforce (i) any order or
81 decree of court relating to child support, and (ii) any order or
82 decree of court relating to the maintenance and/or alimony of a
83 parent where support collection services on his or her child's
84 behalf are being provided by the department;

85 (f) To secure and collect by any method authorized
86 under state law any maintenance and/or alimony on behalf of a
87 parent whose child or children's support is being collected by the
88 department. The department shall collect only such maintenance
89 and/or alimony as is ordered or decreed by the court, and only in
90 the event that the minor child and parent to whom such maintenance
91 and/or alimony has been ordered are living in the same household;

92 (g) To obtain restitution of monies expended for public
93 assistance from a parent or any other person legally liable for
94 the support of any child or children receiving aid from the
95 department; said action for restitution shall arise from the
96 payment of public assistance for the dependent child or children



97 and shall be for the amount of the public assistance paid. Said
98 action for restitution shall not arise against the parent or other
99 person legally responsible who receives public assistance for the
100 benefit of any dependent child or children. When a court order of
101 support has been issued, the amount recoverable shall be limited
102 to the amount of the court order;

103 (h) Setting off against a debtor's income tax refund or
104 rebate any debt which is in the form of a liquidated sum due and
105 owing for the care, support or maintenance of a child;

106 (i) To have full responsibility in the aforementioned
107 cases for initiating actions under the Uniform Interstate Family
108 Support Act and for responding to the actions of other
109 jurisdictions under said law when Mississippi is the responding
110 state; however, this shall not impair private litigants' rights to
111 proceed under any applicable interstate enforcement mechanisms;

112 (j) To enter into contracts for the purpose of
113 performing any test which the department may, from time to time,
114 require;

115 (k) To maintain a Central Receipting and Disbursement
116 Unit to which all payments required by withholding orders and
117 orders for support in all actions to which the Department of Human
118 Services is a party shall be forwarded, and from which child
119 support payments ordered by the court in actions to which the
120 Department of Human Services is a party shall be disbursed to the
121 custodial parent or other such party as may be designated by the



122 court order. The Central Receipting and Disbursement Unit shall
123 be operated by the Department of Human Services or any financial
124 institution having operations and qualified to do business in
125 Mississippi, whose deposits are insured by the Federal Deposit
126 Insurance Corporation. The department shall conduct cost-benefit
127 analyses to determine and utilize the more cost efficient manner
128 of operating the unit;

129 (1) To maintain a Mississippi Department of Human
130 Services Case Registry containing records with respect to:

131 (i) Each case in which services are being provided
132 by the department under this section;

133 (ii) Each support order established or modified in
134 Mississippi on or after October 1, 1998; and

135 (iii) The Administrative Office of Courts, as
136 established by Section 9-21-1, Mississippi Code of 1972, in
137 consultation with the Mississippi Department of Human Services,
138 shall devise, promulgate and require the use of a Uniform Child
139 Support Order Tracking System.

140 1. Information collected from case filing
141 forms shall be furnished to the Mississippi Department of Human
142 Services, Division of Child Support Enforcement, in order that
143 compliance with court-ordered obligations of support may be
144 tracked with specificity throughout the duration of said
145 obligations and any subsequent proceedings.



146 2. Such tracking system shall include: a.
147 the names, residential and mailing addresses, telephone numbers,
148 Social Security numbers, driver's license numbers and dates of
149 birth of each child and parent named in or subject to the court
150 order; b. the court cause number of the action; c. name, address
151 and telephone number of employer; d. any restraining or protective
152 order indicating domestic violence; and e. any other information
153 which may be used for the purpose of identifying any person named
154 in or subject to the order or for the purposes of establishing,
155 enforcing or modifying a child support order;

156 (m) To take administrative actions relating to genetic
157 testing, determine paternity, establish child support orders,
158 modification of child support orders, income withholding, liens
159 and subpoenas without the necessity of obtaining an order from any
160 judicial or other administrative tribunal with respect to cases
161 initiated or enforced by the department pursuant to Title IV-D of
162 the Social Security Act;

163 (n) To have the authority to use high-volume automated
164 administrative enforcement in interstate cases to the same extent
165 as used for intrastate cases, in response to a request made by
166 another state to enforce support orders;

167 (o) To provide any child support enforcement or other
168 service as may be required by the United States of America,
169 Department of Health and Human Services, Family Support



170 Administration, Office of Child Support Enforcement or their
171 successor pursuant to federal law or regulation; * * *

172 (p) To collaborate with the Office of the State
173 Treasurer in order to identify persons presumed to have unclaimed
174 property and intercept eligible unclaimed property to satisfy,
175 fully or partially, the person's child support arrearage * * *;

176 (q) To collaborate with the Mississippi Gaming
177 Commission in order to establish rules and regulations providing
178 for the withholding of cash game winnings, including, but not
179 limited to, slot machine annuities, sports betting and/or other
180 reportable cash winnings of persons who have outstanding child
181 support arrearages.

