

By: Representatives Scott, Clarke, Bailey, Banks, Blackmon, Broomfield, Clark, Coleman (65th), Flaggs, Fleming, Harrison, Middleton, Myers, Straughter, Thomas, West, Whittington, Young

To: Juvenile Justice

HOUSE BILL NO. 1549
(As Passed the House)

1 AN ACT TO AMEND SECTION 43-21-753, MISSISSIPPI CODE OF 1972,
2 TO EXPAND THE JURISDICTIONAL SUBJECT MATTER OF THE TEEN COURT
3 PROGRAM; TO REQUIRE OFFENDERS TO TAKE A DRUG TEST IN ORDER TO BE
4 ELIGIBLE FOR THE PROGRAM; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 43-21-753, Mississippi Code of 1972, is
7 amended as follows:

8 43-21-753. The youth court of any county in the state may
9 establish a teen court program for the diversion of certain
10 offenders who have waived all right of confidentiality and
11 privilege against self-incrimination. The youth court of Rankin
12 County may extend its teen court program within the city limits of
13 Pearl. The offenders eligible to participate shall be those
14 offenders who in the discretion of the youth court are suitable
15 and compulsory-school-age children who have come into the
16 jurisdiction of the youth court as a result of not attending
17 school, alcohol use, tobacco use, ungovernable conduct exhibited
18 towards family members and nonviolent first time misdemeanor
19 offenses. Offenders must be tested for drugs in order to
20 participate in the program; however, the results from the testing
21 would not be made available to teen court participants, except the
22 offenders that were tested and the youth court judge. The teen
23 court shall be a preventive program for juveniles comprised of
24 youth who are not less than thirteen (13) nor more than seventeen
25 (17) years of age, which students shall serve as prosecutor,
26 defense counsel, bailiff, court clerk and jurors. The program is
27 to administer the "sentencing" or disposition phase of the
28 proceedings against offenders who elect to participate, shall be

29 under the guidance of the local youth court, and shall be approved
30 by the local youth court. The youth court judge, or his designee
31 who is a licensed attorney, shall preside. The teen court is
32 authorized to require eligible offenders who choose to go to teen
33 court in lieu of youth court to perform up to one hundred twelve
34 (112) hours of community service, require offenders to make a
35 personal apology to a victim, require offenders to submit a
36 research paper on any relevant subject, attend counseling and make
37 restitution or any other disposition authorized by the youth
38 court. The youth court shall establish rules and regulations,
39 including sentencing guidelines, for the operation of a teen
40 court. The teen court is authorized to accept monies from any
41 available public or private source, including public or private
42 donations, grants, gifts and appropriated funds for funding
43 expenses of operating the court.

44 Teen court may be held at whatever location the youth court
45 selects at whatever time or times. Eligible offenders shall be
46 only those children who agree to participate in the teen court and
47 to abide by the teen court's rulings, whose parents or legal
48 guardian shall also so agree, and who are otherwise qualified to
49 participate.

50 The youth court judge may require an offender who elects to
51 participate in the teen court to pay a fee not to exceed Five
52 Dollars (\$5.00); any such fees shall be used in administering this
53 article, and the fee shall not be refunded, regardless of whether
54 the child successfully completes the teen court program.

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