

By: Representative Flaggs

To: Juvenile Justice;  
AppropriationsCOMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 6

1 AN ACT TO CREATE THE DEPARTMENT OF JUVENILE JUSTICE AND THE  
2 BOARD OF THE DEPARTMENT OF JUVENILE JUSTICE, WHICH SHALL BE VESTED  
3 WITH THE EXCLUSIVE RESPONSIBILITY FOR MANAGEMENT AND CONTROL OF  
4 ALL JUVENILE CORRECTIONAL FACILITIES AUTHORIZED BY LAW; TO CHANGE  
5 THE NAME OF THE OAKLEY TRAINING SCHOOL TO THE JUVENILE JUSTICE  
6 CENTER AT HINDS, AND CHANGE THE NAME OF THE COLUMBIA TRAINING  
7 SCHOOL TO THE JUVENILE JUSTICE CENTER AT MARION; TO PROVIDE THAT  
8 THE DEPARTMENT SHALL BE HEADED BY AN EXECUTIVE DIRECTOR WHO SHALL  
9 BE APPOINTED BY THE BOARD OF JUVENILE JUSTICE; TO PROVIDE THAT ALL  
10 RECORDS, PROPERTY FUNDS, OTHER ASSETS AND PERSONNEL OF THE  
11 JUVENILE CORRECTIONAL FACILITIES UNDER THE JURISDICTION OF THE  
12 OFFICE OF YOUTH SERVICES OF THE DEPARTMENT OF HUMAN SERVICES  
13 SHALL BE TRANSFERRED TO THE DEPARTMENT OF JUVENILE JUSTICE; TO  
14 PROVIDE A CAP FOR THE NUMBER OF YOUTHS THAT MAY BE HOUSED AT THE  
15 CENTERS; TO PROVIDE THAT THE JUVENILE JUSTICE CENTERS AT HINDS AND  
16 MARION SHALL HAVE A SPECIAL MASTER FOR HEARINGS REGARDING THE  
17 MENTAL STATUS OF YOUTH COMMITTED TO THE CENTERS; TO PROVIDE THAT  
18 THE MEDICAL SERVICES DEPARTMENTS AT THE JUVENILE JUSTICE CENTERS  
19 SHALL BE OPERATIONAL TWENTY-FOUR HOURS A DAY; TO CREATE THE  
20 MISSISSIPPI CHALLENGE PROGRAM FOR BOYS AND GIRLS, AND TO REQUIRE  
21 EACH CONGRESSIONAL DISTRICT TO ESTABLISH THE PROGRAMS BY A CERTAIN  
22 DATE; TO CREATE THE MISSISSIPPI TRANSITION PROGRAM FOR BOYS AND  
23 GIRLS AND TO REQUIRE EACH CONGRESSIONAL DISTRICT TO ESTABLISH THE  
24 PROGRAMS BY A CERTAIN DATE; TO ESTABLISH THE JUVENILE DETENTION  
25 FACILITIES MONITORING UNIT AND A JUVENILE DETENTION FACILITIES  
26 ADVISORY BOARD; TO PROVIDE THAT EVERY COUNTY SHALL ESTABLISH A  
27 JUVENILE DRUG COURT BY A CERTAIN DATE; TO AMEND SECTIONS 31-11-3,  
28 37-31-65, 37-113-21 AND 37-143-15, MISSISSIPPI CODE OF 1972, IN  
29 CONFORMITY THERETO; TO AMEND SECTION 43-14-1, MISSISSIPPI CODE OF  
30 1972, TO REQUIRE THAT EACH MAP TEAM SHALL HAVE AN "A" (ADOLESCENT)  
31 TEAM TO PROVIDE SERVICES FOR CERTAIN YOUTH OFFENDERS; TO AMEND  
32 SECTION 43-14-5, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO;  
33 TO AMEND SECTION 43-21-105, MISSISSIPPI CODE OF 1972, TO PROVIDE  
34 THAT UNDER DUAL JURISDICTION PROCEEDINGS THE TERMS "CHILD" AND  
35 "YOUTH" APPLY TO CERTAIN YOUTH OVER THE AGE OF EIGHTEEN; TO AMEND  
36 SECTION 43-21-151, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A  
37 YOUTH COURT MAY HAVE JURISDICTION OVER A CHILD AFTER HIS OR HER  
38 EIGHTEENTH BIRTHDAY IF DUAL JURISDICTION IS APPLIED; TO AMEND  
39 SECTION 43-21-157, MISSISSIPPI CODE OF 1972, TO ESTABLISH DUAL  
40 JURISDICTION PROCEEDINGS WHERE A CIRCUIT COURT JUDGE MAY IMPOSE A  
41 JUVENILE DISPOSITION FOR CERTAIN NONVIOLENT FIRST-TIME YOUTH  
42 OFFENDERS; TO AMEND SECTION 43-21-159, MISSISSIPPI CODE OF 1972,  
43 IN CONFORMITY THERETO; TO AMEND SECTION 43-21-321, MISSISSIPPI  
44 CODE OF 1972, TO PROVIDE THAT IF A YOUTH IN A DETENTION CENTER HAS  
45 BEEN SCREENED BY CERTAIN MENTAL SCREENING INSTRUMENTS AND IT IS  
46 DETERMINED THAT THE YOUTH NEEDS PROFESSIONAL MENTAL HELP, THEN THE  
47 CHILD MUST BE DEFERRED TO SUCH HELP WITHIN FORTY-EIGHT HOURS; TO  
48 AMEND SECTION 43-21-605, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT  
49 ONLY CERTAIN DELINQUENT ACTS WILL ALLOW A YOUTH COURT JUDGE TO  
50 COMMIT A CHILD TO A JUVENILE JUSTICE CENTER, TO PROVIDE THAT YOUTH  
51 COMMITTED TO A JUVENILE JUSTICE CENTER MUST STAY A MINIMUM OF A  
52 SCHOOL SEMESTER; TO AMEND SECTIONS 43-27-8 AND 43-27-20,

53 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING PROVISIONS;  
54 TO AMEND SECTION 43-27-201, MISSISSIPPI CODE OF 1972, TO REQUIRE  
55 THAT THE DIVISION OF YOUTH SERVICES SHALL ESTABLISH AN ADOLESCENT  
56 OFFENDER PROGRAM IN EACH COUNTY BY A CERTAIN DATE; TO AMEND  
57 SECTION 43-27-203, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE  
58 MISSISSIPPI YOUTH CHALLENGE PROGRAM SHALL BE UNDER THE  
59 JURISDICTION OF THE DEPARTMENT OF JUVENILE JUSTICE; TO AMEND  
60 SECTION 43-27-401, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE  
61 PRECEDING PROVISIONS; TO AMEND SECTION 47-5-138, MISSISSIPPI CODE  
62 OF 1972, TO EXCLUDE YOUTH FROM THE EIGHTY-FIVE PERCENT RULE WHO  
63 ARE UNDER THE AGE OF TWENTY-ONE, AND WHO HAVE COMMITTED NONVIOLENT  
64 OFFENSES AND ARE UNDER THE JURISDICTION OF THE DEPARTMENT OF  
65 CORRECTIONS; TO AMEND SECTIONS 47-5-151, 47-7-45, 65-1-37 AND  
66 99-43-3, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING  
67 PROVISIONS; TO REPEAL SECTIONS 43-27-10, 43-27-11, 43-27-12,  
68 43-27-22, 43-27-23, 43-27-25, 43-27-27, 43-27-29 AND 43-27-35,  
69 MISSISSIPPI CODE OF 1972, WHICH PROVIDE THAT THE DEPARTMENT OF  
70 HUMAN SERVICES HAS JURISDICTION BEFORE THE JUVENILE CORRECTIONAL  
71 FACILITIES; TO PROVIDE THAT SECTIONS 1 THROUGH 14 OF THIS ACT  
72 SHALL STAND REPEALED ON JULY 1, 2010; TO AMEND SECTION 43-21-123,  
73 MISSISSIPPI CODE OF 1972, TO PROVIDE FOR STATE AND COUNTY  
74 CONTRIBUTIONS TOWARD THE YOUTH COURT BUDGET; TO AUTHORIZE THE  
75 GOVERNOR TO EXECUTE THE COMPACT FOR JUVENILES; TO PRESCRIBE ITS  
76 PURPOSE AND TO DEFINE CERTAIN TERMS; TO CREATE THE INTERSTATE  
77 COMMISSION FOR JUVENILES FROM THE COMPACTING STATES AND TO  
78 PRESCRIBE ITS POWERS AND DUTIES; TO ESTABLISH THE ORGANIZATION AND  
79 OPERATION OF THE INTERSTATE COMMISSION; TO PRESCRIBE THE  
80 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION; TO PROVIDE THAT  
81 OVERSIGHT, ENFORCEMENT AND DISPUTE RESOLUTION BE DONE BY THE  
82 INTERSTATE COMMISSION; TO PROVIDE FOR THE FINANCING OF THE  
83 INTERSTATE COMMISSION; TO PROVIDE THAT EACH MEMBER STATE OF THE  
84 COMPACT SHALL CREATE A STATE COUNCIL FOR INTERSTATE JUVENILE  
85 SUPERVISION; TO PROVIDE FOR THE WITHDRAWAL, DEFAULT, TERMINATION  
86 AND JUDICIAL ENFORCEMENT PROCEDURES OF THE COMPACT; TO REPEAL  
87 SECTIONS 43-25-1 THROUGH 43-25-17, MISSISSIPPI CODE OF 1972, WHICH  
88 PROVIDE THE INTERSTATE COMPACT ON JUVENILES; AND FOR RELATED  
89 PURPOSES.

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

91 **SECTION 1.** The Legislature finds that:

92 (a) The children and families of the state are the most  
93 precious resource and require the state's highest priority and  
94 attention;

95 (b) A juvenile justice system that relies primarily on  
96 cost effective programs focused on the family environment, which  
97 help to reduce juvenile delinquency and increase public safety, is  
98 in the best interest of the children and families of this state;

99 (c) Juvenile rehabilitation should be a priority and  
100 meaningful rehabilitation is critical, and utilizing all the tools  
101 which range from early intervention treatment, alternative  
102 sanctions and residential, commitment, if necessary.

103           (d) It is the intent of the Legislature that the  
104 Department of Juvenile Justice shall seek funds from the federal  
105 government, private foundations and partner with universities and  
106 colleges to help ensure that at-risk youth of the state will  
107 receive quality services so that they can achieve their true  
108 potential.

109           SECTION 2. (1) There is created the Department of Juvenile  
110 Justice, which shall be supervised and directed by the State Board  
111 of Juvenile Justice. From and after July 1, 2005, the name of the  
112 Oakley Training School is changed to the Juvenile Justice Center  
113 at Hinds, which shall continue to house only males, and the name  
114 of the Columbia Training School is changed to the Juvenile Justice  
115 Center at Marion, which shall house only females. All  
116 administrative changes shall be implemented by July 1, 2006. The  
117 Department of Juvenile Justice, which shall be headquartered at  
118 the Juvenile Justice Center at Hinds, shall have complete  
119 authority and shall provide the requisite supervision for the  
120 Juvenile Justice Center at Hinds and the Juvenile Justice Center  
121 at Marion.

122           (2) There is created the Board of the Department of Juvenile  
123 Justice, which shall be composed of nine (9) board members. It is  
124 the intent of the Legislature that the appointments to the board  
125 reflect the racial and sexual demographics of the entire state.  
126 The initial appointments to the Board of Juvenile Justice shall be  
127 for staggered terms as follows:

128           (a) Three (3) members who have expertise in education,  
129 corrections and healthcare, and who are appointed by the Governor  
130 for a term to expire June 30, 2010;

131           (b) Two (2) members who have expertise in education and  
132 business/personnel management, and who are appointed by the  
133 Lieutenant Governor for a term to expire June 30, 2009;

134           (c) Two (2) members from the mental health profession,  
135 who are appointed by the Speaker of the House of Representatives  
136 for terms to expire June 30, 2008; and

137           (d) Two (2) members from the Office of the Attorney  
138 General, who are appointed by the Attorney General for a term to  
139 expire June 30, 2007.

140           In the event of a vacancy for the initial terms, the  
141 Governor, Lieutenant Governor and Speaker of the House of  
142 Representatives shall by appointment fill the unexpired initial  
143 terms.

144           (3) At the expiration of the original terms of the members  
145 appointed by the Governor, Lieutenant Governor, Speaker of the  
146 House of Representatives and the Attorney General, each successor  
147 member shall be appointed for a term of four (4) years by the  
148 Governor.

149           All meetings of the board shall be called by the chairman,  
150 except the first meeting of the original board members, which  
151 shall be called by the Governor.

152           (4) Each member of the board shall be a citizen of the  
153 United States, and a resident of the State of Mississippi, and a  
154 qualified elector therein, of integrity and sound and nonpartisan  
155 judgment. Each member shall qualify by taking the oath of office  
156 as prescribed by Section 28 of the Constitution and shall hold  
157 office until his or her successor is appointed. The board shall  
158 establish its principal office at Jackson, Mississippi, at which  
159 the records of the board shall be kept.

160           (5) The members of the Board of the Department of Juvenile  
161 Justice shall be paid a per diem as authorized by Section 25-3-69  
162 and shall be reimbursed for necessary and ordinary expenses and  
163 mileage incurred while performing their duties as members of the  
164 board, at the rate authorized by Section 25-3-41.

165           (6) The members of the board shall take an oath to perform  
166 faithfully the duties of their office. The oath shall be

167 administered by a person qualified by law to administer oaths.  
168 Within thirty (30) days after taking the oath of office, the first  
169 board appointed under this section shall meet for an  
170 organizational meeting on call by the Governor. At such meeting  
171 and at an organizational meeting in January every odd-numbered  
172 year thereafter, the board shall elect from its members a  
173 chairman, vice chairman and secretary-treasurer to serve for terms  
174 of two (2) years. The board shall adopt rules for transacting its  
175 business and keeping records at its first meeting.

176 (7) The members of the board shall adopt rules and  
177 regulations not inconsistent with Sections 41-95-1 through  
178 41-95-9, in compliance with the Mississippi Administrative  
179 Procedures Law, for the conduct of its business and the carrying  
180 out of its duties.

181 (8) The members of the board shall hold a monthly regular  
182 meeting, and additional meetings may be held upon the call of the  
183 chairperson or at the written request of any three (3) members. A  
184 majority of the board shall constitute a quorum, and three (3)  
185 affirmative votes shall be necessary for adoption or promulgation  
186 of any rule, regulation or order. Any member who shall not attend  
187 three (3) consecutive regular meetings of the board, for any  
188 reason other than illness of such member, shall be removed from  
189 office by the Governor. The chairperson of the board shall notify  
190 the Governor in writing when any member has failed to attend three  
191 (3) consecutive regular meetings.

192 (9) Where a question which has been presented or has arisen  
193 to be acted upon by the board directly affects the interest of a  
194 member or members of the board, such member or members shall  
195 recuse himself or themselves from action upon such question.

196 (10) The board shall adopt an official seal, and may sue and  
197 be sued.

198 (11) The members of the board are individually exempt from  
199 any civil liability as a result of any action taken by the board.

200           (12) The chief executive, administrative and fiscal officer  
201 of the department shall be the executive director of the  
202 Department of Juvenile Justice who shall possess the minimum  
203 qualifications prescribed for the position by the State Personnel  
204 Board. The Board of the Department of Juvenile Justice shall  
205 appoint the executive director, who shall serve a five-year term  
206 and who may be removed by the board for cause.

207           (13) The executive director shall receive an annual salary  
208 fixed by the board, not to exceed the maximum authorized by the  
209 State Personnel Board, in addition to all actual, necessary  
210 expenses incurred in the discharge of official duties, including  
211 mileage as authorized by law.

212           (14) The executive director shall be required, upon assuming  
213 the duties of his office, to execute a good and sufficient bond  
214 payable to the State of Mississippi in the sum of Two Hundred  
215 Fifty Thousand Dollars (\$250,000.00), conditioned upon an accurate  
216 accounting for all monies and property coming into his hands. The  
217 executive director, upon approval by the board, may require of  
218 other officers, employees and agents of the department a good and  
219 sufficient bond in such sum as he may determine, subject to the  
220 minimum requirements set forth in this subsection, payable to the  
221 State of Mississippi upon the same condition. The bonds shall be  
222 approved by the board and filed with the Secretary of State, and  
223 shall be executed by a surety company authorized to do business  
224 under the laws of this state. The premium on any such bond shall  
225 be paid by the state out of the support and maintenance fund of  
226 the department.

227           (15) The department shall be vested with the exclusive  
228 responsibility for management and control of all juvenile  
229 correctional facilities authorized by law, and all property  
230 belonging to the juvenile correctional facilities, and shall be  
231 responsible for the proper care, treatment, feeding, clothing and

232 management of the juveniles in the juvenile correctional  
233 facilities.

234 (16) On June 30, 2005, all records, property, funds, other  
235 assets and personnel of the juvenile correctional facilities under  
236 the jurisdiction of the Office of Youth Services of the Department  
237 of Human Services that relates to youth service programs over all  
238 state-supported juvenile correctional facilities shall be  
239 transferred to the Department of Juvenile Justice.

240 (17) (a) Beginning July 1, 2006, the Juvenile Justice  
241 Center at Hinds will be subject to the following caps:

242 (i) As of July 1, 2006, the center shall be  
243 authorized to house a maximum of three hundred sixty-five (365)  
244 males;

245 (ii) As of July 1, 2007, the center shall be  
246 authorized to house a maximum of two hundred sixty-five (265)  
247 males;

248 (iii) As of July 1, 2008, the center shall be  
249 authorized to house a maximum of one hundred sixty-five (165)  
250 males.

251 (b) Beginning July 1, 2006, the Juvenile Justice Center  
252 at Marion will be subject to the following caps:

253 (i) As of July 1, 2006, the center shall be  
254 authorized to house a maximum of one hundred fifty-eight (158)  
255 females;

256 (ii) As of July 1, 2007, the center shall be  
257 authorized to house a maximum of one hundred sixteen (116)  
258 females;

259 (iii) As of July 1, 2008, the center shall be  
260 authorized to house a maximum of seventy-five (75) females.

261 (18) No facility operated by the Department of Juvenile  
262 Justice shall operate a paramilitary or boot camp type program.  
263 Facilities must develop residential and nonresidential programming  
264 that incorporates two (2) or more of the following elements:

265 academic, tutoring/literacy, mentoring, vocational training,  
266 substance abuse counseling, family counseling, mental health  
267 services, special education services and community service. Each  
268 facility must provide specific medical, educational, vocational,  
269 social and psychological guidance, training, social education,  
270 counseling, substance abuse treatment and other rehabilitative  
271 services required by children of the facility.

272 (19) This section, Section 1 of this act, Sections 3 through  
273 14 of this act, Sections 31-11-3, 37-31-65, 37-113-21, 37-143-15,  
274 43-14-1, 43-14-5, 43-21-105, 43-21-109, 43-21-151, 43-21-157,  
275 43-21-159, 43-21-315, 43-21-321, 43-21-605, 43-27-8, 43-27-20,  
276 43-27-201, 43-27-203, 43-27-401, 47-5-138, 47-5-151, 47-7-45,  
277 65-1-37 and 99-43-3 shall stand repealed on July 1, 2010.

278 **SECTION 3.** (1) The Department of Juvenile Justice shall  
279 exercise executive and administrative supervision over all  
280 state-owned facilities used for the detention, training, care and  
281 treatment of delinquent children properly committed to or confined  
282 in those facilities by a court on account of that delinquency.  
283 However, executive and administrative supervision under  
284 state-owned facilities shall not extend to any institutions and  
285 facilities for which executive and administrative supervision has  
286 been provided otherwise by law through other agencies.

287 (2) The department shall have exclusive supervisory care,  
288 custody and active control of all children properly committed to  
289 or confined in its facilities and included in its programs and  
290 shall have control of the grounds, buildings and other facilities  
291 and properties of those facilities and programs. Any child  
292 committed to a facility under the jurisdiction of the department  
293 may be transferred by the executive director, in his or her  
294 discretion, to any of the other facilities under the jurisdiction  
295 of the department.

296 (3) The juvenile correctional facilities under the  
297 jurisdiction of the department shall include, but not be limited



298 to, the Columbia Training School created by Chapter 111, Laws of  
299 1916, the Oakley Training School created by Chapter 205, Laws of  
300 1942, and those facilities authorized by Sections 43-27-201  
301 through 43-27-233.

302 (4) The department may receive, hold and use personal, real  
303 and mixed property donated to or otherwise acquired by the  
304 department, and shall have such other authority as is necessary  
305 for the operation of any juvenile correctional facility. The  
306 department shall be responsible for the planning, development and  
307 coordination of a statewide, comprehensive youth services program  
308 designed to train and rehabilitate children in order to prevent,  
309 control and retard juvenile delinquency.

310 (5) The department may develop and implement diversified  
311 programs and facilities to promote, enhance, provide and assure  
312 the opportunities for the successful care, training and treatment  
313 of delinquent children properly committed to or confined in any  
314 facility under its control. Those programs and facilities may  
315 include, but not be limited to, juvenile justice centers, foster  
316 homes, halfway houses, forestry camps, regional diagnostic  
317 centers, detention centers and other state and local  
318 community-based programs and facilities.

319 (6) The department may acquire whatever hazard, casualty or  
320 workers' compensation insurance is necessary for any property,  
321 real or personal, owned, leased or rented by the department or for  
322 any employees or personnel hired by the department and may acquire  
323 professional liability insurance on all employees as deemed  
324 necessary and proper by the department. All premiums due and  
325 payable on account thereof shall be paid out of the funds of the  
326 department.

327 **SECTION 4.** (1) The Department of Juvenile Justice shall  
328 succeed to the exclusive control of all records, books, papers,  
329 equipment and supplies, and all lands, buildings and other real  
330 and personal property now or hereafter belonging to or assigned to

331 the use and benefit or under the control of the Juvenile Justice  
332 Center at Hinds and the Juvenile Justice Center at Marion, and  
333 shall have the exercise and control of the use, distribution and  
334 disbursement of all funds, appropriations and taxes now or  
335 hereafter in possession, levied, collected or received or  
336 appropriated for the use, benefit, support and maintenance of  
337 those training schools. The department shall have general  
338 supervision of all the affairs of those juvenile justice centers,  
339 and the care and conduct of all buildings and grounds, business  
340 methods and arrangements of accounts and records, the organization  
341 of the administrative plans of each juvenile justice center, and  
342 all other matters incident to the proper functioning of the  
343 juvenile justice centers.

