MISSISSIPPI LEGISLATURE
REGULAR SESSION 2003

By: Senator(s) Stogner
To: Public Health and Welfare; Appropriations

SENATE BILL NO. 2784


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

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

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

(2) (a) There is created the State Board of Youth Services, which shall consist of seven (7) members appointed by the Governor, with the advice and consent of the Senate. One (1) member of the board shall be appointed from each congressional district and one (1) member of the board shall be appointed from each Supreme Court district. One (1) member of the board shall be an active, experienced educator; one (1) member of the board shall be an active member of the National Association of Social Workers; one (1) member of the board shall be an active licensed physician or other professional person; and two (2) members of the board shall be experienced in business. No board member shall be an
employee or elected official of the State of Mississippi or a
political subdivision of the state.

(b) The initial members of the board shall be appointed
for staggered terms, as follows: Two (2) members shall be
appointed for terms that end on June 30, 2005; three (3) members
shall be appointed for terms that end on June 30, 2007; and two
(2) members shall be appointed for terms that end on June 30,
2009. All subsequent appointments to the board shall be for terms
of four (4) years from the expiration date of the previous term.

No person shall be appointed to the board for more than two (2)
consecutive terms. Any vacancy on the board shall be filled by
appointment of the Governor, with the advice and consent of the
Senate, and the person appointed to fill the vacancy shall serve
for the remainder of the unexpired term. The members of the board
shall select one (1) member to serve as chairman of the board.
The board shall select a chairman once every two (2) years, and
any person who has previously served as chairman may be reelected
as chairman.

(c) Four (4) members of the board shall constitute a
quorum for the transaction of any business. The board shall hold
regular monthly meetings, and other meetings as may be necessary
for the purpose of conducting such business as may be required.

Members of the board shall receive the per diem authorized under
Section 25-3-69 for each day spent actually discharging their
official duties, and shall receive reimbursement for mileage and
necessary travel expenses incurred as provided in Section 25-3-41.

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

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

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

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

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

(2) The executive director shall be the agent of the board and the department for the purpose of receiving all services of
process, summonses and notices directed to the board or the
department, shall direct the daily operations of the department,
and shall perform such other duties as the board may delegate to
him.

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

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

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

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

(a) A financial and administrative assistant whose duty
it is to devise the functional details of programs, to implement
programs, to supervise expenditures, to monitor programs, and to
evaluate the effectiveness of programs and the expenditure of
funds; and
(b) Any other personnel necessary for the carrying out of the general duties of the department not contained in the separate offices.

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

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

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

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

(c) To attend all meetings of the board;

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

(e) To perform such other duties as necessary to effectively and efficiently carry out the purposes of the department.
SECTION 4. Section 37-13-92, Mississippi Code of 1972, is amended as follows:

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

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

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

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

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

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

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

(b) The duration of alternative placement; and

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

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

(4) A school district, in its discretion, may provide a program of general educational development (GED) preparatory instruction in the alternative school program. However, any GED preparation program offered in an alternative school program must be administered in compliance with the rules and regulations established for such programs under Sections 37-35-1 through 37-35-11 and by the State Board for Community and Junior Colleges.

The school district may administer the General Educational Development (GED) Testing Program under the policies and guidelines of the GED Testing Service of the American Council on Education in the alternative school program or may authorize the test to be administered through the community/junior college district in which the alternative school is situated.
(5) Any such alternative school program operated under the authority of this section shall meet all appropriate accreditation requirements of the State Department of Education.

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

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

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

(b) Clear and consistent goals for students and parents;
Curricula addressing cultural and learning style differences;
Direct supervision of all activities on a closed campus;
Full-day attendance with a rigorous workload and minimal time off;
Selection of program from options provided by the local school district, the State Department of Youth Services or the youth court, including transfer to a community-based alternative school;
Continual monitoring and evaluation and formalized passage from one step or program to another;
A motivated and culturally diverse staff;
Counseling for parents and students;
Administrative and community support for the program; and
Clear procedures for annual alternative school program review and evaluation.

