

By: Representatives Moore (100th), Robinson (63rd)

To: Public Health and Welfare; Appropriations

HOUSE BILL NO. 531

1 AN ACT TO AMEND SECTION 43-27-2, MISSISSIPPI CODE OF 1972, TO
2 CREATE THE STATE DEPARTMENT OF YOUTH SERVICES AND THE STATE BOARD
3 OF YOUTH SERVICES; TO TRANSFER THE POWERS AND DUTIES OF THE OFFICE
4 OF YOUTH SERVICES OF THE DEPARTMENT OF HUMAN SERVICES TO THE STATE
5 DEPARTMENT OF YOUTH SERVICES AND THE STATE BOARD OF YOUTH
6 SERVICES; TO CREATE NEW SECTION 43-27-3, MISSISSIPPI CODE OF 1972,
7 TO PROVIDE THAT THE STATE BOARD OF YOUTH SERVICES SHALL APPOINT AN
8 EXECUTIVE DIRECTOR FOR THE DEPARTMENT; TO PRESCRIBE THE
9 QUALIFICATIONS FOR THE EXECUTIVE DIRECTOR; TO PROVIDE THE DUTIES
10 OF THE DIRECTOR; TO AMEND SECTIONS 37-13-92, 37-143-15, 43-1-2,
11 43-21-159, 43-21-257, 43-21-605, 43-21-623, 43-21-625, 43-27-8,
12 43-27-10, 43-27-11, 43-27-12, 43-27-14, 43-27-16, 43-27-17,
13 43-27-18, 43-27-19, 43-27-20, 43-27-22, 43-27-23, 43-27-25,
14 43-27-27, 43-27-29, 43-27-35, 43-27-37, 43-27-201 AND 43-27-401,
15 MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PROVISIONS OF THIS
16 ACT;; AND FOR RELATED PURPOSES.

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

18 **SECTION 1.** Section 43-27-2, Mississippi Code of 1972, is
19 amended as follows:

20 43-27-2. (1) There is created the State Department of Youth
21 Services, whose offices shall be located in Jackson, Mississippi,
22 and which shall be under the policy direction of the State Board
23 of Youth Services created in subsection (2) of this section.

24 (2) (a) There is created the State Board of Youth Services,
25 which shall consist of seven (7) members appointed by the
26 Governor, with the advice and consent of the Senate. One (1)
27 member of the board shall be appointed from each congressional
28 district and one (1) member of the board shall be appointed from
29 each Supreme Court district. One (1) member of the board shall be
30 an active, experienced educator; one (1) member of the board shall
31 be an active member of the National Association of Social Workers;
32 one (1) member of the board shall be an active licensed physician
33 or other professional person; and two (2) members of the board
34 shall be experienced in business. No board member shall be an



35 employee or elected official of the State of Mississippi or a
36 political subdivision of the state.

37 (b) The initial members of the board shall be appointed
38 for staggered terms, as follows: Two (2) members shall be
39 appointed for terms that end on June 30, 2005; three (3) members
40 shall be appointed for terms that end on June 30, 2007; and two
41 (2) members shall be appointed for terms that end on June 30,
42 2009. All subsequent appointments to the board shall be for terms
43 of four (4) years from the expiration date of the previous term.
44 No person shall be appointed to the board for more than two (2)
45 consecutive terms. Any vacancy on the board shall be filled by
46 appointment of the Governor, with the advice and consent of the
47 Senate, and the person appointed to fill the vacancy shall serve
48 for the remainder of the unexpired term. The members of the board
49 shall select one (1) member to serve as chairman of the board.
50 The board shall select a chairman once every two (2) years, and
51 any person who has previously served as chairman may be reelected
52 as chairman.

53 (c) Four (4) members of the board shall constitute a
54 quorum for the transaction of any business. The board shall hold
55 regular monthly meetings, and other meetings as may be necessary
56 for the purpose of conducting such business as may be required.
57 Members of the board shall receive the per diem authorized under
58 Section 25-3-69 for each day spent actually discharging their
59 official duties, and shall receive reimbursement for mileage and
60 necessary travel expenses incurred as provided in Section 25-3-41.

61 **SECTION 2.** (1) All powers, duties and functions of the
62 Department of Human Services that are being exercised or performed
63 by the Office of Youth Services of the Department of Human
64 Services on June 30, 2003, are transferred to the State Department
65 of Youth Services and the State Board of Youth Services on July 1,
66 2003.



67 (2) All records, property, contractual rights and
68 obligations, and unexpended balances of appropriations,
69 allocations or other funds of the Department of Human Services
70 that relate to the powers, duties and functions exercised or
71 performed by the Office of Youth Services of the Department of
72 Human Services on June 30, 2003, shall be transferred to the State
73 Department of Youth Services and the State Board of Youth Services
74 on or before July 1, 2003.

75 (3) All employees of the Office of Youth Services of the
76 Department of Human Services holding positions on June 30, 2003,
77 shall become employees of the State Department of Youth Services
78 on July 1, 2003.

79 (4) The Department of Human Services shall assist the State
80 Department of Youth Services and the State Board of Youth Services
81 with the greatest degree of cooperation to carry out the intent
82 and purpose of this act and to accomplish an orderly transition.

83 **SECTION 3.** The following shall be codified as Section
84 43-27-3, Mississippi Code of 1972:

85 43-27-3. (1) The State Board of Youth Services shall
86 appoint a full-time Executive Director of the State Department of
87 Youth Services. The executive director shall have a master's
88 degree in a field related to juvenile correction or children's
89 services, and shall have not less than three (3) years' experience
90 in the field of service to children; or in lieu of that degree and
91 experience, he shall have a minimum of ten (10) years' actual
92 experience in the field of juvenile correction or children's
93 services. Those qualifications shall be certified by the State
94 Personnel Board. The executive director shall serve for a term of
95 four (4) years and may only be removed for good cause shown by a
96 majority vote of the board, but only after a hearing before the
97 board.

98 (2) The executive director shall be the agent of the board
99 and the department for the purpose of receiving all services of



100 process, summonses and notices directed to the board or the
101 department, shall direct the daily operations of the department,
102 and shall perform such other duties as the board may delegate to
103 him.

104 (3) The executive director shall appoint the heads of
105 offices, bureaus and divisions of the department, as defined in
106 Section 7-17-11, and any necessary supervisors, assistants and
107 employees of the department. The salary and compensation of
108 office, bureau and division heads and other employees of the
109 department shall be subject to the rules and regulations of the
110 State Personnel Board. The executive director may organize
111 offices as deemed appropriate to carry out the responsibilities of
112 the department. The organization charts of the department shall
113 be presented annually with the budget request of the department
114 for review by the Legislature. At a minimum, the executive
115 director shall appoint the directors of the following offices:

116 (a) A Director of the Office of Community Services, who
117 shall initiate and administer programs including, but not limited
118 to, youth counseling, probation and aftercare, community-based
119 treatment, detention, interstate compact administration and
120 enforcement, prevention programs, halfway houses, and group homes;
121 and

122 (b) A Director of the Office of Juvenile Correctional
123 Institutions, who shall administer training schools, forestry
124 camps, and any other specialized treatment or evaluation centers.

125 (4) In addition to the persons appointed under subsection
126 (3) of this section, the executive director shall employ the
127 following persons:

128 (a) A financial and administrative assistant whose duty
129 it is to devise the functional details of programs, to implement
130 programs, to supervise expenditures, to monitor programs, and to
131 evaluate the effectiveness of programs and the expenditure of
132 funds; and



133 (b) Any other personnel necessary for the carrying out
134 of the general duties of the department not contained in the
135 separate offices.

136 (5) The executive director shall have the authority to hire
137 and, for just cause, discharge all employees of the department, in
138 accordance with procedures established by the State Personnel
139 Board. All new positions, before they are filled, must be
140 authorized and approved by the board itself in accordance with the
141 laws and regulations of the State Personnel Board. The executive
142 director shall employ such professional, administrative,
143 stenographic, secretarial, clerical and technical assistance as
144 may be necessary to perform the duties required by the board in
145 administering all laws and regulations over which the board has
146 authority, and set the compensation therefor, all in accordance
147 with the state personnel system. The organizational structure of
148 the department shall provide for the performance of assigned
149 functions and shall be subject to the approval of the board.

