

By: Representative Flaggs

To: Juvenile Justice

HOUSE BILL NO. 325

1 AN ACT TO ESTABLISH THE MISSISSIPPI JUVENILE OFFENDER
2 ALTERATIVE PROGRAM GRANT PROGRAM TO BE ADMINISTERED BY THE
3 DEPARTMENT OF JUVENILE JUSTICE FOR THE PURPOSE OF PROVIDING GRANTS
4 TO MUNICIPALITIES TO ASSIST SUCH MUNICIPALITIES IN OPERATING
5 JUVENILE OFFENDER ALTERNATIVE PROGRAMS FOR YOUTHS WHO HAVE BEEN
6 DESIGNATED AS FIRST OR SECOND OFFENDERS BY THE YOUTH COURT SYSTEM;
7 TO AUTHORIZE THE ISSUANCE OF \$5,000,000.00 IN STATE GENERAL
8 OBLIGATION BONDS TO PROVIDES FUNDS FOR THE MISSISSIPPI JUVENILE
9 OFFENDER ALTERATIVE PROGRAM GRANT PROGRAM; AND FOR RELATED
10 PURPOSES.

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

12 **SECTION 1.** (1) (a) There is established the Mississippi
13 Juvenile Offender Alterative Program Grant Program for the purpose
14 of providing grants to municipalities to assist such
15 municipalities in operating juvenile offender alternative
16 programs. The grant program established in this section shall be
17 administered by the Department of Juvenile Justice created under
18 Section 2 of House Bill No. 325, 2005 Regular Session. In order
19 to be eligible for a grant under this section, a municipality must
20 have a juvenile offender alternative program designed for youths
21 who have been designated as first or second offenders by the youth
22 court system. Such a program must provide that offenders ordered
23 to participate in the program shall take part in a behavior
24 modification program that identifies behavioral problems and
25 teaches the skills required to correct such problems. In
26 addition, if an offender fails to cooperate in the program, the
27 youth court shall issue an order modifying the original
28 disposition order and may elect any disposition alternative which
29 the court could have originally imposed.

30 (b) A municipality desiring assistance under this section
31 must submit an application to the Department of Juvenile Justice.

32 The application must include a description of the purpose for
33 which assistance is requested, the amount of assistance requested,
34 a description of the municipality's juvenile offender alternative
35 program and any other information required the Department of
36 Juvenile Justice. Any municipality that receives a grant under
37 this section shall be required to match twenty-five percent (25%)
38 of the amount of the grant with cash which shall be used together
39 with the grant for the purposes for which the grant was made.

40 (c) The Department of Juvenile Justice shall have all
41 powers necessary to implement and administer the program
42 established under this section, and the Department of Juvenile
43 Justice shall promulgate rules and regulations, in accordance with
44 the Mississippi Administrative Procedures Law, necessary for the
45 implementation of this section.

46 (2) There is created in the State Treasury a special fund to
47 be designated as the "Mississippi Juvenile Offender Alternative
48 Program Grant Fund," which shall consist of funds appropriated or
49 otherwise made available by the Legislature in any manner and
50 funds from any other source designated for deposit into such fund.
51 Unexpended amounts remaining in the fund at the end of a fiscal
52 year shall not lapse into the State General Fund, and any
53 investment earnings or interest earned on amounts in the fund
54 shall be deposited to the credit of the fund. Monies in the fund
55 shall be used by the Department of Juvenile Justice for the
56 purposes described in this section.

57 **SECTION 2.** As used in Sections 2 through 17 of this act, the
58 following words shall have the meanings ascribed herein unless the
59 context clearly requires otherwise:

60 (a) "Accreted value" of any bonds means, as of any date
61 of computation, an amount equal to the sum of (i) the stated
62 initial value of such bond, plus (ii) the interest accrued thereon
63 from the issue date to the date of computation at the rate,
64 compounded semiannually, that is necessary to produce the

65 approximate yield to maturity shown for bonds of the same
66 maturity.

67 (b) "State" means the State of Mississippi.

68 (c) "Commission" means the State Bond Commission.

69 (d) "Department" means the Department of Juvenile
70 Justice created under Section 2 of House Bill No. 325, 2005
71 Regular Session.

