

By: Senator(s) Turner

To: Judiciary

SENATE BILL NO. 2302

1 AN ACT TO AMEND SECTION 43-21-151, MISSISSIPPI CODE OF 1972,  
2 TO REVISE JURISDICTION OF THE YOUTH COURT; AND FOR RELATED  
3 PURPOSES.

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

5 SECTION 1. Section 43-21-151, Mississippi Code of 1972, is  
6 amended as follows:

7 43-21-151. (1) The youth court shall have exclusive  
8 original jurisdiction in all proceedings concerning a delinquent  
9 child, a child in need of supervision, a neglected child, an  
10 abused child or a dependent child except in the following  
11 circumstances:

12 (a) Any act attempted or committed by a child, which if  
13 committed by an adult would be punishable under state or federal  
14 law by life imprisonment or death, will be in the original  
15 jurisdiction of the circuit court;

16 (b) Any act attempted or committed by a child with the  
17 use of a deadly weapon, the carrying of which concealed is  
18 prohibited by Section 97-37-1, or a shotgun or a rifle, which  
19 would be a felony if committed by an adult, will be in the  
20 original jurisdiction of the circuit court; and

21 (c) When a charge of abuse of a child first arises in  
22 the course of a custody action between the parents of the child  
23 already pending in the chancery court and no notice of such abuse  
24 was provided prior to such chancery proceedings, the chancery  
25 court may proceed with the investigation, hearing and  
26 determination of such abuse charge as a part of its hearing and

27 determination of the custody issue as between the parents,  
28 notwithstanding the other provisions of the Youth Court Law. The  
29 proceedings in chancery court on the abuse charge shall be  
30 confidential in the same manner as provided in youth court  
31 proceedings.

32 When a child is expelled from the public schools, the youth  
33 court shall be notified of the act of expulsion and the act or  
34 acts constituting the basis for expulsion.

35 (2) Jurisdiction of the child in the cause shall attach at  
36 the time of the offense and shall continue thereafter for that  
37 offense until the child's twentieth birthday, unless sooner  
38 terminated by order of the youth court. The youth court shall not  
39 have jurisdiction over offenses committed by a child on or after  
40 his seventeenth birthday \* \* \*.

41 (3) No child who has not reached his thirteenth birthday  
42 shall be held criminally responsible or criminally prosecuted for  
43 a misdemeanor or felony; however, the parent, guardian or  
44 custodian of such child may be civilly liable for any criminal  
45 acts of such child. No child under the jurisdiction of the youth  
46 court shall be held criminally responsible or criminally  
47 prosecuted by any court for any act designated as a delinquent  
48 act, unless jurisdiction is transferred to another court under  
49 Section 43-21-157.

50 (4) The youth court shall also have jurisdiction of offenses  
51 committed by a child which have been transferred to the youth  
52 court by an order of a circuit court of this state having original  
53 jurisdiction of the offense, as provided by Section 43-21-159.

54 (5) The youth court shall regulate and approve the use of  
55 teen court as provided in Section 43-21-753.

56 SECTION 2. This act shall take effect and be in force from  
57 and after July 1, 1999.