

By: Representatives Carlton, Clarke, Hines,  
Masterson

To: Juvenile Justice

HOUSE BILL NO. 897  
(As Passed the House)

1 AN ACT TO AMEND SECTION 43-21-605, MISSISSIPPI CODE OF 1972,  
2 TO AUTHORIZE YOUTH COURT JUDGES TO ORDER PARENTING CLASSES AND  
3 COUNSELING FOR PARENTS OR GUARDIANS OF DELINQUENT YOUTH WHO ARE  
4 SENTENCED TO TRAINING SCHOOLS; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 43-21-605, Mississippi Code of 1972, is  
7 amended as follows:

8 43-21-605. (1) In delinquency cases, the disposition order  
9 may include any of the following alternatives:

10 (a) Release the child without further action;

11 (b) Place the child in the custody of the parents, a  
12 relative or other persons subject to any conditions and  
13 limitations, including restitution, as the youth court may  
14 prescribe;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

107           (3) If the youth court places a child in a state-supported  
108 training school, the court may order the parents or guardians of  
109 the child, and other persons living in the child's household to  
110 receive counseling and parenting classes for rehabilitative  
111 purposes while the child is in the legal custody of the training  
112 school.

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

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

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

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

132           **SECTION 2.** This act shall take effect and be in force from  
133 and after July 1, 2004.