344 (2) The department shall have full authority over the  
345 operation of any and all farms at each of the juvenile justice  
346 centers and over the distribution of agricultural, dairy,  
347 livestock and any and all other products therefrom and over all  
348 funds received from the sale of hogs and livestock. All sums  
349 realized from the sale of products manufactured and fabricated in  
350 the shops of the vocational departments of the juvenile justice  
351 centers shall be placed in the revolving fund of the respective  
352 juvenile justice center in which the products were manufactured,  
353 fabricated and sold.

354 (3) The department shall be authorized to lease the lands of  
355 the juvenile justice centers for oil, gas and mineral exploration,  
356 and for such other purposes as the department deems to be  
357 appropriate, on such terms and conditions as the department and  
358 lessee agree. The granting of any leases for oil, gas and mineral  
359 exploration shall be on a public bid basis as prescribed by law.  
360 The department may contract with the State Forestry Commission for  
361 the proper management of forest lands and the sale of timber, and  
362 the department may sell timber and forestry products. The  
363 department may expend the net proceeds from incomes from all

364 leases and timber sales exclusively for the instructional purposes  
365 or operational expenses, or both, at the juvenile justice centers  
366 under its jurisdiction.

367       **SECTION 5.** (1) The Executive Director of the Department of  
368 Juvenile Justice shall appoint the individual administrators of  
369 the facilities under the jurisdiction of the department who, in  
370 turn, shall have full power to select and employ personnel  
371 necessary to operate the facility that they direct, subject to the  
372 approval of the executive director.

373       (2) In administering the Juvenile Justice Centers at Hinds  
374 and Marion under its jurisdiction, the department and the  
375 executive director shall have the following duties:

376               (a) To operate and maintain the juvenile justice  
377 centers and other facilities as may be needed to properly  
378 diagnose, care for, train, educate and rehabilitate children and  
379 youths who have been committed to or confined in the centers or  
380 who are included in the programs of the centers.

381               (b) To fulfill the objectives of rehabilitation and  
382 reformation of the youths confined in the centers, being careful  
383 to employ no discipline, training or utilization of time and  
384 efforts of the youth that under any condition or in any way  
385 interferes with those objectives.

386               (c) To group the youths in the facilities according to  
387 age, sex and disciplinary needs with respect to their housing,  
388 schooling, training, recreation and work, being careful to prevent  
389 injury to the morals or interference with the training and  
390 rehabilitation of the younger or correctable youths by those  
391 considered to be less amenable to discipline and rehabilitation.

392       **SECTION 6.** The administrators of the juvenile justice  
393 centers under the jurisdiction of the Department of Juvenile  
394 Justice each may receive free lodging in his respective facility  
395 for himself or herself and his or her family, but not free board  
396 nor free supplies from the institution. Upon each administrator's

397 election to receive board for himself and family from the  
398 facility, the department shall enter on its records in advance the  
399 names and ages of the members of the family and fix the charges  
400 for their board at the average cost of table board in that  
401 community, but in no event at an amount less than the cost of the  
402 board to the facility. The amount of the board so fixed shall be  
403 paid by the administrator into the State Treasury before his  
404 salary for the next succeeding month will be paid. The department  
405 shall make a detailed and itemized statement thereof to the  
406 Legislature. The same restrictions shall apply to all members of  
407 the support staff of the service centers.

408       **SECTION 7.** (1) Academic and vocational training at all  
409 facilities under the jurisdiction of the Department of Juvenile  
410 Justice shall meet standards prescribed by the State Department of  
411 Education based upon standards required for public schools. The  
412 department may prescribe such additional requirements as it may  
413 from time to time deem necessary. The Department of Juvenile  
414 Justice shall request accreditation as a nonpublic school as  
415 prescribed in Section 37-17-7, and shall maintain educational  
416 standards equivalent to the standards established by the State  
417 Department of Education for the state schools as outlined in the  
418 Approval Requirements of the State Board of Education for  
419 Nonpublic Schools.

420       (2) The State Superintendent of Public Education shall  
421 administer the standards related to the high school and elementary  
422 school programs. Reports from the State Department of Education  
423 evaluating the educational program at all juvenile justice  
424 centers and indicating whether or not the program meets the  
425 standards as prescribed shall be made directly to the Executive  
426 Director of the Department of Juvenile Justice at regularly  
427 scheduled meetings. Such State Department of Education  
428 supervisory personnel as deemed appropriate shall be utilized for

429 evaluating the programs and for reporting to the executive  
430 director.

431        SECTION 8. (1) The Juvenile Justice Centers at Hinds and  
432 Marion shall each have one (1) special master assigned to the  
433 centers, who are appointed by the Chief Justice of the Mississippi  
434 Supreme Court. The jurisdiction of such special masters shall be  
435 limited to those cases where the youth court has not previously  
436 ruled on a child's mental status. If after a child is referred to  
437 a juvenile justice center of the department and is believed that  
438 he or she is mentally ill, suicidal or mentally retarded, then a  
439 hearing must be held within forty-eight (48) hours, excluding  
440 Saturdays, Sundays and statutory state holidays, to determine  
441 proper placement for the child. Such hearing will be held before  
442 a special master that is assigned to each juvenile justice center.

443        (2) When a child in the jurisdiction of the department is  
444 committed to the custody of a juvenile justice center and is  
445 believed to be in need of treatment for a mental or emotional  
446 disability or infirmity, the department through its special  
447 master, as described in this section, shall file an affidavit  
448 alleging that the child is in need of mental health service. The  
449 special master shall refer the child to the appropriate community  
450 mental health center for evaluation pursuant to Section 41-21-67.  
451 If the prescreening evaluation recommends civil commitment, the  
452 special master shall proceed with civil commitment pursuant to  
453 Sections 41-21-61 et seq., 43-21-315 and 43-21-611, and the  
454 Department of Mental Health, once commitment is ordered, shall  
455 provide appropriate care treatment and services for at least as  
456 many adolescents as were provided services in fiscal year 2005 in  
457 its facilities. The Department of Mental Health shall provide  
458 appropriate care, treatment and services at the following  
459 facilities: Brookhaven Juvenile Rehabilitation Center, Oak Circle  
460 at Mississippi State Hospital, East Mississippi State Hospital

461 Adolescent Unit, Specialized Treatment for the Emotionally  
462 Disabled in Harrison County.

463 (3) The medical services departments at the Juvenile Justice  
464 Centers at Hinds and Marion shall be in operation twenty-four (24)  
465 hours a day seven (7) days a week to provide appropriate treatment  
466 or training for youth committed to the centers.

467 **SECTION 9.** (1) The Department of Finance and  
468 Administration, for and on behalf of the Department of Juvenile  
469 Justice and the State of Mississippi, may enter into a purchase  
470 contract, a lease-purchase agreement or other similar contract for  
471 the acquisition of land, buildings or equipment that would be  
472 suitable for use by the Department of Juvenile Justice in  
473 providing housing and facilities for youth under its jurisdiction  
474 regardless of the ages of those youths and that would assist the  
475 Department of Juvenile Justice in the performance of its duties  
476 under Sections 1 through 8 of this act. Before entering into any  
477 such contract or agreement, the Department of Finance and  
478 Administration must first demonstrate to the Public Procurement  
479 Review Board satisfactory evidence that the contract or agreement  
480 would be economically advantageous to the Department of Juvenile  
481 Justices.

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

486 **SECTION 10.** (1) There is created the Mississippi Challenge  
487 Program (MCP) for Boys and the Mississippi Challenge Program (MCP)  
488 for Girls which shall provide environmentally secure residential  
489 services for males and females between the ages of fourteen (14)  
490 to seventeen (17) who are at risk of placement in a juvenile  
491 justice center. There shall be two (2) regional programs for  
492 females and two (2) regional programs for males.

493           Beginning July 1, 2006, the department shall phase in a MCP  
494 in each congressional district over a period of four (4) years.  
495 The phase in of the MCPS shall be as follows:

496           (a) As of July 1, 2007, the Second Congressional  
497 District shall have a MCP for males;

498           (b) As of July 1, 2008, the Third Congressional  
499 District shall have a MCP for females;

500           (c) As of July 1, 2009, the Fourth Congressional  
501 District shall have a MCP for males; and

502           (d) As of July 1, 2010, the First Congressional District  
503 shall have a MCP for females.

504           (2) A nonprofit organization who has competitively bid and  
505 won the contract for the MCP, pursuant to subsection (6) of this  
506 section, may implement and administer the MCP and may promulgate  
507 rules and regulations concerning the administration of the  
508 program. The nonprofit organization may prepare written  
509 guidelines concerning the nomination and selection process of  
510 participants in the program, and such guidelines may include a  
511 list of the factors considered in the selection established from  
512 bids from nonprofit organizations. The MCP may be a  
513 challenge-based program and may house thirty-five (35) males and  
514 thirteen (13) females who may be housed separately at each  
515 regional facility. All program services for males and females may  
516 be separate and may be held on different sites. The MCP design  
517 may include individual educational, behavior modification and  
518 treatment services for all of its residents.

519           (3) Participation in the Mississippi Challenge Programs  
520 shall be on a voluntary basis. No child may be ordered by any  
521 court to participate in the program; however, a youth court judge  
522 may refer the program to a child when such program would be  
523 sufficient to meet the needs of the child.

524           (4) The nonprofit organization may award an adult high  
525 school diploma to each participant who meets the requirements for

526 a general educational development (GED) equivalent under the  
527 policies and guidelines of the GED Testing Service of the American  
528 Council on Education and any other minimum academic requirements  
529 prescribed by the nonprofit organization for graduation from the  
530 Mississippi Challenge Program. Participants in the program who do  
531 not meet the minimum academic requirements may be awarded a  
532 special certificate of attendance. The nonprofit organization may  
533 establish rules and regulations for awarding the adult high school  
534 diploma and may prescribe the form for such diploma and the  
535 certificate of attendance.

536 (5) The nonprofit organization may accept any available  
537 funds that may be used to defray the expenses of the program  
538 including, but not limited to, federal funding, public or private  
539 funds and any funds that may be appropriated by the Legislature  
540 for that purpose.

541 (6) The Department of Juvenile Justice may publicly issue a  
542 request for proposals to nonprofit organizations for the  
543 establishment of the MCP. The request for proposals when issued  
544 may contain terms and conditions relating to price, services  
545 needed and such other matters are determined by the department to  
546 be appropriate for inclusion or required by law. After responses  
547 to the request for proposals have been duly received, the  
548 department may select the lowest and best bids on the basis of  
549 price, services needed and other relevant factors and from such  
550 proposals, but not limited to, the terms thereof negotiate and  
551 enter into contract(s) with one or more of the nonprofit  
552 organizations submitting proposals.

553 **SECTION 11.** (1) There is created the Mississippi Transition  
554 Program (MTP) for Boys and the Mississippi Transition Program  
555 (MTP) for Girls which may provide nonresidential and residential  
556 services for males and females between the ages of fourteen (14)  
557 to seventeen (17) who are exiting juvenile justice centers or  
558 other institutional facilities. There may be a MTP for females



559 which may be located in Marion County and the MTP for males may be  
560 located in Hinds County. Youth referred for placement may be  
561 youth on probation, parole or other status and are under the  
562 jurisdiction of the department. The program may include  
563 individual educational, behavior modification and treatment for  
564 all of its participants.

565 (2) A nonprofit organization who has competitively bid and  
566 won the contract for the MTP, pursuant to subsection (5) of this  
567 section, may implement and administer the MTP and may promulgate  
568 rules and regulations concerning the administration of the  
569 program. The nonprofit organization may prepare written  
570 guidelines concerning the nomination and selection process of  
571 participants in the program, and such guidelines may include a  
572 list of the factors considered in the selection process. The MTP  
573 may be a challenge-based program and may house thirty (30) males  
574 and fifteen (15) females who may be housed separately at each  
575 regional facility. All program services for males and females may  
576 be separate and may be held on different sites. The MTP design  
577 may include individual educational, behavior modification and  
578 treatment services for all of its residents.

579 (3) The nonprofit organization may award an adult high  
580 school diploma to each participant who meets the requirements for  
581 a general educational development (GED) equivalent under the  
582 policies and guidelines of the GED Testing Service of the American  
583 Council on Education and any other minimum academic requirements  
584 prescribed by the nonprofit organization for graduation from the  
585 Mississippi Transition Program. Participants in the program who  
586 do not meet the minimum academic requirements may be awarded a  
587 special certificate of attendance. The nonprofit organization may  
588 establish rules and regulations for awarding the adult high school  
589 diploma and may prescribe the form for such diploma and the  
590 certificate of attendance.

591 (4) The nonprofit organization may accept any available  
592 funds that may be used to defray the expenses of the program  
593 including, but not limited to, federal funding, public or private  
594 funds and any funds that may be appropriated by the Legislature  
595 for that purpose.

596 (5) The Department of Juvenile Justice may publicly issue a  
597 request for proposals to nonprofit organizations for the  
598 establishment of the MTPs. The request for proposals when issued  
599 may contain terms and conditions relating to price, services  
600 needed and such other matters are determined by the department to  
601 be appropriate for inclusion or required by law. After responses  
602 to the request for proposals have been duly received, the  
603 department may select the lowest and best bids on the basis of  
604 price, services needed and other relevant factors and from such  
605 proposals, but not limited to, the terms thereof negotiate and  
606 enter into contract(s) with one or more of the nonprofit  
607 organizations submitting proposals.

608 **SECTION 12.** (1) There is established the Juvenile Detention  
609 Facilities Monitoring Unit under the Mississippi Attorney  
610 General's office. The unit shall inspect all juvenile detention  
611 facilities on a quarterly basis. The inspections shall encompass  
612 the following:

613 (a) Ensuring and certifying that the juvenile detention  
614 facilities are in compliance with the minimum standards of  
615 operation, as established in Section 43-21-321;

616 (b) Providing technical assistance and advice to  
617 juvenile detention facilities, which will assist the facilities in  
618 complying with the minimum standards.

619 (2) Additional duties of the monitoring unit are as follows:

620 (a) To develop specific sanctions in conjunction with  
621 and for the approval of the Juvenile Detention Facilities Advisory  
622 Board, as created in Section 13 of this act;

623 (b) To conduct an assessment of all juvenile detention  
624 facilities and to determine how far each is from coming into  
625 compliance with the minimum standards, as established in Section  
626 43-21-301(6) and Section 43-21-321; and

627 (c) To develop a strategic plan and a timeline for each  
628 juvenile detention facility to come into compliance with the  
629 minimum standards as described in paragraph (b) of this  
630 subsection.

631 **SECTION 13.** (1) There is established the Juvenile Detention  
632 Facilities Advisory Board, which will serve as a permanent  
633 advisory and oversight entity to the Juvenile Facilities Detention  
634 Monitoring Unit, as created in Section 12 of this act.

635 (2) The advisory board shall consist of nineteen (19)  
636 members, each of whom shall serve for a four-year term, as  
637 follows:

638 (a) Two (2) representatives of juvenile detention  
639 facilities who are appointed by the Commissioner of the Department  
640 of Public Safety;

641 (b) One (1) representative of the Office of Youth  
642 Services of the Department of Human Services who is appointed by  
643 the Executive Director of the Department of Human Services;

644 (c) One (1) representative of the Division of Public  
645 Safety Planning of the Department of Public Safety who is not from  
646 the Office of Justice Programs, who is appointed by the  
647 Commissioner of Public Safety;

648 (d) One (1) representative of the State Department of  
649 Health who is appointed by the Executive Director of the State  
650 Department of Health;

651 (e) One (1) representative of the Department of Mental  
652 Health who is appointed by the Executive Director of the  
653 Department of Mental Health;

654 (f) One (1) representative of the Mississippi  
655 Association of Supervisors who is appointed by the Director of the  
656 Mississippi Association of Supervisors;

657 (g) One (1) representative of the State Department of  
658 Education who has expertise in academic programs and services, who  
659 is appointed by the State Superintendent of Public Education;

660 (h) One (1) representative of the county sheriffs who  
661 is appointed by the President of the Mississippi Sheriff's  
662 Association;

663 (i) One (1) representative of a youth advocacy  
664 organization or group who is appointed by the Director of the  
665 Office of Youth Services of the Department of Human Services;

666 (j) One (1) representative of the Mississippi Council  
667 of Youth Court Judges who is appointed by the President of the  
668 Mississippi Council of Youth Court Judges;

669 (k) One (1) attorney representative who has experience  
670 in youth court matters, who is appointed by the Attorney General;

671 (l) Two (2) members of the Juvenile Justice Committee  
672 of the House of Representatives and one (1) parent of a child who  
673 is committed or has been committed to a state training school, who  
674 are appointed by the Speaker of the House of Representatives;

675 (m) Two (2) members of the Judiciary B Committee of the  
676 Senate who are appointed by the Lieutenant Governor;

677 (n) One (1) representative of a faith-based community,  
678 who is appointed by the Governor; and

679 (o) One (1) representative from the Mississippi  
680 citizenry at large who is appointed by the Governor.

681 (3) The duties of the advisory board are as follows:

682 (a) To periodically review standards for the operation  
683 of juvenile detention facilities;

684 (b) To periodically review standards for the  
685 appropriate delivery of essential services and programs for youth  
686 housed at juvenile detention facilities;

687 (c) To periodically review the training requirements of  
688 personnel of the juvenile detention facilities;

689 (d) To review and provide advice to the monitoring  
690 unit, as created in Section 12 of this act, as the unit develops  
691 strategic plans for compliance, and to work in conjunction with  
692 the unit to develop specific sanctions for noncompliance of the  
693 minimum standards;

694 (e) To serve in an oversight capacity to the monitoring  
695 unit in ensuring that the unit moves toward improving juvenile  
696 detention facilities; and

697 (f) To continue to make further recommendations to  
698 improve or expand basic standards for juvenile detention  
699 facilities.

700 (4) At its first meeting, and every four (4) years  
701 thereafter, the advisory board shall elect a chairman and vice  
702 chairman from its membership, and shall adopt rules for  
703 transacting its business and keeping records. The advisory board  
704 may establish an attendance policy, and those members of the  
705 advisory board who are consistently absent shall be replaced.

706 (5) If sufficient funds are available to the advisory board  
707 for that purpose, members of the advisory board may receive a per  
708 diem in the amount provided in Section 25-3-69 for each day  
709 engaged in the business of the advisory board, and members of the  
710 advisory board other than the legislative members may receive  
711 reimbursement for travel expenses incurred while engaged in  
712 official business of the advisory board in accordance with Section  
713 25-3-41.

714 **SECTION 14.** Beginning July 1, 2006, every county of the  
715 state shall establish a juvenile drug court as prescribed in  
716 Section 9-23-1 et seq. The phase in of the juvenile drug courts  
717 shall occur over a period of four (4) years as follows:

718           (a) As of July 1, 2007, all counties shall have at  
719 least one (1) juvenile drug court in the Second Congressional  
720 District;

721           (b) As of July 1, 2008, all counties shall have at  
722 least one (1) juvenile drug court in the Third Congressional  
723 District;

724           (c) As of July 1, 2009, all counties shall have at  
725 least one (1) juvenile drug court in the Fourth Congressional  
726 District; and

727           (d) As of July 1, 2010, all counties shall have at  
728 least one (1) juvenile drug court in the First Congressional  
729 District.

730           **SECTION 15.** Section 31-11-3, Mississippi Code of 1972, is  
731 amended as follows:

732           31-11-3. (1) The Department of Finance and Administration,  
733 for the purposes of carrying out the provisions of this chapter,  
734 in addition to all other rights and powers granted by law, shall  
735 have full power and authority to employ and compensate architects  
736 or other employees necessary for the purpose of making  
737 inspections, preparing plans and specifications, supervising the  
738 erection of any buildings, and making any repairs or additions as  
739 may be determined by the Department of Finance and Administration  
740 to be necessary, pursuant to the rules and regulations of the  
741 State Personnel Board. The department shall have entire control  
742 and supervision of, and determine what, if any, buildings,  
743 additions, repairs or improvements are to be made under the  
744 provisions of this chapter, subject to the approval of the Public  
745 Procurement Review Board.

746           (2) The department shall have full power to erect buildings,  
747 make repairs, additions or improvements, and buy materials,  
748 supplies and equipment for any of the institutions or departments  
749 of the state subject to the approval of the Public Procurement  
750 Review Board. In addition to other powers conferred, the

751 department shall have full power and authority as directed by the  
752 Legislature, or when funds have been appropriated for its use for  
753 these purposes, to:

754 (a) Build a state office building;

755 (b) Build suitable plants or buildings for the use and  
756 housing of any state schools or institutions, including the  
757 building of plants or buildings for new state schools or  
758 institutions, as provided for by the Legislature;

759 (c) Provide state aid for the construction of school  
760 buildings;

761 (d) Promote and develop the training of returned  
762 veterans of the United States in all sorts of educational and  
763 vocational learning to be supplied by the proper educational  
764 institution of the State of Mississippi, and in so doing allocate  
765 monies appropriated to it for these purposes to the Governor for  
766 use by him in setting up, maintaining and operating an office and  
767 employing a state director of on-the-job training for veterans and  
768 the personnel necessary in carrying out Public Law No. 346 of the  
769 United States;

770 (e) Build and equip a hospital and administration  
771 building at the Mississippi State Penitentiary;

772 (f) Build and equip additional buildings and wards at  
773 the Boswell Retardation Center;

774 (g) Construct a sewage disposal and treatment plant at  
775 the state insane hospital, and in so doing acquire additional land  
776 as may be necessary, and to exercise the right of eminent domain  
777 in the acquisition of this land;

778 (h) Build and equip the Mississippi central market and  
779 purchase or acquire by eminent domain, if necessary, any lands  
780 needed for this purpose;

781 (i) Build and equip suitable facilities for a training  
782 and employing center for the blind;

783                   (j) Build and equip a gymnasium at the Juvenile Justice  
784 Center at Marion;

785                   (k) Approve or disapprove the expenditure of any money  
786 appropriated by the Legislature when authorized by the bill making  
787 the appropriation;

788                   (l) Expend monies appropriated to it in paying the  
789 state's part of the cost of any street paving;

790                   (m) Sell and convey state lands when authorized by the  
791 Legislature, cause said lands to be properly surveyed and platted,  
792 execute all deeds or other legal instruments, and do any and all  
793 other things required to effectively carry out the purpose and  
794 intent of the Legislature. Any transaction which involves state  
795 lands under the provisions of this paragraph shall be done in a  
796 manner consistent with the provisions of Section 29-1-1;

797                   (n) Collect and receive from educational institutions  
798 of the State of Mississippi monies required to be paid by these  
799 institutions to the state in carrying out any veterans'  
800 educational programs;

801                   (o) Purchase lands for building sites, or as additions  
802 to building sites, for the erection of buildings and other  
803 facilities which the department is authorized to erect, and  
804 demolish and dispose of old buildings, when necessary for the  
805 proper construction of new buildings. Any transaction which  
806 involves state lands under the provisions of this paragraph shall  
807 be done in a manner consistent with the provisions of Section  
808 29-1-1; and

809                   (p) Obtain business property insurance with a  
810 deductible of not less than One Hundred Thousand Dollars  
811 (\$100,000.00) on state-owned buildings under the management and  
812 control of the department.