150 (6) The executive director shall have the following duties
151 and responsibilities:

152 (a) To administer all of the laws and regulations that
153 are applicable to the department, under the policy direction of
154 the board;

155 (b) To carry out all duties assigned to him by the
156 board;

157 (c) To attend all meetings of the board;

158 (d) To make an annual report to the board and the
159 Legislature regarding the activities of the department and make
160 recommendations for improvement of the services to be performed by
161 the department; and

162 (e) To perform such other duties as necessary to
163 effectively and efficiently carry out the purposes of the
164 department.



165 **SECTION 4.** Section 37-13-92, Mississippi Code of 1972, is
166 amended as follows:

167 37-13-92. (1) Beginning with the school year 1993-1994, the
168 school boards of all school districts shall establish, maintain
169 and operate, in connection with the regular programs of the school
170 district, an alternative school program for, but not limited to,
171 the following categories of compulsory-school-age students:

172 (a) Any compulsory-school-age child who has been
173 suspended for more than ten (10) days or expelled from school,
174 except for any student expelled for possession of a weapon or
175 other felonious conduct;

176 (b) Any compulsory-school-age child referred to such
177 alternative school based upon a documented need for placement in
178 the alternative school program by the parent, legal guardian or
179 custodian of such child due to disciplinary problems;

180 (c) Any compulsory-school-age child referred to such
181 alternative school program by the dispositive order of a
182 chancellor or youth court judge, with the consent of the
183 superintendent of the child's school district; and

184 (d) Any compulsory-school-age child whose presence in
185 the classroom, in the determination of the school superintendent
186 or principal, is a disruption to the educational environment of
187 the school or a detriment to the best interest and welfare of the
188 students and teacher of such class as a whole.

189 (2) The principal or program administrator of any such
190 alternative school program shall require verification from the
191 appropriate guidance counselor of any such child referred to the
192 alternative school program regarding the suitability of such child
193 for attendance at the alternative school program. Before a
194 student may be removed to an alternative school education program,
195 the superintendent of the student's school district must determine
196 that the written and distributed disciplinary policy of the local



197 district is being followed. The policy shall include standards
198 for:

199 (a) The removal of a student to an alternative
200 education program that will include a process of educational
201 review to develop the student's individual instruction plan and
202 the evaluation at regular intervals of the student's educational
203 progress; the process shall include classroom teachers and/or
204 other appropriate professional personnel, as defined in the
205 district policy, to ensure a continuing educational program for
206 the removed student;

207 (b) The duration of alternative placement; and

208 (c) The notification of parents or guardians, and their
209 appropriate inclusion in the removal and evaluation process, as
210 defined in the district policy. Nothing in this paragraph should
211 be defined in a manner to circumvent the principal's or the
212 superintendent's authority to remove a student to alternative
213 education.

214 (3) The local school board or the superintendent shall
215 provide for the continuing education of a student who has been
216 removed to an alternative school program.

217 (4) A school district, in its discretion, may provide a
218 program of general educational development (GED) preparatory
219 instruction in the alternative school program. However, any GED
220 preparation program offered in an alternative school program must
221 be administered in compliance with the rules and regulations
222 established for such programs under Sections 37-35-1 through
223 37-35-11 and by the State Board for Community and Junior Colleges.
224 The school district may administer the General Educational
225 Development (GED) Testing Program under the policies and
226 guidelines of the GED Testing Service of the American Council on
227 Education in the alternative school program or may authorize the
228 test to be administered through the community/junior college
229 district in which the alternative school is situated.



230 (5) Any such alternative school program operated under the
231 authority of this section shall meet all appropriate accreditation
232 requirements of the State Department of Education.

233 (6) The alternative school program may be held within such
234 school district or may be operated by two (2) or more adjacent
235 school districts, pursuant to a contract approved by the State
236 Board of Education. When two (2) or more school districts
237 contract to operate an alternative school program, the school
238 board of a district designated to be the lead district shall serve
239 as the governing board of the alternative school program.
240 Transportation for students attending the alternative school
241 program shall be the responsibility of the local school district.
242 The expense of establishing, maintaining and operating such
243 alternative school program may be paid from funds contributed or
244 otherwise made available to the school district for such purpose
245 or from local district maintenance funds.

246 (7) The State Board of Education shall promulgate minimum
247 guidelines for alternative school programs. The guidelines shall
248 require, at a minimum, the formulation of an individual
249 instruction plan for each student referred to the alternative
250 school program and, upon a determination that it is in a student's
251 best interest for that student to receive general educational
252 development (GED) preparatory instruction, that the local school
253 board assign the student to a GED preparatory program established
254 under subsection (4) of this section. The minimum guidelines for
255 alternative school programs shall also require the following
256 components:

257 (a) Clear guidelines and procedures for placement of
258 students into alternative education programs which at a minimum
259 shall prescribe due process procedures for disciplinary and
260 general educational development (GED) placement;

261 (b) Clear and consistent goals for students and
262 parents;



263 (c) Curricula addressing cultural and learning style
264 differences;

265 (d) Direct supervision of all activities on a closed
266 campus;

267 (e) Full-day attendance with a rigorous workload and
268 minimal time off;

269 (f) Selection of program from options provided by the
270 local school district, the State Department of Youth Services or
271 the youth court, including transfer to a community-based
272 alternative school;

273 (g) Continual monitoring and evaluation and formalized
274 passage from one step or program to another;

275 (h) A motivated and culturally diverse staff;

276 (i) Counseling for parents and students;

277 (j) Administrative and community support for the
278 program; and

279 (k) Clear procedures for annual alternative school
280 program review and evaluation.

281 (8) On request of a school district, the State Department of
282 Education shall provide the district informational material on
283 developing an alternative school program that takes into
284 consideration size, wealth and existing facilities in determining
285 a program best suited to a district.

286 (9) Any compulsory-school-age child who becomes involved in
287 any criminal or violent behavior shall be removed from such
288 alternative school program and, if probable cause exists, a case
289 shall be referred to the youth court.

290 (10) The State Board of Education, in its discretion, may
291 exempt not more than four (4) school district alternative school
292 programs in the state from any compulsory standard of
293 accreditation for a period of three (3) years. During this
294 period, the State Department of Education shall conduct a study of
295 all alternative school programs in the state, and on or before



296 January 1, 2000, shall develop and promulgate accreditation
297 standards for all alternative school programs, including any
298 recommendations for necessary legislation relating to such
299 alternative school programs.

300 **SECTION 5.** Section 37-143-15, Mississippi Code of 1972, is
301 amended as follows:

302 37-143-15. The Board of Trustees of State Institutions of
303 Higher Learning is authorized and empowered to establish loan or
304 scholarship programs of like character, operation and purpose to
305 the foregoing enumerated programs to encourage the participation
306 of eligible worthy persons in courses of instruction in its
307 institutions, and in furtherance of such power and authority is
308 authorized: to adopt and implement rules and regulations
309 declaring and describing the goals and objectives of such loan or
310 scholarship programs; to establish the eligibility requirements
311 for entry into such program and required for continuing
312 participation for succeeding years; to determine the maximum
313 amount to be made available to recipients; to delineate the terms
314 and conditions of contracts with recipients and establish the
315 service requirements for such contracts, if any; to enter into
316 contracts pertaining to such programs with recipients; to enter
317 into loan agreements and other contracts with financial
318 institutions or other providers of loan monies for scholarship or
319 loan participants; and to allocate and utilize such funds as may
320 be necessary for the operation of such loan or scholarship
321 programs from the annual appropriation for student financial aid.
322 In issuing rules and regulations governing the administration of
323 the Graduate Teacher Summer Scholarship (GTS) Program, the Board
324 of Trustees of State Institutions of Higher Learning shall provide
325 that certified teachers at the Columbia or Oakley Training Schools
326 under the jurisdiction of the State Department of Youth Services
327 shall be fully eligible to participate in the program.



