

4/23/11

2011

Chapter No. 509
14/HR40/R989SG
J.P. LEW

HOUSE BILL NO. 1030

Originated in House  Clerk

HOUSE BILL NO. 1030

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

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

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

93-21-119. (1) There is established the Office Against Interpersonal Violence (OAIIV) within the Mississippi Department of Health under the direct supervision of the State Health Officer. The OAIIV shall be responsible for administering certain state and federal pass-through victim-services funds and related monies, and for developing, promulgating and implementing certification and reporting standards for domestic violence and related victim service providers, and related activities.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) The OAIIV shall have the authority, with the assistance of the Advisory Board, to develop performance standards, financial audit standards, and other necessary standards to insure that all the grantees are managing their facilities and services consistent with the purposes of the grant. From and after July 1, 2016, only

agencies meeting the standards developed by the OAIIV shall be eligible to receive funding administered by the OAIIV.

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

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

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

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

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

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

* * *

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

(b) "Interpersonal violence" means any behavior between family members and intimate partners, but also between acquaintances and strangers, that causes physical, psychological, or sexual harm and includes the crimes of domestic violence, stalking, sexual assault, trafficking, child sexual abuse, and related crimes.

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

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

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

93-21-103. There is hereby established a program for victims of domestic violence through domestic violence shelters. The oversight of shelters, and distribution of state funds for the purpose of serving victims of domestic violence, shall be the responsibility of the Office Against Interpersonal Violence created in this act. The Office Against Interpersonal Violence shall have the authority to promulgate the administrative rules

that are necessary and proper to further carry out the purposes of this section.

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

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

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

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

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

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

(iii) Temporary housing and food facilities.

(iv) Group support and peer counseling.

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

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

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

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

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

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

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

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

(6) * * * The OAIIV shall insure that no grant made with state funds is in an amount that would exceed One Hundred Thousand Dollars (\$100,000.00) inflated by a general CPI inflator to insure that the grant offers shelters the same buying power that a grant of One Hundred Thousand Dollars (\$100,000.00) provided in 1983.

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

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

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

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

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

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

(3) (a) No employee, contractor, volunteer or agent of a domestic violence shelter shall be compelled to testify in any civil matter, or surrender any documents, files, or other records of the shelter, regarding a victim of domestic violence or sexual

assault without the consent of the victim, except as provided herein.

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

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

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

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

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

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

(a) Monies appropriated by the Legislature;

(b) The interest accruing to the fund;

(c) Monies received under the provisions of Section 99-19-73;

(d) Monies received from the federal government;

(e) Donations to the Victims of Domestic Violence Fund;

(f) Assessments collected pursuant to Section 83-39-31;

and

(g) Monies received from such other sources as may be provided by law.

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

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

shall be appropriated to the State Department of Health for the administration of domestic violence shelters.

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

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

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

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

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

(i) Four (4) executive directors of domestic violence shelters representing the geographical divisions of the Delta, South, Central and North Mississippi;

(ii) Two (2) batterer's intervention program managers;

(b) The Attorney General, or his designee;

(c) The State Auditor, or his designee;

(d) The Executive Director of the Mississippi Association of Police Chiefs, or his designee;

(e) The Executive Director of the Mississippi Prosecutor's Association, or his designee;

(f) The Executive Director of the Mississippi Sheriff's Association, or his designee;

(g) The Executive Director of the Mississippi Judicial College, or his or her designee;

(h) A practicing member of the Mississippi State Medical Association appointed by the Governor;

(i) A seated or retired justice court judge appointed by the Governor;

(j) A seated or retired chancery court judge appointed by the Governor;

(k) A seated or retired municipal court judge appointed by the Governor;

(l) A seated or retired county court judge appointed by the Governor;

(m) One (1) licensed social worker appointed by the Governor;

(n) One (1) attorney with lobbying experience appointed by the Governor;

(o) Two (2) victims of domestic violence appointed by the Governor;

(p) One (1) practicing municipal prosecutor appointed by the Governor;

(q) One (1) member of the faith-based community to be appointed by the Governor;

(r) One (1) statistical expert appointed by the Governor;

(s) One (1) information technology professional appointed by the Governor; and

(t) The Director of the Mississippi Coalition Against Domestic Violence, or her designee.

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

(2) The Chairmen of the House Public Health and Welfare Committee, the House Appropriations Committee, the Senate Public Health and Welfare Committee and the Senate Appropriations Committee, or their designees, two (2) members of the State Senate appointed by the Lieutenant Governor and one (1) member of the House of Representatives appointed by the Speaker of the House, shall serve as ex officio nonvoting members of the task force.

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

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

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

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

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

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

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

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

(d) Creating standards for confidentiality of client records;

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

(f) Providing uniform reporting and automation options;

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

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

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

(9) (a) The task force will develop a report with legislative recommendations to the Governor and to the 2014

Regular Session of the Legislature to be submitted no later than October 1, 2013.

(b) The task force will develop an additional report with legislative recommendations to the Governor and to the 2015 Regular Session of the Legislature to be submitted no later than October 15, 2014.

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

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

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

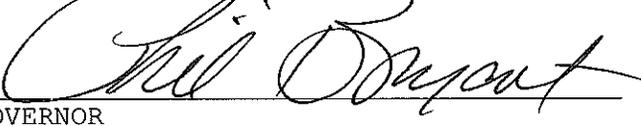
PASSED BY THE HOUSE OF REPRESENTATIVES
April 1, 2014


SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
April 2, 2014


PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR


GOVERNOR

4/23/14

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