182 **SECTION 2.** This section shall be codified as Section
183 43-19-63, Mississippi Code of 1972:

184 43-19-63. Casinos to exchange certain information with the
185 Mississippi Department of Human Services (MDHS) for noncustodial
186 parents delinquent in child support; participation requirement and
187 duties of casinos and Mississippi Department of Human Services.

188 (1) For purposes of this section, the following words and
189 phrases shall have the meanings ascribed herein, unless the
190 context clearly indicates otherwise:

191 (a) "Cash gaming winnings" means only the cash gaming
192 winnings for which the gaming licensee is required to file Form
193 W2-G, or a substantially equivalent form, with the United States
194 Internal Revenue Service.



195 (b) "Commission" means the Mississippi Gaming
196 Commission.

197 (c) "Child support arrearages" means any obligation
198 owed for the care, support or maintenance of a child, including
199 spousal support that is enforced in conjunction with a child
200 support obligation pursuant to Section 43-19-31 of the Mississippi
201 Code of 1972, which is overdue, unpaid or in arrears.

202 (d) "Gaming licensee" means any entity licensed or
203 permitted to operate gaming operations under current law.

204 (e) "Obligee" means the recipient of Title IV-D
205 services of the Social Security Act to whom child support is owed.

206 (f) "Obligor" means a person who wins a progressive
207 slot machine annuity or cash gaming winnings and has those
208 winnings intercepted due to having child support arrearages.

209 (e) "Progressive slot machine annuity" means only the
210 progressive slot machine annuity winnings for which the gaming
211 licensee is required to file Form W2-G, or a substantially
212 equivalent form, with the United States Internal Revenue Service.

213 (f) "Electronic database access" means the data shared
214 by the Department of Human Services with gaming licensees
215 regarding persons who owe child support arrearages that is updated
216 daily.

217 (2) The commission shall collaborate with the Department of
218 Human Services to promulgate all rules and regulations necessary
219 to carry out the provisions of this section, including, but not



220 limited to, a procedure requiring the withholding of payments of
221 progressive slot machine annuities and reportable cash gaming
222 winnings of persons who have outstanding child support arrearages,
223 prior to the payment of a progressive slot machine annuity,
224 beginning with the second annuity payment, or cash gaming
225 winnings.

226 (3) The gaming licensee, including any of its officers,
227 employees, attorneys, accountants, or other agents, shall not be
228 civilly or criminally liable to any person, including any
229 customer, for any disclosure of information made in accordance
230 with this section, for encumbering or surrendering assets in
231 response to information provided by the Department of Human
232 Services, or for any claims for damages arising from withholding
233 or failing to withhold any progressive slot machine annuities or
234 cash gaming winnings, based upon information provided to it.

235 (4) If any gaming licensee determines that the winner of a
236 progressive slot machine annuity or cash gaming winnings is a
237 person who has outstanding child support arrearages, the gaming
238 licensee shall deduct the child support arrearage from the payment
239 of the progressive slot machine annuity or cash gaming winnings.
240 The gaming licensee shall forward the deducted amount to the
241 Department of Human Services within seven (7) days. The gaming
242 licensee shall pay the remainder to the person who has outstanding
243 child support arrearages. If the remainder is equal to or less



244 than zero, the person who has an outstanding child support
245 arrearage shall not receive a payment.

246 (5) The Department of Human Services shall release the
247 encumbering game winnings to the obligee after either:

248 (a) A thirty-day period beginning the day the funds are
249 encumbered; or

250 (b) Until such time as the issue of child support
251 arrearages is resolved, provided the obligor has filed a petition
252 for hearing with a court of appropriate jurisdiction and served
253 the Department of Human Services through the Attorney General of
254 the State of Mississippi before the end of the thirty-day period.

255 (6) Grounds for the petition challenging the encumbrance of
256 game winnings shall be limited to the following:

257 (a) Mistakes of identity; or

258 (b) Mistakes in amount of child support arrearages.

259 (7) Any gaming licensee may deduct an administrative fee
260 from each payment of a progressive slot machine annuity, beginning
261 with the second annuity payment, or cash gaming winnings, of
262 persons who have outstanding child support arrearages per singular
263 or periodic payment, not to exceed Thirty-five Dollars (\$35.00).