328 **SECTION 6.** Section 43-1-2, Mississippi Code of 1972, is
329 amended as follows:

330 43-1-2. (1) There is created the Mississippi Department of
331 Human Services, whose offices shall be located in Jackson,
332 Mississippi, and which shall be under the policy direction of the
333 Governor.

334 (2) The chief administrative officer of the department shall
335 be the Executive Director of Human Services. The Governor shall
336 appoint the Executive Director of Human Services with the advice
337 and consent of the Senate, and he shall serve at the will and
338 pleasure of the Governor, and until his successor is appointed and
339 qualified. The Executive Director of Human Services shall possess
340 the following qualifications:

341 (a) A bachelor's degree from an accredited institution
342 of higher learning and ten (10) years' experience in management,
343 public administration, finance or accounting; or

344 (b) A master's or doctoral degree from an accredited
345 institution of higher learning and five (5) years' experience in
346 management, public administration, finance or accounting.

347 Those qualifications shall be certified by the State
348 Personnel Board.

349 (3) There shall be a Joint Oversight Committee of the
350 Department of Human Services composed of the respective chairmen
351 of the Senate Public Health and Welfare Committee, the Senate
352 Appropriations Committee, the House Public Health and Welfare
353 Committee and the House Appropriations Committee, two (2) members
354 of the Senate appointed by the Lieutenant Governor to serve at the
355 will and pleasure of the Lieutenant Governor, and two (2) members
356 of the House of Representatives appointed by the Speaker of the
357 House to serve at the will and pleasure of the Speaker. The
358 chairmanship of the committee shall alternate for twelve-month
359 periods between the Senate members and the House members, with the
360 Chairman of the Senate Public Health and Welfare Committee serving



361 as the first chairman. The committee shall meet once each month,
362 or upon the call of the chairman at such times as he deems
363 necessary or advisable, and may make recommendations to the
364 Legislature pertaining to any matter within the jurisdiction of
365 the Mississippi Department of Human Services. The appointing
366 authorities may designate an alternate member from their
367 respective houses to serve when the regular designee is unable to
368 attend such meetings of the oversight committee. For attending
369 meetings of the oversight committee, such legislators shall
370 receive per diem and expenses which shall be paid from the
371 contingent expense funds of their respective houses in the same
372 amounts as provided for committee meetings when the Legislature is
373 not in session; however, no per diem and expenses for attending
374 meetings of the committee will be paid while the Legislature is in
375 session. No per diem and expenses will be paid except for
376 attending meetings of the oversight committee without prior
377 approval of the proper committee in their respective houses.

378 (4) The State Department of Human Services shall provide the
379 services authorized by law to every individual determined to be
380 eligible therefor, and in carrying out the purposes of the
381 department, the executive director is authorized:

382 (a) To formulate the policy of the department regarding
383 human services within the jurisdiction of the department;

384 (b) To adopt, modify, repeal and promulgate, after due
385 notice and hearing, and where not otherwise prohibited by federal
386 or state law, to make exceptions to and grant exemptions and
387 variances from, and to enforce rules and regulations implementing
388 or effectuating the powers and duties of the department under any
389 and all statutes within the department's jurisdiction, all of
390 which shall be binding upon the county departments of human
391 services;



392 (c) To apply for, receive and expend any federal or
393 state funds or contributions, gifts, devises, bequests or funds
394 from any other source;

395 (d) Except as limited by Section 43-1-3, to enter into
396 and execute contracts, grants and cooperative agreements with any
397 federal or state agency or subdivision thereof, or any public or
398 private institution located inside or outside the State of
399 Mississippi, or any person, corporation or association in
400 connection with carrying out the programs of the department; and

401 (e) To discharge such other duties, responsibilities
402 and powers as are necessary to implement the programs of the
403 department.

404 (5) The executive director shall establish the
405 organizational structure of the Mississippi Department of Human
406 Services which shall include the creation of any units necessary
407 to implement the duties assigned to the department and consistent
408 with specific requirements of law, including, but not limited to:

409 (a) Office of Family and Children's Services;

410 * * *

411 (b) Office of Economic Assistance;

412 (c) Office of Child Support Enforcement.

413 (6) The Executive Director of Human Services shall appoint
414 heads of offices, bureaus and divisions, as defined in Section
415 7-17-11, who shall serve at the pleasure of the executive
416 director. The salary and compensation of such office, bureau and
417 division heads shall be subject to the rules and regulations
418 adopted and promulgated by the State Personnel Board as created
419 under Section 25-9-101 et seq. The executive director shall have
420 the authority to organize offices as deemed appropriate to carry
421 out the responsibilities of the department. The organization
422 charts of the department shall be presented annually with the
423 budget request of the Governor for review by the Legislature.

424 (7) This section shall stand repealed on July 1, 2004.



425 **SECTION 7.** Section 43-21-159, Mississippi Code of 1972, is
426 amended as follows:

427 43-21-159. (1) When a person appears before a court other
428 than the youth court, and it is determined that the person is a
429 child under jurisdiction of the youth court, such court shall,
430 unless the jurisdiction of the offense has been transferred to
431 such court as provided in this chapter, or unless the child has
432 previously been the subject of a transfer from the youth court to
433 the circuit court for trial as an adult and was convicted,
434 immediately dismiss the proceeding without prejudice and forward
435 all documents pertaining to the cause to the youth court; and all
436 entries in permanent records shall be expunged. The youth court
437 shall have the power to order and supervise the expunction or the
438 destruction of such records in accordance with Section 43-21-265.
439 The youth court is authorized to expunge the record of any case
440 within its jurisdiction in which an arrest was made, the person
441 arrested was released and the case was dismissed or the charges
442 were dropped or there was no disposition of such case. In cases
443 where the child is charged with a hunting or fishing violation or
444 a traffic violation whether it be any state or federal law, a
445 violation of the Mississippi Implied Consent Law, or municipal
446 ordinance or county resolution or where the child is charged with
447 a violation of Section 67-3-70, the appropriate criminal court
448 shall proceed to dispose of the same in the same manner as for
449 other adult offenders and it shall not be necessary to transfer
450 the case to the youth court of the county. Unless the cause has
451 been transferred, or unless the child has previously been the
452 subject of a transfer from the youth court to the circuit court
453 for trial as an adult, except for violations under the Implied
454 Consent Law, and was convicted, the youth court shall have power
455 on its own motion to remove jurisdiction from any criminal court
456 of any offense including a hunting or fishing violation, a traffic
457 violation, or a violation of Section 67-3-70, committed by a child



458 in a matter under the jurisdiction of the youth court and proceed
459 therewith in accordance with the provisions of this chapter.

460 (2) After conviction and sentence of any child by any other
461 court having original jurisdiction on a misdemeanor charge, and
462 within the time allowed for an appeal of such conviction and
463 sentence, the youth court of the county shall have the full power
464 to stay the execution of the sentence and to release the child on
465 good behavior or on other order as the youth court may see fit to
466 make unless the child has previously been the subject of a
467 transfer from the youth court to the circuit court for trial as an
468 adult and was convicted. When a child is convicted of a
469 misdemeanor and is committed to, incarcerated in or imprisoned in
470 a jail or other place of detention by a criminal court having
471 proper jurisdiction of such charge, such court shall notify the
472 youth court judge or the judge's designee of the conviction and
473 sentence prior to the commencement of such incarceration. The
474 youth court shall have the power to order and supervise the
475 destruction of any records involving children maintained by the
476 criminal court in accordance with Section 43-21-265. However, the
477 youth court shall have the power to set aside a judgment of any
478 other court rendered in any matter over which the youth court has
479 exclusive original jurisdiction, to expunge or destroy the records
480 thereof in accordance with Section 43-21-265, and to order a
481 refund of fines and costs.

482 (3) Nothing in subsection (1) or (2) shall apply to a youth
483 who has a pending charge or a conviction for any crime over which
484 circuit court has original jurisdiction.