813                   (3) The department shall survey state-owned and  
814 state-utilized buildings to establish an estimate of the costs of  
815 architectural alterations, pursuant to the Americans With



816 Disabilities Act of 1990, 42 USCS, Section 12111 et seq. The  
817 department shall establish priorities for making the identified  
818 architectural alterations and shall make known to the Legislative  
819 Budget Office and to the Legislature the required cost to  
820 effectuate such alterations. To meet the requirements of this  
821 section, the department shall use standards of accessibility that  
822 are at least as stringent as any applicable federal requirements  
823 and may consider:

824 (a) Federal minimum guidelines and requirements issued  
825 by the United States Architectural and Transportation Barriers  
826 Compliance Board and standards issued by other federal agencies;

827 (b) The criteria contained in the American Standard  
828 Specifications for Making Buildings Accessible and Usable by the  
829 Physically Handicapped and any amendments thereto as approved by  
830 the American Standards Association, Incorporated (ANSI Standards);

831 (c) Design manuals;

832 (d) Applicable federal guidelines;

833 (e) Current literature in the field;

834 (f) Applicable safety standards; and

835 (g) Any applicable environmental impact statements.

836 (4) The department shall observe the provisions of Section  
837 31-5-23, in letting contracts and shall use Mississippi products,  
838 including paint, varnish and lacquer which contain as vehicles  
839 tung oil and either ester gum or modified resin (with rosin as the  
840 principal base of constituents), and turpentine shall be used as a  
841 solvent or thinner, where these products are available at a cost  
842 not to exceed the cost of products grown, produced, prepared, made  
843 or manufactured outside of the State of Mississippi.

844 (5) The department shall have authority to accept grants,  
845 loans or donations from the United States government or from any  
846 other sources for the purpose of matching funds in carrying out  
847 the provisions of this chapter.

848           (6) The department shall build a wheelchair ramp at the War  
849 Memorial Building which complies with all applicable federal laws,  
850 regulations and specifications regarding wheelchair ramps.

851           (7) The department shall review and preapprove all  
852 architectural or engineering service contracts entered into by any  
853 state agency, institution, commission, board or authority  
854 regardless of the source of funding used to defray the costs of  
855 the construction or renovation project for which services are to  
856 be obtained. The provisions of this subsection (7) shall not  
857 apply to any architectural or engineering contract paid for by  
858 self-generated funds of any of the state institutions of higher  
859 learning, nor shall they apply to community college projects that  
860 are funded from local funds or other nonstate sources which are  
861 outside the Department of Finance and Administration's  
862 appropriations or as directed by the Legislature. The provisions  
863 of this subsection (7) shall not apply to any construction or  
864 design projects of the State Military Department that are funded  
865 from federal funds or other nonstate sources.

866           (8) The department shall have the authority to obtain  
867 annually from the state institutions of higher learning  
868 information on all building, construction and renovation projects  
869 including duties, responsibilities and costs of any architect or  
870 engineer hired by any such institutions.

871           (9) (a) As an alternative to other methods of awarding  
872 contracts as prescribed by law, the department may use the  
873 design-build method or the design-build bridging method of  
874 contracting for new capital construction projects to be used as a  
875 pilot program for the following projects:

876                       (i) Projects for the Mississippi Development  
877 Authority pursuant to agreements between both governmental  
878 entities;

879                   (ii) Any project with an estimated cost of not  
880 more than Ten Million Dollars (\$10,000,000.00), not to exceed two  
881 (2) projects per fiscal year; and

882                   (iii) Any project which has an estimated cost of  
883 more than Fifty Million Dollars (\$50,000,000.00), not to exceed  
884 one (1) project per fiscal year.

885                   (b) As used in this subsection:

886                   (i) "Design-build method of contracting" means a  
887 contract that combines the design and construction phases of a  
888 project into a single contract and the contractor is required to  
889 satisfactorily perform, at a minimum, both the design and  
890 construction of the project.

891                   (ii) "Design-build bridging method of contracting"  
892 means a contract that requires design through the design  
893 development phase by a professional designer, after which a  
894 request for qualifications for design completion and construction  
895 is required for the completion of the project from a single  
896 contractor that combines the balance of design and construction  
897 phases of a project into a single contract. The contractor is  
898 required to satisfactorily perform, at a minimum, both the balance  
899 of design and construction of the project.

900                   (c) The department shall establish detailed criteria  
901 for the selection of the successful design-build/design-build  
902 bridging contractor in each request for design-build/design-build  
903 bridging proposals. The request for qualifications evaluation of  
904 the selection committee is a public record and shall be maintained  
905 for a minimum of three (3) years after project completion.

906                   (d) The department shall maintain detailed records on  
907 projects separate and apart from its regular record keeping. The  
908 department shall file a report to the Legislature evaluating the  
909 design-build/design-build bridging method of contracting by  
910 comparing it to the low-bid method of contracting. At a minimum,  
911 the report must include:

912 (i) The management goals and objectives for the  
913 design-build/design-build bridging system of management;

914 (ii) A complete description of the components of  
915 the design-build/design-build bridging management system,  
916 including a description of the system the department put into  
917 place on all projects managed under the system to insure that it  
918 has the complete information on building segment costs and to  
919 insure proper analysis of any proposal the department receives  
920 from a contractor;

921 (iii) The accountability systems the department  
922 established to monitor any design-build/design-build bridging  
923 project's compliance with specific goals and objectives for the  
924 project;

925 (iv) The outcome of any project or any interim  
926 report on an ongoing project let under a design-build/design-build  
927 bridging management system showing compliance with the goals,  
928 objectives, policies and procedures the department set for the  
929 project; and

930 (v) The method used by the department to select  
931 projects to be let under the design-build/design-build bridging  
932 system of management and all other systems, policies and  
933 procedures that the department considered as necessary components  
934 to a design-build/design-build bridging management system.

935 (e) All contracts let under the provisions of this  
936 subsection shall be subject to oversight and review by the State  
937 Auditor.

938 **SECTION 16.** Section 37-31-65, Mississippi Code of 1972, is  
939 amended as follows:

940 37-31-65. The funds derived from any sources for any trade  
941 school, such as the Mississippi School for the Deaf, Mississippi  
942 School for the Blind, the Juvenile Justice Center at Hinds or  
943 Parchman Vocational School or other agencies or institutions  
944 receiving funds for the purposes of this chapter, which are not

945 operated in connection with any public school, agricultural high  
946 school or community/junior college, or by virtue of any tuition,  
947 registration fees, or payment for services rendered or commodities  
948 produced, shall be the property of the State Board of Education.  
949 In the event any public school, agricultural high school or  
950 community/junior college establishes any trade school, classes or  
951 courses under Section 37-31-61, such funds shall be the property  
952 of such public school, agricultural high school or  
953 community/junior college, to be expended by the trustees thereof,  
954 and shall be expended solely for the expense of operating and  
955 conducting the trade school, classes or courses in connection with  
956 such public school, agricultural high school or community/junior  
957 college. None of such funds shall be commingled with the funds of  
958 any other of such schools, and none of such funds shall be  
959 commingled with any of the other funds of any of the public  
960 schools, agricultural high schools or community/junior colleges.  
961 All of such funds so created shall be and are \* \* \* declared to be  
962 public funds, as defined by law.

963       **SECTION 17.** Section 37-113-21, Mississippi Code of 1972, is  
964 amended as follows:

965       37-113-21. (1) Agriculture is the primary industry of  
966 Mississippi and it is to the interest of \* \* \* state agriculture  
967 that research in the fields of livestock products, pastures and  
968 forage crops, poultry, herd and flock management, horticulture,  
969 farm mechanization, soil conservation, forestry, disease and  
970 insect and parasite control, the testing of plants and livestock  
971 under different conditions, farm enterprises for different sized  
972 farms under different soil and climatic conditions and market  
973 locations, and other important phases of Mississippi's  
974 agricultural economy, be expanded in the manner provided for in  
975 this section.

976       (2) There is \* \* \* authorized a branch experiment station to  
977 be known as the Brown Loam Branch Experiment Station, which is to

978 be located on a part of that tract of land owned by the State of  
979 Mississippi and formerly operated as the Oakley Penitentiary and  
980 known as the Juvenile Justice Center at Hinds, same to be selected  
981 in accordance with Laws, 1954, Chapter 159, Section 3, and used as  
982 an agricultural experiment station. This property is to be  
983 supplied with necessary buildings, equipment, and other  
984 facilities; and title to such Oakley Penitentiary Farm, now known  
985 as the Juvenile Justice Center at Hinds, is to be transferred to  
986 the Board of Trustees of State Institutions of Higher Learning for  
987 the use of the Mississippi Agricultural and Forestry Experimental  
988 Station as the site of, and to be used for the Brown Loam Branch  
989 Experiment Station in accordance with Laws, 1954, Chapter 159,  
990 Section 3.

991 There is \* \* \* authorized a branch experiment station to be  
992 known as the Coastal Plain Branch Experiment Station to be located  
993 on a suitable tract of approximately nine hundred (900) acres to  
994 be purchased in the upper coastal plain or short leaf pine area of  
995 east central Mississippi and to be supplied with necessary  
996 buildings, equipment, and other facilities.

997 The enlargement of the Holly Springs Branch Experiment  
998 Station, hereafter to be known as the North Mississippi Branch  
999 Experiment Station, is \* \* \* authorized, by the purchase of  
1000 approximately five hundred (500) acres of additional land adjacent  
1001 to or in the vicinity of either of the two (2) farms now operated  
1002 by the branch stations, and by the provision of the necessary  
1003 buildings, equipment, and other facilities, and the sale, as  
1004 hereinafter provided, of that farm of the branch station which is  
1005 not adjacent to the additional land to be purchased.

1006 There is \* \* \* authorized the reactivation of the former  
1007 McNeil Branch Experiment Station to be operated as a part of the  
1008 South Mississippi Branch Experiment Station at Poplarville, and to  
1009 be supplied with necessary buildings, equipment, and other  
1010 facilities.

1011           There is \* \* \* authorized a branch experiment station to be  
1012 known as the Black Belt Branch Experiment Station to be located on  
1013 a suitable tract of approximately six hundred forty (640) acres of  
1014 land to be purchased in Noxubee County, Mississippi, and to be  
1015 supplied with the necessary buildings, equipment and other  
1016 facilities.

1017           There is \* \* \* authorized a branch experiment station to be  
1018 known as the Northeast Mississippi Branch Experiment Station to be  
1019 located on a suitable tract of approximately two hundred (200)  
1020 acres of land to be purchased in Lee County, Mississippi. The  
1021 station shall be primarily devoted to the development of the dairy  
1022 industry and shall be supplied with necessary buildings,  
1023 equipment, and other facilities.

1024           There is \* \* \* authorized the expansion of the office and  
1025 laboratory building at the Delta Branch Experiment Station at  
1026 Stoneville and of the office and laboratory and dwellings for  
1027 station workers at the Truck Crops Branch Experiment Station at  
1028 Crystal Springs.

1029           (3) The governing authorities of any municipality, town or  
1030 county in the state may, in their discretion, donate land, money  
1031 or other property to the board of trustees of state institutions  
1032 of higher learning in furtherance of the purposes of this section.

1033           For the purpose of securing funds to carry out this  
1034 subsection, the governing authorities of such municipality, town  
1035 or county are \* \* \* authorized and empowered, in their discretion,  
1036 to issue bonds or negotiate notes for the purpose of acquiring by  
1037 purchase, gift, or lease real estate for the purpose herein  
1038 authorized. Such issuance of bonds or notes shall be issued in an  
1039 amount not to exceed the limitation now or hereafter imposed by  
1040 law on counties, municipalities and towns, and shall be issued in  
1041 all respects including interest rate, maturities and other details  
1042 as is now or may hereafter be provided by general law regulating

1043 the issuance of bond or notes by the governing authorities of such  
1044 municipality, town, or county.

1045 (4) Any person, firm or corporation may contribute or donate  
1046 real or other property to the Board of Trustees of State  
1047 Institutions of Higher Learning in furtherance of the purpose of  
1048 this section.

1049 (5) The Board of Trustees of State Institutions of Higher  
1050 Learning is \* \* \* authorized, upon recommendation of the Director  
1051 of the Agricultural and Forestry Experimental Station at the  
1052 Mississippi State University of Agriculture and Applied Science,  
1053 which recommendation is approved by and transmitted to the board  
1054 by the president of the university, to carry out the provisions of  
1055 this section with particular reference to the establishment,  
1056 reactivation, expansion, and the discontinuance of branch stations  
1057 as herein provided, to receive and accept title to any land or  
1058 property or money herein authorized, to buy or sell and dispose of  
1059 any real or personal property herein authorized, to make available  
1060 for carrying into effect the provisions of this section all money  
1061 received from such sale or sales, and to do any and all things  
1062 necessary to effectuate the purposes of this section. One-half  
1063 (1/2) interest in and to all oil, gas and other minerals shall be  
1064 retained under any lands sold hereunder.

1065 (6) A gift of One Hundred Thousand Dollars (\$100,000.00),  
1066 authorized by the general education board of the Rockefeller  
1067 Foundation for the development of agricultural research, with  
1068 particular reference to expanding the branch experiment stations  
1069 and conditioned upon a general program of expansion substantially,  
1070 as herein provided, is \* \* \* accepted. The Director of the  
1071 Agricultural and Forestry Experimental Station at the Mississippi  
1072 State University of Agriculture and Applied Science is authorized  
1073 and instructed to control and expend such fund in the same manner  
1074 as other funds appropriated to carry out the provisions of this  
1075 section.



1076 (7) The experiment station in Clay County, Mississippi,  
1077 shall not be affected by this section.

1078 **SECTION 18.** Section 37-143-15, Mississippi Code of 1972, is  
1079 amended as follows:

1080 37-143-15. The Board of Trustees of State Institutions of  
1081 Higher Learning is authorized and empowered to establish loan or  
1082 scholarship programs of like character, operation and purpose to  
1083 the foregoing enumerated programs to encourage the participation  
1084 of eligible worthy persons in courses of instruction in its  
1085 institutions, and in furtherance of such power and authority is  
1086 authorized: to adopt and implement rules and regulations  
1087 declaring and describing the goals and objectives of such loan or  
1088 scholarship programs; to establish the eligibility requirements  
1089 for entry into such program and required for continuing  
1090 participation for succeeding years; to determine the maximum  
1091 amount to be made available to recipients; to delineate the terms  
1092 and conditions of contracts with recipients and establish the  
1093 service requirements for such contracts, if any; to enter into  
1094 contracts pertaining to such programs with recipients; to enter  
1095 into loan agreements and other contracts with financial  
1096 institutions or other providers of loan monies for scholarship or  
1097 loan participants; and to allocate and utilize such funds as may  
1098 be necessary for the operation of such loan or scholarship  
1099 programs from the annual appropriation for student financial aid.  
1100 In issuing rules and regulations governing the administration of  
1101 the Graduate Teacher Summer Scholarship (GTS) Program, the Board  
1102 of Trustees of State Institutions of Higher Learning shall provide  
1103 that certified teachers at the Juvenile Justice Centers at Hinds  
1104 and Marion under the jurisdiction of the Department of Juvenile  
1105 Justice shall be fully eligible to participate in the program.

1106 **SECTION 19.** Section 43-14-1, Mississippi Code of 1972, is  
1107 amended as follows:

1108           43-14-1. (1) The purpose of this chapter is to provide for  
1109 the development and implementation of a coordinated interagency  
1110 system of necessary services and care for children and youth up to  
1111 age twenty-one (21) with serious emotional/behavioral disorders  
1112 including, but not limited to, conduct disorders, or mental  
1113 illness who require services from a multiple services and multiple  
1114 programs system, and who can be successfully diverted from  
1115 inappropriate institutional placement. This program is to be done  
1116 in the most fiscally responsible (cost efficient) manner possible,  
1117 based on an individualized plan of care which takes into account  
1118 other available interagency programs, including, but not limited  
1119 to, Early Intervention Act of Infants and Toddlers, Section  
1120 41-87-1 et seq., Early Periodic Screening Diagnosis and Treatment,  
1121 Section 43-13-117(5), waived program for home- and  
1122 community-based services for developmentally disabled people,  
1123 Section 43-13-117(29), and waived program for targeted case  
1124 management services for children with special needs, Section  
1125 43-13-117(31), those children identified through the federal  
1126 Individuals with Disabilities Education Act of 1997 as having a  
1127 serious emotional disorder (EMD), the Mississippi Children's  
1128 Health Insurance Program Phase I and Phase II and waived  
1129 programs for children with serious emotional disturbances, Section  
1130 43-13-117(46), and is tied to clinically appropriate outcomes.  
1131 Some of the outcomes are to reduce the number of inappropriate  
1132 out-of-home placements inclusive of those out-of-state and to  
1133 reduce the number of inappropriate school suspensions and  
1134 expulsions for this population of children. From and after July  
1135 1, 2001, this coordinated interagency system of necessary services  
1136 and care shall be named the System of Care program. Children to  
1137 be served by this chapter who are eligible for Medicaid shall be  
1138 screened through the Medicaid Early Periodic Screening Diagnosis  
1139 and Treatment (EPSDT) and their needs for medically necessary  
1140 services shall be certified through the EPSDT process. For

1141 purposes of this chapter, a "System of Care" is defined as a  
1142 coordinated network of agencies and providers working as a team to  
1143 make a full range of mental health and other necessary services  
1144 available as needed by children with mental health problems and  
1145 their families. The System of Care shall be:

1146 (a) Child centered, family focused and family driven;

1147 (b) Community based;

1148 (c) Culturally competent and responsive; and shall  
1149 provide for:

1150 (i) Service coordination or case management;

1151 (ii) Prevention and early identification and  
1152 intervention;

1153 (iii) Smooth transitions among agencies,  
1154 providers, and to the adult service system;

1155 (iv) Human rights protection and advocacy;

1156 (v) Nondiscrimination in access to services;

1157 (vi) A comprehensive array of services;

1158 (vii) Individualized service planning;

1159 (viii) Services in the least restrictive  
1160 environment;

1161 (ix) Family participation in all aspects of  
1162 planning, service delivery and evaluation; and

1163 (x) Integrated services with coordinated planning  
1164 across child-serving agencies.

1165 (2) There is established the Interagency Coordinating  
1166 Council for Children and Youth (hereinafter referred to as the  
1167 "ICCCY"). The ICCCY shall consist of the following membership:

1168 (a) the State Superintendent of Public Education; (b) the

1169 Executive Director of the Mississippi Department of Mental Health;

1170 (c) the Executive Director of the State Department of Health; (d)

1171 the Executive Director of the Department of Human Services; (e)

1172 the Executive Director of the Division of Medicaid, Office of the

1173 Governor; (f) the Executive Director of the State Department of

1174 Rehabilitation Services; and (g) the Executive Director of  
1175 Mississippi Families as Allies for Children's Mental Health, Inc.  
1176 The council shall meet before August 1, 2001, and shall organize  
1177 for business by selecting a chairman, who shall serve for a  
1178 one-year term and may not serve consecutive terms. The council  
1179 shall adopt internal organizational procedures necessary for  
1180 efficient operation of the council. Each member of the council  
1181 shall designate necessary staff of their departments to assist the  
1182 ICCCY in performing its duties and responsibilities. The ICCCY  
1183 shall meet and conduct business at least twice annually. The  
1184 chairman of the ICCCY shall notify all persons who request such  
1185 notice as to the date, time and place of each meeting.

1186       (3) The Interagency System of Care Council is created to  
1187 serve as the state management team for the ICCCY, with the  
1188 responsibility of collecting and analyzing data and funding  
1189 strategies necessary to improve the operation of the System of  
1190 Care programs, and to make recommendations to the ICCCY and to the  
1191 Legislature concerning such strategies on or before December 31,  
1192 2002. The System of Care Council also has the responsibility of  
1193 coordinating the local Multidisciplinary Assessment and Planning  
1194 (MAP) teams and may apply for grants from public and private  
1195 sources necessary to carry out its responsibilities. The  
1196 Interagency System of Care Council shall be comprised of one (1)  
1197 member from each of the appropriate child-serving divisions or  
1198 sections of the State Department of Health, the Department of  
1199 Human Services, the State Department of Mental Health, the State  
1200 Department of Education, the Division of Medicaid of the  
1201 Governor's Office, the Department of Rehabilitation Services, a  
1202 family member representing a family education and support 501(c)3  
1203 organization, a representative from the Council of Administrators  
1204 for Special Education/Mississippi Organization of Special  
1205 Education Supervisors (CASE/MOSES) and a family member designated  
1206 by Mississippi Families as Allies for Children's Mental Health,

1207 Inc. Appointments to the Interagency System of Care Council shall  
1208 be made within sixty (60) days after the effective date of this  
1209 act. The council shall organize by selecting a chairman from its  
1210 membership to serve on an annual basis, and the chairman may not  
1211 serve consecutive terms.

1212 (4) (a) There is established a statewide system of local  
1213 Multidisciplinary Assessment and Planning Resource (MAP) teams.  
1214 The MAP teams shall be comprised of one (1) representative each at  
1215 the county level from the major child-serving public agencies for  
1216 education, human services, health, mental health and  
1217 rehabilitative services approved by respective state agencies of  
1218 the Department of Education, the Department of Human Services, the  
1219 Department of Health, the Department of Mental Health and the  
1220 Department of Rehabilitation Services. Three (3) additional  
1221 members may be added to each team, one (1) of which may be a  
1222 representative of a family education/support 501(c)3 organization  
1223 with statewide recognition and specifically established for the  
1224 population of children defined in Section 43-14-1. The remaining  
1225 two (2) members will be representatives of significant  
1226 community-level stakeholders with resources that can benefit the  
1227 population of children defined in Section 43-14-1.

1228 (b) For each local existing MAP team that is  
1229 established, pursuant to paragraph (a) of this subsection, there  
1230 shall also be established an "A" (Adolescent) team, which shall  
1231 work with a MAP team. The "A" teams shall provide System of Care  
1232 services for nonviolent youthful offenders who have serious  
1233 behavioral or emotional disorders. Each "A" team shall be  
1234 comprised of, but not limited to, the following five (5) members:

1235 (i) A school counselor;

1236 (ii) A community mental health professional;

1237 (iii) A social services/child welfare

1238 professional;

1239 (iv) A youth court counselor; and

1240                   (v) A parent who had a child in the juvenile  
1241 justice system.

