

By: Senator(s) Smith (By Request)

To: Corrections

SENATE BILL NO. 3028  
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 47-5-99, MISSISSIPPI CODE OF 1972, TO  
2 ABOLISH CLASSIFICATION COMMITTEES AND TO CREATE CLASSIFICATION  
3 HEARING OFFICERS AND DISCIPLINARY HEARING OFFICERS; TO AMEND  
4 SECTIONS 47-5-101, 47-5-103, 47-5-104, 47-5-138, 47-5-138.1,  
5 47-5-181, 47-5-401, 47-5-451, 47-5-1003, 47-7-3 AND 43-21-261,  
6 MISSISSIPPI CODE OF 1972, TO CONFORM; FURTHER AMEND SECTION  
7 47-7-3, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT CERTAIN  
8 NONVIOLENT FIRST OFFENDERS MAY BE CONSIDERED FOR PAROLE; AND FOR  
9 RELATED PURPOSES.

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

11 SECTION 1. Section 47-5-99, Mississippi Code of 1972, is  
12 amended as follows:

13 47-5-99. There are hereby created classification hearing  
14 officers and disciplinary hearing officers of the correctional  
15 system to be appointed by the commissioner. \* \* \*

16 SECTION 2. Section 47-5-101, Mississippi Code of 1972, is  
17 amended as follows:

18 47-5-101. The classification and disciplinary hearing  
19 officers shall maintain a record of all actions and orders by  
20 minutes \* \* \*. The hearing officers shall meet on a regular  
21 basis. \* \* \*

22 SECTION 3. Section 47-5-103, Mississippi Code of 1972, is  
23 amended as follows:

24 47-5-103. (1) The classification hearing officer shall be  
25 responsible for assigning a classification to each offender within  
26 forty (40) days after the offender's commitment to the custody of  
27 the department. The classification shall determine the offender's  
28 work duties, living quarters, educational, vocational or other  
29 rehabilitation programs, and privileges to be accorded the

30 offender while in custody of the department. The classification  
31 hearing officer, in assigning classifications, shall consider the  
32 offender's age, offense and surrounding circumstances, the  
33 complete record of the offender's criminal history including  
34 records of law enforcement agencies or of a youth court regarding  
35 that offender's juvenile criminal history, family background,  
36 education, practical or employment experience, interests and  
37 abilities as evidenced by mental and psychological examination and  
38 knowledge obtained by the classification hearing officer in  
39 personal interview with the offender. The classification hearing  
40 officer shall use the above criteria to assign each offender a  
41 classification which will serve and enhance the best interests and  
42 general welfare of the offender. The director or assistant  
43 director of offender services shall approve or disapprove each  
44 classification. The classification hearing officer shall provide  
45 the State Parole Board with a copy of the classification assigned  
46 to each offender in the custody of the department who is eligible  
47 for parole.

48 (2) \* \* \* The classification board, consisting of the  
49 commissioner, or his designee, deputy commissioner of institutions  
50 and the director of offender services may change an action of the  
51 classification or disciplinary hearing officer if the board makes  
52 a determination that the action of the hearing officer was not  
53 supported by sufficient factual information. The commissioner, in  
54 emergency situations, may suspend the classification of an  
55 offender or offenders for a period of not exceeding fifteen (15)  
56 days to relieve the emergency situation. The classification of  
57 each offender may be reviewed by a classification hearing officer  
58 at least once each year. In no case shall an offender serve as a  
59 servant in the home of any employee other than authorized by the  
60 commissioner.

61 (3) The classification board shall establish substantive and  
62 procedural rules and regulations governing the assignment and

63 alteration of inmate classifications, and shall make such rules  
64 and regulations available to any offender upon request.

65 SECTION 4. Section 47-5-104, Mississippi Code of 1972, is  
66 amended as follows:

67 47-5-104. \* \* \* The commissioner shall designate a  
68 disciplinary hearing officer to hear evidence and to make  
69 decisions in all cases when an offender has been issued a rule  
70 violation report and is subject to be demoted or having earned  
71 time taken from him. All proceedings of a disciplinary hearing  
72 officer shall be taped and retained for at least three (3) years.  
73 The commissioner shall not attend any hearings whereby an offender  
74 is subject to be demoted or having earned time taken away.