485 (4) In any case wherein the defendant is a child as defined
486 in this chapter and of which the circuit court has original
487 jurisdiction, the circuit judge, upon a finding that it would be
488 in the best interest of such child and in the interest of justice,
489 may at any stage of the proceedings prior to the attachment of
490 jeopardy transfer such proceedings to the youth court for further



491 proceedings unless the child has previously been the subject of a
492 transfer from the youth court to the circuit court for trial as an
493 adult and was convicted or has previously been convicted of a
494 crime which was in original circuit court jurisdiction, and the
495 youth court shall, upon acquiring jurisdiction, proceed as
496 provided in this chapter for the adjudication and disposition of
497 delinquent child proceeding proceedings. If the case is not
498 transferred to the youth court and the youth is convicted of a
499 crime by any circuit court, the trial judge shall sentence the
500 youth as though such youth was an adult. The circuit court shall
501 not have the authority to commit such child to the custody of the
502 State Department of Youth Services for placement in a
503 state-supported training school.

504 (5) In no event shall a court sentence an offender over the
505 age of eighteen (18) to the custody of the State Department of
506 Youth Services for placement in a state-supported training school.

507 (6) When a child's driver's license is suspended by the
508 youth court for any reason, the clerk of the youth court shall
509 report the suspension, without a court order under Section
510 43-21-261, to the Commissioner of Public Safety in the same manner
511 as such suspensions are reported in cases involving adults.

512 (7) No offense involving the use or possession of a firearm
513 by a child who has reached his fifteenth birthday and which, if
514 committed by an adult would be a felony, shall be transferred to
515 the youth court.

516 **SECTION 8.** Section 43-21-257, Mississippi Code of 1972, is
517 amended as follows:

518 43-21-257. (1) Unless otherwise provided in this section,
519 any record involving children, including valid and invalid
520 complaints, and the contents thereof maintained by the Department
521 of Human Services, or any other state agency, shall be kept
522 confidential and shall not be disclosed except as provided in
523 Section 43-21-261.



524 (2) The State Department of Youth Services shall maintain a
525 state central registry containing the number and disposition of
526 all cases together with such other useful information regarding
527 such cases as may be requested and is obtainable from the records
528 of the youth court. The State Department of Youth Services shall
529 annually publish a statistical record of the number and
530 disposition of all cases, but the names or identity of any
531 children shall not be disclosed in the reports or records. The
532 State Department of Youth Services shall adopt such rules as may
533 be necessary to carry out this subsection. The central registry
534 files and the contents thereof shall be confidential and shall not
535 be open to public inspection. Any person who shall disclose or
536 encourage the disclosure of any record involving children from the
537 central registry shall be subject to the penalty in Section
538 43-21-267. The youth court shall furnish, upon forms provided by
539 the State Department of Youth Services, the necessary information,
540 and these completed forms shall be forwarded to the State
541 Department of Youth Services.

542 (3) The Department of Human Services shall maintain a state
543 central registry on neglect and abuse cases containing (a) the
544 name, address and age of each child, (b) the nature of the harm
545 reported, (c) the name and address of the person responsible for
546 the care of the child, and (d) the name and address of the
547 substantiated perpetrator of the harm reported. "Substantiated
548 perpetrator" shall be defined as an individual who has committed
549 an act(s) of sexual abuse or physical abuse which would otherwise
550 be deemed as a felony or any child neglect which would be deemed
551 as a threat to life, as determined upon investigation by the
552 Division of Family and Children's Services. "Substantiation" for
553 the purposes of the Mississippi Department of Human Services
554 Central Registry shall require an adjudication or criminal
555 conviction. The Department of Human Services shall adopt such
556 rules and administrative procedures, especially those procedures



557 to afford due process to individuals who have been named as
558 substantiated perpetrators prior to the release of their name from
559 the registry, as may be necessary to carry out this subsection.
560 The central registry shall be confidential and shall not be open
561 to public inspection. Any person who shall disclose or encourage
562 the disclosure of any record involving children from the central
563 registry without following the rules and administrative procedures
564 of the department shall be subject to the penalty in Section
565 43-21-267. The Department of Human Services and its employees
566 are * * * exempt from any civil liability as a result of any
567 action taken pursuant to the compilation and/or release of
568 information on the registry pursuant to this section and any other
569 applicable section of the code.

570 (4) The Mississippi State Department of Health may release
571 the findings of investigations into allegations of abuse within
572 licensed day care centers made under the provisions of Section
573 43-21-353(8) to any parent of a child who is enrolled in the day
574 care center at the time of the alleged abuse or at the time the
575 request for information is made. The findings of any such
576 investigation may also be released to parents who are considering
577 placing children in the day care center. No information
578 concerning such investigations may contain the names or
579 identifying information of individual children.

580 The Department of Health shall not be held civilly liable for
581 the release of information on any findings, recommendations or
582 actions taken pursuant to investigations of abuse that have been
583 conducted pursuant to Section 43-21-353(8).

584 **SECTION 9.** Section 43-21-605, Mississippi Code of 1972, is
585 amended as follows:

586 43-21-605. (1) In delinquency cases, the disposition order
587 may include any of the following alternatives:

588 (a) Release the child without further action;



589 (b) Place the child in the custody of the parents, a
590 relative or other persons subject to any conditions and
591 limitations, including restitution, as the youth court may
592 prescribe;

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

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

599 (e) Order terms of supervision which may include
600 participation in a constructive program of service or education or
601 civil fines not in excess of Five Hundred Dollars (\$500.00), or
602 restitution not in excess of actual damages caused by the child to
603 be paid out of his own assets or by performance of services
604 acceptable to the victims and approved by the youth court and
605 reasonably capable of performance within one (1) year;

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

608 (g) Give legal custody of the child to any of the
609 following:

610 (i) The Department of Human Services for
611 appropriate placement; or

612 (ii) Any public or private organization,
613 preferably community-based, able to assume the education, care and
614 maintenance of the child, which has been found suitable by the
615 court; or

616 (iii) The State Department of Youth Services for
617 placement in a wilderness training program or a state-supported
618 training school, except that no child under the age of ten (10)
619 years shall be committed to a state training school. The training
620 school may retain custody of the child until the child's twentieth
621 birthday but for no longer. The superintendent of a state



622 training school may parole a child at any time he may deem it in
623 the best interest and welfare of such child. Twenty (20) days
624 prior to such parole, the training school shall notify the
625 committing court of the pending release. The youth court may then
626 arrange subsequent placement after a reconvened disposition
627 hearing except that the youth court may not recommit the child to
628 the training school or any other secure facility without an
629 adjudication of a new offense or probation or parole violation.
630 Prior to assigning the custody of any child to any private
631 institution or agency, the youth court through its designee shall
632 first inspect the physical facilities to determine that they
633 provide a reasonable standard of health and safety for the child.
634 The youth court shall not place a child in the custody of a state
635 training school for truancy, unless such child has been
636 adjudicated to have committed an act of delinquency in addition to
637 truancy;

638 (h) Recommend to the child and the child's parents or
639 guardian that the child attend and participate in the Youth
640 Challenge Program under the Mississippi National Guard, as created
641 in Section 43-27-203, subject to the selection of the child for
642 the program by the National Guard; however, the child must
643 volunteer to participate in the program. The youth court may not
644 order any child to apply or attend the program;

645 (i) (i) Adjudicate the juvenile to the Statewide
646 Juvenile Work Program if the program is established in the court's
647 jurisdiction. The juvenile and his parents or guardians must sign
648 a waiver of liability in order to participate in the work program.
649 The judge will coordinate with the youth services counselors as to
650 placing participants in the work program;

651 (ii) The severity of the crime, whether or not the
652 juvenile is a repeat offender or is a felony offender will be
653 taken into consideration by the judge when adjudicating a juvenile
654 to the work program. The juveniles adjudicated to the work



655 program will be supervised by police officers or reserve officers.
656 The term of service will be from twenty-four (24) to one hundred
657 twenty (120) hours of community service. A juvenile will work the
658 hours to which he was adjudicated on the weekends during school
659 and week days during the summer. Parents are responsible for a
660 juvenile reporting for work. Noncompliance with an order to
661 perform community service will result in a heavier adjudication.
662 A juvenile may be adjudicated to the community service program
663 only two (2) times;

664 (iii) The judge shall assess an additional fine on
665 the juvenile which will be used to pay the costs of implementation
666 of the program and to pay for supervision by police officers and
667 reserve officers. The amount of the fine will be based on the
668 number of hours to which the juvenile has been adjudicated;

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

671 (k) Order the child into a juvenile detention center
672 operated by the county or into a juvenile detention center
673 operated by any county with which the county in which the court is
674 located has entered into a contract for the purpose of housing
675 delinquents. The time period for such detention cannot exceed
676 ninety (90) days. The youth court judge may order that the number
677 of days specified in the detention order be served either
678 throughout the week or on weekends only.