1242           (5) The Interagency Coordinating Council for Children and  
1243 Youth may provide input relative to how each agency utilizes its  
1244 federal and state statutes, policy requirements and funding  
1245 streams to identify and/or serve children and youth in the  
1246 population defined in Section 43-14-1. The ICCCY shall support  
1247 the implementation of the plans of the respective state agencies  
1248 for comprehensive multidisciplinary care, treatment and placement  
1249 of these children.

1250           (6) The ICCCY shall oversee a pool of state funds that may  
1251 be contributed by each participating state agency and additional  
1252 funds from the Mississippi Tobacco Health Care Expenditure Fund,  
1253 subject to specific appropriation therefor by the Legislature.  
1254 Part of this pool of funds shall be available for increasing the  
1255 present funding levels by matching Medicaid funds in order to  
1256 increase the existing resources available for necessary  
1257 community-based services for Medicaid beneficiaries.

1258           (7) The local coordinating care MAP team will facilitate the  
1259 development of the individualized System of Care programs for the  
1260 population targeted in Section 43-14-1.

1261           (8) Each local MAP team shall serve as the single point of  
1262 entry to ensure that comprehensive diagnosis and assessment occur  
1263 and shall coordinate needed services through the local  
1264 coordinating care entity for the children named in subsection (1).  
1265 Local children in crisis shall have first priority for access to  
1266 the MAP team processes and local System of Care programs.

1267           (9) The Interagency Coordinating Council for Children and  
1268 Youth shall facilitate monitoring of the performance of local MAP  
1269 teams.

1270           (10) Each state agency named in subsection (2) of this  
1271 section shall enter into a binding interagency agreement to  
1272 participate in the oversight of the statewide System of Care

1273 programs for the children and youth described in this section.  
1274 The agreement shall be signed and in effect by July 1 of each  
1275 year.

1276 (11) This section shall stand repealed from and after July  
1277 1, 2005.

1278 **SECTION 20.** Section 43-14-5, Mississippi Code of 1972, is  
1279 amended as follows:

1280 43-14-5. There is created in the State Treasury a special  
1281 fund into which shall be deposited all funds contributed by the  
1282 Department of Human Services, State Department of Health,  
1283 Department of Mental Health, State Department of Rehabilitation  
1284 Services insofar as recipients are otherwise eligible under the  
1285 Rehabilitation Act of 1973, as amended, and State Department of  
1286 Education for the operation of a statewide System of Care by MAP  
1287 teams, and "A" teams utilizing such funds as may be made available  
1288 to those MAP teams through a Request for Proposal (RFP) approved  
1289 by the ICCCY.

1290 This section shall stand repealed from and after July 1,  
1291 2005.

1292 **SECTION 21.** Section 43-21-105, Mississippi Code of 1972, is  
1293 amended as follows:

1294 43-21-105. The following words and phrases, for purposes of  
1295 this chapter, shall have the meanings ascribed herein unless the  
1296 context clearly otherwise requires:

1297 (a) "Youth court" means the Youth Court Division.

1298 (b) "Judge" means the judge of the Youth Court  
1299 Division.

1300 (c) "Designee" means any person that the judge appoints  
1301 to perform a duty which this chapter requires to be done by the  
1302 judge or his designee. The judge may not appoint a person who is  
1303 involved in law enforcement to be his designee. Each designee  
1304 shall be subject to the Code of Judicial Conduct and shall govern  
1305 himself or herself accordingly.

1306 (d) "Child" and "youth" are synonymous, and each means  
1307 a person who has not reached his eighteenth birthday, except that  
1308 the terms "child" or "youth" extends until the age of twenty (20)  
1309 if the child or youth is under dual jurisdiction pursuant to  
1310 Section 43-21-157 (10). A child who has not reached his  
1311 eighteenth birthday and is on active duty for a branch of the  
1312 armed services or is married is not considered a "child" or  
1313 "youth" for the purposes of this chapter.

1314 (e) "Parent" means the father or mother to whom the  
1315 child has been born, or the father or mother by whom the child has  
1316 been legally adopted.

1317 (f) "Guardian" means a court-appointed guardian of the  
1318 person of a child.

1319 (g) "Custodian" means any person having the present  
1320 care or custody of a child whether such person be a parent or  
1321 otherwise.

1322 (h) "Legal custodian" means a court-appointed custodian  
1323 of the child.

1324 (i) "Delinquent child" means a child who has reached  
1325 his tenth birthday and who has committed a delinquent act.

1326 (j) "Delinquent act" is any act, which if committed by  
1327 an adult, is designated as a crime under state or federal law, or  
1328 municipal or county ordinance other than offenses punishable by  
1329 life imprisonment or death. A delinquent act includes escape from  
1330 lawful detention and violations of the Uniform Controlled  
1331 Substances Law and violent behavior.

1332 (k) "Child in need of supervision" means a child who  
1333 has reached his seventh birthday and is in need of treatment or  
1334 rehabilitation because the child:

1335 (i) Is habitually disobedient of reasonable and  
1336 lawful commands of his parent, guardian or custodian and is  
1337 ungovernable; or



1338                   (ii) While being required to attend school,  
1339 willfully and habitually violates the rules thereof or willfully  
1340 and habitually absents himself therefrom; or

1341                   (iii) Runs away from home without good cause; or

1342                   (iv) Has committed a delinquent act or acts.

1343           (1) "Neglected child" means a child:

1344                   (i) Whose parent, guardian or custodian or any  
1345 person responsible for his care or support, neglects or refuses,  
1346 when able so to do, to provide for him proper and necessary care  
1347 or support, or education as required by law, or medical, surgical,  
1348 or other care necessary for his well-being; provided, however, a  
1349 parent who withholds medical treatment from any child who in good  
1350 faith is under treatment by spiritual means alone through prayer  
1351 in accordance with the tenets and practices of a recognized church  
1352 or religious denomination by a duly accredited practitioner  
1353 thereof shall not, for that reason alone, be considered to be  
1354 neglectful under any provision of this chapter; or

1355                   (ii) Who is otherwise without proper care,  
1356 custody, supervision or support; or

1357                   (iii) Who, for any reason, lacks the special care  
1358 made necessary for him by reason of his mental condition, whether  
1359 said mental condition be mentally retarded or mentally ill; or

1360                   (iv) Who, for any reason, lacks the care necessary  
1361 for his health, morals or well-being.

1362           (m) "Abused child" means a child whose parent, guardian  
1363 or custodian or any person responsible for his care or support,  
1364 whether legally obligated to do so or not, has caused or allowed  
1365 to be caused upon said child sexual abuse, sexual exploitation,  
1366 emotional abuse, mental injury, nonaccidental physical injury or  
1367 other maltreatment. Provided, however, that physical discipline,  
1368 including spanking, performed on a child by a parent, guardian or  
1369 custodian in a reasonable manner shall not be deemed abuse under  
1370 this section.

1371           (n) "Sexual abuse" means obscene or pornographic  
1372 photographing, filming or depiction of children for commercial  
1373 purposes, or the rape, molestation, incest, prostitution or other  
1374 such forms of sexual exploitation of children under circumstances  
1375 which indicate that the child's health or welfare is harmed or  
1376 threatened.

1377           (o) "A child in need of special care" means a child  
1378 with any mental or physical illness that cannot be treated with  
1379 the dispositional alternatives ordinarily available to the youth  
1380 court.

1381           (p) A "dependent child" means any child who is not a  
1382 child in need of supervision, a delinquent child, an abused child  
1383 or a neglected child, and which child has been voluntarily placed  
1384 in the custody of the Department of Human Services by his parent,  
1385 guardian or custodian.

1386           (q) "Custody" means the physical possession of the  
1387 child by any person.

1388           (r) "Legal custody" means the legal status created by a  
1389 court order which gives the legal custodian the responsibilities  
1390 of physical possession of the child and the duty to provide him  
1391 with food, shelter, education and reasonable medical care, all  
1392 subject to residual rights and responsibilities of the parent or  
1393 guardian of the person.

1394           (s) "Detention" means the care of children in  
1395 physically restrictive facilities.

1396           (t) "Shelter" means care of children in physically  
1397 nonrestrictive facilities.

1398           (u) "Records involving children" means any of the  
1399 following from which the child can be identified:

1400                   (i) All youth court records as defined in Section  
1401 43-21-251;

1402                   (ii) All social records as defined in Section  
1403 43-21-253;

1404 (iii) All law enforcement records as defined in  
1405 Section 43-21-255;

1406 (iv) All agency records as defined in Section  
1407 43-21-257; and

1408 (v) All other documents maintained by any  
1409 representative of the state, county, municipality or other public  
1410 agency insofar as they relate to the apprehension, custody,  
1411 adjudication or disposition of a child who is the subject of a  
1412 youth court cause.

1413 (v) "Any person responsible for care or support" means  
1414 the person who is providing for the child at a given time. This  
1415 term shall include, but is not limited to, stepparents, foster  
1416 parents, relatives, nonlicensed babysitters or other similar  
1417 persons responsible for a child and staff of residential care  
1418 facilities and group homes that are licensed by the Department of  
1419 Human Services.

1420 (w) The singular includes the plural, the plural the  
1421 singular and the masculine the feminine when consistent with the  
1422 intent of this chapter.

1423 (x) "Out-of-home" setting means the temporary  
1424 supervision or care of children by the staff of licensed day care  
1425 centers, the staff of public, private and state schools, the staff  
1426 of juvenile detention facilities, the staff of unlicensed  
1427 residential care facilities and group homes and the staff of, or  
1428 individuals representing, churches, civic or social organizations.

1429 (y) "Durable legal custody" means the legal status  
1430 created by a court order which gives the durable legal custodian  
1431 the responsibilities of physical possession of the child and the  
1432 duty to provide him with care, nurture, welfare, food, shelter,  
1433 education and reasonable medical care. All these duties as  
1434 enumerated are subject to the residual rights and responsibilities  
1435 of the natural parent(s) or guardian(s) of the child or children.

1436           (z) "Status offender" means a juvenile who has been  
1437 charged with or adjudicated for conduct that would not be a crime  
1438 if committed as an adult.

1439           **SECTION 22.** Section 43-21-109, Mississippi Code of 1972, is  
1440 amended as follows:

1441           43-21-109. (1) Any county or municipality may separately or  
1442 jointly establish and maintain detention facilities, shelter  
1443 facilities, foster homes, or any other facility necessary to carry  
1444 on the work of the youth court. For said purposes, the county or  
1445 municipality may acquire necessary land by condemnation, by  
1446 purchase or donation, may issue bonds as now provided by law for  
1447 the purpose of purchasing, constructing, remodeling or maintaining  
1448 such facilities; may expend necessary funds from the general fund  
1449 to construct and maintain such facilities, and may employ  
1450 architects to design or remodel such facilities. Such facilities  
1451 may include a place for housing youth court facilities and  
1452 personnel.

1453           (2) Detention services must comply with the national  
1454 standards of the National Juvenile Detention Association.  
1455 Detention should be used only for the temporary and safe custody  
1456 of juveniles who are accused of conduct that is subject to the  
1457 jurisdiction of the youth court, and who require a restricted  
1458 environment for his or her or the community's protection while  
1459 pending legal action. In the absence of a public safety threat,  
1460 youth courts shall make every effort to use home detention and  
1461 supervision in lieu of custodial detention. No child shall be  
1462 held in custodial detention for longer than seven (7) days without  
1463 an adjudicatory hearing. No child shall be held for longer than  
1464 fourteen (14) days without a disposition hearing.

1465           **SECTION 23.** Section 43-21-151, Mississippi Code of 1972, is  
1466 amended as follows:

1467           43-21-151. (1) The youth court shall have exclusive  
1468 original jurisdiction in all proceedings concerning a delinquent

1469 child, a child in need of supervision, a neglected child, an  
1470 abused child or a dependent child except in the following  
1471 circumstances:

1472 (a) Any act attempted or committed by a child, which if  
1473 committed by an adult would be punishable under state or federal  
1474 law by life imprisonment or death, will be in the original  
1475 jurisdiction of the circuit court;

1476 (b) Any act attempted or committed by a child with the  
1477 use of a deadly weapon, the carrying of which concealed is  
1478 prohibited by Section 97-37-1, or a shotgun or a rifle, which  
1479 would be a felony if committed by an adult, will be in the  
1480 original jurisdiction of the circuit court; and

1481 (c) When a charge of abuse of a child first arises in  
1482 the course of a custody action between the parents of the child  
1483 already pending in the chancery court and no notice of such abuse  
1484 was provided prior to such chancery proceedings, the chancery  
1485 court may proceed with the investigation, hearing and  
1486 determination of such abuse charge as a part of its hearing and  
1487 determination of the custody issue as between the parents,  
1488 notwithstanding the other provisions of the Youth Court Law. The  
1489 proceedings in chancery court on the abuse charge shall be  
1490 confidential in the same manner as provided in youth court  
1491 proceedings.

1492 When a child is expelled from the public schools, the youth  
1493 court shall be notified of the act of expulsion and the act or  
1494 acts constituting the basis for expulsion.

1495 (2) Jurisdiction of the child in the cause shall attach at  
1496 the time of the offense and shall continue thereafter for that  
1497 offense until the child's twentieth birthday, unless sooner  
1498 terminated by order of the youth court. Except when a child is  
1499 under dual jurisdiction proceedings, as authorized under Section  
1500 43-21-157 (10), the youth court shall not have jurisdiction over  
1501 offenses committed by a child on or after his eighteenth birthday,

1502 or over offenses committed by a child on or after his seventeenth  
1503 birthday where such offenses would be a felony if committed by an  
1504 adult.

1505 (3) No child who has not reached his thirteenth birthday  
1506 shall be held criminally responsible or criminally prosecuted for  
1507 a misdemeanor or felony; however, the parent, guardian or  
1508 custodian of such child may be civilly liable for any criminal  
1509 acts of such child. No child under the jurisdiction of the youth  
1510 court shall be held criminally responsible or criminally  
1511 prosecuted by any court for any act designated as a delinquent  
1512 act, unless jurisdiction is transferred to another court under  
1513 Section 43-21-157.

1514 (4) The youth court shall also have jurisdiction of offenses  
1515 committed by a child which have been transferred to the youth  
1516 court by an order of a circuit court of this state having original  
1517 jurisdiction of the offense, as provided by Section 43-21-159.

1518 (5) The youth court shall regulate and approve the use of  
1519 teen court as provided in Section 43-21-753.

1520 **SECTION 24.** Section 43-21-157, Mississippi Code of 1972, is  
1521 amended as follows:

1522 43-21-157. (1) If a child who has reached his thirteenth  
1523 birthday is charged by petition to be a delinquent child, the  
1524 youth court, either on motion of the youth court prosecutor or on  
1525 the youth court's own motion, after a hearing as hereinafter  
1526 provided, may, in its discretion, transfer jurisdiction of the  
1527 alleged offense described in the petition or a lesser included  
1528 offense to the criminal court which would have trial jurisdiction  
1529 of such offense if committed by an adult. The child shall be  
1530 represented by counsel in transfer proceedings.

1531 (2) A motion to transfer shall be filed on a day prior to  
1532 the date set for the adjudicatory hearing but not more than ten  
1533 (10) days after the filing of the petition. The youth court may  
1534 order a transfer study at any time after the motion to transfer is

1535 filed. The transfer study and any other social record which the  
1536 youth court will consider at the transfer hearing shall be made  
1537 available to the child's counsel prior to the hearing. Summons  
1538 shall be served in the same manner as other summons under this  
1539 chapter with a copy of the motion to transfer and the petition  
1540 attached thereto.

1541 (3) The transfer hearing shall be bifurcated. At the  
1542 transfer hearing, the youth court shall first determine whether  
1543 probable cause exists to believe that the child committed the  
1544 alleged offense. For the purpose of the transfer hearing only,  
1545 the child may, with the assistance of counsel, waive the  
1546 determination of probable cause.

1547 (4) Upon such a finding of probable cause, the youth court  
1548 may transfer jurisdiction of the alleged offense and the youth if  
1549 the youth court finds by clear and convincing evidence that there  
1550 are no reasonable prospects of rehabilitation within the juvenile  
1551 justice system.

1552 (5) The factors which shall be considered by the youth court  
1553 in determining the reasonable prospects of rehabilitation within  
1554 the juvenile justice system are:

1555 (a) Whether or not the alleged offense constituted a  
1556 substantial danger to the public;

1557 (b) The seriousness of the alleged offense;

1558 (c) Whether or not the transfer is required to protect  
1559 the community;

1560 (d) Whether or not the alleged offense was committed in  
1561 an aggressive, violent, premeditated or willful manner;

1562 (e) Whether the alleged offense was against persons or  
1563 against property, greater weight being given to the offense  
1564 against persons, especially if personal injury resulted;

1565 (f) The sophistication, maturity and educational  
1566 background of the child;

1567           (g) The child's home situation, emotional condition and  
1568 life-style;

1569           (h) The history of the child, including experience with  
1570 the juvenile justice system, other courts, probation, commitments  
1571 to juvenile institutions or other placements;

1572           (i) Whether or not the child can be retained in the  
1573 juvenile justice system long enough for effective treatment or  
1574 rehabilitation;

1575           (j) The dispositional resources available to the  
1576 juvenile justice system;

1577           (k) Dispositional resources available to the adult  
1578 correctional system for the child if treated as an adult;

1579           (l) Whether the alleged offense was committed on school  
1580 property, public or private, or at any school-sponsored event, and  
1581 constituted a substantial danger to other students;

1582           (m) Any other factors deemed relevant by the youth  
1583 court; and

1584           (n) Nothing in this subsection shall prohibit the  
1585 transfer of jurisdiction of an alleged offense and a child if that  
1586 child, at the time of the transfer hearing, previously has not  
1587 been placed in a juvenile institution.

1588           (6) If the youth court transfers jurisdiction of the alleged  
1589 offense to a criminal court, the youth court shall enter a  
1590 transfer order containing:

1591           (a) Facts showing that the youth court had jurisdiction  
1592 of the cause and of the parties;

1593           (b) Facts showing that the child was represented by  
1594 counsel;

1595           (c) Facts showing that the hearing was held in the  
1596 presence of the child and his counsel;

1597           (d) A recital of the findings of probable cause and the  
1598 facts and reasons underlying the youth court's decision to  
1599 transfer jurisdiction of the alleged offense;



1600 (e) The conditions of custody or release of the child  
1601 pending criminal court proceedings, including bail or recognizance  
1602 as the case may justify, as well as a designation of the custodian  
1603 for the time being; and

1604 (f) A designation of the alleged offense transferred  
1605 and of the court to which the transfer is made and a direction to  
1606 the clerk to forward for filing in such court a certified copy of  
1607 the transfer order of the youth court.

1608 (7) The testimony of the child respondent at a transfer  
1609 hearing conducted pursuant to this chapter shall not be admissible  
1610 against the child in any proceeding other than the transfer  
1611 hearing.

1612 (8) When jurisdiction of an offense is transferred to the  
1613 circuit court, or when a youth has committed an act which is in  
1614 original circuit court jurisdiction pursuant to Section 43-21-151,  
1615 the jurisdiction of the youth court over the youth is forever  
1616 terminated, except that such jurisdiction is not forever  
1617 terminated if the circuit court transfers or remands the  
1618 transferred case to the youth court or if a child who has been  
1619 transferred to the circuit court or is in the original  
1620 jurisdiction of the circuit court is not convicted, and except  
1621 that the circuit court, in its discretion, utilizes dual  
1622 jurisdiction proceedings for certain first-time offenders as  
1623 authorized in subsection (10) of this section. However, when  
1624 jurisdiction of an offense is transferred to the circuit court  
1625 pursuant to this section or when an offense committed by a youth  
1626 is in original circuit court jurisdiction pursuant to Section  
1627 43-21-151, the circuit court shall thereafter assume and retain  
1628 jurisdiction of any felony offenses committed by such youth  
1629 without any additional transfer proceedings, except when the  
1630 circuit court utilizes dual jurisdiction proceedings for certain  
1631 first-time offenders as authorized in subsection (10) of this  
1632 section. Any misdemeanor offenses committed by youth who are in

1633 circuit court jurisdiction pursuant to this section or Section  
1634 43-21-151 shall be prosecuted in the court which would have  
1635 jurisdiction over that offense if committed by an adult without  
1636 any additional transfer proceedings. The circuit court may review  
1637 the transfer proceedings on motion of the transferred child. Such  
1638 review shall be on the record of the hearing in the youth court.  
1639 The circuit court shall remand the offense to the youth court if  
1640 there is no substantial evidence to support the order of the youth  
1641 court. The circuit court may also review the conditions of  
1642 custody or release pending criminal court proceedings.

1643 (9) When any youth has been the subject of a transfer to  
1644 circuit court for an offense committed in any county of the state  
1645 or has committed any act which is in the original jurisdiction of  
1646 the circuit court pursuant to Section 43-21-151, that transfer or  
1647 original jurisdiction shall be recognized by all other courts of  
1648 the state and no subsequent offense committed by such youth in any  
1649 county of the state shall be in the jurisdiction of the youth  
1650 court unless transferred to the youth court pursuant to Section  
1651 43-21-159(3). Transfers from youth courts of other states shall  
1652 be recognized by the courts of this state and no youth who has a  
1653 pending charge or a conviction in the adult court system of any  
1654 other state shall be in the jurisdiction of the youth courts of  
1655 this state, but such youths shall be in the jurisdiction of the  
1656 circuit court for any felony committed in this state or in the  
1657 jurisdiction of the court of competent jurisdiction for any  
1658 misdemeanor committed in this state.

1659 (10) (a) The circuit court may, in cases which met the  
1660 criteria of paragraphs (a) through (c) of this subsection (10) and  
1661 where the offender has been transferred to a court of general  
1662 jurisdiction pursuant to subsection (8) of this section and whose  
1663 prosecution results in a conviction or a plea of guilty, may  
1664 invoke dual jurisdiction of both the criminal and juvenile codes,  
1665 as set forth in this subsection. The circuit court is authorized

1666 to impose a juvenile disposition and simultaneously impose an  
1667 adult criminal sentence, the execution of which shall be suspended  
1668 pursuant to the provisions of this subsection. Successful  
1669 completion of the juvenile disposition ordered shall be a  
1670 condition of the suspended adult criminal sentence. The circuit  
1671 court may order an offender into the custody of the Department of  
1672 Juvenile Justice if:

1673 (i) The offender is between the ages of seventeen  
1674 (17) and twenty (20) years of age;

1675 (ii) The offender is a first-time offender who has  
1676 committed a nonviolent offense;

1677 (iii) The offender committed the offense while  
1678 enrolled in a legitimate home instruction program, a public or  
1679 private school of the state and/or is two (2) grade levels behind;

1680 (iv) A facility is designed and built by the  
1681 Department of Juvenile Justice specifically for offenders pursuant  
1682 to this section and if the division determines that there is space  
1683 available, based on design capacity in the facility; and

1684 (v) The department agrees to accept such  
1685 commitments.