264 (8) If the winner of a progressive slot machine annuity or
265 cash gaming winnings is determined not to owe child support
266 arrearages, then the gaming licensee is not required to access the
267 electronic database for that winner on a subsequent progressive



268 slot machine annuity or cash gaming winnings for an additional
269 twenty-four (24) hours.

270 (9) The commission shall also require that the gaming
271 licensee to adopt procedures designed to prevent employees from
272 willfully failing to withhold payments of progressive slot machine
273 annuities or cash gaming winnings from persons who have
274 outstanding child support arrearages based upon the information
275 provided by the Department of Human Services that allows the
276 gaming licensee to identify such persons.

277 (10) Not later than January 1, 2026, the Commission and
278 Department of Human Services shall institute all policies,
279 procedures and processes as necessary to implement the provisions
280 of this section.

281 **SECTION 3.** Section 75-76-33, Mississippi Code of 1972, is
282 amended as follows:

283 75-76-33. (1) The commission shall, from time to time,
284 adopt, amend or repeal such regulations, consistent with the
285 policy, objects and purposes of this chapter, as it may deem
286 necessary or desirable in the public interest in carrying out the
287 policy and provisions of this chapter. The commission shall
288 comply with the Mississippi Administrative Procedures Law when
289 adopting, amending or repealing any regulations authorized under
290 this section or under any other provision of this chapter.

291 (2) These regulations shall, without limiting the general
292 powers herein conferred, include the following:



293 (a) Prescribing the method and form of application
294 which any applicant for a license or for a manufacturer's,
295 seller's or distributor's license must follow and complete before
296 consideration of his application by the executive director or the
297 commission.

298 (b) Prescribing the information to be furnished by any
299 applicant or licensee concerning his antecedents, habits,
300 character, associates, criminal record, business activities and
301 financial affairs, past or present.

302 (c) Prescribing the information to be furnished by a
303 licensee relating to his employees.

304 (d) Requiring fingerprinting of an applicant or
305 licensee, and gaming employees of a licensee, or other methods of
306 identification and the forwarding of all fingerprints taken
307 pursuant to regulation of the Federal Bureau of Investigation.

308 (e) Prescribing the manner and procedure of all
309 hearings conducted by the commission or any hearing examiner of
310 the commission, including special rules of evidence applicable
311 thereto and notices thereof.

312 (f) Requiring any applicant to pay all or any part of
313 the fees and costs of investigation of such applicant as may be
314 determined by the commission under paragraph (g) of this
315 subsection (2).

316 (g) Prescribing the amounts of investigative fees only
317 as authorized by regulations of the commission under paragraph (f)



318 of this subsection, and collecting those fees. The commission
319 shall adopt regulations setting the amounts of those fees at
320 levels that will provide the commission with sufficient revenue,
321 when combined with any other monies as may be deposited into the
322 Mississippi Gaming Commission Fund created in Section 75-76-325,
323 to carry out the provisions of this chapter without any state
324 general funds. In calculating the amount of such fees, the
325 commission shall:

326 (i) Attempt to set the fees at levels that will
327 create a balance in the Mississippi Gaming Commission Fund that
328 does not exceed, at the end of any state fiscal year, two percent
329 (2%) of the projected amount of funds that will provide the
330 commission with such sufficient revenue; and

331 (ii) Demonstrate the reasonableness of the
332 relationship between a fee and the actual costs of the
333 investigative activity for which the fee is being prescribed.

334 (h) Prescribing the manner and method of collection and
335 payment of fees and issuance of licenses.

336 (i) Prescribing under what conditions a licensee may be
337 deemed subject to revocation or suspension of his license.

338 (j) Requiring any applicant or licensee to waive any
339 privilege with respect to any testimony at any hearing or meeting
340 of the commission, except any privilege afforded by the
341 Constitution of the United States or this state.



342 (k) Defining and limiting the area, games and devices
343 permitted, and the method of operation of such games and devices,
344 for the purposes of this chapter.

345 (l) Prescribing under what conditions the nonpayment of
346 a gambling debt by a licensee shall be deemed grounds for
347 revocation or suspension of his license.

348 (m) Governing the use and approval of gambling devices
349 and equipment.

350 (n) Prescribing the qualifications of, and the
351 conditions under which, attorneys, accountants and others are
352 permitted to practice before the commission.

353 (o) Restricting access to confidential information
354 obtained under this chapter and ensuring that the confidentiality
355 of such information is maintained and protected.

356 (p) Prescribing the manner and procedure by which the
357 executive director on behalf of the commission shall notify a
358 county or a municipality wherein an applicant for a license
359 desires to locate.

