

By: Representative Warren

To: Juvenile Justice

## HOUSE BILL NO. 102

1 AN ACT TO CREATE A NEW CODE SECTION TO BE CODIFIED AS SECTION  
2 37-11-30, MISSISSIPPI CODE OF 1972, TO CLARIFY THE REPORTING  
3 REQUIREMENTS OF LAW ENFORCEMENT AGENCIES AND COURTS CONCERNING  
4 ARRESTS OF PERSONS WHO ARE STUDENTS AND THE DISPOSITION OF  
5 CRIMINAL CHARGES AGAINST THOSE STUDENTS; TO AMEND SECTIONS  
6 37-11-29 THROUGH 37-11-35, MISSISSIPPI CODE OF 1972, IN CONFORMITY  
7 THERETO; TO AMEND SECTION 37-13-92, MISSISSIPPI CODE OF 1972, TO  
8 AUTHORIZE CERTAIN CHILDREN ARRESTED FOR FELONIOUS CONDUCT TO BE  
9 REFERRED, IN THE SCHOOL SUPERINTENDENT'S DISCRETION, TO THE  
10 ALTERNATIVE SCHOOL PROGRAM; TO AMEND SECTIONS 43-21-255, 43-21-261  
11 AND 43-21-621, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE  
12 PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

14 SECTION 1. The following shall be codified as Section  
15 37-11-30, Mississippi Code of 1972:

16 37-11-30. (1) Whenever any person who is an enrolled  
17 student in any public or private school or educational institution  
18 in this state is arrested for and lawfully charged with the  
19 commission of any crime, the officer or law enforcement department  
20 of which the arresting officer is a member shall make a report of  
21 the arrest to the superintendent, president or chancellor, as the  
22 case may be, of the school district or other educational  
23 institution in which the student is enrolled. The report shall be  
24 made within forty-eight (48) hours after the arrest of the  
25 student. If the charge upon which the student was arrested or any  
26 other charges preferred against him are dismissed or nol prossed,  
27 the law enforcement department shall make a report within one (1)  
28 week of that action to the same school official to whom the report  
29 of the arrest and charge was made. This section shall not apply  
30 to ordinary traffic violations involving a penalty of less than  
31 Fifty Dollars (\$50.00) and costs.

32 (2) Whenever any person who is an enrolled student in any

33 public or private school or educational institution in this state  
34 is acquitted, convicted of, or enters a plea of guilty or nolo  
35 contendere to any crime charged against him other than an ordinary  
36 traffic violation involving a penalty of less than Fifty Dollars  
37 (\$50.00) and costs, the court having jurisdiction of the offense  
38 shall make a report of the acquittal, conviction or plea to the  
39 superintendent, president or chancellor, as the case may be, of  
40 the school district or other educational institution in which the  
41 student is enrolled. The report shall be made within forty-eight  
42 (48) hours after the student is acquitted, convicted or enters a  
43 plea of nolo contendere upon the charge placed against him.

44 SECTION 2. Section 37-11-29, Mississippi Code of 1972, is  
45 amended as follows:

46 37-11-29. (1) Any principal, teacher or other school  
47 employee who has knowledge of any unlawful activity which occurred  
48 on educational property or during a school related activity or  
49 which may have occurred shall report such activity to the  
50 superintendent of the school district or his designee who shall  
51 notify the appropriate law enforcement officials as required by  
52 this section. In the event of an emergency or if the  
53 superintendent or his designee is unavailable, any principal may  
54 make a report required under this subsection.

55 \* \* \*

56 (2) When the superintendent or his designee has a reasonable  
57 belief that an act has occurred on educational property or during  
58 a school related activity involving any of the offenses set forth  
59 in subsection (5) of this section, the superintendent or his  
60 designee shall immediately report the act to the appropriate local  
61 law enforcement agency. For purposes of this subsection, "school  
62 property" shall include any public school building, bus, public  
63 school campus, grounds, recreational area or athletic field in the  
64 charge of the superintendent. The State Board of Education shall  
65 prescribe a form for making reports required under this  
66 subsection. Any superintendent or his designee who fails to make

67 a report required by this section shall be subject to the  
68 penalties provided in Section 37-11-15.