1686 (b) If there is probable cause to believe that the  
1687 offender has violated a condition of the suspended sentence or  
1688 committed a new offense, the circuit court shall conduct a hearing  
1689 on the violation charged, unless the offender waives such hearing.  
1690 If the violation is established and found the court may continue  
1691 or revoke the juvenile disposition, impose the adult criminal  
1692 sentence or enter such other order as it may see fit.

1693 (c) When an offender has received a suspended sentence  
1694 pursuant to this subsection (10) and the Department of Juvenile  
1695 Justice determines the child is beyond the scope of its treatment  
1696 programs, the department may petition the court for a transfer of  
1697 custody of the offender. The court shall hold a hearing:

1698                   (i) To revoke the suspension and direct that the  
1699 offender be taken into immediate custody of the Department of  
1700 Corrections; and

1701                   (ii) To direct that the offender be placed on  
1702 probation.

1703                   (d) When an offender has received a suspended sentence  
1704 and has reached the age of twenty (20), the court shall hold a  
1705 hearing for the purposes of:

1706                   (i) To revoke the suspension and direct that the  
1707 offender be taken into immediate custody of the Department of  
1708 Corrections;

1709                   (ii) To direct that the offender be placed on  
1710 probation; or

1711                   (iii) To direct that the offender remain in the  
1712 custody of the department until the age of twenty-one (21) if the  
1713 department agrees to such placement.

1714                   (e) The Department of Juvenile Justice shall petition  
1715 the circuit court for a hearing before it releases an offender who  
1716 comes within subsection (10) of this section at any time before  
1717 the offender reaches the age of twenty-one (21). The circuit  
1718 court shall:

1719                   (i) Revoke the suspension and direct that the  
1720 offender be taken into immediate custody of the Department of  
1721 Corrections; or

1722                   (ii) Direct that the offender be placed on  
1723 probation.

1724                   (f) If the suspension of the adult criminal sentence is  
1725 revoked, all time served by the offender under the juvenile  
1726 disposition shall be credited toward the adult criminal sentence  
1727 imposed.

1728                   (g) If the offender completes his or her sentence under  
1729 the juvenile disposition then the record of the offender shall be  
1730 expunged pursuant to Section 43-21-159.

1731 \* \* \*

1732 **SECTION 25.** Section 43-21-159, Mississippi Code of 1972, is  
1733 amended as follows:

1734 43-21-159. (1) When a person appears before a court other  
1735 than the youth court, and it is determined that the person is a  
1736 child under jurisdiction of the youth court, such court shall,  
1737 unless the jurisdiction of the offense has been transferred to  
1738 such court as provided in this chapter, or unless the child has  
1739 previously been the subject of a transfer from the youth court to  
1740 the circuit court for trial as an adult and was convicted, or the  
1741 child is under dual jurisdiction proceedings as authorized under  
1742 Section 43-21-157 (10), immediately dismiss the proceeding without  
1743 prejudice and forward all documents pertaining to the cause to the  
1744 youth court; and all entries in permanent records shall be  
1745 expunged. The youth court shall have the power to order and  
1746 supervise the expunction or the destruction of such records in  
1747 accordance with Section 43-21-265. Upon petition therefor, the  
1748 youth court shall expunge the record of any case within its  
1749 jurisdiction in which an arrest was made, the person arrested was  
1750 released and the case was dismissed or the charges were dropped or  
1751 there was no disposition of such case. In cases where the child  
1752 is charged with a hunting or fishing violation or a traffic  
1753 violation whether it be any state or federal law, a violation of  
1754 the Mississippi Implied Consent Law, or municipal ordinance or  
1755 county resolution or where the child is charged with a violation  
1756 of Section 67-3-70, the appropriate criminal court shall proceed  
1757 to dispose of the same in the same manner as for other adult  
1758 offenders and it shall not be necessary to transfer the case to  
1759 the youth court of the county. Unless the cause has been  
1760 transferred, or unless the child has previously been the subject  
1761 of a transfer from the youth court to the circuit court for trial  
1762 as an adult, except for violations under the Implied Consent Law,  
1763 and was convicted, the youth court shall have power on its own

1764 motion to remove jurisdiction from any criminal court of any  
1765 offense including a hunting or fishing violation, a traffic  
1766 violation, or a violation of Section 67-3-70, committed by a child  
1767 in a matter under the jurisdiction of the youth court and proceed  
1768 therewith in accordance with the provisions of this chapter.

1769 (2) After conviction and sentence of any child by any other  
1770 court having original jurisdiction on a misdemeanor charge, and  
1771 within the time allowed for an appeal of such conviction and  
1772 sentence, the youth court of the county shall have the full power  
1773 to stay the execution of the sentence and to release the child on  
1774 good behavior or on other order as the youth court may see fit to  
1775 make unless the child has previously been the subject of a  
1776 transfer from the youth court to the circuit court for trial as an  
1777 adult and was convicted. When a child is convicted of a  
1778 misdemeanor and is committed to, incarcerated in or imprisoned in  
1779 a jail or other place of detention by a criminal court having  
1780 proper jurisdiction of such charge, such court shall notify the  
1781 youth court judge or the judge's designee of the conviction and  
1782 sentence prior to the commencement of such incarceration. The  
1783 youth court shall have the power to order and supervise the  
1784 destruction of any records involving children maintained by the  
1785 criminal court in accordance with Section 43-21-265. However, the  
1786 youth court shall have the power to set aside a judgment of any  
1787 other court rendered in any matter over which the youth court has  
1788 exclusive original jurisdiction, to expunge or destroy the records  
1789 thereof in accordance with Section 43-21-265, and to order a  
1790 refund of fines and costs.

1791 (3) Nothing in subsection (1) or (2) shall apply to a youth  
1792 who has a pending charge or a conviction for any crime over which  
1793 circuit court has original jurisdiction, unless the circuit court,  
1794 in its discretion, utilizes dual jurisdiction proceedings as  
1795 authorized in Section 43-21-157 (10).

1796           (4) In any case wherein the defendant is a child as defined  
1797 in this chapter and of which the circuit court has original  
1798 jurisdiction, the circuit judge, upon a finding that it would be  
1799 in the best interest of such child and in the interest of justice,  
1800 may at any stage of the proceedings prior to the attachment of  
1801 jeopardy transfer such proceedings to the youth court for further  
1802 proceedings unless the child has previously been the subject of a  
1803 transfer from the youth court to the circuit court for trial as an  
1804 adult and was convicted or has previously been convicted of a  
1805 crime which was in original circuit court jurisdiction, and the  
1806 youth court shall, upon acquiring jurisdiction, proceed as  
1807 provided in this chapter for the adjudication and disposition of  
1808 delinquent child proceeding proceedings. If the case is not  
1809 transferred to the youth court and the youth is convicted of a  
1810 crime by any circuit court, the trial judge shall sentence the  
1811 youth as though such youth was an adult. The circuit court shall  
1812 not have the authority to commit such child to the custody of the  
1813 Department of Juvenile Justice for placement in a state-supported  
1814 juvenile justice center.

1815           (5) In no event shall a court sentence an offender over the  
1816 age of eighteen (18) to the custody of the Department of Juvenile  
1817 Justice for placement in a state-supported juvenile justice  
1818 center, unless the offender is under dual jurisdiction proceedings  
1819 as authorized under Section 43-21-157 (10).

1820           (6) When a child's driver's license is suspended by the  
1821 youth court for any reason, the clerk of the youth court shall  
1822 report the suspension, without a court order under Section  
1823 43-21-261, to the Commissioner of Public Safety in the same manner  
1824 as such suspensions are reported in cases involving adults.

1825           (7) No offense involving the use or possession of a firearm  
1826 by a child who has reached his fifteenth birthday and which, if  
1827 committed by an adult would be a felony, shall be transferred to  
1828 the youth court.

1829           **SECTION 26.** Section 43-21-321, Mississippi Code of 1972, is  
1830 amended as follows:

1831           43-21-321. (1) All juveniles shall undergo a health  
1832 screening within one (1) hour of admission to any juvenile  
1833 detention center, or as soon thereafter as reasonably possible.  
1834 Information obtained during the screening shall include, but shall  
1835 not be limited to, the juvenile's:

- 1836           (a) Mental health;
- 1837           (b) Suicide risk;
- 1838           (c) Alcohol and other drug use and abuse;
- 1839           (d) Physical health;
- 1840           (e) Aggressive behavior;
- 1841           (f) Family relations;
- 1842           (g) Peer relations;
- 1843           (h) Social skills;
- 1844           (i) Educational status; and
- 1845           (j) Vocational status.

1846           (2) If the screening instrument indicates that a juvenile is  
1847 in need of emergency medical care or mental health intervention  
1848 services, the detention staff shall refer those juveniles to the  
1849 proper health care facility or mental health service provider for  
1850 further evaluation, as soon as reasonably possible. If the  
1851 screening instrument, such as the Massachusetts Youth Screening  
1852 Instrument version 2 (MAYSI-2) or other comparable mental health  
1853 screening instrument, and it indicates that the juvenile is in  
1854 need of emergency medical care or mental health intervention  
1855 services, the detention shall refer those juveniles to the proper  
1856 health care facility or mental health service provider for further  
1857 evaluation within forty-eight (48) hours, excluding Saturdays,  
1858 Sundays and statutory state holidays to a comprehensive  
1859 community-based program.



1860           (3) All juveniles shall receive a thorough orientation to  
1861 the center's procedures, rules, programs and services. The intake  
1862 process shall operate twenty-four (24) hours per day.

1863           (4) The directors of all of the juvenile detention centers  
1864 shall amend or develop written procedures for admission of  
1865 juveniles who are new to the system. These shall include, but are  
1866 not limited to, the following:

1867                   (a) Determine that the juvenile is legally committed to  
1868 the facility;

1869                   (b) Make a complete search of the juvenile and his  
1870 possessions;

1871                   (c) Dispose of personal property;

1872                   (d) Require shower and hair care, if necessary;

1873                   (e) Issue clean, laundered clothing, as needed;

1874                   (f) Issue personal hygiene articles;

1875                   (g) Perform medical, dental and mental health  
1876 screening;

1877                   (h) Assign a housing unit for the juvenile;

1878                   (i) Record basic personal data and information to be  
1879 used for mail and visiting lists;

1880                   (j) Assist juveniles in notifying their families of  
1881 their admission and procedures for mail and visiting;

1882                   (k) Assign a registered number to the juvenile; and

1883                   (l) Provide written orientation materials to the  
1884 juvenile.

1885           (5) All juvenile detention centers shall provide or make  
1886 available the following minimum services and programs:

1887                   (a) An educational program;

1888                   (b) A visitation program with parents and guardians;

1889                   (c) Private communications with visitors and staff;

1890                   (d) Counseling;

1891                   (e) Continuous supervision of living units;

1892                   (f) Medical service;

1893 (g) Food service;

1894 (h) Recreation and exercise program; and

1895 (i) Reading materials.

1896 (6) Programs and services shall be initiated for all  
1897 juveniles once they have completed the admissions process.

1898 (7) Programs and professional services may be provided by  
1899 the detention staff, youth court staff or the staff of the local  
1900 or state agencies, or those programs and professional services may  
1901 be provided through contractual arrangements with community  
1902 agencies.

1903 (8) Persons providing the services required in this section  
1904 must be qualified or trained for juvenile matters in their  
1905 respective fields.

1906 (9) All directors of juvenile detention centers shall amend  
1907 or develop written procedures to fit the programs and services  
1908 described in this section.

1909 **SECTION 27.** Section 43-21-605, Mississippi Code of 1972, is  
1910 amended as follows:

1911 43-21-605. (1) In delinquency cases, the disposition order  
1912 may include any of the following alternatives:

1913 (a) Release the child without further action;

1914 (b) Place the child in the custody of the parents, a  
1915 relative or other persons subject to any conditions and  
1916 limitations, including restitution, as the youth court may  
1917 prescribe;

1918 (c) Place the child on probation subject to any  
1919 reasonable and appropriate conditions and limitations, including  
1920 restitution, as the youth court may prescribe;

1921 (d) Order terms of treatment calculated to assist the  
1922 child and the child's parents or guardian which are within the  
1923 ability of the parent or guardian to perform;

1924 (e) Order terms of supervision which may include  
1925 participation in a constructive program of service or education or

1926 civil fines not in excess of Five Hundred Dollars (\$500.00), or  
1927 restitution not in excess of actual damages caused by the child to  
1928 be paid out of his own assets or by performance of services  
1929 acceptable to the victims and approved by the youth court and  
1930 reasonably capable of performance within one (1) year;

1931 (f) Suspend the child's driver's license by taking and  
1932 keeping it in custody of the court for not more than one (1) year;

1933 (g) Give legal custody of the child to any of the  
1934 following:

1935 (i) The Department of Human Services for  
1936 appropriate placement; or

1937 (ii) Any public or private organization,  
1938 preferably community-based, able to assume the education, care and  
1939 maintenance of the child, which has been found suitable by the  
1940 court; or

1941 (iii) The Department of Human Services for  
1942 placement in a wilderness training program or the Department of  
1943 Juvenile Justice for placement in a state-supported juvenile  
1944 justice center, except that no child under the age of ten (10)  
1945 years shall be committed to a juvenile justice center, and except  
1946 that no first-time nonviolent youth offenders shall be committed  
1947 to a juvenile justice center until all other options provided for  
1948 in this subparagraph have been utilized, or that the court makes  
1949 specific findings of fact that there is extraordinary and  
1950 compelling evidence that such options are not appropriate. No  
1951 child shall be committed to a juvenile justice center or other  
1952 residential facility unless the youth court judge makes a finding  
1953 in the disposition order that placement is: 1. the least  
1954 restricted alternative appropriate to the needs of the child and  
1955 community; 2. in reasonable proximity to the family home community  
1956 of each juvenile; and 3. adequate in providing the specific  
1957 medical, educational, vocational, social and psychological  
1958 guidance, training, social education, counseling, substance abuse

1959 treatment and other rehabilitative services that are required by  
1960 any child in a center or facility. No child shall be housed in a  
1961 juvenile justice center or residential facility where conditions  
1962 and programming violate federal and state law. If an agency of  
1963 the federal or state government establishes such violations have  
1964 occurred, such agency shall immediately notify the Director of  
1965 Youth Services, who shall then immediately remove all youth from  
1966 the facility pending the implementation of remedial measures and  
1967 approval by the state or federal agency that identified such  
1968 violations. The juvenile justice center may retain custody of the  
1969 child until the child's twentieth birthday but for no longer  
1970 unless the child is under dual jurisdiction proceedings as  
1971 authorized under Section 43-21-157(10). When the child is  
1972 committed to a juvenile justice center, the child shall remain in  
1973 the legal custody of the center for a minimum of five and one-half  
1974 (5-1/2) months or one (1) full public school semester, whichever  
1975 is longer. However, the superintendent of a juvenile justice  
1976 center may parole a child at any time he may deem it in the best  
1977 interest and welfare of such child, after the child has been in  
1978 the custody of a juvenile justice center for a minimum of five and  
1979 one-half (5-1/2) months or one (1) full public school semester.  
1980 If a child is committed to a juvenile justice center during a  
1981 summer break of a public school year, then the child shall not be  
1982 released until the beginning of the winter term. Twenty (20) days  
1983 prior to such parole, the juvenile justice center shall notify the  
1984 committing court of the pending release. The youth court may then  
1985 arrange subsequent placement after a reconvened disposition  
1986 hearing, except that the youth court may not recommit the child to  
1987 the juvenile justice center or any other secure facility without  
1988 an adjudication of a new offense or probation or parole violation,  
1989 except that youth on probation, parole or other status and who are  
1990 under the jurisdiction of the Department of Juvenile Justice, and  
1991 who are exiting a juvenile justice center may be referred to the

1992 Mississippi Transition Program created under Section 11 of this  
1993 act. Prior to assigning the custody of any child to any private  
1994 institution or agency, the youth court through its designee shall  
1995 first inspect the physical facilities to determine that they  
1996 provide a reasonable standard of health and safety for the child.  
1997 The youth court shall not place a child in the custody of  
1998 a juvenile justice center for the following: curfew violation,  
1999 malicious mischief, incorrigibility, running away, contempt of  
2000 court for any underlying status offense, possession of marijuana  
2001 without intent to distribute, alcohol related offenses, truancy or  
2002 any other nonviolent offenses;

2003 (h) Recommend to the child and the child's parents or  
2004 guardian that the child attend and participate in the Youth  
2005 Challenge Program under the Mississippi National Guard, as created  
2006 in Section 43-27-203, subject to the selection of the child for  
2007 the program by the National Guard; however, the child must  
2008 volunteer to participate in the program. The youth court shall  
2009 not order any child to apply or attend the program;

2010 (i) Recommend to the child and the child's parents or  
2011 guardian that the child attend and participate in the Mississippi  
2012 Challenge Program, as created in Section 10 of this act; however,  
2013 the child, with the permission of a parent or guardian, must  
2014 volunteer to participate in the program. The youth court shall  
2015 not order any child to apply or attend the program;

2016 (j) (i) Adjudicate the juvenile to the Statewide  
2017 Juvenile Work Program if the program is established in the court's  
2018 jurisdiction. The juvenile and his parents or guardians must sign  
2019 a waiver of liability in order to participate in the work program.  
2020 The judge will coordinate with the youth services counselors as to  
2021 placing participants in the work program;

2022 (ii) The severity of the crime, whether or not the  
2023 juvenile is a repeat offender or is a felony offender will be  
2024 taken into consideration by the judge when adjudicating a juvenile

2025 to the work program. The juveniles adjudicated to the work  
2026 program will be supervised by police officers or reserve officers.  
2027 The term of service will be from twenty-four (24) to one hundred  
2028 twenty (120) hours of community service. A juvenile will work the  
2029 hours to which he was adjudicated on the weekends during school  
2030 and weekdays during the summer. Parents are responsible for a  
2031 juvenile reporting for work. Noncompliance with an order to  
2032 perform community service will result in a heavier adjudication.  
2033 A juvenile may be adjudicated to the community service program  
2034 only two (2) times;

2035 (iii) The judge shall assess an additional fine on  
2036 the juvenile which will be used to pay the costs of implementation  
2037 of the program and to pay for supervision by police officers and  
2038 reserve officers. The amount of the fine will be based on the  
2039 number of hours to which the juvenile has been adjudicated;

2040 (k) Order the child to participate in a youth court  
2041 work program as provided in Section 43-21-627; or

2042 (1) Order the child into a juvenile detention center  
2043 operated by the county or into a juvenile detention center  
2044 operated by any county with which the county in which the court is  
2045 located has entered into a contract for the purpose of housing  
2046 delinquents. The time period for such detention cannot exceed  
2047 sixty (60) days. The youth court judge may order that the number  
2048 of days specified in the detention order be served either  
2049 throughout the week or on weekends only.

2050 (2) In addition to any of the disposition alternatives  
2051 authorized under subsection (1) of this section, the disposition  
2052 order in any case in which the child is adjudicated delinquent for  
2053 an offense under Section 63-11-30 shall include an order denying  
2054 the driver's license and driving privileges of the child as  
2055 required under subsection (8) of Section 63-11-30.

2056 (3) If the youth court places a child in a state-supported  
2057 training school, the court may order the parents or guardians of

2058 the child and other persons living in the child's household to  
2059 receive counseling and parenting classes for rehabilitative  
2060 purposes while the child is in the legal custody of the training  
2061 school. A youth court entering an order under this subsection (3)  
2062 shall utilize appropriate services offered either at no cost or  
2063 for a fee calculated on a sliding scale according to income unless  
2064 the person ordered to participate elects to receive other  
2065 counseling and classes acceptable to the court at the person's  
2066 sole expense.

2067 (4) Fines levied under this chapter shall be paid into the  
2068 general fund of the county but, in those counties wherein the  
2069 youth court is a branch of the municipal government, it shall be  
2070 paid into the municipal treasury.

2071 (5) Any institution or agency to which a child has been  
2072 committed shall give to the youth court any information concerning  
2073 the child as the youth court may at any time require.

2074 (6) The youth court shall not place a child in another  
2075 school district who has been expelled from a school district for  
2076 the commission of a violent act. For the purpose of this  
2077 subsection, "violent act" means any action which results in death  
2078 or physical harm to another or an attempt to cause death or  
2079 physical harm to another.

2080 (7) The youth court may require drug testing as part of a  
2081 disposition order. If a child tests positive, the court may  
2082 require treatment, counseling and random testing, as it deems  
2083 appropriate. The costs of such tests shall be paid by the parent,  
2084 guardian or custodian of the child unless the court specifically  
2085 finds that the parent, guardian or custodian is unable to pay.

2086 **SECTION 28.** Section 43-27-8, Mississippi Code of 1972, is  
2087 amended as follows:

2088 43-27-8. The Department of Human Services, shall administer  
2089 the following duties and responsibilities through the Office of  
2090 Youth Services:

2091 (a) To implement and administer laws and policy  
2092 relating to youth services and coordinate the efforts of the  
2093 department with those of the federal government and other state  
2094 departments and agencies, county governments, municipal  
2095 governments and private agencies concerned with providing youth  
2096 services.

2097 \* \* \*

2098 (b) To promulgate and publish such rules, regulations  
2099 and policies of the department as are needed for the efficient  
2100 government and maintenance of all \* \* \* programs in accord,  
2101 insofar as possible, with currently accepted standards of juvenile  
2102 care and treatment.

2103 **SECTION 29.** Section 43-27-20, Mississippi Code of 1972, is  
2104 amended as follows:

2105 43-27-20. (1) Within the Office of Youth Services there  
2106 shall be a Division of Community Services, which shall be headed  
2107 by a director appointed by and responsible to the Director of the  
2108 Office of Youth Services. He shall hold a master's degree in  
2109 social work or a related field and shall have no less than three  
2110 (3) years' experience in social services, or in lieu of that  
2111 degree and experience, he shall have a minimum of eight (8) years'  
2112 experience in social work or a related field. He shall employ and  
2113 assign the community workers to serve in the various areas in the  
2114 state and any other supporting personnel necessary to carry out  
2115 the duties of the Division of Community Services.