360 (q) Prescribing the manner and procedure for an
361 objection to be filed with the commission and the executive
362 director by a county or municipality wherein an applicant for a
363 license desires to locate.

364 (r) Prescribing the manner and procedure in which child
365 support or child support arrearages may be collected from gaming
366 winnings and slot machine annuities.



367 (3) Notwithstanding any other provision of law, each
368 licensee shall be required to comply with the regulation that no
369 wager may be placed by, or on behalf of, any individual or entity
370 or group, not present on a licensed vessel or cruise vessel.

371 (4) From and after July 1, 2016, the expenses of this agency
372 shall be defrayed by appropriation from the State General Fund and
373 all user charges and fees authorized under this section shall be
374 deposited into the State General Fund as authorized by law.

375 (5) From and after July 1, 2016, no state agency shall
376 charge another state agency a fee, assessment, rent or other
377 charge for services or resources received by authority of this
378 section.

379 **SECTION 4.** Section 93-11-71, Mississippi Code of 1972, is
380 amended as follows:

381 93-11-71. (1) Whenever a court orders any person to make
382 periodic payments of a sum certain for the maintenance or support
383 of a child, and whenever such payments as have become due remain
384 unpaid for a period of at least thirty (30) days, a judgment by
385 operation of law shall arise against the obligor in an amount
386 equal to all payments that are then due and owing.

387 (a) A judgment arising under this section shall have
388 the same effect and be fully enforceable as any other judgment
389 entered in this state. A judicial or administrative action to
390 enforce the judgment may be begun at any time; and



391 (b) Such judgments arising in other states by operation
392 of law shall be given full faith and credit in this state.

393 (2) Any judgment arising under the provisions of this
394 section shall operate as a lien upon all the property of the
395 judgment debtor, both real and personal, which lien shall be
396 perfected as to third parties without actual notice thereof only
397 upon enrollment on the judgment roll. The department or attorney
398 representing the party to whom support is owed shall furnish an
399 abstract of the judgment for periodic payments for the maintenance
400 and support of a child, along with sworn documentation of the
401 delinquent child support, to the circuit clerk of the county where
402 the judgment is rendered, and it shall be the duty of the circuit
403 clerk to enroll the judgment on the judgment roll. Liens arising
404 under the provisions of this section may be executed upon and
405 enforced in the same manner and to the same extent as any other
406 judgment.

407 (3) Notwithstanding the provisions in subsection (2) of this
408 section, any judgment arising under the provisions of this section
409 shall subject the following assets to interception or seizure
410 without regard to the entry of the judgment on the judgment roll
411 of the situs district or jurisdiction and such assets shall apply
412 to all child support owed including all arrears:

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



416 (b) Winnings from lotteries * * *, gaming
417 winnings * * * and slot machine annuities; and
418 (c) Assets held in financial institutions;
419 (d) Settlements and awards resulting from civil
420 actions;
421 (e) Public and private retirement funds, only to the
422 extent that the obligor is qualified to receive and receives a
423 lump-sum or periodic distribution from the funds;
424 (f) Lump-sum payments as defined in Section 93-11-101;
425 and
426 (g) Unclaimed property as described in Section 89-12-1
427 et seq.

428 (4) Notwithstanding the provisions of subsections (1) and
429 (2) of this section, upon disestablishment of paternity granted
430 pursuant to Section 93-9-10 and a finding of clear and convincing
431 evidence including negative DNA testing that the obligor is not
432 the biological father of the child or children for whom support
433 has been ordered, the court shall disestablish paternity and may
434 forgive any child support arrears of the obligor for the child or
435 children determined by the court not to be the biological child or
436 children of the obligor, if the court makes a written finding
437 that, based on the totality of the circumstances, the forgiveness
438 of the arrears is equitable under the circumstances.

439 (5) In any case in which a child receives assistance from
440 block grants for Temporary Assistance for Needy Families (TANF),



441 and the obligor owes past-due child support, the obligor, if not
442 incapacitated, may be required by the court to participate in any
443 work programs offered by any state agency.

444 (6) A parent who receives social security disability
445 insurance payments who is liable for a child support arrearage and
446 whose disability insurance benefits provide for the payment of
447 past due disability insurance benefits for the support of the
448 minor child or children for whom the parent owes a child support
449 arrearage shall receive credit toward the arrearage for the
450 payment or payments for the benefit of the minor child or children
451 if the arrearage accrued after the date of disability onset as
452 determined by the Social Security Administration.

453 **SECTION 5.** This act shall take effect and be in force from
454 and after July 1, 2025.

