

By: Representative Flaggs

To: Juvenile Justice

HOUSE BILL NO. 1399

1 AN ACT TO AMEND SECTION 43-21-561, MISSISSIPPI CODE OF 1972,
2 TO DELETE THE PROVISION THAT PROHIBITS YOUTH COURTS FROM RECITING
3 ANY OF THE FACTS OR CIRCUMSTANCES UPON WHICH AN ADJUDICATION IS
4 BASED IN YOUTH COURT ORDERS; TO PROVIDE FOR ADDITIONAL CATEGORIES
5 OF ADJUDICATION FOR YOUTH COURTS; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 43-21-561, Mississippi Code of 1972, is
8 amended as follows:

9 43-21-561. (1) If the youth court finds on proof beyond a
10 reasonable doubt that a child is a delinquent child or a child in
11 need of supervision, the youth court shall enter an order
12 adjudicating the child to be a delinquent child or a child in need
13 of supervision.

14 (2) Where the petition alleges that the child is a
15 delinquent child, the youth court may enter an order that the
16 child is a child in need of supervision on proof beyond a
17 reasonable doubt that the child is a child in need of supervision.

18 (3) If the court finds from a preponderance of the evidence
19 that the child is a neglected child or an abused child, the youth
20 court shall enter an order adjudicating the child to be a
21 neglected child or an abused child.

22 (4) No decree or order of adjudication concerning any child
23 shall * * * recite that a child has been found guilty; but it
24 shall recite * * * that a child is found to be a delinquent child
25 or a child in need of supervision or a neglected child or an
26 abused child or a sexually abused child or a dependent child.

27 Upon a written motion by a party, the youth court shall make
28 written findings of fact and conclusions of law upon which it



29 relies for the adjudication that the child is a delinquent child
30 or a child in need of supervision or a neglected child or an
31 abused child.

32 (5) No adjudication upon the status of any child shall
33 operate to impose any of the civil disabilities ordinarily imposed
34 on an adult because of a criminal conviction, nor shall any child
35 be deemed a criminal by reason of adjudication, nor shall that
36 adjudication be deemed a conviction. A person in whose interest
37 proceedings have been brought in the youth court may deny, without
38 any penalty, the existence of those proceedings and any
39 adjudication made in those proceedings. Except for the right of a
40 defendant or prosecutor in criminal proceedings and a respondent
41 or a youth court prosecutor in youth court proceedings to
42 cross-examine a witness, including a defendant or respondent, to
43 show bias or interest, no adjudication shall be used for
44 impeachment purposes in any court.

45 **SECTION 2.** This act shall take effect and be in force from
46 and after July 1, 2002.