2116 (2) The Director of the Division of Community Services  
2117 shall assign probation and aftercare workers to the youth court or  
2118 family court judges of the various court districts upon the  
2119 request of the individual judge on the basis of case load and  
2120 need, when funds are available. The probation and aftercare  
2121 workers shall live in their respective districts except upon  
2122 approval of the Director of the Division of Community Services.  
2123 The Director of the Division of Community Services is authorized



2124 to assign a youth services counselor to a district other than the  
2125 district in which the youth services counselor lives upon the  
2126 approval of the youth court judge of the assigned district and the  
2127 Director of the Division of Youth Services. Every placement shall  
2128 be with the approval of the youth court or the family court judge,  
2129 and a probation and aftercare worker may be removed for cause from  
2130 a youth or family court district.

2131       (3) Any counties or cities which, on July 1, 1973, have  
2132 court counselors or similar personnel may continue using this  
2133 personnel or may choose to come within the statewide framework.

2134       (4) A probation and aftercare worker may be transferred by  
2135 the division from one court to another after consultation with the  
2136 judge or judges in the court to which the employee is currently  
2137 assigned.

2138       (5) The Office of Community Services shall have such duties  
2139 as the Office of Youth Services assigns to it, which shall  
2140 include, but not be limited to, the following:

2141           (a) Preparing the social, educational and home-life  
2142 history and other diagnostic reports on the child for the benefit  
2143 of the court or a juvenile justice center under the jurisdiction  
2144 of the Department of Juvenile Justice; however, this provision  
2145 shall not abridge the power of the court to require similar  
2146 services from other agencies, according to law.

2147           (b) Serving in counseling capacities with the youth or  
2148 family courts.

2149           (c) Serving as probation agents for the youth or family  
2150 courts.

2151           (d) Serving, advising and counseling of children in the  
2152 various facilities under the jurisdiction of the Department of  
2153 Juvenile Justice as may be necessary to the placement of the  
2154 children in proper environment after release and the placement of  
2155 children in suitable jobs where necessary and proper.

2156           (e) Supervising and guiding of children released or  
2157 conditionally released from facilities under the jurisdiction of  
2158 the Department of Juvenile Justice.

2159           (f) Counseling in an aftercare program.

2160           (g) Coordinating the activities of supporting community  
2161 agencies which aid in the social adjustment of children released  
2162 from the facility and in an aftercare program.

2163           (h) Providing or arranging for necessary services  
2164 leading to the rehabilitation of delinquents, either within the  
2165 division or through cooperative arrangements with other  
2166 appropriate agencies.

2167           (i) Providing counseling and supervision for any child  
2168 under ten (10) years of age who has been brought to the attention  
2169 of the court when other suitable personnel is not available and  
2170 upon request of the court concerned.

2171           (j) Supervising the aftercare program and making  
2172 revocation investigations at the request of the court.

2173           (k) This section shall stand repealed on July 1, 2009.

2174           **SECTION 30.** Section 43-27-201, Mississippi Code of 1972, is  
2175 amended as follows:

2176           43-27-201. (1) The purpose of this section is to outline  
2177 and structure a long-range proposal in addition to certain  
2178 immediate objectives for improvements in the juvenile correctional  
2179 facilities of the Department of Juvenile Justice in order to  
2180 provide modern and efficient correctional and rehabilitation  
2181 facilities for juvenile offenders in Mississippi, who are  
2182 committing an increasing percentage of serious and violent crimes.

2183           (2) The Department of Finance and Administration, acting  
2184 through the Bureau of Building, Grounds and Real Property  
2185 Management, using funds from bonds issued under this chapter,  
2186 monies appropriated by the Legislature for such purposes, federal  
2187 matching or other federal funds, federal grants or other available  
2188 funds from whatever source, shall provide for, by construction,

2189 lease, lease-purchase or otherwise, and equip the following  
2190 juvenile correctional facilities under the jurisdiction and  
2191 responsibility of the Department of Juvenile Justice:

2192 (a) Construct an additional one-hundred-fifty-bed,  
2193 stand-alone, medium security juvenile correctional facility for  
2194 habitual violent male offenders, which complies with American  
2195 Correctional Association Accreditation standards and applicable  
2196 building and fire safety codes. The medium security, male  
2197 juvenile facility location shall be on property owned by the  
2198 Office of Youth Services, or its successor, or at a site selected  
2199 by the Bureau of Building, Grounds and Real Property Management on  
2200 land which is hereafter donated to the state specifically for the  
2201 location of such facility.

2202 (b) Construct an additional one-hundred-bed minimum  
2203 security juvenile correctional facility for female offenders, and  
2204 an additional stand-alone, fifteen-bed maximum security juvenile  
2205 correctional facility for female offenders, which complies with  
2206 American Correctional Association Accreditation standards and  
2207 applicable building and fire safety codes. The minimum security  
2208 and maximum security female juvenile facilities location shall be  
2209 on property owned by the Office of Youth Services, or its  
2210 successor, or at a site selected by the Bureau of Building,  
2211 Grounds and Real Property Management on land which is hereafter  
2212 donated to the state specifically for the location of such  
2213 facility.

2214 (3) Upon the selection of a proposed site for a correctional  
2215 facility for juveniles authorized under subsection (2), the Bureau  
2216 of Building, Grounds and Real Property Management of the  
2217 Department of Finance and Administration shall notify the board of  
2218 supervisors of the county in which such facility is proposed to be  
2219 located and shall publish a notice as hereinafter set forth in a  
2220 newspaper having general circulation in such county. Such notice  
2221 shall include a description of the tract of land in the county

2222 whereon the facility is proposed to be located, the nature and  
2223 size of the facility and the date on which the determination of  
2224 the Bureau of Building, Grounds and Real Property Management shall  
2225 be final as to the location of such facility, which date shall not  
2226 be less than forty-five (45) days following the first publication  
2227 of such notice. Such notice shall include a brief summary of the  
2228 provisions of this section pertaining to the petition for an  
2229 election on the question of the location of the juvenile housing  
2230 facility in such county. Such notice shall be published not less  
2231 than one (1) time each week for at least three (3) consecutive  
2232 weeks in at least one (1) newspaper published in such county.

2233         If no petition requesting an election is filed before the  
2234 date of final determination stated in such notice, then the bureau  
2235 shall give final approval to the location of such facility.

2236         If at any time before the aforesaid date a petition signed by  
2237 twenty percent (20%), or fifteen hundred (1,500), whichever is  
2238 less, of the qualified electors of the county involved shall be  
2239 filed with the board of supervisors requesting that an election be  
2240 called on the question of locating such facility, then the board  
2241 of supervisors shall adopt a resolution calling an election to be  
2242 held within such county upon the question of the location of such  
2243 facility. Such election shall be held, as far as practicable, in  
2244 the same manner as other elections are held in counties. At such  
2245 election, all qualified electors of the county may vote, and the  
2246 ballots used at such election shall have printed thereon a brief  
2247 statement of the facility to be constructed and the words "For the  
2248 construction of the facility in (here insert county name) County"  
2249 and "Against the construction of the facility in (here insert  
2250 county name) County." The voter shall vote by placing a cross (X)  
2251 or check mark (✓) opposite his choice on the proposition. When  
2252 the results of the election on the question of the construction of  
2253 the facility shall have been canvassed by the election  
2254 commissioners of the county and certified by them to the board of

2255 supervisors, it shall be the duty of the board of supervisors to  
2256 determine and adjudicate whether or not a majority of the  
2257 qualified electors who voted thereon in such election voted in  
2258 favor of the construction of the facilities in such county.  
2259 Unless a majority of the qualified electors who voted in such  
2260 election shall have voted in favor of the construction of the  
2261 facilities in such county, then such facility shall not be  
2262 constructed in such county.

2263 (4) The Division of Youth Services shall establish, maintain  
2264 and operate an Adolescent Offender Program (AOP), which may  
2265 include non-Medicaid assistance eligible juveniles. Beginning  
2266 July 1, 2006, the Division of Youth Services shall phase in AOPs  
2267 in every county of the state over a period of four (4) years.  
2268 The phase in of the AOPs shall be as follows:

2269 (a) As of July 1, 2007, all counties shall have at  
2270 least one (1) AOP in the Second Congressional District;

2271 (b) As of July 1, 2008, all counties shall have at  
2272 least one (1) AOP in the Fourth Congressional District;

2273 (c) As of July 1, 2009, all counties shall have at  
2274 least one (1) AOP in the Third Congressional District; and

2275 (d) As of July 1, 2010, all counties shall have at  
2276 least one (1) AOP in the First Congressional District.

2277 AOP professional services, salaries, facility offices,  
2278 meeting rooms and related supplies and equipment may be provided  
2279 through contract with local mental health or other nonprofit  
2280 community organizations.

2281 (5) The Department of Juvenile Justice shall operate and  
2282 maintain the Forestry Camp Number 43 at the Juvenile Justice  
2283 Center at Marion, originally authorized and constructed in 1973,  
2284 to consist of a twenty-bed dormitory, four (4) offices, a  
2285 classroom, kitchen, dining room, day room and apartment. The  
2286 purpose of this camp shall be to train juvenile detention

2287 residents for community college and other forestry training  
2288 programs.

2289 (6) The Department of Juvenile Justice shall establish a  
2290 ten-bed transitional living facility for the temporary holding of  
2291 training school adolescents who have reached their majority, have  
2292 completed the GED requirement, and are willing to be rehabilitated  
2293 until they are placed in jobs, job training or postsecondary  
2294 programs. Such transitional living facility may be operated  
2295 pursuant to contract with a nonprofit community support  
2296 organization.

2297 **SECTION 31.** Section 43-27-203, Mississippi Code of 1972, is  
2298 amended as follows:

2299 43-27-203. (1) There is created under the Mississippi  
2300 National Guard a program to be known as the "Youth Challenge  
2301 Program." The program shall be an interdiction program designed  
2302 for children determined to be "at risk" by the National Guard.  
2303 Beginning July 1, 2006, the Youth Challenge Program shall be under  
2304 the jurisdiction of the Department of Juvenile Justice, and the  
2305 National Guard must report to the Board of the Department of  
2306 Juvenile Justice as it relates to the Youth Challenge Program.

2307 (2) The Mississippi National Guard shall implement and  
2308 administer the Youth Challenge Program and shall promulgate rules  
2309 and regulations concerning the administration of the program. The  
2310 National Guard shall prepare written guidelines concerning the  
2311 nomination and selection process of participants in the program,  
2312 and such guidelines shall include a list of the factors considered  
2313 in the selection process.

2314 (3) Participation in the Youth Challenge Program shall be on  
2315 a voluntary basis. No child may be sentenced by any court to  
2316 participate in the program; however, a youth court judge may refer  
2317 the program to a child when, under his determination, such program  
2318 would be sufficient to meet the needs of the child.

2319 (4) The Mississippi National Guard, under the auspices of  
2320 the Challenge Academy, may award an adult high school diploma to  
2321 each participant who meets the requirements for a general  
2322 educational development (GED) equivalent under the policies and  
2323 guidelines of the GED Testing Service of the American Council on  
2324 Education and any other minimum academic requirements prescribed  
2325 by the National Guard and Challenge Academy for graduation from  
2326 the Youth Challenge Program. Participants in the program who do  
2327 not meet the minimum academic requirements may be awarded a  
2328 special certificate of attendance. The Mississippi National Guard  
2329 and the Challenge Academy shall establish rules and regulations  
2330 for awarding the adult high school diploma and shall prescribe the  
2331 form for such diploma and the certificate of attendance.

2332 (5) The Mississippi National Guard may accept any available  
2333 funds that may be used to defray the expenses of the program  
2334 including, but not limited to, federal funding, public or private  
2335 funds and any funds that may be appropriated by the Legislature  
2336 for that purpose; however, all funding for the Youth Challenge  
2337 Program shall be under the jurisdiction of the Department of  
2338 Juvenile Justice.

2339 **SECTION 32.** Section 43-27-401, Mississippi Code of 1972, is  
2340 amended as follows:

2341 43-27-401. (1) The Department of Juvenile Justice, shall  
2342 establish a pilot program to be known as the "Amer-I-Can Program."  
2343 The program is designed for youths who have been committed to or  
2344 are confined in the Juvenile Justice Center at Hinds or the  
2345 Juvenile Justice Center at Marion. The objectives of this program  
2346 are:

2347 (a) To develop greater self-esteem, assume responsible  
2348 attitudes and experience a restructuring of habits and  
2349 conditioning processes;

2350 (b) To develop an appreciation of family members and an  
2351 understanding of the role family structure has in achieving  
2352 successful living;

2353 (c) To develop an understanding of the concept of  
2354 community and collective responsibility;

2355 (d) To develop a prowess in problem solving and  
2356 decision making that will eliminate many of the difficulties that  
2357 were encountered in past experiences;

2358 (e) To develop skills in money management and financial  
2359 stability, thus relieving pressures that have contributed to  
2360 previous difficulties;

2361 (f) To develop communication skills to better express  
2362 thoughts and ideas while acquiring an understanding of and respect  
2363 for the thoughts and ideas of others; and

2364 (g) To acquire employment seeking and retention skills  
2365 to improve chances of long term, gainful employment.

2366 (2) The department shall develop policies and procedures to  
2367 administer the program and shall choose which youths are eligible  
2368 to participate in the program.

2369 (3) The department may accept any funds, public or private,  
2370 made available to it for the program.

2371 \* \* \*

2372 **SECTION 33.** Section 47-5-138, Mississippi Code of 1972, is  
2373 amended as follows:

2374 47-5-138. (1) The department may promulgate rules and  
2375 regulations to carry out an earned time allowance program based on  
2376 the good conduct and performance of an inmate. An inmate is  
2377 eligible to receive an earned time allowance of one-half (1/2) of  
2378 the period of confinement imposed by the court except those  
2379 inmates excluded by law. When an inmate is committed to the  
2380 custody of the department, the department shall determine a  
2381 conditional earned time release date by subtracting the earned



2382 time allowance from an inmate's term of sentence. This subsection  
2383 does not apply to any sentence imposed after June 30, 1995.

2384 (2) An inmate may forfeit all or part of his earned time  
2385 allowance for a serious violation of rules. No forfeiture of the  
2386 earned time allowance shall be effective except upon approval of  
2387 the commissioner or his designee, and forfeited earned time may  
2388 not be restored.

2389 (3) (a) For the purposes of this subsection, "final order"  
2390 means an order of a state or federal court that dismisses a  
2391 lawsuit brought by an inmate while the inmate was in the custody  
2392 of the Department of Corrections as frivolous, malicious or for  
2393 failure to state a claim upon which relief could be granted.

2394 (b) On receipt of a final order, the department shall  
2395 forfeit:

2396 (i) Sixty (60) days of an inmate's accrued earned  
2397 time if the department has received one (1) final order as defined  
2398 herein;

2399 (ii) One hundred twenty (120) days of an inmate's  
2400 accrued earned time if the department has received two (2) final  
2401 orders as defined herein;

2402 (iii) One hundred eighty (180) days of an inmate's  
2403 accrued earned time if the department has received three (3) or  
2404 more final orders as defined herein.

2405 (c) The department may not restore earned time  
2406 forfeited under this subsection.

2407 (4) An inmate who meets the good conduct and performance  
2408 requirements of the earned time allowance program may be released  
2409 on his conditional earned time release date.

2410 (5) For any sentence imposed after June 30, 1995, an inmate  
2411 may receive an earned time allowance of four and one-half (4-1/2)  
2412 days for each thirty (30) days served if the department determines  
2413 that the inmate has complied with the good conduct and performance  
2414 requirements of the earned time allowance program. The earned

2415 time allowance under this subsection shall not exceed fifteen  
2416 percent (15%) of an inmate's term of sentence; however, beginning  
2417 July 1, 2006, no person under the age of twenty-one (21) who has  
2418 committed a nonviolent offense, and who is under the jurisdiction  
2419 of the Department of Corrections, shall be subject to the fifteen  
2420 percent (15%) limitation for earned time allowances as described  
2421 in this subsection (5).

2422 (6) Any inmate, who is released before the expiration of his  
2423 term of sentence under this section, shall be placed under  
2424 earned-release supervision until the expiration of the term of  
2425 sentence. The inmate shall retain inmate status and remain under  
2426 the jurisdiction of the department. The period of earned-release  
2427 supervision shall be conducted in the same manner as a period of  
2428 supervised parole. The department shall develop rules, terms and  
2429 conditions for the earned-release supervision program. The  
2430 commissioner shall designate the appropriate hearing officer  
2431 within the department to conduct revocation hearings for inmates  
2432 violating the conditions of earned-release supervision.

2433 (7) If the earned-release supervision is revoked, the inmate  
2434 shall serve the remainder of the sentence and the time the inmate  
2435 was on earned-release supervision, shall not be applied to and  
2436 shall not reduce his sentence.

2437 **SECTION 34.** Section 47-5-151, Mississippi Code of 1972, is  
2438 amended as follows:

2439 47-5-151. The superintendent (warden) or other person in  
2440 charge of prisoners, upon the death of any prisoner under his care  
2441 and control, shall at once notify the county medical examiner or  
2442 county medical examiner investigator (hereinafter "medical  
2443 examiner") of the county in which the prisoner died, of the death  
2444 of the prisoner, and it shall be the duty of such medical  
2445 examiner, when so notified of the death of such person, to obtain  
2446 a court order and notify the State Medical Examiner of the death  
2447 of such prisoner. It shall be mandatory that the State Medical

2448 Examiner cause an autopsy to be performed upon the body of the  
2449 deceased prisoner. Furthermore, the State Medical Examiner shall  
2450 investigate any case where a person is found dead on the premises  
2451 of the correctional system, in accordance with Sections 41-61-51  
2452 through 41-61-79. The State Medical Examiner shall make a written  
2453 report of his investigation, and shall furnish a copy of the same,  
2454 including the autopsy report, to the superintendent (warden) and a  
2455 copy of the same to the district attorney of the county in which  
2456 the prisoner died. The copy so furnished to the district attorney  
2457 shall be turned over by the district attorney to the grand jury,  
2458 and it shall be the duty of the grand jury, if there be any  
2459 suspicion of wrongdoing shown by the inquest papers, to thoroughly  
2460 investigate the cause of such death.

2461 It shall be the duty of the medical examiner of the county in  
2462 which the prisoner died to arrange for the remains to be  
2463 transported to the State Medical Examiner for the autopsy, and  
2464 accompanying the remains shall be the court order for autopsy and  
2465 any documents or records pertaining to the deceased prisoner,  
2466 institutional health records or other information relating to the  
2467 circumstances surrounding the prisoner's death. The State Medical  
2468 Examiner shall arrange for the remains to be transported to the  
2469 county in which the prisoner died following completion of the  
2470 autopsy. If the remains are not claimed for burial within  
2471 forty-eight (48) hours after autopsy, then the remains may be  
2472 delivered to the University of Mississippi Medical Center for use  
2473 in medical research or anatomical study.

2474 The provisions herein set forth in the first paragraph shall  
2475 likewise apply to any case in which any person is found dead on  
2476 the premises of the Mississippi State Penitentiary, except that  
2477 the autopsy to be performed on the body of such a person shall not  
2478 be mandatory upon a person who is not a prisoner unless the  
2479 medical examiner determines that the death resulted from  
2480 circumstances raising questions as to the cause of death, in which

2481 case the medical examiner may cause an autopsy to be performed  
2482 upon the body of such deceased person in the same manner as  
2483 authorized to be performed upon the body of a deceased prisoner.

2484 \* \* \* The provisions \* \* \* of this section shall apply with  
2485 respect to any deceased prisoner who at the time of death is being  
2486 detained by duly constituted state authority such as the Juvenile  
2487 Justice Center at Marion, Juvenile Justice Center at Hinds,  
2488 Mississippi State Hospital at Whitfield, East Mississippi State  
2489 Hospital, or any other state institution.

2490 The provisions of this section shall not apply to a prisoner  
2491 who was lawfully executed as provided in Sections 99-19-49 through  
2492 99-19-55.

2493 Any officer or employee of the prison system or any other  
2494 officer, employee or person having charge of any prisoner who  
2495 shall fail to immediately notify the medical examiner of the death  
2496 of such prisoner, shall be guilty of a misdemeanor and, upon  
2497 conviction thereof, shall be punished by a fine of not less than  
2498 One Hundred Dollars (\$100.00) nor more than Five Hundred dollars  
2499 (\$500.00) and by confinement in the county jail for not more than  
2500 one (1) year.

2501 **SECTION 35.** Section 47-7-45, Mississippi Code of 1972, is  
2502 amended as follows:

2503 47-7-45. The provisions of this chapter shall not apply to  
2504 probation under the Youth Court Law nor to parole from the  
2505 Juvenile Justice Center at Marion and the Juvenile Justice Center  
2506 at Hinds.

2507 **SECTION 36.** Section 65-1-37, Mississippi Code of 1972, is  
2508 amended as follows:

2509 65-1-37. The Mississippi Transportation Commission is hereby  
2510 authorized and empowered to have the Mississippi Department of  
2511 Transportation construct, repair and maintain the driveways and  
2512 streets on the grounds of the universities and colleges under the  
2513 jurisdiction of the Board of Trustees of the State Institutions of

2514 Higher Learning, state, and/or county supported junior colleges,  
2515 the state hospitals, and institutions under the jurisdiction of  
2516 the Department of Mental Health, the Juvenile Justice Center at  
2517 Marion, the Juvenile Justice Center at Hinds, the Mississippi  
2518 Schools for the Deaf and Blind, and the Mississippi Department of  
2519 Wildlife, Fisheries and Parks in the manner provided herein,  
2520 including bypasses to connect those driveways and streets with  
2521 roads on the state highway system, and the main thoroughfare  
2522 running east and west through the grounds of the Mississippi  
2523 Penitentiary, provided that the institutions obtain the necessary  
2524 rights-of-way, those institutions being \* \* \* authorized so to do  
2525 by this section.

2526         The Transportation Commission and the governing boards of  
2527 the institutions shall enter into an agreement prior to  
2528 undertaking any of the work mentioned in the first paragraph of  
2529 this section, and the agreement shall be based on the  
2530 Transportation Department's furnishing equipment, equipment  
2531 operators, skilled labor, supervision, and engineering services,  
2532 and the governing bodies of the aforementioned institutions shall  
2533 furnish material, supplies and common labor. This agreement shall  
2534 further provide for reimbursement of the Mississippi Department of  
2535 Transportation, in full, for the expenditures incurred in the  
2536 construction, repair and maintenance of driveways and streets at  
2537 the institutions hereinabove mentioned, such reimbursement to be  
2538 made directly to the Mississippi Transportation Commission from  
2539 the institutions. Upon the execution of an agreement as set out  
2540 herein, the Mississippi Department of Transportation may provide  
2541 all the necessary engineering, supervision, skilled labor,  
2542 equipment, and equipment operators to perform such work.

