

By: Representative Flaggs

To: Juvenile Justice;  
Appropriations

## HOUSE BILL NO. 632

1 AN ACT TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO  
2 ESTABLISH A JUVENILE ALTERNATIVE PROGRAM AS A PILOT PROGRAM IN  
3 EACH SUPREME COURT DISTRICT FOR FIRST AND SECOND YOUTH OFFENDERS;  
4 TO REQUIRE THE DEPARTMENT TO SUBMIT A REPORT ON THE EFFECTIVENESS  
5 OF THE PROGRAM TO CERTAIN LEGISLATIVE COMMITTEES; TO AMEND SECTION  
6 43-21-605, MISSISSIPPI CODE OF 1972, TO AUTHORIZE YOUTH COURTS TO  
7 ORDER YOUTH OFFENDERS TO PARTICIPATE IN THE JUVENILE ALTERNATIVE  
8 PROGRAM AS A DISPOSITION ALTERNATIVE IN DELINQUENCY CASES; AND FOR  
9 RELATED PURPOSES.

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

11 SECTION 1. (1) The State Department of Education shall  
12 establish a pilot program to be known as the "Juvenile Alternative  
13 Program." The program shall be designed for youths who have been  
14 designated as first or second offenders by the youth court system  
15 and shall be modeled after the Vicksburg Juvenile Alternative  
16 Program. Offenders ordered to participate in the program shall  
17 take part in a behavior modification course that identifies  
18 behavioral problems and teaches the skills required to correct  
19 such problems. If an offender fails to cooperate in the program,  
20 the youth court shall issue an order modifying the original  
21 disposition order and may elect any disposition alternative which  
22 the court could have originally imposed.

23 (2) The State Department of Education shall designate one  
24 (1) school district within each Supreme Court district to  
25 participate in the pilot program. In the Central District, the  
26 program shall be in the Vicksburg-Warren School District.

27 (3) Before November 1, 2000, the State Department of  
28 Education shall prepare a report on the effectiveness of the pilot  
29 program to be submitted to the chairmen of the Juvenile Justice

30 and Education Committees of the House of Representatives and  
31 Senate. The report shall include information concerning the  
32 number of offenders ordered to participate in the program and the  
33 rate of recidivism of offenders successfully completing the  
34 program. The department shall address in the report whether or  
35 not the Juvenile Alternative Program should be considered as an  
36 additional or alternative program to the alternative school  
37 program in each school district.

38 SECTION 2. Section 43-21-605, Mississippi Code of 1972, is  
39 amended as follows:

40 43-21-605. (1) In delinquency cases, the disposition order  
41 may include any of the following alternatives or combination of  
42 the following alternatives, giving precedence in the following  
43 sequence:

44 (a) Release the child without further action;

45 (b) Place the child in the custody of the parents, a  
46 relative or other persons subject to any conditions and  
47 limitations, including restitution, as the youth court may  
48 prescribe;

49 (c) Place the child on probation subject to any  
50 reasonable and appropriate conditions and limitations, including  
51 restitution, as the youth court may prescribe;

52 (d) Order terms of treatment calculated to assist the  
53 child and the child's parents or guardian which are within the  
54 ability of the parent or guardian to perform;

55 (e) Order terms of supervision which may include  
56 participation in a constructive program of service or education or  
57 civil fines not in excess of Five Hundred Dollars (\$500.00), or  
58 restitution not in excess of actual damages caused by the child to  
59 be paid out of his own assets or by performance of services  
60 acceptable to the victims and approved by the youth court and  
61 reasonably capable of performance within one (1) year;

62 (f) Suspend the child's driver's license by taking and  
63 keeping it in custody of the court for not more than one (1) year;

64 (g) Give legal custody of the child to any of the  
65 following:

66 (i) The Department of Human Services for

67 appropriate placement; or

68 (ii) Any public or private organization,  
69 preferably community-based, able to assume the education, care and  
70 maintenance of the child, which has been found suitable by the  
71 court; or

