

By: Senator(s) Tollison, Albritton, Butler, Gollott, Gordon, Harden, Horhn, Jackson (11th), Jackson (32nd), Jordan, King, Morgan, Thomas

To: Judiciary, Division B; Appropriations

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2894

1 AN ACT TO CREATE THE JUVENILE JUSTICE REFORM ACT OF 2005; TO  
2 ESTABLISH THE JUVENILE DETENTION FACILITIES MONITORING UNIT AND A  
3 JUVENILE DETENTION FACILITIES ADVISORY BOARD; TO AMEND SECTION  
4 43-14-1, MISSISSIPPI CODE OF 1972, TO REQUIRE THAT EACH MAP TEAM  
5 SHALL HAVE AN "A" (ADOLESCENT) TEAM TO PROVIDE SERVICES FOR  
6 CERTAIN YOUTH OFFENDERS; TO AMEND SECTION 43-14-5, MISSISSIPPI  
7 CODE OF 1972, IN CONFORMITY THERETO; TO AMEND SECTION 43-21-105,  
8 MISSISSIPPI CODE OF 1972, TO REVISE DEFINITIONS UNDER THE YOUTH  
9 COURT ACT; TO AMEND SECTION 43-21-321, MISSISSIPPI CODE OF 1972,  
10 TO PROVIDE THAT IF A YOUTH IN A DETENTION CENTER HAS BEEN SCREENED  
11 BY CERTAIN MENTAL SCREENING INSTRUMENTS AND IT IS DETERMINED THAT  
12 THE YOUTH NEEDS PROFESSIONAL MENTAL HELP, THEN THE CHILD MUST BE  
13 REFERRED TO SUCH HELP WITHIN 48 HOURS; TO AMEND SECTION 43-21-605,  
14 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT ONLY CERTAIN DELINQUENT  
15 ACTS WILL ALLOW A YOUTH COURT JUDGE TO COMMIT A CHILD TO A  
16 JUVENILE JUSTICE CENTER, AND TO PROVIDE THAT YOUTH COMMITTED TO A  
17 JUVENILE JUSTICE CENTER MUST STAY A MINIMUM OF A SCHOOL SEMESTER;  
18 TO AMEND SECTIONS 43-27-8 AND 43-27-20, MISSISSIPPI CODE OF 1972,  
19 TO CONFORM TO THE PRECEDING PROVISIONS; TO AMEND SECTION  
20 43-27-201, MISSISSIPPI CODE OF 1972, TO REQUIRE THAT THE DIVISION  
21 OF YOUTH SERVICES SHALL ESTABLISH AN ADOLESCENT OFFENDER PROGRAM  
22 IN EACH COUNTY BY A CERTAIN DATE; TO AMEND SECTION 43-27-401,  
23 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING PROVISIONS;  
24 TO AMEND SECTION 47-5-138, MISSISSIPPI CODE OF 1972, TO EXCLUDE  
25 YOUTH FROM THE 85% RULE WHO ARE UNDER THE AGE OF 21, AND WHO HAVE  
26 COMMITTED NONVIOLENT OFFENSES AND ARE UNDER THE JURISDICTION OF  
27 THE DEPARTMENT OF CORRECTIONS; AND FOR RELATED PURPOSES.

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

29 **SECTION 1.** (1) There is established the Juvenile Detention  
30 Facilities Monitoring Unit within the Office of the Attorney  
31 General. The unit shall inspect all juvenile detention facilities  
32 on a quarterly basis. The inspections shall encompass the  
33 following:

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

37 (b) Providing technical assistance and advice to  
38 juvenile detention facilities, which will assist the facilities in  
39 complying with the minimum standards.

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

41 (a) To conduct an assessment of all juvenile detention  
42 facilities and to determine how far each is from coming into  
43 compliance with the minimum standards, as established in Section  
44 43-21-301(6) and Section 43-21-321; and

45 (b) To develop a strategic plan and a timeline for each  
46 juvenile detention facility to come into compliance with the  
47 minimum standards as described in paragraph (b) of this  
48 subsection.

49 **SECTION 2.** (1) There is established the Juvenile Detention  
50 Facilities Advisory Board, which will serve as a permanent  
51 advisory and oversight entity to the Juvenile Facilities Detention  
52 Monitoring Unit, as created in Section 1 of this act.