679 (2) In addition to any of the disposition alternatives
680 authorized under subsection (1) of this section, the disposition
681 order in any case in which the child is adjudicated delinquent for
682 an offense under Section 63-11-30 shall include an order denying
683 the driver's license and driving privileges of the child as
684 required under subsection (8) of Section 63-11-30.

685 (3) Fines levied under this chapter shall be paid into the
686 general fund of the county but, in those counties wherein the



687 youth court is a branch of the municipal government, it shall be
688 paid into the municipal treasury.

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

692 (5) The youth court shall not place a child in another
693 school district who has been expelled from a school district for
694 the commission of a violent act. For the purpose of this
695 subsection, "violent act" means any action which results in death
696 or physical harm to another or an attempt to cause death or
697 physical harm to another.

698 (6) The youth court may require drug testing as part of a
699 disposition order. If a child tests positive, the court may
700 require treatment, counseling and random testing, as it deems
701 appropriate. The costs of such tests shall be paid by the parent,
702 guardian or custodian of the child unless the court specifically
703 finds that the parent, guardian or custodian is unable to pay.

704 **SECTION 10.** Section 43-21-623, Mississippi Code of 1972, is
705 amended as follows:

706 43-21-623. Any juvenile who is adjudicated a delinquent on
707 or after July 1, 1994, as a result of committing a sex offense as
708 defined in Section 45-33-23 or any offense involving the crime of
709 rape and placed in the custody of the State Department of * * *
710 Youth Services shall be tested for HIV and AIDS. Such tests shall
711 be conducted by the State Department of Health in conjunction with
712 the State Department of Youth Services * * * at the request of the
713 victim or the victim's parents or guardian if the victim is a
714 juvenile. The results of any positive HIV or AIDS tests shall be
715 reported to the victim or the victim's parents or guardian if the
716 victim is a juvenile as well as to the adjudicated offender. The
717 State Department of Health shall provide counseling and referral
718 to appropriate treatment for victims of a sex offense when the



719 adjudicated offender tested positive for HIV or AIDS if the victim
720 so requests.

721 **SECTION 11.** Section 43-21-625, Mississippi Code of 1972, is
722 amended as follows:

723 43-21-625. (1) The State Department of Youth Services shall
724 develop and implement a wilderness training program for first time
725 youth offenders sentenced or classified as delinquency cases or as
726 children in need of supervision.

727 (2) The program shall include supervised camping trips,
728 calisthenics, manual labor assignments, physical training with
729 obstacle courses, training in decision-making and personal
730 development and drug counseling and rehabilitation programs.

731 (3) The department shall adopt rules requiring that
732 wilderness training participants complete a structured
733 disciplinary program and allowing for a restriction on general
734 inmate population privileges.

735 (4) Upon receipt of youth offenders, the department shall
736 screen offenders for the wilderness training program. To
737 participate, an offender must have no physical limitations which
738 would preclude participation in strenuous activity, must not be
739 impaired and must not have been previously incarcerated in a state
740 or federal correctional facility. In screening offenders for the
741 wilderness training program, the department shall consider the
742 offender's criminal history and the possible rehabilitative
743 benefits of the program. If an offender meets the specified
744 criteria and space is available, the department shall request in
745 writing from the sentencing court, approval to participate in the
746 wilderness training program. If the person is classified by the
747 court as a delinquent or child in need of supervision and the
748 department is requesting approval from the sentencing court for
749 placement in the program, the department shall, at the same time,
750 notify the prosecuting attorney that the offender is being
751 considered for placement in the wilderness training program. The



752 notice shall explain that the purpose of such placement is
753 diversion from lengthy incarceration when a wilderness training
754 program could produce the same deterrent effect, and that the
755 person given notice may, within fourteen (14) days of the mailing
756 of the notice, notify the sentencing court in writing of
757 objections, if any, to the placement of the offender in the
758 wilderness training program. The sentencing court shall notify
759 the department in writing of placement approval no later than
760 twenty-one (21) days after receipt of the department's request for
761 placement of the youthful offender in the wilderness training
762 program. Failure to notify the department within twenty-one (21)
763 days shall be considered an approval by the sentencing court for
764 placing the youthful offender in the wilderness training program.
765 The offices of the prosecuting attorneys may develop procedures
766 for notifying each victim that the offender is being considered
767 for placement in the wilderness training program.

768 (5) The program shall provide a period of rigorous training
769 to offenders who require a greater degree of supervision than
770 community control or probation provides. Wilderness training
771 programs may be operated in secure areas in or adjacent to adult
772 institutions or in any area approved by the department. The
773 program is not intended to divert offenders away from probation or
774 community control but to divert them from long periods of
775 incarceration when a wilderness training program could produce the
776 same deterrent effect.

777 (6) If an offender in the wilderness training program
778 becomes unmanageable, the department may place him in an
779 appropriate facility to complete the remainder of his sentence.
780 Any period of time in which the offender is unable to participate
781 in the wilderness training program activities may be excluded from
782 the specified time requirements in the program. The portion of
783 the sentence served prior to placement in the wilderness training
784 program shall not be counted toward program completion. Upon the



785 offender's completion of the wilderness training program, the
786 department shall submit a report to the court that describes the
787 offender's performance. If the offender's performance has been
788 satisfactory, the court shall issue an order modifying the
789 sentence imposed and placing the offender on probation. If the
790 offender violates the conditions of probation, the court may
791 revoke probation and impose any sentence which it might have
792 originally imposed.

793 (7) The department shall provide a special training program
794 for staff selected for the wilderness training program.

795 (8) The department is authorized to contract with any
796 private or public nonprofit organization or entity to carry out
797 the purpose of this section.

798 **SECTION 12.** Section 43-27-8, Mississippi Code of 1972, is
799 amended as follows:

800 43-27-8. The State Department of Youth Services, shall have
801 the following duties and responsibilities:

802 (a) To implement and administer laws and policy
803 relating to youth services and coordinate the efforts of the
804 department with those of the federal government and other state
805 departments and agencies, county governments, municipal
806 governments and private agencies concerned with providing youth
807 services.

808 (b) To establish standards, provide technical
809 assistance and exercise the requisite supervision as it relates to
810 youth service programs over all state-supported juvenile
811 correctional facilities.

812 (c) To promulgate and publish, subject to approval by
813 the board, such rules, regulations and policies of the department
814 as are needed for the efficient government and maintenance of all
815 facilities and programs in accord, insofar as possible, with
816 currently accepted standards of juvenile care and treatment.



817 **SECTION 13.** Section 43-27-10, Mississippi Code of 1972, is
818 amended as follows:

819 43-27-10. (1) The State Department of Youth Services shall
820 exercise executive and administrative supervision over all
821 state-owned facilities used for the detention, training, care,
822 treatment and aftercare supervision of delinquent children
823 properly committed to or confined in those facilities by a court
824 on account of such delinquency; * * * however, such executive and
825 administrative supervision under state-owned facilities shall not
826 extend to any institutions and facilities for which executive and
827 administrative supervision has been provided otherwise by law
828 through other agencies.

829 (2) Such facilities shall include, but not be limited to,
830 the Columbia Training School created by Chapter 111, Laws of 1916,
831 and the Oakley Training School created by Chapter 205, Laws of
832 1942, and those facilities authorized by Chapter 652, Laws of
833 1994.