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

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

The State Board of Education, in its discretion, may exempt not more than four (4) school district alternative school programs in the state from any compulsory standard of accreditation for a period of three (3) years. During this period, the State Department of Education shall conduct a study of all alternative school programs in the state, and on or before
January 1, 2000, shall develop and promulgate accreditation standards for all alternative school programs, including any recommendations for necessary legislation relating to such alternative school programs.

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

37-143-15. The Board of Trustees of State Institutions of Higher Learning is authorized and empowered to establish loan or scholarship programs of like character, operation and purpose to the foregoing enumerated programs to encourage the participation of eligible worthy persons in courses of instruction in its institutions, and in furtherance of such power and authority is authorized: to adopt and implement rules and regulations declaring and describing the goals and objectives of such loan or scholarship programs; to establish the eligibility requirements for entry into such program and required for continuing participation for succeeding years; to determine the maximum amount to be made available to recipients; to delineate the terms and conditions of contracts with recipients and establish the service requirements for such contracts, if any; to enter into contracts pertaining to such programs with recipients; to enter into loan agreements and other contracts with financial institutions or other providers of loan monies for scholarship or loan participants; and to allocate and utilize such funds as may be necessary for the operation of such loan or scholarship programs from the annual appropriation for student financial aid.

In issuing rules and regulations governing the administration of the Graduate Teacher Summer Scholarship (GTS) Program, the Board of Trustees of State Institutions of Higher Learning shall provide that certified teachers at the Columbia or Oakley Training Schools under the jurisdiction of the State Department of Youth Services shall be fully eligible to participate in the program.
SECTION 6. Section 43-1-2, Mississippi Code of 1972, is amended as follows:

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

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

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

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

Those qualifications shall be certified by the State Personnel Board.

(3) There shall be a Joint Oversight Committee of the Department of Human Services composed of the respective chairmen of the Senate Public Health and Welfare Committee, the Senate Appropriations Committee, the House Public Health and Welfare Committee and the House Appropriations Committee, two (2) members of the Senate appointed by the Lieutenant Governor to serve at the will and pleasure of the Lieutenant Governor, and two (2) members of the House of Representatives appointed by the Speaker of the House to serve at the will and pleasure of the Speaker. The chairmanship of the committee shall alternate for twelve-month periods between the Senate members and the House members, with the Chairman of the Senate Public Health and Welfare Committee serving
as the first chairman. The committee shall meet once each month, or upon the call of the chairman at such times as he deems necessary or advisable, and may make recommendations to the Legislature pertaining to any matter within the jurisdiction of the Mississippi Department of Human Services. The appointing authorities may designate an alternate member from their respective houses to serve when the regular designee is unable to attend such meetings of the oversight committee. For attending meetings of the oversight committee, such legislators shall receive per diem and expenses which shall be paid from the contingent expense funds of their respective houses in the same amounts as provided for committee meetings when the Legislature is not in session; however, no per diem and expenses for attending meetings of the committee will be paid while the Legislature is in session. No per diem and expenses will be paid except for attending meetings of the oversight committee without prior approval of the proper committee in their respective houses.

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

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

(b) To adopt, modify, repeal and promulgate, after due notice and hearing, and where not otherwise prohibited by federal or state law, to make exceptions to and grant exemptions and variances from, and to enforce rules and regulations implementing or effectuating the powers and duties of the department under any and all statutes within the department's jurisdiction, all of which shall be binding upon the county departments of human services;
(c) To apply for, receive and expend any federal or state funds or contributions, gifts, devises, bequests or funds from any other source;

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

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

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

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

(b) Office of Economic Assistance;

(c) Office of Child Support Enforcement.