75 SECTION 5. Section 47-5-138, Mississippi Code of 1972, is  
76 amended as follows:

77 47-5-138. (1) The department may promulgate rules and  
78 regulations to carry out an earned time allowance program based on  
79 the good conduct and performance of an inmate. An inmate is  
80 eligible to receive an earned time allowance of one-half (1/2) of  
81 the period of confinement imposed by the court except those  
82 inmates excluded by law. When an inmate is committed to the  
83 custody of the department, the department shall determine a  
84 conditional earned time release date by subtracting the earned  
85 time allowance from an inmate's term of sentence. This subsection  
86 does not apply to any sentence imposed after June 30, 1995.

87 (2) An inmate may forfeit all or part of his earned time  
88 allowance for a serious violation of rules. No forfeiture of the  
89 earned time allowance shall be effective except upon approval of  
90 the commissioner or his designee, and forfeited earned time may  
91 not be restored.

92 (3) (a) For the purposes of this subsection, "final order"  
93 means an order of a state or federal court that dismisses a  
94 lawsuit brought by an inmate while the inmate was in the custody

95 of the Department of Corrections as frivolous, malicious or for  
96 failure to state a claim upon which relief could be granted.

97 (b) On receipt of a final order, the department shall  
98 forfeit:

99 (i) Sixty (60) days of an inmate's accrued earned  
100 time if the department has received one (1) final order as defined  
101 herein;

102 (ii) One hundred twenty (120) days of an inmate's  
103 accrued earned time if the department has received two (2) final  
104 orders as defined herein;

105 (iii) One hundred eighty (180) days of an inmate's  
106 accrued earned time if the department has received three (3) or  
107 more final orders as defined herein.

108 (c) The department may not restore earned time  
109 forfeited under this subsection.

110 (4) An inmate who meets the good conduct and performance  
111 requirements of the earned time allowance program may be released  
112 on his conditional earned time release date.

113 (5) For any sentence imposed after June 30, 1995, an inmate  
114 may receive an earned time allowance of four and one-half (4-1/2)  
115 days for each thirty (30) days served if the department determines  
116 that the inmate has complied with the good conduct and performance  
117 requirements of the earned time allowance program. The earned  
118 time allowance under this subsection shall not exceed fifteen  
119 percent (15%) of an inmate's term of sentence.

120 (6) Any inmate, who is released before the expiration of his  
121 term of sentence under this section, shall be placed under  
122 earned-release supervision until the expiration of the term of  
123 sentence. The inmate shall retain inmate status and remain under  
124 the jurisdiction of the department. The period of earned-release  
125 supervision shall be conducted in the same manner as a period of  
126 supervised parole. The department shall develop rules, terms and  
127 conditions for the earned-release supervision program. The

128 commissioner shall designate the appropriate hearing officer  
129 within the department to conduct revocation hearings for inmates  
130 violating the conditions of earned-release supervision.

131 (7) If the earned-release supervision is revoked, the inmate  
132 shall serve the remainder of the sentence and the time the inmate  
133 was on earned-release supervision, shall not be applied to and  
134 shall not reduce his sentence.

135 SECTION 6. Section 47-5-138.1, Mississippi Code of 1972, is  
136 amended as follows:

137 47-5-138.1. In addition to any other administrative  
138 reduction of sentence, an offender in trusty status as defined  
139 by \* \* \* the Department of Corrections may be awarded a trusty  
140 time allowance of ten (10) days' reduction of sentence for each  
141 thirty (30) days of participation in approved work programs while  
142 in trusty status.

143 SECTION 7. Section 47-5-181, Mississippi Code of 1972, is  
144 amended as follows:

145 47-5-181. (1) The Department of Corrections is authorized  
146 to convert four (4) community work centers to pre-release centers.  
147 The department shall convert the community work centers as  
148 follows: one (1) center in the northern part of the state, two  
149 (2) centers in the central part of the state, and one (1) center  
150 in the southern part of the state.

151 (2) The department may place any inmate in a pre-release  
152 center if: (a) the inmate is within one (1) year of his release  
153 date, and (b) the inmate is approved for placement by the  
154 classification hearing officer and the commissioner.