69 (3) The law enforcement authority shall immediately dispatch  
70 an officer to the educational institution, and with probable  
71 cause, the officer is authorized to make an arrest if necessary as  
72 provided in Section 99-3-7.

73 (4) Any superintendent, principal, teacher or other school  
74 personnel participating in the making of a required report  
75 pursuant to this section or participating in any judicial  
76 proceeding resulting therefrom shall be presumed to be acting in  
77 good faith. Any person reporting in good faith shall be immune  
78 from any civil liability that might otherwise be incurred or  
79 imposed.

80 (5) For purposes of this section, "unlawful activity" means  
81 any of the following:

82 (a) Possession or use of a deadly weapon, as defined in  
83 Section 97-37-1;

84 (b) Possession, sale or use of any controlled  
85 substance;

86 (c) Aggravated assault, as defined in Section 97-3-7;

87 (d) Simple assault, as defined in Section 97-3-7, upon  
88 any school employee;

89 (e) Rape, as defined under Mississippi law;

90 (f) Sexual battery, as defined under Mississippi law;

91 (g) Murder, as defined under Mississippi law;

92 (h) Kidnapping, as defined under Mississippi law; or

93 (i) Fondling, touching, handling, etc., a child for  
94 lustful purposes, as defined in Section 97-5-23.

95 SECTION 3. Section 37-11-31, Mississippi Code of 1972, is  
96 amended as follows:

97 37-11-31. Such report as is required pursuant to the  
98 provisions of Section 37-11-30(1), shall contain: the full name  
99 of the student; the place, date and time of arrest; a brief  
100 statement of the charge or charges upon which he was arrested, and

101 any other charges placed against him after his arrest but before  
102 the making of the report; \* \* \* the disposition, if any, which may  
103 have been made of the charges by the arresting officer or the law  
104 enforcement department of which he is a member; whether the  
105 student was released on bail and, if so, the amount of the bail;  
106 and the student's home address and the school or educational  
107 institution in which he was enrolled. \* \* \* The report \* \* \* made  
108 by the court after the trial of the student, as required under  
109 Section 37-11-30(2), shall contain: \* \* \* a brief statement of  
110 the charge or charges upon which the student was tried; whether  
111 the student was acquitted or convicted; if convicted, the  
112 punishment inflicted; a statement as to whether any appeal has  
113 been taken from the decision \* \* \*; and if such person is admitted  
114 to bail either before or after trial, the amount of the bail shall  
115 be stated, together with the name of each surety upon his bail  
116 bond.

117 SECTION 4. Section 37-11-33, Mississippi Code of 1972, is  
118 amended as follows:

119 37-11-33. The \* \* \* law enforcement department and the clerk  
120 of the \* \* \* court making such reports as are required pursuant to  
121 the provisions of Section 37-11-30 shall receive the sum of One  
122 Dollar (\$1.00) for each \* \* \* report made. The sum shall be paid  
123 from the general fund by the town, city or county where such \* \* \*  
124 reports are made, upon proper bill being submitted for the reports  
125 supported by certificate or affidavit that the reports have been  
126 made.

127 All such reports shall be preserved by each recipient thereof  
128 and a copy retained in the \* \* \* law enforcement department  
129 or \* \* \* office of the court clerk, as the case may be, who or  
130 which made such \* \* \* reports.

131 SECTION 5. Section 37-11-35, Mississippi Code of 1972, is  
132 amended as follows:

133 37-11-35. If any person charged by Section 37-11-29(2) or  
134 37-11-30 to make the reports \* \* \* willfully fails, refuses or

135 neglects to file any such report, he shall be guilty of a  
136 misdemeanor and, upon conviction thereof, shall be fined not more  
137 than One Thousand Dollars (\$1,000.00) or \* \* \* imprisoned not  
138 exceeding six (6) months, or both.