72 (iii) The Department of Human Services for  
73 placement in a wilderness training program or a state-supported  
74 training school, except that no child under the age of ten (10)  
75 years shall be committed to a state training school. The training  
76 school may retain custody of the child until the child's twentieth  
77 birthday but for no longer. The superintendent of a state  
78 training school may parole a child at any time he may deem it in  
79 the best interest and welfare of such child. Twenty (20) days  
80 prior to such parole, the training school shall notify the  
81 committing court of the pending release. The youth court may then  
82 arrange subsequent placement after a reconvened disposition  
83 hearing except that the youth court may not recommit the child to  
84 the training school or any other secure facility without an  
85 adjudication of a new offense or probation or parole violation.  
86 Prior to assigning the custody of any child to any private  
87 institution or agency, the youth court through its designee shall  
88 first inspect the physical facilities to determine that they  
89 provide a reasonable standard of health and safety for the child.  
90 The youth court shall not place a child in the custody of a state  
91 training school for truancy unless such child has been adjudicated  
92 to have committed an act of delinquency in addition to truancy;

93 (h) Recommend to the child and the child's parents or  
94 guardian that the child attend and participate in the Youth  
95 Challenge Program under the Mississippi National Guard, as created  
96 in Section 43-27-203, subject to the selection of the child for  
97 the program by the National Guard; however, the child must  
98 volunteer to participate in the program. The youth court may not  
99 order any child to apply or attend the program;

100           (i) (i) Adjudicate the juvenile to the Statewide  
101 Juvenile Work Program if the program is established in the court's  
102 jurisdiction. The juvenile and his parents or guardians must sign  
103 a waiver of liability in order to participate in the work program.  
104 The judge will coordinate with the youth services counselors as to  
105 placing participants in the work program;

106           (ii) The severity of the crime, whether or not the  
107 juvenile is a repeat offender or is a felony offender will be  
108 taken into consideration by the judge when adjudicating a juvenile  
109 to the work program. The juveniles adjudicated to the work  
110 program will be supervised by police officers or reserve officers.  
111 The term of service will be from twenty-four (24) to one hundred  
112 twenty (120) hours of community service. A juvenile will work the  
113 hours to which he was adjudicated on the weekends during school  
114 and week days during the summer. Parents are responsible for a  
115 juvenile reporting for work. Noncompliance with an order to  
116 perform community service will result in a heavier adjudication.  
117 A juvenile may be adjudicated to the community service program  
118 only two (2) times;

119           (iii) The judge shall assess an additional fine on  
120 the juvenile which will be used to pay the costs of implementation  
121 of the program and to pay for supervision by police officers and  
122 reserve officers. The amount of the fine will be based on the  
123 number of hours to which the juvenile has been adjudicated; \* \* \*

124           (j) Order the child to participate in a youth court  
125 work program as provided in Section 43-21-627; or

126           (k) Order the child to participate in the Juvenile  
127 Alternative Program, as created in Section 1 of this act.

128           (2) In addition to any of the disposition alternatives  
129 authorized under subsection (1) of this section, the disposition  
130 order in any case in which the child is adjudicated delinquent for  
131 an offense under Section 63-11-30 shall include an order denying  
132 the driver's license and driving privileges of the child as

133 required under subsection (8) of Section 63-11-30.

134 (3) Fines levied under this chapter shall be paid into the  
135 general fund of the county but, in those counties wherein the  
136 youth court is a branch of the municipal government, it shall be  
137 paid into the municipal treasury.

138 (4) Any institution or agency to which a child has been  
139 committed shall give to the youth court any information concerning  
140 the child as the youth court may at any time require.

141 (5) The youth court shall not place a child in another  
142 school district who has been expelled from a school district for  
143 the commission of a violent act. For the purpose of this  
144 subsection, "violent act" means any action which results in death  
145 or physical harm to another or an attempt to cause death or  
146 physical harm to another.

147 SECTION 3. This act shall take effect and be in force from  
148 and after July 1, 1999.