155 (3) The department shall notify, by certified mail, each  
156 member of the board of supervisors of the county in which the  
157 center is located of the department's intent to convert the  
158 community work center to a pre-release center. The board of  
159 supervisors shall have thirty (30) days after the date of the  
160 mailing to disapprove the conversion of the center. If the board

161 of supervisors disapproves of the pre-release center, the  
162 department shall not convert the community work center.

163 SECTION 8. Section 47-5-401, Mississippi Code of 1972, is  
164 amended as follows:

165 47-5-401. (1) There is hereby authorized, in each county of  
166 the state, a public service work program for state inmates in  
167 custody of the county. Such a program may be established at the  
168 option of the county in accordance with the provisions of Sections  
169 47-5-401 through 47-5-421. The department shall also recommend  
170 rules and regulations concerning the participation of state  
171 inmates in the program.

172 (2) An inmate shall not be eligible to participate in a work  
173 program established in accordance with the provisions of Sections  
174 47-5-401 through 47-5-421 if he has been convicted of any crime of  
175 violence, including but not limited to murder, aggravated assault,  
176 rape, robbery or armed robbery.

177 (3) The inmates participating in the work program  
178 established in accordance with the provisions of Sections 47-5-401  
179 through 47-5-421 are restricted to the performance of public  
180 service work for counties, municipalities, the state or nonprofit  
181 charitable organizations, as defined by Section 501(c)(3) of the  
182 Internal Revenue Code of 1986, except that \* \* \* the Department of  
183 Corrections must approve all requests by nonprofit charitable  
184 organizations to use offenders to perform any public service work.  
185 Upon request of the Board of Trustees of State Institutions of  
186 Higher Learning, or the board of trustees of a county school  
187 district, municipal school district or junior college district,  
188 the inmates may be permitted to perform work for such boards.

189 SECTION 9. Section 47-5-451, Mississippi Code of 1972, is  
190 amended as follows:

191 47-5-451. (1) There is hereby authorized, in each county of  
192 the state, a public service work program for state inmates in  
193 custody of the county. Such a program may be established at the

194 option of the county in accordance with the provisions of Sections  
195 47-5-401 through 47-5-421. The department shall also recommend  
196 rules and regulations concerning the participation of state  
197 inmates in the program.

198 (2) An inmate shall not be eligible to participate in a work  
199 program established in accordance with the provisions of Sections  
200 47-5-401 through 47-5-421, if he has been convicted of any crime  
201 of violence, including but not limited to murder, aggravated  
202 assault, rape, robbery or armed robbery.

203 (3) The inmates participating in the work program  
204 established in accordance with the provisions of Sections 47-5-401  
205 through 47-5-421, are restricted to the performance of public  
206 service work for counties, municipalities, the state or nonprofit  
207 charitable organizations, as defined by Section 501(c)(3) of the  
208 Internal Revenue Code of 1986, except that the \* \* \* Department of  
209 Corrections must approve all requests by nonprofit charitable  
210 organizations to use offenders to perform any public service work.  
211 Upon request of the Board of Trustees of State Institutions of  
212 Higher Learning, or the board of trustees of a county school  
213 district, municipal school district or junior college district,  
214 the inmates may be permitted to perform work for such boards.

215 SECTION 10. Section 47-5-1003, Mississippi Code of 1972, is  
216 amended as follows:

217 47-5-1003. (1) An intensive supervision program may be used  
218 as an alternative to incarceration for offenders who are low risk  
219 and nonviolent as selected by the department or court. Any  
220 offender convicted of a sex crime or a felony for the sale or  
221 manufacture of a controlled substance under the uniform controlled  
222 substances law shall not be placed in the program.

223 (2) The court placing an offender in the intensive  
224 supervision program may, acting upon the advice and consent of the  
225 commissioner at the time of the initial sentencing only, and not  
226 later than one (1) year after the defendant has been delivered to

227 the custody of the department, suspend the further execution of  
228 the sentence and place the defendant on intensive supervision,  
229 except when a death sentence or life imprisonment is the maximum  
230 penalty which may be imposed or if the defendant has been confined  
231 for the conviction of a felony on a previous occasion in any court  
232 or courts of the United States and of any state or territories  
233 thereof or has been convicted of a felony involving the use of a  
234 deadly weapon.