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

(7) This section shall stand repealed on July 1, 2004.
SECTION 7. Section 43-21-159, Mississippi Code of 1972, is amended as follows:

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

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

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

(4) In any case wherein the defendant is a child as defined
in this chapter and of which the circuit court has original
jurisdiction, the circuit judge, upon a finding that it would be
in the best interest of such child and in the interest of justice,
may at any stage of the proceedings prior to the attachment of
jeopardy transfer such proceedings to the youth court for further
proceedings unless the child has previously been the subject of a transfer from the youth court to the circuit court for trial as an adult and was convicted or has previously been convicted of a crime which was in original circuit court jurisdiction, and the youth court shall, upon acquiring jurisdiction, proceed as provided in this chapter for the adjudication and disposition of delinquent child proceeding proceedings. If the case is not transferred to the youth court and the youth is convicted of a crime by any circuit court, the trial judge shall sentence the youth as though such youth was an adult. The circuit court shall not have the authority to commit such child to the custody of the State Department of Youth Services for placement in a state-supported training school.

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

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

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

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

43-21-257. (1) Unless otherwise provided in this section, any record involving children, including valid and invalid complaints, and the contents thereof maintained by the Department of Human Services, or any other state agency, shall be kept confidential and shall not be disclosed except as provided in Section 43-21-261.
(2) The State Department of Youth Services shall maintain a state central registry containing the number and disposition of all cases together with such other useful information regarding such cases as may be requested and is obtainable from the records of the youth court. The State Department of Youth Services shall annually publish a statistical record of the number and disposition of all cases, but the names or identity of any children shall not be disclosed in the reports or records. The State Department of Youth Services shall adopt such rules as may be necessary to carry out this subsection. The central registry files and the contents thereof shall be confidential and shall not be open to public inspection. Any person who shall disclose or encourage the disclosure of any record involving children from the central registry shall be subject to the penalty in Section 43-21-267. The youth court shall furnish, upon forms provided by the State Department of Youth Services, the necessary information, and these completed forms shall be forwarded to the State Department of Youth Services.

(3) The Department of Human Services shall maintain a state central registry on neglect and abuse cases containing (a) the name, address and age of each child, (b) the nature of the harm reported, (c) the name and address of the person responsible for the care of the child, and (d) the name and address of the substantiated perpetrator of the harm reported. "Substantiated perpetrator" shall be defined as an individual who has committed an act(s) of sexual abuse or physical abuse which would otherwise be deemed as a felony or any child neglect which would be deemed as a threat to life, as determined upon investigation by the Division of Family and Children's Services. "Substantiation" for the purposes of the Mississippi Department of Human Services Central Registry shall require an adjudication or criminal conviction. The Department of Human Services shall adopt such rules and administrative procedures, especially those procedures...
to afford due process to individuals who have been named as substantiated perpetrators prior to the release of their name from the registry, as may be necessary to carry out this subsection. The central registry shall be confidential and shall not be open to public inspection. Any person who shall disclose or encourage the disclosure of any record involving children from the central registry without following the rules and administrative procedures of the department shall be subject to the penalty in Section 43-21-267. The Department of Human Services and its employees are *** exempt from any civil liability as a result of any action taken pursuant to the compilation and/or release of information on the registry pursuant to this section and any other applicable section of the code.

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

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

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

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

(a) Release the child without further action;
(b) Place the child in the custody of the parents, a relative or other persons subject to any conditions and limitations, including restitution, as the youth court may prescribe;

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

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

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

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

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

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

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

   (iii) The State Department of Youth Services for placement in a wilderness training program or a state-supported training school, except that no child under the age of ten (10) years shall be committed to a state training school. The training school may retain custody of the child until the child's twentieth birthday but for no longer. The superintendent of a state
training school may parole a child at any time he may deem it in
the best interest and welfare of such child. Twenty (20) days
prior to such parole, the training school shall notify the
committing court of the pending release. The youth court may then
arrange subsequent placement after a reconvened disposition
hearing except that the youth court may not recommit the child to
the training school or any other secure facility without an
adjudication of a new offense or probation or parole violation.
Prior to assigning the custody of any child to any private
institution or agency, the youth court through its designee shall
first inspect the physical facilities to determine that they
provide a reasonable standard of health and safety for the child.
The youth court shall not place a child in the custody of a state
training school for truancy, unless such child has been
adjudicated to have committed an act of delinquency in addition to
truancy;