834 (3) The department shall have the power as a corporate body
835 to receive, hold and use personal, real and mixed property donated
836 to them or property acquired under Section 43-27-35, and shall
837 have such other corporate authority as shall now or hereafter be
838 necessary for the operation of any such facility. The department
839 shall be responsible for the planning, development and
840 coordination of a statewide, comprehensive youth services program
841 designed to train and rehabilitate children in order to prevent,
842 control and retard juvenile delinquency.

843 (4) The department is authorized to develop and implement
844 diversified programs and facilities to promote, enhance, provide
845 and assure the opportunities for the successful care, training and
846 treatment of delinquent children properly committed to or confined
847 in any facility under its control. Such programs and facilities
848 may include, but not be limited to, training schools, foster
849 homes, halfway houses, forestry camps, regional diagnostic



850 centers, detention centers and other state and local
851 community-based programs and facilities.

852 * * *

853 **SECTION 14.** Section 43-27-11, Mississippi Code of 1972, is
854 amended as follows:

855 43-27-11. The State Department of Youth Services shall
856 succeed to the exclusive control of all records, books, papers,
857 equipment and supplies, and all lands, buildings and other real
858 and personal property now or hereafter belonging to or assigned to
859 the use and benefit or under the control of the Columbia Training
860 School and the Oakley Training School, and shall have the exercise
861 and control of the use, distribution and disbursement of all
862 funds, appropriations and taxes now or hereafter in possession,
863 levied, collected or received or appropriated for the use,
864 benefit, support and maintenance of those two (2) institutions,
865 and the department shall have general supervision of all the
866 affairs of those two (2) institutions * * *, and the care and
867 conduct of all buildings and grounds, business methods and
868 arrangements of accounts and records, the organization of the
869 administrative plans of each institution, and all other matters
870 incident to the proper functioning of the institutions. The
871 department shall have full authority over the operation of any and
872 all farms at each of those institutions and over the distribution
873 of agricultural, dairy, livestock and any and all other products
874 therefrom and over all funds received from the sale of hogs and
875 livestock. All sums realized from the sale of products
876 manufactured and fabricated in the shops of the vocational
877 departments of those institutions shall be placed in the revolving
878 fund of the respective institutions in which those products were
879 manufactured, fabricated and sold.

880 The department shall be authorized to lease the lands for
881 oil, gas and mineral exploration, and for such other purposes as
882 the department deems to be appropriate, on such terms and



883 conditions as the department and lessee agree. The department may
884 contract with the State Forestry Commission for the proper
885 management of forest lands and the sale of timber, and the
886 department is expressly authorized to sell timber and forestry
887 products. The department is further authorized to expend the net
888 proceeds from incomes from all leases and timber sales exclusively
889 for the instructional purposes at the two (2) institutions under
890 its jurisdiction in proportion to the revenues derived from each
891 training school.

892 The granting of any leases for oil, gas and mineral
893 exploration shall be on a public bid basis as prescribed by law.

894 **SECTION 15.** Section 43-27-12, Mississippi Code of 1972, is
895 amended as follows:

896 43-27-12. The State Department of Youth Services shall have
897 exclusive supervisory care, custody and active control of all
898 children properly committed to or confined in its facilities and
899 included in its programs and shall have control of the grounds,
900 buildings and other facilities and properties of those facilities
901 and programs.

902 **SECTION 16.** Section 43-27-14, Mississippi Code of 1972, is
903 amended as follows:

904 43-27-14. The State Department of Youth Services shall have
905 the authority to accept any allotments of federal funds and
906 commodities and shall manage and dispose of them in whatever
907 manner may be required by federal law, and may take advantage of
908 any federal programs, grants-in-aid, or other public or private
909 assistance which may be offered or available which will accomplish
910 or further the objectives of the department. The Attorney General
911 shall be the legal representative of the department.

912 **SECTION 17.** Section 43-27-16, Mississippi Code of 1972, is
913 amended as follows:

914 43-27-16. The State Department of Youth Services is
915 authorized to request from any and all existing agencies,



916 departments, divisions, officers, employees, boards, bureaus,
917 commissions and institutions of the State of Mississippi, or any
918 political subdivision thereof, information, data and assistance as
919 will enable the department to fulfill its duties hereunder, and
920 all such agencies, departments, divisions, officers, employees,
921 boards, bureaus, commissions and institutions of the State of
922 Mississippi and its political subdivisions are * * * directed to
923 cooperate with the department and render such information, data,
924 aid and assistance as may be requested by the department.

925 **SECTION 18.** Section 43-27-17, Mississippi Code of 1972, is
926 amended as follows:

927 43-27-17. The State Department of Youth Services shall use
928 the services and resources of the State Departments of Education
929 and Health, and of all other appropriate state departments,
930 agencies or institutions, as will aid in carrying out the purposes
931 of this chapter. It shall be the duty of all such state
932 departments, agencies and institutions to make available such
933 services and resources to the department.

934 **SECTION 19.** Section 43-27-18, Mississippi Code of 1972, is
935 amended as follows:

936 43-27-18. All positions in the State Department of Youth
937 Services shall be included in the state personnel system, but the
938 department is encouraged to establish an incentive program to
939 motivate workers who deal directly with the children to obtain
940 master's degrees in the field of sociology, psychology or some
941 other related field.

942 **SECTION 20.** Section 43-27-19, Mississippi Code of 1972, is
943 amended as follows:

944 43-27-19. The State Department of Youth Services shall keep
945 in a suitable book a full and complete record of all of its
946 actions under this chapter, which shall be open at all times to
947 the inspection of the Governor and all persons whom he or either



948 house of the Legislature may designate, and any member of the
949 Legislature, to examine same.

950 **SECTION 21.** Section 43-27-20, Mississippi Code of 1972, is
951 amended as follows:

952 43-27-20. (1) Within the State Department of Youth Services
953 there shall be an Office of Community Services, which shall be
954 headed by a director appointed by and responsible to the Executive
955 Director of the State Department of Youth Services. He shall hold
956 a master's degree in social work or a related field and shall have
957 no less than three (3) years' experience in social services, or in
958 lieu of that degree and experience, he shall have a minimum of
959 eight (8) years' experience in social work or a related field. He
960 shall employ and assign the community workers to serve in the
961 various areas in the state and any other supporting personnel
962 necessary to carry out the duties of the Office of Community
963 Services.

964 (2) The Director of the Office of Community Services shall
965 assign probation and aftercare workers to the youth court * * *
966 judges of the various court districts upon the request of the
967 individual judge on the basis of caseload and need, when funds are
968 available. The probation and aftercare workers shall live in
969 their respective districts except upon approval of the Director of
970 the Office of Community Services. The Director of the Office of
971 Community Services is authorized to assign a youth services
972 counselor to a district other than the district in which the youth
973 services counselor lives upon the approval of the youth court
974 judge of the assigned district and the Executive Director of the
975 State Department of Youth Services. Every placement shall be with
976 the approval of the youth court * * * judge, and a probation and
977 aftercare worker may be removed for cause from a youth * * * court
978 district.



979 (3) Any counties or cities which, on July 1, 1973, have
980 court counselors or similar personnel may continue using this
981 personnel or may choose to come within the statewide framework.

982 (4) A probation and aftercare worker may be transferred by
983 the Office of Community Services from one (1) court to another
984 after consultation with the judge or judges in the court to which
985 the employee is currently assigned.

986 (5) The Office of Community Services shall have such duties
987 as the State Department of Youth Services * * * assigns to it,
988 which shall include, but not be limited to, the following:

989 (a) Preparing the social, educational and home-life
990 history and other diagnostic reports on the child for the benefit
991 of the court or the training school; however, this provision shall
992 not abridge the power of the court to require similar services
993 from other agencies, according to law.

994 (b) Serving in counseling capacities with the youth
995 * * * courts.

996 (c) Serving as probation agents for the youth * * *
997 courts.

998 (d) Serving, advising and counseling of children in the
999 various institutions under the control of the Office of Juvenile
1000 Correctional Institutions as may be necessary to the placement of
1001 the children in proper environment after release and the placement
1002 of children in suitable jobs where necessary and proper.