235 (3) To protect and to ensure the safety of the state's  
236 citizens, any offender who violates an order or condition of the  
237 intensive supervision program shall be arrested by the  
238 correctional field officer and placed in the actual custody of the  
239 Department of Corrections. Such offender is under the full and  
240 complete jurisdiction of the department and subject to removal  
241 from the program by the classification hearing officer.

242 (4) When any circuit or county court places an offender in  
243 an intensive supervision program, the court shall give notice to  
244 the Mississippi Department of Corrections within fifteen (15) days  
245 of the court's decision to place the offender in an intensive  
246 supervision program. Notice shall be delivered to the central  
247 office of the Mississippi Department of Corrections and to the  
248 regional office of the department which will be providing  
249 supervision to the offender in an intensive supervision program.

250 The courts may not require an offender to complete the  
251 intensive supervision program as a condition of probation or  
252 post-release supervision.

253 SECTION 11. Section 47-7-3, Mississippi Code of 1972, is  
254 amended as follows:

255 47-7-3. (1) Every prisoner who has been convicted of any  
256 offense against the State of Mississippi, and is confined in the  
257 execution of a judgment of such conviction in the Mississippi  
258 State Penitentiary for a definite term or terms of one (1) year or  
259 over, or for the term of his or her natural life, whose record of



260 conduct shows that such prisoner has observed the rules of the  
261 penitentiary, and who has served not less than one-fourth (1/4) of  
262 the total of such term or terms for which such prisoner was  
263 sentenced, or, if sentenced to serve a term or terms of thirty  
264 (30) years or more, or, if sentenced for the term of the natural  
265 life of such prisoner, has served not less than ten (10) years of  
266 such life sentence, may be released on parole as hereinafter  
267 provided, except that:

268 (a) No prisoner convicted as a confirmed and habitual  
269 criminal under the provisions of Sections 99-19-81 through  
270 99-19-87 shall be eligible for parole;

271 (b) Any person who shall have been convicted of a sex  
272 crime shall not be released on parole except for a person under  
273 the age of nineteen (19) who has been convicted under Section  
274 97-3-67;

275 (c) No one shall be eligible for parole until he shall  
276 have served one (1) year of his sentence, unless such person has  
277 accrued any meritorious earned time allowances, in which case he  
278 shall be eligible for parole if he has served (i) nine (9) months  
279 of his sentence or sentences, when his sentence or sentences is  
280 two (2) years or less; (ii) ten (10) months of his sentence or  
281 sentences when his sentence or sentences is more than two (2)  
282 years but no more than five (5) years; and (iii) one (1) year of  
283 his sentence or sentences when his sentence or sentences is more  
284 than five (5) years;

285 (d) (i) No person shall be eligible for parole who  
286 shall, on or after January 1, 1977, be convicted of robbery or  
287 attempted robbery through the display of a firearm until he shall  
288 have served ten (10) years if sentenced to a term or terms of more  
289 than ten (10) years or if sentenced for the term of the natural  
290 life of such person. If such person is sentenced to a term or  
291 terms of ten (10) years or less, then such person shall not be  
292 eligible for parole. The provisions of this paragraph (d) shall

293 also apply to any person who shall commit robbery or attempted  
294 robbery on or after July 1, 1982, through the display of a deadly  
295 weapon. This subparagraph (d)(i) shall not apply to persons  
296 convicted after September 30, 1994;

297 (ii) No person shall be eligible for parole who  
298 shall, on or after October 1, 1994, be convicted of robbery,  
299 attempted robbery or carjacking as provided in Section 97-3-115 et  
300 seq., through the display of a firearm or drive-by shooting as  
301 provided in Section 97-3-109. The provisions of this subparagraph  
302 (d)(ii) shall also apply to any person who shall commit robbery,  
303 attempted robbery, carjacking or a drive-by shooting on or after  
304 October 1, 1994, through the display of a deadly weapon;

305 (e) No person shall be eligible for parole who, on or  
306 after July 1, 1994, is charged, tried, convicted and sentenced to  
307 life imprisonment without eligibility for parole under the  
308 provisions of Section 99-19-101;

309 (f) No person shall be eligible for parole who is  
310 charged, tried, convicted and sentenced to life imprisonment under  
311 the provisions of Section 99-19-101;