139 SECTION 6. Section 37-13-92, Mississippi Code of 1972, is  
140 amended as follows:

141 37-13-92. (1) Beginning with the school year 1993-1994, the  
142 school boards of all school districts shall establish, maintain  
143 and operate, in connection with the regular programs of the school  
144 district, an alternative school program for, but not limited to,  
145 the following categories of compulsory-school-age students:

146 (a) Any compulsory-school-age child who has been  
147 suspended for more than ten (10) days or expelled from school,  
148 except for any student expelled for possession of a weapon or  
149 other felonious conduct;

150 (b) Any compulsory-school-age child referred to such  
151 alternative school based upon a documented need for placement in  
152 the alternative school program by the parent, legal guardian or  
153 custodian of such child due to disciplinary problems; \* \* \*

154 (c) Any compulsory-school-age child referred to such  
155 alternative school program by the dispositive order of a  
156 chancellor or youth court judge, with the consent of the  
157 superintendent of the child's school district; and

158 (d) In the discretion of the school superintendent, any  
159 compulsory-school-age child who has been arrested for and lawfully  
160 charged with the commission of any crime which would be considered  
161 a felony if committed by an adult, if the child's presence in the  
162 classroom, in the determination of the school superintendent, will  
163 be a disruption to the educational environment of the school.

164 (2) The principal or program administrator of any such  
165 alternative school program shall require verification from the  
166 appropriate guidance counselor of any such child referred to the  
167 alternative school program regarding the suitability of such child  
168 for attendance at the alternative school program. Before a

169 student may be removed to an alternative school education program,  
170 the superintendent of the student's school district must determine  
171 that the written and distributed disciplinary policy of the local  
172 district is being followed. The policy shall include standards  
173 for:

174 (a) The removal of a student to an alternative  
175 education program that will include a process of educational  
176 review to develop the student's individual instruction plan and  
177 the evaluation at regular intervals of the student's educational  
178 progress; the process shall include classroom teachers and/or  
179 other appropriate professional personnel, as defined in the  
180 district policy, to ensure a continuing educational program for  
181 the removed student;

182 (b) The duration of alternative placement; and

183 (c) The notification of parents or guardians, and their  
184 appropriate inclusion in the removal and evaluation process, as  
185 defined in the district policy. Nothing in this paragraph should  
186 be defined in a manner to circumvent the principal's or the  
187 superintendent's authority to remove a student to alternative  
188 education.

189 (3) The local school board or the superintendent shall  
190 provide for the continuing education of a student who has been  
191 removed to an alternative school program.

192 (4) A school district, in its discretion, may provide a  
193 program of general educational development (GED) preparatory  
194 instruction in the alternative school program. However, any GED  
195 preparation program offered in an alternative school program must  
196 be administered in compliance with the rules and regulations  
197 established for such programs under Sections 37-35-1 through  
198 37-35-11 and by the State Board for Community and Junior Colleges.  
199 The school district may administer the General Educational  
200 Development (GED) Testing Program under the policies and  
201 guidelines of the GED Testing Service of the American Council on  
202 Education in the alternative school program or may authorize the

203 test to be administered through the community/junior college  
204 district in which the alternative school is situated.

205 (5) Any such alternative school program operated under the  
206 authority of this section shall meet all appropriate accreditation  
207 requirements of the State Department of Education.

208 (6) The alternative school program may be held within such  
209 school district or may be operated by two (2) or more adjacent  
210 school districts, pursuant to a contract approved by the State  
211 Board of Education. When two (2) or more school districts  
212 contract to operate an alternative school program, the school  
213 board of a district designated to be the lead district shall serve  
214 as the governing board of the alternative school program.

215 Transportation for students attending the alternative school  
216 program shall be the responsibility of the local school district.

217 The expense of establishing, maintaining and operating such  
218 alternative school program may be paid from funds contributed or  
219 otherwise made available to the school district for such purpose  
220 or from local district maintenance funds.