1003 (e) Supervising and guiding of children released or
1004 conditionally released from institutions under the control of the
1005 Office of Juvenile Correctional Institutions.

1006 (f) Counseling in an aftercare program.

1007 (g) Coordinating the activities of supporting community
1008 agencies which aid in the social adjustment of children released
1009 from the institution and in an aftercare program.

1010 (h) Providing or arranging for necessary services
1011 leading to the rehabilitation of delinquents, either within the



1012 Office of Community Services or through cooperative arrangements
1013 with other appropriate agencies.

1014 (i) Providing counseling and supervision for any child
1015 under ten (10) years of age who has been brought to the attention
1016 of the court when other suitable personnel is not available and
1017 upon request of the court concerned.

1018 (j) Supervising the aftercare program and making
1019 revocation investigations at the request of the court.

1020 * * *

1021 **SECTION 22.** Section 43-27-22, Mississippi Code of 1972, is
1022 amended as follows:

1023 43-27-22. (1) Within the State Department of Youth Services
1024 there shall be an Office of Juvenile Correctional Institutions,
1025 which shall be headed by a Director of Juvenile Institutions, who
1026 shall be appointed by the Executive Director of the State
1027 Department of Youth Services. The Director of Juvenile
1028 Institutions shall appoint the individual * * * institutional
1029 administrators who, in turn, shall have full power to select and
1030 employ personnel necessary to operate the facility he directs,
1031 subject to the approval of the Executive Director of the State
1032 Department of Youth Services.

1033 (2) The Office of Juvenile Correctional Institutions shall
1034 have such duties as the Executive Director of the State Department
1035 of Youth Services * * * assigns to it including, but not limited
1036 to, the following:

1037 (a) Operation and maintenance of training schools and
1038 other facilities as may be needed to properly diagnose, care for,
1039 train, educate and rehabilitate children and youths who have been
1040 committed to or confined in the facilities or who are included in
1041 the programs of the facilities.

1042 (b) Fulfillment of the objectives of rehabilitation and
1043 reformation of the youths confined in the schools, being careful
1044 to employ no discipline, training or utilization of time and



1045 efforts of such youth that shall under any condition or in any way
1046 interfere with such objectives.

1047 (c) Grouping of the youths in the schools according to
1048 age, sex and disciplinary needs with respect to their housing,
1049 schooling, training, recreation and work, being careful to prevent
1050 injury to the morals or interference with the training and
1051 rehabilitation of the younger or correctable youths by those
1052 considered to be less amenable to discipline and rehabilitation.

1053 **SECTION 23.** Section 43-27-23, Mississippi Code of 1972, is
1054 amended as follows:

1055 43-27-23. The superintendents of the Mississippi training
1056 schools may each receive free lodging in his respective
1057 institution for himself and his family, but not free board nor
1058 free supplies from the institution. Upon each superintendent's
1059 election to receive board for himself and family from the
1060 institution, the State Board of Youth Services shall enter on the
1061 minutes in advance the names and ages of the members of the family
1062 and fix the charges for their board at the average cost of table
1063 board in that community, but in no event at an amount less than
1064 the cost of the board to the institution, and the board so fixed
1065 shall be paid by the superintendent into the State Treasury before
1066 his salary for the next succeeding month shall be paid. The
1067 department shall make a detailed and itemized statement thereof to
1068 the Legislature. The same restrictions shall apply to all members
1069 of the clerical force of the institutions.

1070 **SECTION 24.** Section 43-27-25, Mississippi Code of 1972, is
1071 amended as follows:

1072 43-27-25. No person shall be committed to an institution
1073 under the control of the State Department of Youth Services who is
1074 seriously handicapped by mental illness or retardation. If after
1075 a person is referred to the training schools it shall be
1076 determined that he is mentally ill or mentally retarded to an
1077 extent that he could not be properly cared for in its custody, the



1078 director may institute necessary legal action to accomplish the
1079 transfer of such person to such other state institution as, in his
1080 judgment, is best qualified to care for him in accordance with the
1081 laws of this state. The department shall establish standards with
1082 regard to the physical and mental health of persons which it can
1083 accept for commitment.

1084 **SECTION 25.** Section 43-27-27, Mississippi Code of 1972, is
1085 amended as follows:

1086 43-27-27. Any child committed to an institution under the
1087 provisions of this chapter may be transferred by the Executive
1088 Director of the State Department of Youth Services, in his
1089 discretion, to any of the schools or other facilities under his
1090 jurisdiction.

1091 **SECTION 26.** Section 43-27-29, Mississippi Code of 1972, is
1092 amended as follows:

1093 43-27-29. Academic and vocational training at all
1094 institutions under the State Department of Youth Services shall
1095 meet standards prescribed by the State Department of Education
1096 based upon standards required for public schools. The department
1097 may prescribe such additional requirements as it may from time to
1098 time deem necessary. The State Superintendent of Education will
1099 administer the standards related to the high school and elementary
1100 school programs. Reports from the State Department of Education
1101 evaluating the educational program at all juvenile correctional
1102 institutions and indicating whether or not the program meets the
1103 standards as prescribed shall be made directly to the Director of
1104 the Office of Juvenile Correctional Institutions at regularly
1105 scheduled meetings. Such State Department of Education
1106 supervisory personnel as deemed appropriate shall be utilized for
1107 evaluating the programs and for reporting to the director of that
1108 office.

1109 **SECTION 27.** Section 43-27-35, Mississippi Code of 1972, is
1110 amended as follows:



1111 43-27-35. (1) The Department of Finance and Administration,
1112 for and on behalf of the State Department of Youth Services and
1113 the State of Mississippi, may enter into a purchase contract, a
1114 lease-purchase agreement or other similar contract for the
1115 acquisition of land, buildings or equipment that would be suitable
1116 for use by the State Department of Youth Services in providing
1117 housing and facilities for youth under its jurisdiction regardless
1118 of the ages of such youths and that would assist the State
1119 Department of Youth Services in the performance of its duties
1120 under Chapter 27, Title 43, Mississippi Code of 1972. Before
1121 entering into any such contract or agreement, the Department of
1122 Finance and Administration must first demonstrate to the Public
1123 Procurement Review Board satisfactory evidence that the contract
1124 or agreement would be economically advantageous to the State
1125 Department of Youth Services.

1126 (2) Acquisition of the property described in subsection (1)
1127 of this section shall be made only as provided in subsection (3)
1128 and upon legislative approval or upon approval of the State Bond
1129 Commission in accordance with the manner and procedure prescribed
1130 in Section 27-104-107.

1131 (3) If Newton County is selected as a site to house a
1132 facility under this section, the governing authorities of any
1133 municipality in which all or part of the facility is to be located
1134 and the Board of Supervisors of Newton County shall adopt
1135 resolutions spread on their minutes requesting the location of the
1136 facility in such municipality and the county. If such resolutions
1137 are adopted, the qualified electors of the municipality, if all or
1138 part of the facility is to be located in a municipality, shall
1139 vote in an election to be set by the governing authorities to
1140 determine if a facility shall be sited. If a majority of the
1141 qualified electors voting in the election vote in favor of siting
1142 a facility, a second election set by the board of supervisors
1143 shall be held in the county. If a majority of the qualified



1144 electors of the county voting in the election vote in favor of
1145 siting a facility, a facility shall be sited. If a majority of
1146 the qualified electors of the municipality voting in the election
1147 vote against siting a facility, a second election shall not be
1148 held in the county and a facility shall not be sited.

1149 **SECTION 28.** Section 43-27-37, Mississippi Code of 1972, is
1150 amended as follows:

1151 43-27-37. There is created in the State Department * * *
1152 Youth Services a Statewide Juvenile Work Program under the
1153 direction of a statewide coordinator. The statewide coordinator
1154 shall assist the youth court judges in implementing and
1155 administering the Juvenile Work Program as established under this
1156 section. The statewide coordinator shall establish standards and
1157 guidelines for juvenile work programs.

