

By: Flaggs

To: Juvenile Justice;
Appropriations

HOUSE BILL NO. 34

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:

42 (a) Release the child without further action;

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

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

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

53 (e) Order terms of supervision which may include
54 participation in a constructive program of service or education or
55 civil fines not in excess of Five Hundred Dollars (\$500.00), or

56 restitution not in excess of actual damages caused by the child to
57 be paid out of his own assets or by performance of services
58 acceptable to the victims and approved by the youth court and
59 reasonably capable of performance within one (1) year;

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

62 (g) Give legal custody of the child to any of the
63 following:

64 (i) The Department of Human Services for
65 appropriate placement; or

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

70 (iii) The Department of Human Services for
71 placement in a wilderness training program or a state-supported
72 training school, except that no child under the age of ten (10)
73 years shall be committed to a state training school. The training
74 school may retain custody of the child until the child's twentieth
75 birthday but for no longer. The superintendent of a state
76 training school may parole a child at any time he may deem it in
77 the best interest and welfare of such child. Twenty (20) days
78 prior to such parole, the training school shall notify the
79 committing court of the pending release. The youth court may then
80 arrange subsequent placement after a reconvened disposition
81 hearing except that the youth court may not recommit the child to
82 the training school or any other secure facility without an
83 adjudication of a new offense or probation or parole violation.

84 Prior to assigning the custody of any child to any private
85 institution or agency, the youth court through its designee shall
86 first inspect the physical facilities to determine that they
87 provide a reasonable standard of health and safety for the child.

88 The youth court shall not place a child in the custody of a state
89 training school for truancy, unless such child has been
90 adjudicated to have committed an act of delinquency in addition to
91 truancy;

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

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

105 (ii) The severity of the crime, whether or not the
106 juvenile is a repeat offender or is a felony offender will be
107 taken into consideration by the judge when adjudicating a juvenile
108 to the work program. The juveniles adjudicated to the work
109 program will be supervised by police officers or reserve officers.
110 The term of service will be from twenty-four (24) to one hundred
111 twenty (120) hours of community service. A juvenile will work the

112 hours to which he was adjudicated on the weekends during school
113 and week days during the summer. Parents are responsible for a
114 juvenile reporting for work. Noncompliance with an order to
115 perform community service will result in a heavier adjudication.
116 A juvenile may be adjudicated to the community service program
117 only two (2) times;

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

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

125 (k) Order the child into a juvenile detention center
126 operated by the county or into a juvenile detention center
127 operated by any county with which the county in which the court is
128 located has entered into a contract for the purpose of housing
129 delinquents. The time period for such detention cannot exceed
130 ninety (90) days. The youth court judge may order that the number
131 of days specified in the detention order be served either
132 throughout the week or on weekends only; or

133 (1) Order the child to participate in the Juvenile
134 Alternative Program as created in Section 1 of this act.

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

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

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

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

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

154 SECTION 3. This act shall take effect and be in force from
155 and after July 1, 2000.