221 (7) The State Board of Education shall promulgate minimum  
222 guidelines for alternative school programs. The \* \* \* guidelines  
223 shall require, at a minimum, the formulation of an individual  
224 instruction plan for each student referred to the alternative  
225 school program and, upon a determination that it is in a student's  
226 best interest for that student to receive general educational  
227 development (GED) preparatory instruction, that the local school  
228 board assign the student to a GED preparatory program established  
229 under subsection (4) of this section. The minimum guidelines for  
230 alternative school programs shall also require the following  
231 components:

232 (a) Clear guidelines and procedures for placement of  
233 students into alternative education programs which at a minimum  
234 shall prescribe due process procedures for disciplinary and  
235 general educational development (GED) placement;

236 (b) Clear and consistent goals for students and

237 parents;

238 (c) Curricula addressing cultural and learning style  
239 differences;

240 (d) Direct supervision of all activities on a closed  
241 campus;

242 (e) Full-day attendance with a rigorous workload and  
243 minimal time off;

244 (f) Selection of program from options provided by the  
245 local school district, Division of Youth Services or the youth  
246 court, including transfer to a community-based alternative school;

247 (g) Continual monitoring and evaluation and formalized  
248 passage from one step or program to another;

249 (h) A motivated and culturally diverse staff;

250 (i) Counseling for parents and students;

251 (j) Administrative and community support for the  
252 program; and

253 (k) Clear procedures for annual alternative school  
254 program review and evaluation.

255 (8) On request of a school district, the State Department of  
256 Education shall provide the district informational material on  
257 developing an alternative school program that takes into  
258 consideration size, wealth and existing facilities in determining  
259 a program best suited to a district.

260 (9) Any compulsory-school-age child who becomes involved in  
261 any criminal or violent behavior shall be removed from such  
262 alternative school program and, if probable cause exists, a case  
263 shall be referred to the youth court.

264 (10) The State Board of Education, in its discretion, may  
265 exempt not more than four (4) school district alternative school  
266 programs in the state from any compulsory standard of  
267 accreditation for a period of three (3) years. During this  
268 period, the State Department of Education shall conduct a study of  
269 all alternative school programs in the state, and on or before  
270 January 1, 2000, shall develop and promulgate accreditation



271 standards for all alternative school programs, including any  
272 recommendations for necessary legislation relating to such  
273 alternative school programs.

274 SECTION 7. Section 43-21-255, Mississippi Code of 1972, is  
275 amended as follows:

276 43-21-255. (1) Except as otherwise provided by this section  
277 or Section 43-21-261, all records involving children made and  
278 retained by law enforcement officers and agencies or by the youth  
279 court prosecutor and the contents thereof shall be kept  
280 confidential and shall not be disclosed \* \* \*.

281 (2) A child in the jurisdiction of the youth court and who  
282 has been taken into custody for an act which if committed by an  
283 adult would be considered a felony or offenses involving  
284 possession or use of a dangerous weapon or any firearm, may be  
285 photographed or fingerprinted or both. Any law enforcement agency  
286 taking such photographs or fingerprints shall immediately report  
287 the existence and location of the photographs and fingerprints to  
288 the youth court. Copies of fingerprints known to be those of a  
289 child shall be maintained on a local basis only. Such copies of  
290 fingerprints may be forwarded to another local, state or federal  
291 bureau of criminal identification or regional depository for  
292 identification purposes only. Such copies of fingerprints shall  
293 be returned promptly and shall not be maintained by such agencies.