2543         **SECTION 37.** Section 99-43-3, Mississippi Code of 1972, is  
2544 amended as follows:

2545           99-43-3. As used in this chapter, the following words shall  
2546 have the meanings ascribed to them unless the context clearly  
2547 requires otherwise:

2548           (a) "Accused" means a person who has been arrested for  
2549 committing a criminal offense and who is held for an initial  
2550 appearance or other proceeding before trial or who is a target of  
2551 an investigation for committing a criminal offense.

2552           (b) "Appellate proceeding" means an oral argument held  
2553 in open court before the Mississippi Court of Appeals, the  
2554 Mississippi Supreme Court, a federal court of appeals or the  
2555 United States Supreme Court.

2556           (c) "Arrest" means the actual custodial restraint of a  
2557 person or his submission to custody.

2558           (d) "Community status" means extension of the limits of  
2559 the places of confinement of a prisoner through work release,  
2560 intensive supervision, house arrest and initial consideration of  
2561 pre-discretionary leave, passes and furloughs.

2562           (e) "Court" means all state courts including juvenile  
2563 courts.

2564           (f) "Victim assistance coordinator" means a person who  
2565 is employed or authorized by a public entity or a private entity  
2566 that receives public funding primarily to provide counseling,  
2567 treatment or other supportive assistance to crime victims.

2568           (g) "Criminal offense" means conduct that gives a law  
2569 enforcement officer or prosecutor probable cause to believe that a  
2570 felony involving physical injury, the threat of physical injury, a  
2571 sexual offense, any offense involving spousal abuse or domestic  
2572 violence has been committed.

2573           (h) "Criminal proceeding" means a hearing, argument or  
2574 other matter scheduled by and held before a trial court but does  
2575 not include a lineup, grand jury proceeding or other matter not  
2576 held in the presence of the court.

2577 (i) "Custodial agency" means a municipal or county  
2578 jail, the Department of Corrections, juvenile detention facility,  
2579 Department of Juvenile Justice or a secure mental health facility  
2580 having custody of a person who is arrested or is in custody for a  
2581 criminal offense.

2582 (j) "Defendant" means a person or entity that is  
2583 formally charged by complaint, indictment or information of  
2584 committing a criminal offense.

2585 (k) "Final disposition" means the ultimate termination  
2586 of the criminal prosecution of a defendant by a trial court,  
2587 including dismissal, acquittal or imposition of a sentence.

2588 (l) "Immediate family" means the spouse, parent, child,  
2589 sibling, grandparent or guardian of the victim, unless that person  
2590 is in custody for an offense or is the accused.

2591 (m) "Lawful representative" means a person who is a  
2592 member of the immediate family or who is designated as provided in  
2593 Section 99-43-5; no person in custody for an offense or who is the  
2594 accused may serve as lawful representative.

2595 (n) "Post-arrest release" means the discharge of the  
2596 accused from confinement on recognizance, bond or other condition.

2597 (o) "Post-conviction release" means parole or discharge  
2598 from confinement by an agency having custody of the prisoner.

2599 (p) "Post-conviction relief proceeding" means a  
2600 hearing, argument or other matter that is held in any court and  
2601 that involves a request for relief from a conviction, sentence or  
2602 adjudication.

2603 (q) "Prisoner" means a person who has been convicted or  
2604 adjudicated of a criminal offense against a victim and who has  
2605 been sentenced to the custody of the sheriff, the Department of  
2606 Corrections, Department of Juvenile Justice, juvenile detention  
2607 facility, a municipal jail or a secure mental health facility.

2608 (r) "Prosecuting attorney" means the district attorney,  
2609 county prosecuting attorney, municipal prosecuting attorney, youth

2610 court prosecuting attorney, special prosecuting attorney or  
2611 Attorney General.

2612 (s) "Right" means any right granted to the victim by  
2613 the laws of this state.

2614 (t) "Victim" means a person against whom the criminal  
2615 offense has been committed, or if the person is deceased or  
2616 incapacitated, the lawful representative.

2617 **SECTION 38.** Sections 43-27-10, 43-27-11, 43-27-12, 43-27-22,  
2618 43-27-23, 43-27-25, 43-27-27, 43-27-29 and 43-27-35, Mississippi  
2619 Code of 1972, which provide that the Department of Human Services  
2620 has jurisdiction over the juvenile correctional facilities, are  
2621 repealed.

2622 **SECTION 39.** Section 43-21-123, Mississippi Code of 1972, is  
2623 amended as follows:

2624 43-21-123. (1) Except for expenses provided by state funds  
2625 and/or other monies, the board of supervisors, or the municipal  
2626 governing board where there is a municipal youth court, shall  
2627 adequately provide funds for the operation of the youth court  
2628 division of the appropriate court in conjunction with the  
2629 regular \* \* \* court budget \* \* \*. In preparation for said  
2630 funding, on an annual basis at the time requested, the youth court  
2631 judge, regular youth court referee or administrator shall prepare  
2632 and submit to the board of supervisors, or the municipal governing  
2633 board of the youth court wherever the youth court is a municipal  
2634 court, an annual budget which will identify the number, staff  
2635 position, title and amount of annual or monthly compensation of  
2636 each position as well as provide for other expenditures necessary  
2637 to the functioning and operation of the youth court. When the  
2638 budget of the youth court or youth court judge is approved by the  
2639 board of supervisors or the governing authority of the  
2640 municipality, then the youth court, youth court judge, regular  
2641 youth court referee or administrator may employ such persons as  
2642 provided in the budget from time to time.



2643       (2) The board of supervisors of any county in which there is  
2644 located a youth court, and the governing authority of any  
2645 municipality in which there is located a municipal youth court,  
2646 are each authorized to reimburse the youth court referees and  
2647 other county employed youth court employees or personnel for  
2648 reasonable travel and expenses incurred in the performance of  
2649 their duties and in attending educational meetings offering  
2650 professional training to such persons as budgeted.

2651       (3) (a) In order to ensure that all youth courts not served  
2652 by a county court have sufficient support funds to carry on the  
2653 business of the youth court, the Administrative Office of Courts  
2654 shall establish a formula for providing state support payable from  
2655 the General Fund for the support of the youth courts. Youth court  
2656 support funds shall be available to each regular youth court  
2657 referee and municipal youth court referee so long as the senior  
2658 chancellor does not elect to employ a youth court administrator as  
2659 set forth in subsection 3(b), and each regular youth court referee  
2660 shall have the individual discretion to appropriate those funds as  
2661 expense monies to assist in hiring secretarial staff and acquiring  
2662 materials incident to carrying on the business of the court within  
2663 the referee's private practice of law, or may direct the use of  
2664 those funds through the county budget for court support supplies  
2665 or services. The regular youth court referee and municipal youth  
2666 court referee shall be accountable for assuring through private or  
2667 county employees the proper preparation and filing of all  
2668 necessary tracking and other documentation attendant to the  
2669 administration of the youth court. The formula developed by the  
2670 Administrative Office of Courts for providing youth court support  
2671 funds shall be reviewed by the Administrative Office of Courts  
2672 every two (2) years to ensure that the youth court support funds  
2673 provided herein are proportional to each youth court's caseload.  
2674 Approval of the use of any of the youth court support funds made  
2675 under this subsection shall be made by the Administrative Office

2676 of Courts in accordance with procedures established by the  
2677 Administrative Office of Courts.

2678 (b) In lieu of accepting any referee support funds as  
2679 provided in paragraph (b) of this subsection, when permitted by  
2680 the Administrative Office of Courts, the senior chancellors of  
2681 Chancery Districts One, Two, Three, Four, Six, Seven, Nine, Ten,  
2682 Thirteen, Fourteen, Fifteen and Eighteen may appoint a youth court  
2683 administrator for the district whose responsibility will be to  
2684 perform all reporting, tracking and other duties of a court  
2685 administrator for all youth courts in the district which are under  
2686 the chancery court system. The Administrative Office of Courts  
2687 shall allocate to each chancellor so electing a sum not to exceed  
2688 Thirty Thousand Dollars (\$30,000.00) per year to cover the salary,  
2689 fringe benefits and equipment of such administrator, and an  
2690 additional sum not to exceed One Thousand Nine Hundred Dollars  
2691 (\$1,900.00) to cover travel expenses of the administrator.

2692 **SECTION 40.** The Governor, on behalf of this state, may  
2693 execute a compact in substantially the following form, and the  
2694 Legislature signifies in advance its approval and ratification of  
2695 the compact:

2696 **THE INTERSTATE COMPACT FOR JUVENILES**

2697 **ARTICLE I**

2698 **PURPOSE**

2699 The compacting states to this Interstate Compact recognize  
2700 that each state is responsible for the proper supervision or  
2701 return of juveniles, delinquents and status offenders who are on  
2702 probation or parole and who have absconded, escaped or run away  
2703 from supervision and control and in so doing have endangered their  
2704 own safety and the safety of others. The compacting states also  
2705 recognize that each state is responsible for the safe return of  
2706 juveniles who have run away from home and in doing so have left  
2707 their state of residence. The compacting states also recognize  
2708 that Congress, be enacting the Crime Control Act, 4 USCS Section

2709 112 (1965), has authorized and encouraged compacts for cooperative  
2710 efforts and mutual assistance in the prevention of crime.

2711 It is the purpose of this compact, through means of joint and  
2712 cooperative action among the compacting states to;

2713 (a) Ensure that the adjudicated juveniles and status  
2714 offenders subject to this compact are provided adequate  
2715 supervision and services in the receiving state as ordered by the  
2716 adjudicating judge or parole authority in the sending state;

2717 (b) Ensure that the public safety interests of the  
2718 citizens, including the victims of juvenile offenders, in both the  
2719 sending and receiving states are adequately protected;

2720 (c) Return juveniles who have run away, absconded or  
2721 escaped from supervision or control or have been accused of an  
2722 offense to the state requesting their return;

2723 (d) Make contracts for the cooperative  
2724 institutionalization in public facilities in member states for  
2725 delinquent youth needing special services;

2726 (e) Provide for the effective tracking and supervision  
2727 of juveniles;

2728 (f) Equitably allocate the costs, benefits and  
2729 obligations of the compacting states;

2730 (g) Establish procedures to manage the movement between  
2731 states of juvenile offenders released to the community under the  
2732 jurisdiction of courts, juvenile departments, or any other  
2733 criminal or juvenile justice agency that has jurisdiction over  
2734 juvenile offenders;

2735 (h) Insure immediate notice to jurisdictions where  
2736 defined offenders are authorized to travel or to relocate across  
2737 state lines;

2738 (i) Establish procedures to resolve pending charges  
2739 (detainers) against juvenile offenders before transfer or release  
2740 to the community under the terms of this compact;

2741 (j) Establish a system of uniform data collection on  
2742 information pertaining to juveniles subject to this compact that  
2743 allows access by authorized juvenile justice and criminal justice  
2744 officials, and regular reporting of compact activities to heads of  
2745 state executive, judicial, and legislative branches and juvenile  
2746 and criminal justice administrators;

2747 (k) Monitor compliance with rules governing interstate  
2748 movement of juveniles and initiate interventions to address and  
2749 correct noncompliance;

2750 (l) Coordinate training and education regarding the  
2751 regulation of interstate movement of juveniles for officials  
2752 involved in that activity; and

2753 (m) Coordinate the implementation and operation of the  
2754 compact with the Interstate Compact for the Placement of Children,  
2755 the Interstate Compact for Adult Offender Supervision and other  
2756 compacts affecting juveniles particularly in those cases where  
2757 concurrent or overlapping supervision issues arise.

2758 It is the policy of the compacting states that the activities  
2759 conducted by the Interstate Commission created by this Compact are  
2760 the formation of public policies and therefore are public  
2761 business. Furthermore, the compacting states shall cooperate and  
2762 observe their individual and collective duties and  
2763 responsibilities for the prompt return and acceptance of juveniles  
2764 subject to the provisions of this compact. The provisions of this  
2765 compact shall be reasonably and liberally construed to accomplish  
2766 the purposes and policies of the compact.

2767 **ARTICLE II**

2768 **DEFINITIONS**

2769 As used in this compact, unless the context clearly requires  
2770 a different construction:

2771 (a) "Bylaws" means those bylaws established by the  
2772 Interstate Commission for its governance, or for directing or  
2773 controlling its actions or conduct.

2774           (b) "Compact Administrator" means the individual in  
2775 each compacting state appointed under the terms of this compact,  
2776 responsible for the administration and management of the state's  
2777 supervision and transfer of juveniles subject to the terms of this  
2778 compact, the rules adopted by the Interstate Commission and  
2779 policies adopted by the State Council under this compact.

2780           (c) "Compacting State" means any state that has enacted  
2781 the enabling legislation for this compact.

2782           (d) "Commissioner" means the voting representative of  
2783 each compacting state appointed pursuant to Article III of this  
2784 compact.

2785           (e) "Court" means any court having jurisdiction over  
2786 delinquent, neglected or dependent children.

2787           (f) "Deputy Compact Administrator" means the  
2788 individual, if any, in each compacting state appointed to act on  
2789 behalf of a compact administrator under the terms of this compact  
2790 responsible for the administration and management of the state's  
2791 supervision and transfer of juveniles subject to the terms of this  
2792 compact, the rules adopted by the Interstate Commission and  
2793 policies adopted by the State Council under this compact.

2794           (g) "interstate Commission" means the Interstate  
2795 Commission for Juveniles created by Article III of this compact.

2796           (h) "Juvenile" means any person defined as a juvenile  
2797 in any member state or by the rules of the Interstate Commission,  
2798 including:

2799                 (i) Accused Delinquent, which is a person charged  
2800 with an offense that, if committed by an adult, would be a  
2801 criminal offense;

2802                 (ii) Adjudicated Delinquent, which is a person  
2803 found to have committed an offense that, if committed by an adult,  
2804 would be a criminal offense;

2805 (iii) Accused Status Offender, which is a person  
2806 charged with an offense that would not be a criminal offense if  
2807 committed by an adult;

2808 (iv) Adjudicated Status Offender, which is a  
2809 person found to have committed an offense that would not be a  
2810 criminal offense if committed by an adult; and

2811 (v) Nonoffender which is, a person in need of  
2812 supervision who has not been accused or adjudicated a status  
2813 offender or delinquent.

2814 (i) "Noncompacting state" means any state that has not  
2815 enacted the enabling legislation for this compact.

2816 (j) "Probation or Parole" means any kind of supervision  
2817 or conditional release of juveniles authorized under the laws of  
2818 the compacting states.

2819 (k) "Rules" means a written statement by the Interstate  
2820 Commission promulgated under Article VI of this compact that is of  
2821 general applicability, implements, interprets or prescribes a  
2822 policy or provision of the compact, or an organizational,  
2823 procedural, or practice requirement of the Commission, and has the  
2824 force and effect of statutory law in a compacting state, and  
2825 includes the amendment, repeal or suspension of an existing rule.

2826 (l) "State" means a state of the United States, the  
2827 District of Columbia (or its designee), the Commonwealth of Puerto  
2828 Rico, the United States Virgin Islands, Guam, American Samoa, and  
2829 the Northern Marianas Islands.

2830 **ARTICLE III**

2831 **INTERSTATE COMMISSION FOR JUVENILES**

2832 (1) The compacting states create the "Interstate Commission  
2833 for Juveniles." The commission shall be a body corporate and  
2834 joint agency of the compacting states. The commission shall have  
2835 all the responsibilities, powers and duties set forth in this  
2836 compact, and such additional powers as may be conferred upon it by

2837 subsequent action of the respective legislatures of the compacting  
2838 states in accordance with the terms of this compact.

2839 (2) The Interstate commission shall consist of commissioners  
2840 appointed by the appropriate appointing authority in each state  
2841 pursuant to the rules and requirements of each compacting state  
2842 and in consultation with the State Council for Interstate Juvenile  
2843 Supervision created under this compact. The commissioner shall be  
2844 the compact administrator, deputy compact administrator or  
2845 designee from that state who shall serve on the Interstate  
2846 Commission in such capacity under the applicable law of the  
2847 compacting state.

2848 (3) In addition to the commissioners who are the voting  
2849 representatives of each state, the Interstate Commission shall  
2850 include individuals who are not commissioners, but who are members  
2851 of interested organizations. Those noncommissioner members must  
2852 include a member of the national organizations of governors,  
2853 legislators, state chief justices, attorneys general, Interstate  
2854 Compact for Adult Offender for Adult Offender Supervision,  
2855 Interstate Compact for the Placement of Children, juvenile justice  
2856 and juvenile corrections officials and crime victims. All  
2857 noncommissioner members of the Interstate Commission shall be  
2858 exofficio nonvoting members. The Interstate Commission may  
2859 provide in its bylaws for additional exofficio nonvoting members,  
2860 including members of other national organizations, in such numbers  
2861 as determined by the commission.

2862 (4) Each compacting state represented at any meeting of the  
2863 commission is entitled to one (1) vote. A majority of the  
2864 compacting states shall constitute a quorum for the transaction of  
2865 business, unless a larger quorum is required by the bylaws of the  
2866 Interstate Commission.

2867 (5) The commission shall meet at least once each calendar  
2868 year. The chairperson may call additional meetings and, upon the  
2869 request of a simple majority of the compacting states, shall call

2870 additional meetings. Public notice shall be given of all meetings  
2871 and meetings shall be open to the public.

2872 (6) The Interstate Commission shall establish an executive  
2873 committee, which shall include commission officers, members and  
2874 others as determined by the bylaws. The executive committee shall  
2875 have the power to act on behalf of the Interstate Commission  
2876 during periods when the Interstate Commission is not in session,  
2877 with the exception of rulemaking and/or amendment to the compact.  
2878 The executive committee shall oversee the day-to -day activities  
2879 of the administration of the compact managed by an executive  
2880 director and Interstate Commission staff; administers enforcement  
2881 and compliance with the provisions of the compact, its bylaws and  
2882 rules and performs such other duties as directed by the Interstate  
2883 Commission or set forth in the bylaws.

2884 (7) Each member of the Interstate Commission shall have the  
2885 right and power to cast a vote to which that compacting state is  
2886 entitled and to participate in the business and affairs of the  
2887 Interstate Commission. A member shall vote in person and shall  
2888 not delegate a vote to another compacting state. However, a  
2889 commissioner, in consultation with the state council, shall  
2890 appoint another authorized representative, in the absence of the  
2891 commissioner from that state, to cast a vote on behalf of the  
2892 compacting state at a specified meeting. The bylaws may provide  
2893 for members' participation in meetings by telephone or other means  
2894 of telecommunication or electronic communication.

2895 (8) The Interstate Commission's bylaws shall establish  
2896 conditions and procedures under which the Interstate Commission  
2897 shall make its information and official records available to the  
2898 public for inspection or copying. The Interstate Commission may  
2899 exempt from disclosure any information or official records to the  
2900 extent they would adversely affect personal privacy rights or  
2901 proprietary interests.



2902           (9) Public notice shall be given of all meetings and all  
2903 meeting shall be open to the public, except as set forth in the  
2904 Rules or as otherwise provided in the compact. The Interstate  
2905 Commission and any of its committees may close a meeting to the  
2906 public where it determines by two-thirds (2/3) vote that an open  
2907 meeting would be likely to:

2908           (a) Relate solely to the Interstate Commission's  
2909 internal personnel practice and procedures;

2910           (b) Disclose matters specifically exempted from  
2911 disclosure by statute;

2912           (c) Disclose trade secrets or commercial or financial  
2913 information that is privileged or confidential;

2914           (d) Involve accusing any person of a crime, or formally  
2915 censuring any person;

2916           (e) Disclose information of a personal nature where  
2917 disclosure would constitute a clearly unwarranted invasion of  
2918 personal privacy;

2919           (f) Disclose investigative records compiled for law  
2920 enforcement purposes;

2921           (g) Disclose information contained in or related to  
2922 examination, operating or condition reports prepared by, or on  
2923 behalf of or for the use of, the Interstate Commission with  
2924 respect to a regulated person or entity for the purpose of  
2925 regulation or supervision of the person or entity;

2926           (h) Disclose information, the premature disclosure of  
2927 which would significantly endanger the stability of a regulated  
2928 person or entity; or

2929           (i) Specifically relate to the Interstate Commission's  
2930 issuance of a subpoena, or its participation in a civil action or  
2931 other legal proceeding.

2932           (10) For every meeting closed under this provision, the  
2933 Interstate Commission's legal counsel shall publicly certify that,  
2934 in the legal counsel's opinion, the meeting may be closed to the

2935 public, and shall reference each relevant exemptive provision.  
2936 The Interstate Commission shall keep minutes that shall fully and  
2937 clearly describe all matters discussed in any meeting and shall  
2938 provide a full and accurate summary of any actions taken, and the  
2939 reasons therefor, including a description of each of the views  
2940 expressed on any item and the record of any roll call vote  
2941 (reflected in the vote of each member on the question). All  
2942 documents considered in connection with any action shall be  
2943 identified in the minutes.

2944 (11) The Interstate Commission shall collect standardized  
2945 data concerning the interstate movement of juveniles as directed  
2946 through its rules, which shall specify the data to be collected,  
2947 the means of collection, data exchange and reporting requirements.  
2948 Those methods of data collection, exchange and reporting shall,  
2949 insofar as is reasonably possible, conform to up-to-date  
2950 technology and coordinate its information functions with the  
2951 appropriate repository of records.

#### 2952 **ARTICLE IV**

##### 2953 **POWERS AND DUTIES OF THE INTERSTATE COMMISSION**

2954 The commission shall have the following powers and duties:

2955 (a) To provide for dispute resolution among compacting  
2956 state.

2957 (b) To promulgate rules to effect the purposes and  
2958 obligations as enumerated in this compact, which shall have the  
2959 force and effect of statutory law and shall be binding in the  
2960 compacting states to the extent and in the manner provided in this  
2961 compact.

2962 (c) To oversee, supervise and coordinate the interstate  
2963 movement of juveniles subject to the terms of this compact and any  
2964 bylaws adopted and rules promulgated by the Interstate Commission.

2965 (d) To enforce compliance with the compact provision,  
2966 the rules promulgated by the Interstate commission, and the

2967 bylaws, using all necessary and proper means, including but not  
2968 limited to the use of judicial process.

2969 (e) To establish and maintain offices, which shall be  
2970 located within one or more of the compacting states.

2971 (f) To purchase and maintain insurance and bonds.

2972 (g) To borrow, accept, hire or contract for services of  
2973 personnel.