1158 **SECTION 29.** Section 43-27-201, Mississippi Code of 1972, is
1159 amended as follows:

1160 43-27-201. (1) The purpose of this section is to outline
1161 and structure a long-range proposal in addition to certain
1162 immediate objectives for improvements in the juvenile correctional
1163 facilities of the State Department of Youth Services * * * in
1164 order to provide modern and efficient correctional and
1165 rehabilitation facilities for juvenile offenders in Mississippi,
1166 who are committing an increasing percentage of serious and violent
1167 crimes.

1168 (2) The Department of Finance and Administration, acting
1169 through the Bureau of Building, Grounds and Real Property
1170 Management, using funds from bonds issued under this chapter,
1171 monies appropriated by the Legislature for such purposes, federal
1172 matching or other federal funds, federal grants or other available
1173 funds from whatever source, shall provide for, by construction,
1174 lease, lease-purchase or otherwise, and equip the following
1175 juvenile correctional facilities under the jurisdiction and
1176 responsibility of the State Department of Youth Services * * *:



1177 (a) Construct an additional one-hundred-fifty-bed,
1178 stand-alone, medium security juvenile correctional facility for
1179 habitual violent male offenders, which complies with American
1180 Correctional Association Accreditation standards and applicable
1181 building and fire safety codes. The medium security, male
1182 juvenile facility location shall be on property owned by the
1183 State Department of Youth Services * * * or at a site selected by
1184 the Bureau of Building, Grounds and Real Property Management on
1185 land which is hereafter donated to the state specifically for the
1186 location of such facility.

1187 (b) Construct an additional one-hundred-bed minimum
1188 security juvenile correctional facility for female offenders, and
1189 an additional stand-alone, fifteen-bed maximum security juvenile
1190 correctional facility for female offenders, which complies with
1191 American Correctional Association Accreditation standards and
1192 applicable building and fire safety codes. The minimum security
1193 and maximum security female juvenile facilities location shall be
1194 on property owned by the State Department of Youth Services * * *
1195 or at a site selected by the Bureau of Building, Grounds and Real
1196 Property Management on land which is hereafter donated to the
1197 state specifically for the location of such facility.

1198 (3) Upon the selection of a proposed site for a correctional
1199 facility for juveniles authorized under subsection (2), the Bureau
1200 of Building, Grounds and Real Property Management of the
1201 Department of Finance and Administration shall notify the board of
1202 supervisors of the county in which such facility is proposed to be
1203 located and shall publish a notice as hereinafter set forth in a
1204 newspaper having general circulation in such county. Such notice
1205 shall include a description of the tract of land in the county
1206 whereon the facility is proposed to be located, the nature and
1207 size of the facility and the date on which the determination of
1208 the Bureau of Building, Grounds and Real Property Management shall
1209 be final as to the location of such facility, which date shall not



1210 be less than forty-five (45) days following the first publication
1211 of such notice. Such notice shall include a brief summary of the
1212 provisions of this section pertaining to the petition for an
1213 election on the question of the location of the juvenile housing
1214 facility in such county. Such notice shall be published not less
1215 than one (1) time each week for at least three (3) consecutive
1216 weeks in at least one (1) newspaper published in such county.

1217 If no petition requesting an election is filed before the
1218 date of final determination stated in such notice, then the bureau
1219 shall give final approval to the location of such facility.

1220 If at any time before the aforesaid date a petition signed by
1221 twenty percent (20%), or fifteen hundred (1500), whichever is
1222 less, of the qualified electors of the county involved shall be
1223 filed with the board of supervisors requesting that an election be
1224 called on the question of locating such facility, then the board
1225 of supervisors shall adopt a resolution calling an election to be
1226 held within such county upon the question of the location of such
1227 facility. Such election shall be held, as far as practicable, in
1228 the same manner as other elections are held in counties. At such
1229 election, all qualified electors of the county may vote, and the
1230 ballots used at such election shall have printed thereon a brief
1231 statement of the facility to be constructed and the words "For the
1232 construction of the facility in (here insert county name) County"
1233 and "Against the construction of the facility in (here insert
1234 county name) County." The voter shall vote by placing a cross (X)
1235 or check mark (✓) opposite his choice on the proposition. When
1236 the results of the election on the question of the construction of
1237 the facility shall have been canvassed by the election
1238 commissioners of the county and certified by them to the board of
1239 supervisors, it shall be the duty of the board of supervisors to
1240 determine and adjudicate whether or not a majority of the
1241 qualified electors who voted thereon in such election voted in
1242 favor of the construction of the facilities in such county.



1243 Unless a majority of the qualified electors who voted in such
1244 election shall have voted in favor of the construction of the
1245 facilities in such county, then such facility shall not be
1246 constructed in such county.

1247 (4) The State Department of Youth Services shall establish,
1248 maintain and operate an Adolescent Offender Program (AOP), which
1249 may include non-Medicaid assistance eligible juveniles. The
1250 department may establish at least twelve (12) AOP sites at various
1251 locations throughout the state based upon the needs of the
1252 population, as determined by the division. AOP professional
1253 services, salaries, facility offices, meeting rooms and related
1254 supplies and equipment may be provided through contract with local
1255 mental health or other nonprofit community organizations.

1256 (5) The State Department of Youth Services shall operate and
1257 maintain the Forestry Camp Number 43 at the Columbia Training
1258 School, originally authorized and constructed in 1973, to consist
1259 of a twenty-bed dormitory, four (4) offices, a classroom, kitchen,
1260 dining room, day room and apartment. The purpose of this camp
1261 shall be to train juvenile detention residents for community
1262 college and other forestry training programs.

1263 (6) The State Department of Youth Services shall establish a
1264 ten-bed transitional living facility for the temporary holding of
1265 training school adolescents who have reached their majority, have
1266 completed the GED requirement, and are willing to be rehabilitated
1267 until they are placed in jobs, job training or postsecondary
1268 programs. Such transitional living facility may be operated
1269 pursuant to contract with a nonprofit community support
1270 organization.

1271 **SECTION 30.** Section 43-27-401, Mississippi Code of 1972, is
1272 amended as follows:

1273 43-27-401. (1) The State Department of * * * Youth Services
1274 shall establish a pilot program to be known as the "Amer-I-Can
1275 Program." The program is designed for youths who have been



1276 committed to or are confined in Columbia or Oakley Training
1277 Schools. The objectives of this program are:

1278 (a) To develop greater self-esteem, assume responsible
1279 attitudes and experience a restructuring of habits and
1280 conditioning processes;

1281 (b) To develop an appreciation of family members and an
1282 understanding of the role family structure has in achieving
1283 successful living;

1284 (c) To develop an understanding of the concept of
1285 community and collective responsibility;

1286 (d) To develop a prowess in problem solving and
1287 decision making that will eliminate many of the difficulties that
1288 were encountered in past experiences;

1289 (e) To develop skills in money management and financial
1290 stability, thus relieving pressures that have contributed to
1291 previous difficulties;

1292 (f) To develop communication skills to better express
1293 thoughts and ideas while acquiring an understanding of and respect
1294 for the thoughts and ideas of others; and

1295 (g) To acquire employment seeking and retention skills
1296 to improve chances of long term, gainful employment.

1297 (2) The State Department of Youth Services shall develop
1298 policies and procedures to administer the program and shall choose
1299 which youths are eligible to participate in the program.

1300 (3) The department may accept any funds, public or private,
1301 made available to it for the program.

1302 (4) Before December 1, 2002, the State Department of Youth
1303 Services shall prepare a report on the effectiveness of the pilot
1304 program to be submitted to the chairmen of the Juvenile Justice
1305 Committees of the House of Representatives and Senate. The report
1306 shall include information concerning the number of youths ordered
1307 to participate in the program and the rate of recidivism of youths
1308 successfully completing the program. The department shall address



1309 whether or not the Amer-I-Can Program should become a permanent
1310 program and whether or not it should be considered as an
1311 alternative program in each school district.

1312 **SECTION 31.** This act shall take effect and be in force from
1313 and after July 1, 2003.