294 (3) Any law enforcement record, including photographs and  
295 fingerprints, involving children who have been taken into custody  
296 for an act which if committed by an adult would be considered a  
297 felony and/or offenses involving possession or use of a dangerous  
298 weapon, \* \* \* may be released to a law enforcement agency  
299 supported by public funds, youth court officials and appropriate  
300 school officials without a court order under Section 43-21-261.  
301 Law enforcement records shall be released to youth court officials  
302 and to appropriate school officials upon written request. Except  
303 as provided in subsection (4) of this section, any law enforcement  
304 agency releasing such records of children in the jurisdiction of

305 the youth court shall immediately report the release and location  
306 of the records to the youth court. The law enforcement agencies,  
307 youth court officials and school officials receiving such records  
308 are prohibited from using the photographs and fingerprints for any  
309 purpose other than for criminal law enforcement and juvenile law  
310 enforcement. Each law enforcement officer or employee, each youth  
311 court official or employee and each school official or employee  
312 receiving the records shall submit to the sender a signed  
313 statement acknowledging his or her duty to maintain the  
314 confidentiality of the records. In no instance shall the fact  
315 that such records of children in the jurisdiction of the youth  
316 court exist be conveyed to any private individual, firm,  
317 association or corporation or to any public or quasi-public agency  
318 the duties of which do not include criminal law enforcement or  
319 juvenile law enforcement. For purposes of this subsection, the  
320 term "law enforcement record" shall not include reports required  
321 to be made to school districts and educational institutions under  
322 Section 37-11-30.

323 (4) When a child's driver's license is suspended for refusal  
324 to take a test provided under the Mississippi Implied Consent Law,  
325 the law enforcement agency shall report such refusal, without a  
326 court order under Section 43-21-261, to the Commissioner of Public  
327 Safety in the same manner as such suspensions are reported in  
328 cases involving adults.

329 (5) All records involving a child convicted as an adult or  
330 who has been twice adjudicated delinquent for a sex offense as  
331 defined by Section 45-33-1 shall be public and shall not be kept  
332 confidential.

333 SECTION 8. Section 43-21-261, Mississippi Code of 1972, is  
334 amended as follows:

335 43-21-261. (1) Except as otherwise provided by law, records  
336 involving children shall not be disclosed, other than to necessary  
337 staff of the youth court, except pursuant to an order of the youth  
338 court specifying the person or persons to whom the records may be

339 disclosed, the extent of the records which may be disclosed and  
340 the purpose of the disclosure. Such court orders for disclosure  
341 shall be limited to those instances in which the youth court  
342 concludes, in its discretion, that disclosure is required for the  
343 best interests of the child, the public safety or the functioning  
344 of the youth court and then only to the following persons:

345 (a) The judge of another youth court or member of  
346 another youth court staff;

347 (b) The court of the parties in a child custody or  
348 adoption cause in another court;

349 (c) A judge of any other court or members of another  
350 court staff;

351 (d) Representatives of a public or private agency  
352 providing supervision or having custody of the child under order  
353 of the youth court;

354 (e) Any person engaged in a bona fide research purpose,  
355 provided that no information identifying the subject of the  
356 records shall be made available to the researcher unless it is  
357 absolutely essential to the research purpose and the judge gives  
358 prior written approval, and the child, through his or her  
359 representative, gives permission to release the information;

360 (f) The Mississippi Employment Security Commission, or  
361 its duly authorized representatives, for the purpose of a child's  
362 enrollment into the Job Corps Training Program as authorized by  
363 Title IV of the Comprehensive Employment Training Act of 1973 (29  
364 U.S.C.A. Section 923 et seq.). However, no records, reports,  
365 investigations or information derived therefrom pertaining to  
366 child abuse or neglect shall be disclosed; and

367 (g) To any person pursuant to a finding by a judge of  
368 the youth court of compelling circumstances affecting the health  
369 or safety of a child and that such disclosure is in the best  
370 interests of the child.

371 Law enforcement agencies may disclose information to the  
372 public concerning the taking of a child into custody for the

373 commission of a delinquent act without the necessity of an order  
374 from the youth court. The information released shall not identify  
375 the child or his address unless the information involves a child  
376 convicted as an adult.