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

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

(ii) The severity of the crime, whether or not the
juvenile is a repeat offender or is a felony offender will be
taken into consideration by the judge when adjudicating a juvenile
to the work program. The juveniles adjudicated to the work
program will be supervised by police officers or reserve officers. The term of service will be from twenty-four (24) to one hundred twenty (120) hours of community service. A juvenile will work the hours to which he was adjudicated on the weekends during school and weekdays during the summer. Parents are responsible for a juvenile reporting for work. Noncompliance with an order to perform community service will result in a heavier adjudication. A juvenile may be adjudicated to the community service program only two (2) times;

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

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

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

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

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

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

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

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

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

43-21-623. Any juvenile who is adjudicated a delinquent on
or after July 1, 1994, as a result of committing a sex offense as
defined in Section 45-33-23 or any offense involving the crime of
rape and placed in the custody of the State Department of Youth
Services shall be tested for HIV and AIDS. Such tests shall
be conducted by the State Department of Health in conjunction with
the State Department of Youth Services at the request of the
victim or the victim's parents or guardian if the victim is a
juvenile. The results of any positive HIV or AIDS tests shall be
reported to the victim or the victim's parents or guardian if the
victim is a juvenile as well as to the adjudicated offender. The
State Department of Health shall provide counseling and referral
to appropriate treatment for victims of a sex offense when the
SECTION 11. Section 43-21-625, Mississippi Code of 1972, is amended as follows:

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

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

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

(4) Upon receipt of youth offenders, the department shall screen offenders for the wilderness training program. To participate, an offender must have no physical limitations which would preclude participation in strenuous activity, must not be impaired and must not have been previously incarcerated in a state or federal correctional facility. In screening offenders for the wilderness training program, the department shall consider the offender's criminal history and the possible rehabilitative benefits of the program. If an offender meets the specified criteria and space is available, the department shall request in writing from the sentencing court, approval to participate in the wilderness training program. If the person is classified by the court as a delinquent or child in need of supervision and the department is requesting approval from the sentencing court for placement in the program, the department shall, at the same time, notify the prosecuting attorney that the offender is being considered for placement in the wilderness training program. The
notice shall explain that the purpose of such placement is
diversion from lengthy incarceration when a wilderness training
program could produce the same deterrent effect, and that the
person given notice may, within fourteen (14) days of the mailing
of the notice, notify the sentencing court in writing of
objections, if any, to the placement of the offender in the
wilderness training program. The sentencing court shall notify
the department in writing of placement approval no later than
twenty-one (21) days after receipt of the department's request for
placement of the youthful offender in the wilderness training
program. Failure to notify the department within twenty-one (21)
days shall be considered an approval by the sentencing court for
placing the youthful offender in the wilderness training program.
The offices of the prosecuting attorneys may develop procedures
for notifying each victim that the offender is being considered
for placement in the wilderness training program.

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

(6) If an offender in the wilderness training program
becomes unmanageable, the department may place him in an
appropriate facility to complete the remainder of his sentence.
Any period of time in which the offender is unable to participate
in the wilderness training program activities may be excluded from
the specified time requirements in the program. The portion of
the sentence served prior to placement in the wilderness training
program shall not be counted toward program completion. Upon the
offender's completion of the wilderness training program, the
department shall submit a report to the court that describes the
offender's performance. If the offender's performance has been
satisfactory, the court shall issue an order modifying the
sentence imposed and placing the offender on probation. If the
offender violates the conditions of probation, the court may
revoke probation and impose any sentence which it might have
originally imposed.

