

Mississippi Secretary of State
125 S. Congress Street, Jackson, MS 39201

ADMINISTRATIVE PROCEDURES NOTICE FILING

AGENCY NAME MS Office of the Attorney General		CONTACT PERSON Teri Gleason	TELEPHONE NUMBER 601-359-4279 601-927-3610	
ADDRESS P.O. Box 220		CITY Jackson	STATE MS	ZIP 39205
EMAIL teri.gleason@ago.ms.gov	SUBMIT DATE 9/2/2022	Name or number of rule(s): Part 1 - Division of Victim Compensation		

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: See Attachment "A"

Specific legal authority authorizing the promulgation of rule: Miss. Code Ann. §99-41-1 et seq.

List all rules repealed, amended, or suspended by the proposed rule: Title 03 – Office of the Attorney General/Part 1 –Division of Victim's Compensation/Chapter 03 –Eligible Expenses/Rule 300 – Eligible Expenses and Chapter 06 – Payment for Sexual Assault Medical Forensic Examinations/Rule 601 – Application and Rule 603 – Payment Procedures

ORAL PROCEEDING:

☐ An oral proceeding is scheduled for this rule on Date: _____ Time: _____ Place: _____

☒ Presently, an oral proceeding is not scheduled on this rule.

If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/repeal may be submitted to the filing agency.

ECONOMIC IMPACT STATEMENT:

☒ Economic impact statement not required for this rule. ☐ Concise summary of economic impact statement attached.

TEMPORARY RULES _____ Original filing _____ Renewal of effectiveness To be in effect in _____ days Effective date: _____ Immediately upon filing _____ Other (specify): _____	PROPOSED ACTION ON RULES Action proposed: _____ New rule(s) _____ Amendment to existing rule(s) _____ Repeal of existing rule(s) _____ Adoption by reference Proposed final effective date: _____ 30 days after filing _____ Other (specify): _____	FINAL ACTION ON RULES Date Proposed Rule Filed: <u>8/8/22</u> Action taken: ☒ Adopted with no changes in text _____ Adopted with changes _____ Adopted by reference _____ Withdrawn _____ Repeal adopted as proposed Effective date: ☒ 30 days after filing _____ Other (specify): _____
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Printed name and Title of person authorized to file rules: Teri Gleason, Director, Bureau of Victim Assistance

Signature of person authorized to file rules: *Teri Gleason*

OFFICIAL FILING STAMP Accepted for filing by _____	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP Accepted for filing by _____	OFFICIAL FILING STAMP  Accepted for filing by <u>26554 Pom</u>
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The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Attachment "A"

- a) Removal of "The person authorized to act on behalf of any of the persons enumerated in § 200(1)(b) shall be limited to a legal guardian or conservator" in Chapter 02, § 200(2);
- b) Inclusion of human trafficking as a special circumstance for consideration of waiver of requirement for victim to cooperate with law enforcement in Chapter 02, § 204(4);
- c) Removal of "donations and benevolence from family, friends and/or community at large from list of collateral sources in Chapter 02, § 209(3);
- d) Addition of "contributing to maintaining a healthy and/or safe environment" to "Repair and/or Replacement Costs" in Chapter 03, § 300(2)(l);
- e) Removal of provision for eligible expenses for crime scene cleanup costs incurred prior to 2007, which were covered by a former grant which has since expired. See Chapter 03, § 300(3);
- f) Removal of "memorials, benevolent funds [and] donations" as a collateral source reducing an award to a claimant in Chapter 03, § 305(4)(l);
- g) Removal of "This rule shall be effective upon the filing date and apply to claims pending, claims having prior approval or claims henceforth received" in Chapter 04, § 401(6);
- h) Removal of requirement that victim/claimant exercise reasonable diligence to ascertain information about a claim at the time of the original determination and the requirement that the victim/claimant provide the name, address and telephone number of any potential witnesses for Contested Hearings in Chapter 05, § 502(2)(b)(iii) and (iv);
- i) Include that the name and contact information of the Hearing Officer will be provided to the victim/claimant when a contested hearing is requested in Chapter 05, § 502(3)(c).
- j) Provide that the Director shall issue subpoenas for contested hearings in Chapter 05, § 502(5) and (6).
- k) Amendments to Chapter 06 – "Payment for Sexual Assault Medical Forensic Examinations" to conform to new forms in sex assault kit and payment procedures;
- l) Extend time for submitting requests for reimbursement for sexual assault examinations from ninety (90) days to one-hundred and twenty (120) days to comply with existing Sexual Assault Payment Policy.
- m) Removal of provision that "The Office of the Attorney General shall forward all first class, certified or registered mail to the program participant at the confidential address provided by the program participant. The Office of the Attorney General shall not be required to track or otherwise maintain records of any mail received on behalf of a program participant unless the mail is certified or registered" in Chapter 07, § 708(10);
- n) Amendments to mileage rates throughout to correlate to the current rate as set by DFA; and
- o) Minor formatting revisions throughout to correct formatting imperfections.