377 (2) Any records involving children which are disclosed under  
378 an order of the youth court and the contents thereof shall be kept  
379 confidential by the person or agency to whom the record is  
380 disclosed except as provided in the order. Any further disclosure  
381 of any records involving children shall be made only under an  
382 order of the youth court as provided in this section.

383 (3) Upon request, the parent, guardian or custodian of the  
384 child who is the subject of a youth court cause or any attorney  
385 for such parent, guardian or custodian, shall have the right to  
386 inspect any record, report or investigation which is to be  
387 considered by the youth court at a hearing, except that the  
388 identity of the reporter shall not be released, nor the name of  
389 any other person where the person or agency making the information  
390 available finds that disclosure of the information would be likely  
391 to endanger the life or safety of such person.

392 (4) Upon request, the child who is the subject of a youth  
393 court cause shall have the right to have his counsel inspect and  
394 copy any record, report or investigation which is filed with the  
395 youth court.

396 (5) (a) The youth court prosecutor or prosecutors, the  
397 county attorney, the district attorney, the youth court defender  
398 or defenders, or any attorney representing a child shall have the  
399 right to inspect any law enforcement record involving children.

400 (b) The Department of Human Services shall disclose to  
401 a county prosecuting attorney or district attorney any and all  
402 records resulting from an investigation into suspected child abuse  
403 or neglect when the case has been referred by the Department of  
404 Human Services to the county prosecuting attorney or district  
405 attorney for criminal prosecution.

406 (c) Agency records made confidential under the

407 provisions of this section may be disclosed to a court of  
408 competent jurisdiction.

409 (6) Information concerning an investigation into a report of  
410 child abuse or child neglect may be disclosed by the Department of  
411 Human Services without order of the youth court to any attorney,  
412 physician, dentist, intern, resident, nurse, psychologist, social  
413 worker, child care giver, minister, law enforcement officer,  
414 public or private school employee making that report pursuant to  
415 Section 43-21-353(1) if the reporter has a continuing professional  
416 relationship with the child and a need for such information in  
417 order to protect or treat the child.

418 (7) Information concerning an investigation into a report of  
419 child abuse or child neglect may be disclosed without further  
420 order of the youth court to any interagency child abuse task force  
421 established in any county or municipality by order of the youth  
422 court of that county or municipality.

423 (8) Names and addresses of juveniles twice adjudicated as  
424 delinquent for an act which would be a felony if committed by an  
425 adult or for the unlawful possession of a firearm shall not be  
426 held confidential and shall be made available to the public.

427 (9) Names and addresses of juveniles adjudicated as  
428 delinquent for murder, manslaughter, burglary, arson, armed  
429 robbery, aggravated assault, any sex offense as defined in Section  
430 45-33-1, for any violation of Section 41-29-139(a)(1) or for any  
431 violation of Section 63-11-30, shall not be held confidential and  
432 shall be made available to the public.

433 (10) The judges of the circuit and county courts, and  
434 presentence investigators for the circuit courts, as provided in  
435 Section 47-7-9, shall have the right to inspect any youth court  
436 records of a person convicted of a crime for sentencing purposes  
437 only.

438 (11) The victim of an offense committed by a child who is  
439 the subject of a youth court cause shall have the right to be  
440 informed of the child's disposition by the youth court.

441           (12) The Classification Committee of the State Department of  
442 Corrections, as provided in Section 47-5-103, shall have the right  
443 to inspect any youth court records, excluding abuse and neglect  
444 records, of any offender in the custody of the department who as a  
445 child or minor was a juvenile offender or was the subject of a  
446 youth court cause of action, and the State Parole Board, as  
447 provided in Section 47-7-17, shall have the right to inspect such  
448 records when the offender becomes eligible for parole.

449           (13) The youth court shall notify the Department of Public  
450 Safety of the name, and any other identifying information such  
451 department may require, of any child who is adjudicated delinquent  
452 as a result of a violation of the Uniform Controlled Substances  
453 Law.