72 **SECTION 3.** (1) The department, at one time, or from time to
73 time, may declare by resolution the necessity for issuance of
74 general obligation bonds of the State of Mississippi to provide
75 funds for the program authorized in Section 1 of this act. Upon
76 the adoption of a resolution by the department, declaring the
77 necessity for the issuance of any part or all of the general
78 obligation bonds authorized by this section, the department shall
79 deliver a certified copy of its resolution or resolutions to the
80 commission. Upon receipt of such resolution, the commission, in
81 its discretion, may act as the issuing agent, prescribe the form
82 of the bonds, advertise for and accept bids, issue and sell the
83 bonds so authorized to be sold and do any and all other things
84 necessary and advisable in connection with the issuance and sale
85 of such bonds. The total amount of bonds issued under Sections 2
86 through 17 of this act shall not exceed Five Million Dollars
87 (\$5,000,000.00).

88 (2) The proceeds of bonds issued pursuant to Sections 2
89 through 17 of this act shall be deposited into the Mississippi
90 Juvenile Offender Alternative Program Grant Fund created pursuant
91 to Section 1 of this act. Any investment earnings on bonds issued
92 pursuant to Sections 2 through 17 of this act shall be used to pay
93 debt service on bonds issued under Sections 2 through 17 of this
94 act, in accordance with the proceedings authorizing issuance of
95 such bonds.

96 **SECTION 4.** The principal of and interest on the bonds
97 authorized under Sections 2 through 17 of this act shall be

98 payable in the manner provided in this section. Such bonds shall
99 bear such date or dates, be in such denomination or denominations,
100 bear interest at such rate or rates (not to exceed the limits set
101 forth in Section 75-17-101, Mississippi Code of 1972), be payable
102 at such place or places within or without the State of
103 Mississippi, shall mature absolutely at such time or times not to
104 exceed twenty-five (25) years from date of issue, be redeemable
105 before maturity at such time or times and upon such terms, with or
106 without premium, shall bear such registration privileges, and
107 shall be substantially in such form, all as shall be determined by
108 resolution of the commission.

109 **SECTION 5.** The bonds authorized by Sections 2 through 17 of
110 this act shall be signed by the chairman of the commission, or by
111 his facsimile signature, and the official seal of the commission
112 shall be affixed thereto, attested by the secretary of the
113 commission. The interest coupons, if any, to be attached to such
114 bonds may be executed by the facsimile signatures of such
115 officers. Whenever any such bonds shall have been signed by the
116 officials designated to sign the bonds who were in office at the
117 time of such signing but who may have ceased to be such officers
118 before the sale and delivery of such bonds, or who may not have
119 been in office on the date such bonds may bear, the signatures of
120 such officers upon such bonds and coupons shall nevertheless be
121 valid and sufficient for all purposes and have the same effect as
122 if the person so officially signing such bonds had remained in
123 office until their delivery to the purchaser, or had been in
124 office on the date such bonds may bear. However, notwithstanding
125 anything herein to the contrary, such bonds may be issued as
126 provided in the Registered Bond Act of the State of Mississippi.

127 **SECTION 6.** All bonds and interest coupons issued under the
128 provisions of Sections 2 through 17 of this act have all the
129 qualities and incidents of negotiable instruments under the
130 provisions of the Uniform Commercial Code, and in exercising the

131 powers granted by Sections 2 through 17 of this act, the
132 commission shall not be required to and need not comply with the
133 provisions of the Uniform Commercial Code.

134 **SECTION 7.** The commission shall act as the issuing agent for
135 the bonds authorized under Sections 2 through 17 of this act,
136 prescribe the form of the bonds, advertise for and accept bids,
137 issue and sell the bonds so authorized to be sold, pay all fees
138 and costs incurred in such issuance and sale, and do any and all
139 other things necessary and advisable in connection with the
140 issuance and sale of such bonds. The commission is authorized and
141 empowered to pay the costs that are incident to the sale, issuance
142 and delivery of the bonds authorized under Sections 2 through 17
143 of this act from the proceeds derived from the sale of such bonds.
144 The commission shall sell such bonds on sealed bids at public
145 sale, and for such price as it may determine to be for the best
146 interest of the State of Mississippi, but no such sale shall be
147 made at a price less than par plus accrued interest to the date of
148 delivery of the bonds to the purchaser. All interest accruing on
149 such bonds so issued shall be payable semiannually or annually;
150 however, the first interest payment may be for any period of not
151 more than one (1) year.

152 Notice of the sale of any such bonds shall be published at
153 least one time, not less than ten (10) days before the date of
154 sale, and shall be so published in one or more newspapers
155 published or having a general circulation in the City of Jackson,
156 Mississippi, and in one or more other newspapers or financial
157 journals with a national circulation, to be selected by the
158 commission.