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

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

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

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

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

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

(c) To promulgate and publish, subject to approval by
the board, such rules, regulations and policies of the department
as are needed for the efficient government and maintenance of all
facilities and programs in accord, insofar as possible, with
currently accepted standards of juvenile care and treatment.
SECTION 13. Section 43-27-10, Mississippi Code of 1972, is amended as follows:

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

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

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

(4) The department is authorized to develop and implement diversified programs and facilities to promote, enhance, provide and assure the opportunities for the successful care, training and treatment of delinquent children properly committed to or confined in any facility under its control. Such programs and facilities may include, but not be limited to, training schools, foster homes, halfway houses, forestry camps, regional diagnostic
centers, detention centers and other state and local
community-based programs and facilities.

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

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

The department shall be authorized to lease the lands for
oil, gas and mineral exploration, and for such other purposes as
the department deems to be appropriate, on such terms and
conditions as the department and lessee agree. The department may contract with the State Forestry Commission for the proper management of forest lands and the sale of timber, and the department is expressly authorized to sell timber and forestry products. The department is further authorized to expend the net proceeds from incomes from all leases and timber sales exclusively for the instructional purposes at the two (2) institutions under its jurisdiction in proportion to the revenues derived from each training school.

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

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

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

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

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

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

43-27-16. The State Department of Youth Services is authorized to request from any and all existing agencies,
departments, divisions, officers, employees, boards, bureaus, commissions and institutions of the State of Mississippi, or any political subdivision thereof, information, data and assistance as will enable the department to fulfill its duties hereunder, and all such agencies, departments, divisions, officers, employees, boards, bureaus, commissions and institutions of the State of Mississippi and its political subdivisions are * * * directed to cooperate with the department and render such information, data, aid and assistance as may be requested by the department.

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

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

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

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

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

43-27-19. The State Department of Youth Services shall keep in a suitable book a full and complete record of all of its actions under this chapter, which shall be open at all times to the inspection of the Governor and all persons whom he or either
house of the Legislature may designate, and any member of the
Legislature, to examine same.

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

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

(2) The Director of the Office of Community Services shall
assign probation and aftercare workers to the youth court judges of the various court districts upon the request of the
individual judge on the basis of caseload and need, when funds are
available. The probation and aftercare workers shall live in
their respective districts except upon approval of the Director of
the Office of Community Services. The Director of the Office of
Community Services is authorized to assign a youth services
counselor to a district other than the district in which the youth
services counselor lives upon the approval of the youth court
judge of the assigned district and the Executive Director of the
State Department of Youth Services. Every placement shall be with
the approval of the youth court judge, and a probation and
aftercare worker may be removed for cause from a youth court
district.
Any counties or cities which, on July 1, 1973, have court counselors or similar personnel may continue using this personnel or may choose to come within the statewide framework.

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

The Office of Community Services shall have such duties as the State Department of Youth Services assigns to it, which shall include, but not be limited to, the following:

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

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

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

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

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

(f) Counseling in an aftercare program.

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

(h) Providing or arranging for necessary services leading to the rehabilitation of delinquents, either within the...
Office of Community Services or through cooperative arrangements with other appropriate agencies.

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

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

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

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

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

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

(b) Fulfillment of the objectives of rehabilitation and reformation of the youths confined in the schools, being careful to employ no discipline, training or utilization of time and
efforts of such youth that shall under any condition or in any way interfere with such objectives.

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

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

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

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

43-27-25. No person shall be committed to an institution under the control of the State Department of Youth Services who is seriously handicapped by mental illness or retardation. If after a person is referred to the training schools it shall be determined that he is mentally ill or mentally retarded to an extent that he could not be properly cared for in its custody, the
director may institute necessary legal action to accomplish the
transfer of such person to such other state institution as, in his
judgment, is best qualified to care for him in accordance with the
laws of this state. The department shall establish standards with
regard to the physical and mental health of persons which it can
accept for commitment.

