

By: Senator(s) Blackmon

To: Juvenile Justice;
Education

SENATE BILL NO. 2003

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, 2001, 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
92 adjudicated to have committed an act of delinquency in addition to
93 truancy;

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

100 order any child to apply or attend the program;

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

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

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

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

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

130 (2) In addition to any of the disposition alternatives
131 authorized under subsection (1) of this section, the disposition
132 order in any case in which the child is adjudicated delinquent for

133 an offense under Section 63-11-30 shall include an order denying
134 the driver's license and driving privileges of the child as
135 required under subsection (8) of Section 63-11-30.

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

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

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

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