2974 (h) To establish and appoint committees and hire staff  
2975 that it deems necessary for the carrying out of its functions  
2976 including, but not limited to, an executive committee as required  
2977 by Article III, which shall have the power to act on behalf of the  
2978 Interstate Commission in carrying out its powers and duties under  
2979 this compact.

2980 (i) To elect or appoint officers, attorneys, employees,  
2981 agents or consultants, and to fix their compensation, define their  
2982 duties and determine their qualifications; and to establish  
2983 the Interstate Commission's personnel policies and programs  
2984 relating to, inter alia, conflicts of interest, rates of  
2985 compensation and qualifications of personnel.

2986 (j) To accept any and all donations and grants of  
2987 money, equipment, supplies, materials and services, and to  
2988 receive, utilize and dispose of it.

2989 (k) To lease, purchase, accept contributions or  
2990 donations of or otherwise to own, hold, improve or use any  
2991 property, real, personal or mixed.

2992 (l) To sell, convey, mortgage, pledge, lease, exchange,  
2993 abandon or otherwise dispose of any property, real, personal or  
2994 mixed.

2995 (m) To establish a budget and make expenditures and  
2996 levy dues as provided in Article VIII of this compact.

2997 (n) To sue and be sued.

2998 (o) To adopt a seal and bylaws governing the management  
2999 and operation of the Interstate Commission.

3000 (p) To perform such functions as may be necessary or  
3001 appropriate to achieve the purposes of this compact.

3002 (q) To report annually to the legislatures, governors,  
3003 judiciary, and state councils of the compacting states concerning  
3004 the activities of the Interstate Commission during the preceding  
3005 year. Those reports also shall include any recommendations that  
3006 may have been adopted by the Interstate Commission.

3007 (r) To coordinate education, training and public  
3008 awareness regarding the interstate movement of juveniles for  
3009 officials involved in that activity.

3010 (s) To establish uniform standards of the reporting,  
3011 collecting and exchanging of data.

3012 (t) To maintain its corporate books and records in  
3013 accordance with the bylaws.

3014 **ARTICLE V**

3015 **ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION**

3016 (1) **Bylaws.** The Interstate Commission shall, by a majority  
3017 of the members present and voting, within twelve (12) months after  
3018 the first Interstate Commission meeting, adopt bylaws to govern  
3019 its conduct as may be necessary or appropriate to carry out the  
3020 purposes of the compact including, but not limited to:

3021 (a) Establishing the fiscal year of the Interstate  
3022 Commission;

3023 (b) Establishing an executive committee and such other  
3024 committees as may be necessary;

3025 (c) Providing for the establishment of committees  
3026 governing any general or specific delegation of any authority or  
3027 function of the Interstate Commission;

3028 (d) Providing reasonable procedures for calling and  
3029 conducting meetings of the Interstate Commission, and ensuring  
3030 reasonable notice of each such meeting;

3031 (e) Establishing the titles and responsibilities of the  
3032 officers of the Interstate Commission;

3033 (f) Providing a mechanism for concluding the operations  
3034 of the Interstate Commission and the return of any surplus funds  
3035 that may exist upon the termination of the compact after the  
3036 payment and/or reserving of all of its debts and obligations;

3037 (g) Providing "start-up" rules for initial  
3038 administration of the compact; and

3039 (h) Establishing standards and procedures for  
3040 compliance and technical assistance in carrying out the compact.

3041 (2) **Officers and Staff.** (a) The Interstate Commission  
3042 shall, by a majority of the members, elect annually from among its  
3043 members a chairperson and a vice chairperson each of whom shall  
3044 have such authority and duties as may be specified in the bylaws.  
3045 The chairperson or, in the chairperson's absence or disability,  
3046 the vice chairperson shall preside at all meetings of the  
3047 Interstate Commission. The officers so elected shall serve  
3048 without compensation or remuneration from the Interstate  
3049 Commission; however, subject to the availability of budgeted  
3050 funds, the officers shall be reimbursed for any ordinary and  
3051 necessary costs and expenses incurred by them in the performance  
3052 of their duties and responsibilities as officers of the Interstate  
3053 Commission.

3054 (b) The Interstate Commission shall, through its  
3055 executive committee, appoint or retain an executive director for  
3056 such period, upon such terms and conditions and for such  
3057 compensation as the Interstate Commission may deem appropriate.  
3058 The executive director shall serve as secretary to the Interstate  
3059 Commission, but shall not be a member and shall hire and supervise  
3060 such other staff as may be authorized by the Interstate  
3061 Commission.

3062 (3) **Qualified Immunity, Defense and Indemnification.** (a)  
3063 The Commission's executive director and employees shall be immune  
3064 from suit and liability, either personally or in their official  
3065 capacity, for any claim for damage to or loss of property,

3066 personal injury or other civil liability caused or arising out of  
3067 or relating to any actual or alleged act, error, or omission that  
3068 occurred, or that the person had a reasonable basis for believing  
3069 occurred within the scope of Commission employment, duties or  
3070 responsibilities; however, any such person shall not be protected  
3071 from suit or liability for any damage, loss, injury or liability  
3072 caused by the intentional or willful and wanton misconduct of any  
3073 such person.

3074           (b) The liability of any commissioner, or the employee  
3075 of agent of a commissioner, acting within the scope of the  
3076 person's employment or duties for acts, errors or omissions  
3077 occurring within the person's state may not exceed the limits of  
3078 liability set forth under the Constitution and laws of that state  
3079 for state officials, employees and agents. Nothing in this  
3080 subsection shall be construed to protect any such person from suit  
3081 or liability for any damage, loss, injury or liability caused by  
3082 the intentional or willful and wanton misconduct of any such  
3083 person.

3084           (c) The Interstate Commission shall defend the  
3085 executive director or the employees or representatives of the  
3086 Interstate Commission and, subject to the approval of the Attorney  
3087 General of the state represented by any commissioner of a  
3088 compacting state, shall defend the commissioner or the  
3089 commissioner's representatives or employees in any civil action  
3090 seeking to impose liability arising out of any actual or alleged  
3091 act, error or omission that occurred within the scope of  
3092 Interstate Commission employment, duties or responsibilities, or  
3093 that the defendant has a reasonable basis for believing occurred  
3094 within the scope of Interstate Commission employment, duties or  
3095 responsibilities, provided that the actual or alleged act, error  
3096 or omission did not result from intentional or willful and wanton  
3097 misconduct on the part of the person.

3098 (d) The Interstate Commission shall indemnify and hold  
3099 the commissioner of a compacting state, or the commissioner's  
3100 representatives or employees or the Interstate Commission's  
3101 representatives or employees, harmless in the amount of any  
3102 settlement or judgment obtained against those persons arising out  
3103 of any actual or alleged act, error or omission that occurred  
3104 within the scope of Interstate Commission employment, duties or  
3105 responsibilities, or that those persons had a reasonable basis for  
3106 believing occurred within the scope of Interstate Commission  
3107 employment, duties or responsibilities, provide that the actual or  
3108 alleged act, error or omission did not result from intentional or  
3109 willful and wanton misconduct on the part of such persons.

#### 3110 **ARTICLE VI**

##### 3111 **RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION**

3112 (1) The Interstate Commission shall promulgate and publish  
3113 rules in order to effectively and efficiently achieve the purposes  
3114 of the compact.

3115 (2) Rule making shall occur using the criteria set forth in  
3116 this article and the bylaws and rules adopted under this article.  
3117 That rulemaking shall substantially conform to the principles of  
3118 the "Model State Administrative Procedures Act," 1981 Act, Uniform  
3119 Laws Annotated, Vol. 15, p.1 (2000), or such other administrative  
3120 procedures act, as the Interstate Commission deems appropriate  
3121 consistent with due process requirements under the United States  
3122 Constitution as now or hereafter interpreted by the United States  
3123 Supreme Court. All rules and amendments shall become binding as  
3124 of the date specified, as published with the final version of the  
3125 rule as approved by the Commission.

3126 (3) When promulgating a rule, the Interstate Commission  
3127 shall, at a minimum:

3128 (a) Publish the proposed rule's entire text stating the  
3129 reason(s) for that proposed rule;

3130           (b) Allow and invite any and all persons to submit  
3131 written data, facts, opinions, and arguments, which information  
3132 shall be added to the record, and be made publicly available;

3133           (c) Provide an opportunity for an informal hearing if  
3134 petitioned by ten (10) or more persons; and

3135           (d) Promulgate a final rule and its effective date, if  
3136 appropriate, based on input from state or local officials, or  
3137 interested parties.

3138           (4) Allow not later than sixty (60) days after a rule is  
3139 promulgated, any interested person to file a petition in the  
3140 United States District Court for the District of Columbia or in  
3141 the Federal District Court where the Interstate Commission's  
3142 principal office is located for judicial review of the rule. If  
3143 the court finds that the Interstate Commission's action is not  
3144 supported by substantial evidence in the rulemaking record, the  
3145 court shall hold the rule unlawful and set it aside. For purposes  
3146 of this subsection, evidence is substantial if it would be  
3147 considered substantial evidence under the Model State  
3148 Administrative Procedures Act.

3149           (5) If a majority of the legislatures of the compacting  
3150 states rejects a rule, those states may, by enactment of a statute  
3151 or resolution in the same manner used to adopt the compact, cause  
3152 that the rule shall have no further force and effect in any  
3153 compacting state.

3154           (6) The existing rules governing the operation of the  
3155 Interstate Compact on Juveniles superceded by this act shall be  
3156 null and void twelve (12) months after the first meeting of the  
3157 Interstate Commission created under this compact.

3158           (7) Upon determination by the Interstate Commission that a  
3159 state of emergency exists, it may promulgate an emergency rule  
3160 that shall become effective immediately upon adoption, provided  
3161 that the usual rulemaking procedures provided under this article  
3162 retroactively applied to the rule as soon as reasonable possible,



3163 but no later than ninety (90) days after the effective date of the  
3164 emergency rule.

3165 **ARTICLE VII**

3166 **OVERSIGHT, ENFORCEMENT AND DISPUTES RESOLUTION BY THE INTERSTATE**  
3167 **COMMISSION**

3168 (1) **Oversight.** (a) The Interstate Commission shall oversee  
3169 the administration and operations of the interstate movement of  
3170 juveniles subject to this compact in the compacting states and  
3171 shall monitor those activities being administered in noncompacting  
3172 states that may significantly affect compacting states.

3173 (b) The courts and executive agencies in each  
3174 compacting state shall enforce this compact and shall take all  
3175 actions necessary and appropriate to effectuate the compact's  
3176 purposes and intent. The provisions of this compact and the rules  
3177 promulgated under this compact shall be received by all the  
3178 judges, public officers, commissions and departments of the state  
3179 government as evidence of the authorized statute and  
3180 administrative rules. All courts shall take judicial notice of  
3181 the compact and the rules. In any judicial or administrative  
3182 proceeding in a compacting state pertaining to the subject matter  
3183 of this compact that may affect the powers, responsibilities or  
3184 actions of the Interstate Commission, it shall be entitled to  
3185 receive all service of process in any such proceeding, and shall  
3186 have standing to intervene in the proceeding for all purposes.

3187 (2) **Dispute Resolution.** (a) The compacting states shall  
3188 report to the Interstate Commission on all issues and activities  
3189 necessary for the administration of the compact, as well as issues  
3190 and activities pertaining to compliance with the provisions of the  
3191 compact and its bylaws and rules.

3192 (b) Then Interstate Commission shall attempt, upon the  
3193 request of a compacting state, to resolve any disputes or other  
3194 issues that are subject to the compact and that may arise among  
3195 compacting states and between compacting and noncompacting states.

3196 The commission shall promulgate a rule providing for both  
3197 mediation and binding dispute resolution for disputes among the  
3198 compacting states.

3199 (c) The Interstate Commission, in the reasonable  
3200 exercise of its discretion, shall enforce the provisions and rules  
3201 of this compact using any or all means set forth in Article XI of  
3202 this compact.

### 3203 **ARTICLE VIII**

#### 3204 **FINANCE**

3205 (1) The Interstate Commission shall pay or provide for the  
3206 payment of the reasonable expenses of its establishment,  
3207 organization and ongoing activities.

3208 (2) The Interstate Commission shall levy on and collect an  
3209 annual assessment from each compacting state to cover the cost of  
3210 the internal operations and activities of the Interstate  
3211 Commission and its staff, which must be in a total amount  
3212 sufficient to cover the Interstate Commission's annual budget as  
3213 approved each year. The aggregate annual assessment amount shall  
3214 be allocated based upon a formula to be determined by the  
3215 Interstate Commission, taking into consideration the population of  
3216 each compacting state and the volume of interstate movement of  
3217 juveniles in each compacting state, and shall promulgate a rule  
3218 binding upon all compacting states which governs the assessment.

3219 (3) The Interstate Commission shall not incur any  
3220 obligations of any kind before securing the funds adequate to meet  
3221 the same; nor shall the Interstate Commission pledge the credit of  
3222 any of the compacting states, except by and with the authority of  
3223 the compacting state.

3224 (4) The Interstate Commission shall keep accurate accounts  
3225 of all receipts and disbursements. The receipts and disbursements  
3226 of the Interstate Commission shall be subject to the audit and  
3227 accounting procedures established under its bylaws. However, all  
3228 receipts and disbursements of funds handled by the Interstate

3229 Commission shall be audited yearly by a certified or licensed  
3230 public accountant and the report of the audit shall be included in  
3231 and become part of the annual report of the Interstate Commission.

3232 **ARTICLE IX**

3233 **THE STATE COUNCIL**

3234 Each member state shall create a State Council for Interstate  
3235 Juvenile Supervision. While each state may determine the  
3236 membership of its own state council, its membership must include  
3237 at least one (1) representative from the legislative, judicial,  
3238 and executive branches of government, victims groups, and the  
3239 compact administrator or designee. Each compacting state retains  
3240 the right to determine the qualifications of the compact  
3241 administrator or deputy compact administrator. Each state council  
3242 will advise and may exercise oversight and advocacy concerning the  
3243 state's participation in Interstate Commission activities and  
3244 other duties as may be determined by that state, including, but  
3245 not limited to, development of policy concerning operations and  
3246 procedures of the compact within that state.

3247 **ARTICLE X**

3248 **COMPACTING STATES, EFFECTIVE DATE AND AMENDMENT**

3249 (1) Any state, the District of Columbia (or its designee),  
3250 the Commonwealth of Puerto Rico, the United States Virgin Islands,  
3251 Guam, American Samoa and the Northern Marianas Islands as defined  
3252 in Article II of this compact is eligible to become a compacting  
3253 state.

3254 (2) The compact shall become effective and binding upon  
3255 legislative enactment of the compact into law by no less than  
3256 thirty-five (35) of the states. The initial effective date shall  
3257 be the later of July 1, 2005 or upon enactment into law by the  
3258 thirty-fifth jurisdiction. Thereafter, it shall become effective  
3259 and binding as to any other compacting state upon enactment of the  
3260 compact into law by that state. The governors of nonmember states  
3261 or their designees shall be invited to participate in the

3262 activities of the Interstate Commission on a nonvoting basis  
3263 before adoption of the compact by all states and territories of  
3264 the United States.

3265 (3) The Interstate Commission may propose amendments to the  
3266 compact for enactment by the compacting states. No amendment  
3267 shall become effective and binding upon the Interstate Commission  
3268 and the compacting states unless and until it is enacted into law  
3269 by unanimous consent of the compacting states.

3270 **ARTICLE XI**

3271 **WITHDRAWAL, DEFAULT, TERMINATION AND JUDICIAL ENFORCEMENT**

3272 (1) **Withdrawal.** (a) Once effective, the compact shall  
3273 continue in force and remain binding upon each and every  
3274 compacting state; however, a compacting state may withdraw from  
3275 the compact by specifically repealing the statute that enacted the  
3276 compact into law.

3277 (b) The effective date of withdrawal is the effective  
3278 date of the repeal.

3279 (c) The withdrawing state shall immediately notify the  
3280 chairperson of the Interstate Commission in writing upon the  
3281 introduction of legislation repealing this compact in the  
3282 withdrawing state. The Interstate Commission shall notify the  
3283 other compacting states of the withdrawing state's intent to  
3284 withdraw within sixty (60) days of its receipt thereof.

3285 (d) The withdrawing state is responsible for all  
3286 assessments, obligations and liabilities incurred through the  
3287 effective date of withdrawal, including any obligations, the  
3288 performance of which extend beyond the effective date of  
3289 withdrawal.

3290 (e) Reinstatement following withdrawal of any  
3291 compacting state shall occur upon the withdrawing state reenacting  
3292 the compact or upon such later date as determined by the  
3293 Interstate Commission.

3294           (2) **Technical Assistance, Fines, Suspension, Termination and**  
3295 **Default.** (a) If the Interstate Commission determines that any  
3296 compacting state has at any time defaulted in the performance of  
3297 any of its obligations or responsibilities under this compact, or  
3298 the bylaws or duly promulgated rules, the Interstate Commission  
3299 may impose any or all the following penalties.

3300                   (i) Remedial training and technical assistance as  
3301 directed by the Interstate Commission;

3302                   (ii) Alternative Dispute Resolution;

3303                   (iii) Fines, fees and costs in such amounts as are  
3304 deemed to be reasonable as fixed by the Interstate Commission; and

3305                   (iv) Suspension or termination of membership in  
3306 the compact, which shall be imposed only after all other  
3307 reasonable means of securing compliance under the bylaws and rules  
3308 have been exhausted and the Interstate Commission has therefore  
3309 determined that the offending state is in default. Immediate  
3310 notice of suspension shall be given by the Interstate Commission  
3311 to the governor, the chief justice or the chief judicial officer  
3312 of the state, the majority and minority leaders of the defaulting  
3313 state's legislature and the state council. The grounds for  
3314 default include, but are not limited to, failure of a compacting  
3315 state to perform the obligation or responsibilities imposed upon  
3316 it by this compact, the bylaws or duly promulgated rules and any  
3317 other grounds designated in commission bylaws and rules. The  
3318 Interstate Commission shall immediately notify the defaulting  
3319 state in writing of the penalty imposed by the Interstate  
3320 Commission and of the default pending a cure of the default. The  
3321 commission shall stipulate the conditions and the time period  
3322 within which the defaulting state must cure its default. If the  
3323 defaulting state fails to cure the default within the time period  
3324 specified by the commission, the defaulting state shall be  
3325 terminated from the compact upon an affirmative vote of a majority  
3326 of the compacting states and all rights, privileges and benefits

3327 conferred by this compact shall be terminated from the effective  
3328 date of termination.

3329 (b) Within sixty (60) days of the effective date of  
3330 termination of a defaulting state, the Commission shall notify the  
3331 governor, the chief justice of chief judicial officer, the  
3332 majority and minority leaders of the defaulting state's  
3333 legislature, and the state council of that termination.

3334 (c) The defaulting state is responsible for all  
3335 assessments, obligations and liabilities incurred through the  
3336 effective date of termination including any obligations, the  
3337 performance of which extends beyond the effective date of  
3338 termination.

3339 (d) The Interstate Commission shall not bear any costs  
3340 relating to the defaulting state unless otherwise mutually agreed  
3341 upon in writing between the Interstate Commission and the  
3342 defaulting state.

3343 (e) Reinstatement following termination of any  
3344 compacting state requires both a reenactment of the compact by the  
3345 defaulting state and the approval of the Interstate Commission  
3346 pursuant to the rules.

3347 (3) **Judicial Enforcement.** The Interstate Commission may, by  
3348 majority vote of the members, initiate legal action in the United  
3349 States District Court for the District of Columbia or, at the  
3350 discretion of the Interstate Commission, in the federal district  
3351 where the Interstate Commission has its offices, to enforce  
3352 compliance with the provisions of the compact, its duly  
3353 promulgated rules and bylaws, against any compacting state in  
3354 default. If judicial enforcement is necessary, the prevailing  
3355 party shall be awarded all costs of the litigation, including  
3356 reasonable attorney's fees.

3357 (4) **Dissolution of Compact.** (a) The compact dissolves  
3358 effective upon the date of the withdrawal or default of the

3359 compacting state, which reduces membership in the compact to one  
3360 (1) compacting state.

3361 (b) Upon the dissolution of the compact, the compact  
3362 becomes null and void and shall be of no further force or effect,  
3363 and the business and affairs of the Interstate Commission shall be  
3364 concluded and any surplus funds shall be distributed in accordance  
3365 with the bylaws.

#### 3366 **ARTICLE XII**

##### 3367 **SEVERABILITY AND CONSTRUCTION**

3368 (1) The provisions of this compact shall be severable, and  
3369 if any phrase, clause, sentence or provision is deemed  
3370 unenforceable, the remaining provisions of the compact shall be  
3371 enforceable.

3372 (2) The provisions of this compact shall be liberally  
3373 construed to effectuate its purposes.

#### 3374 **ARTICLE XIII**

##### 3375 **BINDING EFFECT OF COMPACT AND OTHER LAWS**

3376 (1) **Other Laws.** (a) Nothing in this compact prevents the  
3377 enforcement of any other law of a compacting state that is not  
3378 inconsistent with this compact.

3379 (b) All compacting states' laws other than state  
3380 constitutions and other interstate compacts conflicting with this  
3381 compact are superseded to the extent of the conflict.

3382 (2) **Binding Effect of the Compact.** (a) All lawful actions  
3383 of the Interstate Commission, including all rules and bylaws  
3384 promulgated by the Interstate Commission, are binding upon the  
3385 compacting states.

3386 (b) All agreements between the Interstate Commission  
3387 and the compacting states are binding in accordance with their  
3388 terms.

3389 (c) Upon the request of a party to a conflict over  
3390 meaning or interpretation of Interstate Commission actions, and  
3391 upon a majority vote of the compacting states, the Interstate

3392 Commission may issue advisory opinions regarding that meaning or  
3393 interpretation.

3394 (d) If any provision of this compact exceeds the  
3395 constitutional limits imposed on the legislature of any compacting  
3396 state, the obligations, duties, powers or jurisdiction sought to  
3397 be conferred by that provision upon the Interstate Commission  
3398 shall be ineffective and those obligation, duties, powers or  
3399 jurisdiction shall remain in the compacting state and shall be  
3400 exercised by the agency thereof to which those obligations,  
3401 duties, powers or jurisdiction are delegated by law in effect at  
3402 the time this compact becomes effective.

3403 **SECTION 41.** Sections 43-25-1 through 43-25-17, Mississippi  
3404 Code of 1972, which provide for the Interstate Compact on  
3405 Juveniles, is repealed.

3406 **SECTION 42.** Nothing in this act shall become effective  
3407 unless appropriate funding is made available during the 2005  
3408 Regular Session of the Mississippi Legislature.

3409 **SECTION 43.** This act shall take effect and be in force from  
3410 and after July 1, 2005.