312 (g) No person shall be eligible for parole who is  
313 convicted or whose suspended sentence is revoked after June 30,  
314 1995, except as provided in paragraph (i);

315 (h) An offender may be eligible for medical release  
316 under Section 47-7-4;

317 (i) A first offender convicted of a nonviolent crime  
318 after January 1, 2000, may be eligible for parole if the offender  
319 meets the requirements in subsection (1) and this paragraph. In  
320 addition to other requirements, if a first offender is convicted  
321 of a drug or driving under the influence felony, the offender must  
322 complete a drug and alcohol rehabilitation program prior to parole  
323 or the offender may be required to complete a post-release drug  
324 and alcohol program as a condition of parole. For purposes of  
325 this paragraph, "nonviolent crime" means a felony other than

326 homicide, robbery, manslaughter, sex crimes, arson, burglary of an  
327 occupied dwelling, aggravated assault, kidnapping, felonious abuse  
328 of vulnerable adults, felonies with enhanced penalties, and the  
329 sale or manufacture of a controlled substance under the Uniform  
330 Controlled Substances Law.

331 (2) Notwithstanding any other provision of law, an inmate  
332 shall not be eligible to receive earned time, good time or any  
333 other administrative reduction of time which shall reduce the time  
334 necessary to be served for parole eligibility as provided in  
335 subsection (1) of this section; however, this subsection shall not  
336 apply to the advancement of parole eligibility dates pursuant to  
337 the Prison Overcrowding Emergency Powers Act. Moreover,  
338 meritorious earned time allowances may be used to reduce the time  
339 necessary to be served for parole eligibility as provided in  
340 paragraph (c) of subsection (1) of this section.

341 (3) The State Parole Board shall by rules and regulations  
342 establish a method of determining a tentative parole hearing date  
343 for each eligible offender taken into the custody of the  
344 Department of Corrections. The tentative parole hearing date  
345 shall be determined within ninety (90) days after the department  
346 has assumed custody of the offender. Such tentative parole  
347 hearing date shall be calculated by a formula taking into account  
348 the offender's age upon first commitment, number of prior  
349 incarcerations, prior probation or parole failures, the severity  
350 and the violence of the offense committed, employment history and  
351 other criteria which in the opinion of the board tend to validly  
352 and reliably predict the length of incarceration necessary before  
353 the offender can be successfully paroled.

354 (4) Any inmate within twenty-four (24) months of his parole  
355 eligibility date and who meets the criteria established by the  
356 classification board shall receive priority for placement in any  
357 educational development and job training programs. Any inmate

358 refusing to participate in an educational development or job  
359 training program may be ineligible for parole.

360 SECTION 12. Section 43-21-261, Mississippi Code of 1972, is  
361 amended as follows:

362 43-21-261. (1) Except as otherwise provided in this  
363 section, records involving children shall not be disclosed, other  
364 than to necessary staff of the youth court, except pursuant to an  
365 order of the youth court specifying the person or persons to whom  
366 the records may be disclosed, the extent of the records which may  
367 be disclosed and the purpose of the disclosure. Such court orders  
368 for disclosure shall be limited to those instances in which the  
369 youth court concludes, in its discretion, that disclosure is  
370 required for the best interests of the child, the public safety or  
371 the functioning of the youth court and then only to the following  
372 persons:

373 (a) The judge of another youth court or member of  
374 another youth court staff;

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

377 (c) A judge of any other court or members of another  
378 court staff;

379 (d) Representatives of a public or private agency  
380 providing supervision or having custody of the child under order  
381 of the youth court;

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

388 (f) The Mississippi Employment Security Commission, or  
389 its duly authorized representatives, for the purpose of a child's  
390 enrollment into the Job Corps Training Program as authorized by

391 Title IV of the Comprehensive Employment Training Act of 1973 (29  
392 USCS Section 923 et seq.). However, no records, reports,  
393 investigations or information derived therefrom pertaining to  
394 child abuse or neglect shall be disclosed; and

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

399 Law enforcement agencies may disclose information to the  
400 public concerning the taking of a child into custody for the  
401 commission of a delinquent act without the necessity of an order  
402 from the youth court. The information released shall not identify  
403 the child or his address unless the information involves a child  
404 convicted as an adult.