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

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

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

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

SECTION 27. Section 43-27-35, Mississippi Code of 1972, is
amended as follows:
43-27-35. (1) The Department of Finance and Administration, for and on behalf of the State Department of Youth Services and the State of Mississippi, may enter into a purchase contract, a lease-purchase agreement or other similar contract for the acquisition of land, buildings or equipment that would be suitable for use by the State Department of Youth Services in providing housing and facilities for youth under its jurisdiction regardless of the ages of such youths and that would assist the State Department of Youth Services in the performance of its duties under Chapter 27, Title 43, Mississippi Code of 1972. Before entering into any such contract or agreement, the Department of Finance and Administration must first demonstrate to the Public Procurement Review Board satisfactory evidence that the contract or agreement would be economically advantageous to the State Department of Youth Services.

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

(3) If Newton County is selected as a site to house a facility under this section, the governing authorities of any municipality in which all or part of the facility is to be located and the Board of Supervisors of Newton County shall adopt resolutions spread on their minutes requesting the location of the facility in such municipality and the county. If such resolutions are adopted, the qualified electors of the municipality, if all or part of the facility is to be located in a municipality, shall vote in an election to be set by the governing authorities to determine if a facility shall be sited. If a majority of the qualified electors voting in the election vote in favor of siting a facility, a second election set by the board of supervisors shall be held in the county. If a majority of the qualified
electors of the county voting in the election vote in favor of siting a facility, a facility shall be sited. If a majority of the qualified electors of the municipality voting in the election vote against siting a facility, a second election shall not be held in the county and a facility shall not be sited.

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

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

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

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

(2) The Department of Finance and Administration, acting through the Bureau of Building, Grounds and Real Property Management, using funds from bonds issued under this chapter, monies appropriated by the Legislature for such purposes, federal matching or other federal funds, federal grants or other available funds from whatever source, shall provide for, by construction, lease, lease-purchase or otherwise, and equip the following juvenile correctional facilities under the jurisdiction and responsibility of the State Department of Youth Services:
(a) Construct an additional one-hundred-fifty-bed, stand-alone, medium security juvenile correctional facility for habitual violent male offenders, which complies with American Correctional Association Accreditation standards and applicable building and fire safety codes. The medium security, male juvenile facility location shall be on property owned by the State Department of Youth Services or at a site selected by the Bureau of Building, Grounds and Real Property Management on land which is hereafter donated to the state specifically for the location of such facility.

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

(3) Upon the selection of a proposed site for a correctional facility for juveniles authorized under subsection (2), the Bureau of Building, Grounds and Real Property Management of the Department of Finance and Administration shall notify the board of supervisors of the county in which such facility is proposed to be located and shall publish a notice as hereinafter set forth in a newspaper having general circulation in such county. Such notice shall include a description of the tract of land in the county wherein the facility is proposed to be located, the nature and size of the facility and the date on which the determination of the Bureau of Building, Grounds and Real Property Management shall be final as to the location of such facility, which date shall not
be less than forty-five (45) days following the first publication of such notice. Such notice shall include a brief summary of the provisions of this section pertaining to the petition for an election on the question of the location of the juvenile housing facility in such county. Such notice shall be published not less than one (1) time each week for at least three (3) consecutive weeks in at least one (1) newspaper published in such county.

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

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

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

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

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

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

43-27-401. (1) The State Department of Youth Services shall establish a pilot program to be known as the "Amer-I-Can Program." The program is designed for youths who have been
committed to or are confined in Columbia or Oakley Training Schools. The objectives of this program are:

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

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

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

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

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

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

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

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

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

(4) Before December 1, 2002, the State Department of Youth Services shall prepare a report on the effectiveness of the pilot program to be submitted to the chairmen of the Juvenile Justice Committees of the House of Representatives and Senate. The report shall include information concerning the number of youths ordered to participate in the program and the rate of recidivism of youths successfully completing the program. The department shall address
whether or not the Amer-I-Can Program should become a permanent
program and whether or not it should be considered as an
alternative program in each school district.

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