454           (14) The Administrative Office of Courts shall have the  
455 right to inspect any youth court records in order that the number  
456 of youthful offenders, abused, neglected, truant and dependent  
457 children, as well as children in need of special care and children  
458 in need of supervision, may be tracked with specificity through  
459 the youth court and adult justice system, and to utilize tracking  
460 forms for such purpose.

461           (15) Upon a request by a youth court, the Administrative  
462 Office of Courts shall disclose all information at its disposal  
463 concerning any previous youth court intakes alleging that a child  
464 was a delinquent child, child in need of supervision, child in  
465 need of special care, truant child, abused child or neglected  
466 child, as well as any previous youth court adjudications for the  
467 same and all dispositional information concerning a child who at  
468 the time of such request comes under the jurisdiction of the youth  
469 court making such request.

470           (16) In every case where an abuse or neglect allegation has  
471 been made, the confidentiality provisions of this section shall  
472 not apply to prohibit access to a child's records by any state  
473 regulatory agency, any state or local prosecutorial agency or law  
474 enforcement agency; \* \* \* however, \* \* \* no identifying

475 information concerning the child in question may be released to  
476 the public by such agency except as otherwise provided herein.

477 (17) In every case where there is any indication or  
478 suggestion of either abuse or neglect and a child's physical  
479 condition is medically labeled as medically "serious" or  
480 "critical" or a child dies, the confidentiality provisions of this  
481 section shall not apply.

482 (18) Any member of a foster care review board designated by  
483 the Department of Human Services shall have the right to inspect  
484 youth court records relating to the abuse, neglect or child in  
485 need of supervision cases assigned to such member for review.

486 SECTION 9. Section 43-21-621, Mississippi Code of 1972, is  
487 amended as follows:

488 43-21-621. (1) The youth court \* \* \*, in compliance with  
489 the laws governing education of children, may order any  
490 state-supported public school in its jurisdiction, after notice  
491 and hearing, to enroll or reenroll any compulsory-school-age child  
492 in school, and further order appropriate educational services.

493 \* \* \* However, \* \* \* the youth court shall not order the  
494 enrollment or reenrollment of a student that has been suspended or  
495 expelled by a public school pursuant to Section 37-9-71 or  
496 37-7-301 for possession of a weapon on school grounds, for an  
497 offense involving a threat to the safety of other persons or for  
498 the commission of a violent act. For the purpose of this section  
499 "violent act" means any action which results in death or physical  
500 harm to another or an attempt to cause death or physical harm to  
501 another. The superintendent of the school district to which such  
502 child is ordered may assign, in his discretion, \* \* \* such child  
503 to the alternative school program of such school established  
504 pursuant to Section 37-13-92. The court shall have jurisdiction  
505 to enforce school and education laws. Nothing in this section  
506 shall be construed to affect the attendance of a child in a  
507 legitimate home instruction program.

508 (2) The youth court may specify the following conditions of

509 probation related to any juvenile ordered to enroll or reenroll in  
510 school: That the juvenile maintain passing grades in up to four  
511 (4) courses during each grading period and meet with the court  
512 counselor and a representative of the school to make a plan for  
513 how to maintain those passing grades.

514 (3) If the adjudication of delinquency was for an offense  
515 involving a threat to the safety of the juvenile or others and  
516 school attendance is a condition of probation, the youth court  
517 judge shall require the youth counselor to notify the principal of  
518 the juvenile's school \* \* \*. Within forty-eight (48) hours or  
519 before the juvenile begins to attend school, whichever occurs  
520 first, the youth court counsellor shall notify the principal of  
521 the juvenile's school in writing of the nature of the offense and  
522 the probation requirements related to school attendance. A  
523 principal notified by a juvenile court counselor shall handle the  
524 report according to the guidelines and rules adopted by the State  
525 Board of Education.

526 (4) The Administrative Office of the Courts shall report to  
527 the Legislature on the number of juveniles reported to principals  
528 in accordance with this section no later than January 1, 1996.

529 SECTION 10. This act shall take effect and be in force from  
530 and after July 1, 1999.