405 (2) Any records involving children which are disclosed under  
406 an order of the youth court and the contents thereof shall be kept  
407 confidential by the person or agency to whom the record is  
408 disclosed except as provided in the order. Any further disclosure  
409 of any records involving children shall be made only under an  
410 order of the youth court as provided in this section.

411 (3) Upon request, the parent, guardian or custodian of the  
412 child who is the subject of a youth court cause or any attorney  
413 for such parent, guardian or custodian, shall have the right to  
414 inspect any record, report or investigation which is to be  
415 considered by the youth court at a hearing, except that the  
416 identity of the reporter shall not be released, nor the name of  
417 any other person where the person or agency making the information  
418 available finds that disclosure of the information would be likely  
419 to endanger the life or safety of such person.

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

424 (5) (a) The youth court prosecutor or prosecutors, the  
425 county attorney, the district attorney, the youth court defender  
426 or defenders, or any attorney representing a child shall have the  
427 right to inspect any law enforcement record involving children.

428 (b) The Department of Human Services shall disclose to  
429 a county prosecuting attorney or district attorney any and all  
430 records resulting from an investigation into suspected child abuse  
431 or neglect when the case has been referred by the Department of  
432 Human Services to the county prosecuting attorney or district  
433 attorney for criminal prosecution.

434 (c) Agency records made confidential under the  
435 provisions of this section may be disclosed to a court of  
436 competent jurisdiction.

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

446 (7) Information concerning an investigation into a report of  
447 child abuse or child neglect may be disclosed without further  
448 order of the youth court to any interagency child abuse task force  
449 established in any county or municipality by order of the youth  
450 court of that county or municipality.

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

455 (9) Names and addresses of juveniles adjudicated as  
456 delinquent for murder, manslaughter, burglary, arson, armed

457 robbery, aggravated assault, any sex offense as defined in Section  
458 45-33-23, for any violation of Section 41-29-139(a)(1) or for any  
459 violation of Section 63-11-30, shall not be held confidential and  
460 shall be made available to the public.

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

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

469 (12) A classification hearing officer of the State  
470 Department of Corrections, as provided in Section 47-5-103, shall  
471 have the right to inspect any youth court records, excluding abuse  
472 and neglect records, of any offender in the custody of the  
473 department who as a child or minor was a juvenile offender or was  
474 the subject of a youth court cause of action, and the State Parole  
475 Board, as provided in Section 47-7-17, shall have the right to  
476 inspect such records when said offender becomes eligible for  
477 parole.

478 (13) The youth court shall notify the Department of Public  
479 Safety of the name, and any other identifying information such  
480 department may require, of any child who is adjudicated delinquent  
481 as a result of a violation of the Uniform Controlled Substances  
482 Law.

483 (14) The Administrative Office of Courts shall have the  
484 right to inspect any youth court records in order that the number  
485 of youthful offenders, abused, neglected, truant and dependent  
486 children, as well as children in need of special care and children  
487 in need of supervision, may be tracked with specificity through  
488 the youth court and adult justice system, and to utilize tracking  
489 forms for such purpose.

490 (15) Upon a request by a youth court, the Administrative  
491 Office of Courts shall disclose all information at its disposal  
492 concerning any previous youth court intakes alleging that a child  
493 was a delinquent child, child in need of supervision, child in  
494 need of special care, truant child, abused child or neglected  
495 child, as well as any previous youth court adjudications for the  
496 same and all dispositional information concerning a child who at  
497 the time of such request comes under the jurisdiction of the youth  
498 court making such request.

499 (16) In every case where an abuse or neglect allegation has  
500 been made, the confidentiality provisions of this section shall  
501 not apply to prohibit access to a child's records by any state  
502 regulatory agency, any state or local prosecutorial agency or law  
503 enforcement agency; provided, however, that no identifying  
504 information concerning the child in question may be released to  
505 the public by such agency except as otherwise provided herein.

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

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

515 (19) Information concerning an investigation into a report  
516 of child abuse or child neglect may be disclosed without further  
517 order of the youth court in any administrative or due process  
518 hearing held, pursuant to Section 43-21-257, by the Department of  
519 Human Services for individuals whose names will be placed on the  
520 central registry as substantiated perpetrators.

521 SECTION 13. This act shall take effect and be in force from  
522 and after July 1, 2001.