159 The commission, when issuing any bonds under the authority of
160 Sections 2 through 17 of this act, may provide that bonds, at the
161 option of the State of Mississippi, may be called in for payment
162 and redemption at the call price named therein and accrued
163 interest on such date or dates named therein.

164 **SECTION 8.** The bonds issued under the provisions of Sections
165 2 through 17 of this act are general obligations of the State of
166 Mississippi, and for the payment thereof the full faith and credit
167 of the State of Mississippi is irrevocably pledged. If the funds
168 appropriated by the Legislature are insufficient to pay the
169 principal of and the interest on such bonds as they become due,
170 then the deficiency shall be paid by the State Treasurer from any
171 funds in the State Treasury not otherwise appropriated. All such
172 bonds shall contain recitals on their faces substantially covering
173 the provisions of this section.

174 **SECTION 9.** Upon the issuance and sale of bonds under the
175 provisions of Sections 2 through 17 of this act, the commission
176 shall transfer the proceeds of any such sale or sales to the
177 Mississippi Juvenile Offender Alternative Program Grant Fund
178 created in Section 1 of this act. The proceeds of such bonds
179 shall be disbursed solely upon the order of the department under
180 such restrictions, if any, as may be contained in the resolution
181 providing for the issuance of the bonds.

182 **SECTION 10.** The bonds authorized under Sections 2 through 17
183 of this act may be issued without any other proceedings or the
184 happening of any other conditions or things other than those
185 proceedings, conditions and things which are specified or required
186 by Sections 2 through 17 of this act. Any resolution providing
187 for the issuance of bonds under the provisions of Sections 2
188 through 17 of this act shall become effective immediately upon its
189 adoption by the commission, and any such resolution may be adopted
190 at any regular or special meeting of the commission by a majority
191 of its members.

192 **SECTION 11.** The bonds authorized under the authority of
193 Sections 2 through 17 of this act may be validated in the Chancery
194 Court of the First Judicial District of Hinds County, Mississippi,
195 in the manner and with the force and effect provided by Chapter
196 13, Title 31, Mississippi Code of 1972, for the validation of

197 county, municipal, school district and other bonds. The notice to
198 taxpayers required by such statutes shall be published in a
199 newspaper published or having a general circulation in the City of
200 Jackson, Mississippi.

201 **SECTION 12.** Any holder of bonds issued under the provisions
202 of Sections 2 through 17 of this act or of any of the interest
203 coupons pertaining thereto may, either at law or in equity, by
204 suit, action, mandamus or other proceeding, protect and enforce
205 any and all rights granted under Sections 2 through 17 of this
206 act, or under such resolution, and may enforce and compel
207 performance of all duties required by Sections 2 through 17 of
208 this act to be performed, in order to provide for the payment of
209 bonds and interest thereon.

210 **SECTION 13.** All bonds issued under the provisions of
211 Sections 2 through 17 of this act shall be legal investments for
212 trustees and other fiduciaries, and for savings banks, trust
213 companies and insurance companies organized under the laws of the
214 State of Mississippi, and such bonds shall be legal securities
215 which may be deposited with and shall be received by all public
216 officers and bodies of this state and all municipalities and
217 political subdivisions for the purpose of securing the deposit of
218 public funds.

219 **SECTION 14.** Bonds issued under the provisions of Sections 2
220 through 17 of this act and income therefrom shall be exempt from
221 all taxation in the State of Mississippi.

222 **SECTION 15.** The proceeds of the bonds issued under Sections
223 2 through 17 of this act shall be used solely for the purposes
224 therein provided, including the costs incident to the issuance and
225 sale of such bonds.

226 **SECTION 16.** The State Treasurer is authorized, without
227 further process of law, to certify to the Department of Finance
228 and Administration the necessity for warrants, and the Department
229 of Finance and Administration is authorized and directed to issue

230 such warrants, in such amounts as may be necessary to pay when due
231 the principal of, premium, if any, and interest on, or the
232 accreted value of, all bonds issued under Sections 2 through 17 of
233 this act; and the State Treasurer shall forward the necessary
234 amount to the designated place or places of payment of such bonds
235 in ample time to discharge such bonds, or the interest thereon, on
236 the due dates thereof.

237 **SECTION 17.** Sections 2 through 17 of this act shall be
238 deemed to be full and complete authority for the exercise of the
239 powers therein granted, but Sections 2 through 17 of this act
240 shall not be deemed to repeal or to be in derogation of any
241 existing law of this state.

242 **SECTION 18.** This act shall take effect and be in force from
243 and after July 1, 2005.