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

56 (a) Two (2) representatives of juvenile detention  
57 facilities who are appointed by the Commissioner of the Department  
58 of Public Safety;

59 (b) One (1) representative of the Office of Youth  
60 Services of the Department of Human Services who is appointed by  
61 the Executive Director of the Department of Human Services;

62 (c) One (1) representative of the Division of Public  
63 Safety Planning of the Department of Public Safety who is not from  
64 the Office of Justice Programs, who is appointed by the  
65 Commissioner of Public Safety;

66 (d) One (1) representative of the State Department of  
67 Health who is appointed by the Executive Director of the State  
68 Department of Health;

69 (e) One (1) representative of the Department of Mental  
70 Health who is appointed by the Executive Director of the  
71 Department of Mental Health;

72 (f) One (1) representative of the Mississippi  
73 Association of Supervisors who is appointed by the Director of the  
74 Mississippi Association of Supervisors;

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

78 (h) One (1) representative of the county sheriffs who  
79 is appointed by the President of the Mississippi Sheriff's  
80 Association;

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

84 (j) One (1) representative of the Mississippi Council  
85 of Youth Court Judges who is appointed by the President of the  
86 Mississippi Council of Youth Court Judges;

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

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

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

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

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

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

100 (a) To periodically review standards for the operation  
101 of juvenile detention facilities;

102 (b) To periodically review standards for the  
103 appropriate delivery of essential services and programs for youth  
104 housed at juvenile detention facilities;

105 (c) To periodically review the training requirements of  
106 personnel of the juvenile detention facilities;

107 (d) To serve in an oversight capacity to the monitoring  
108 unit in ensuring that the unit moves toward improving juvenile  
109 detention facilities; and

110 (e) To continue to make further recommendations to  
111 improve or expand basic standards for juvenile detention  
112 facilities.

113 (4) At its first meeting, and every four (4) years  
114 thereafter, the advisory board shall elect a chairman and vice  
115 chairman from its membership, and shall adopt rules for  
116 transacting its business and keeping records. The advisory board  
117 may establish an attendance policy, and those members of the  
118 advisory board who are consistently absent shall be replaced.

119 (5) If sufficient funds are available to the advisory board  
120 for that purpose, members of the advisory board may receive a per  
121 diem in the amount provided in Section 25-3-69 for each day  
122 engaged in the business of the advisory board, and members of the  
123 advisory board other than the legislative members may receive  
124 reimbursement for travel expenses incurred while engaged in  
125 official business of the advisory board in accordance with Section  
126 25-3-41.

127 **SECTION 3.** Section 43-14-1, Mississippi Code of 1972, is  
128 amended as follows:

129 43-14-1. (1) The purpose of this chapter is to provide for  
130 the development and implementation of a coordinated interagency  
131 system of necessary services and care for children and youth up to  
132 age twenty-one (21) with serious emotional/behavioral disorders  
133 including, but not limited to, conduct disorders, or mental  
134 illness who require services from a multiple services and multiple  
135 programs system, and who can be successfully diverted from  
136 inappropriate institutional placement. This program is to be done  
137 in the most fiscally responsible (cost efficient) manner possible,

138 based on an individualized plan of care which takes into account  
139 other available interagency programs, including, but not limited  
140 to, Early Intervention Act of Infants and Toddlers, Section  
141 41-87-1 et seq., Early Periodic Screening Diagnosis and Treatment,  
142 Section 43-13-117(5), waived program for home- and  
143 community-based services for developmentally disabled people,  
144 Section 43-13-117(29), and waived program for targeted case  
145 management services for children with special needs, Section  
146 43-13-117(31), those children identified through the federal  
147 Individuals with Disabilities Education Act of 1997 as having a  
148 serious emotional disorder (EMD), the Mississippi Children's  
149 Health Insurance Program Phase I and Phase II and waived  
150 programs for children with serious emotional disturbances, Section  
151 43-13-117(46), and is tied to clinically appropriate outcomes.  
152 Some of the outcomes are to reduce the number of inappropriate  
153 out-of-home placements inclusive of those out-of-state and to  
154 reduce the number of inappropriate school suspensions and  
155 expulsions for this population of children. From and after July  
156 1, 2001, this coordinated interagency system of necessary services  
157 and care shall be named the System of Care program. Children to  
158 be served by this chapter who are eligible for Medicaid shall be  
159 screened through the Medicaid Early Periodic Screening Diagnosis  
160 and Treatment (EPSDT) and their needs for medically necessary  
161 services shall be certified through the EPSDT process. For  
162 purposes of this chapter, a "System of Care" is defined as a  
163 coordinated network of agencies and providers working as a team to  
164 make a full range of mental health and other necessary services  
165 available as needed by children with mental health problems and  
166 their families. The System of Care shall be:

- 167 (a) Child centered, family focused and family driven;
  - 168 (b) Community based;
  - 169 (c) Culturally competent and responsive; and shall
- 170 provide for:

- 171                   (i) Service coordination or case management;  
172                   (ii) Prevention and early identification and  
173 intervention;  
174                   (iii) Smooth transitions among agencies,  
175 providers, and to the adult service system;  
176                   (iv) Human rights protection and advocacy;  
177                   (v) Nondiscrimination in access to services;  
178                   (vi) A comprehensive array of services;  
179                   (vii) Individualized service planning;  
180                   (viii) Services in the least restrictive  
181 environment;  
182                   (ix) Family participation in all aspects of  
183 planning, service delivery and evaluation; and  
184                   (x) Integrated services with coordinated planning  
185 across child-serving agencies.

186           (2) There is established the Interagency Coordinating  
187 Council for Children and Youth (hereinafter referred to as the  
188 "ICCCY"). The ICCCY shall consist of the following membership:  
189 (a) the State Superintendent of Public Education; (b) the  
190 Executive Director of the Mississippi Department of Mental Health;  
191 (c) the Executive Director of the State Department of Health; (d)  
192 the Executive Director of the Department of Human Services; (e)  
193 the Executive Director of the Division of Medicaid, Office of the  
194 Governor; (f) the Executive Director of the State Department of  
195 Rehabilitation Services; and (g) the Executive Director of  
196 Mississippi Families as Allies for Children's Mental Health, Inc.  
197 The council shall meet before August 1, 2001, and shall organize  
198 for business by selecting a chairman, who shall serve for a  
199 one-year term and may not serve consecutive terms. The council  
200 shall adopt internal organizational procedures necessary for  
201 efficient operation of the council. Each member of the council  
202 shall designate necessary staff of their departments to assist the  
203 ICCCY in performing its duties and responsibilities. The ICCCY

204 shall meet and conduct business at least twice annually. The  
205 chairman of the ICCCY shall notify all persons who request such  
206 notice as to the date, time and place of each meeting.

207 (3) The Interagency System of Care Council is created to  
208 serve as the state management team for the ICCCY, with the  
209 responsibility of collecting and analyzing data and funding  
210 strategies necessary to improve the operation of the System of  
211 Care programs, and to make recommendations to the ICCCY and to the  
212 Legislature concerning such strategies on or before December 31,  
213 2002. The System of Care Council also has the responsibility of  
214 coordinating the local Multidisciplinary Assessment and Planning  
215 (MAP) teams and may apply for grants from public and private  
216 sources necessary to carry out its responsibilities. The  
217 Interagency System of Care Council shall be comprised of one (1)  
218 member from each of the appropriate child-serving divisions or  
219 sections of the State Department of Health, the Department of  
220 Human Services, the State Department of Mental Health, the State  
221 Department of Education, the Division of Medicaid of the  
222 Governor's Office, the Department of Rehabilitation Services, a  
223 family member representing a family education and support 501(c)3  
224 organization, a representative from the Council of Administrators  
225 for Special Education/Mississippi Organization of Special  
226 Education Supervisors (CASE/MOSES) and a family member designated  
227 by Mississippi Families as Allies for Children's Mental Health,  
228 Inc. Appointments to the Interagency System of Care Council shall  
229 be made within sixty (60) days after the effective date of this  
230 act. The council shall organize by selecting a chairman from its  
231 membership to serve on an annual basis, and the chairman may not  
232 serve consecutive terms.

233 (4) (a) There is established a statewide system of local  
234 Multidisciplinary Assessment and Planning Resource (MAP) teams.  
235 The MAP teams shall be comprised of one (1) representative each at  
236 the county level from the major child-serving public agencies for

237 education, human services, health, mental health and  
238 rehabilitative services approved by respective state agencies of  
239 the Department of Education, the Department of Human Services, the  
240 Department of Health, the Department of Mental Health and the  
241 Department of Rehabilitation Services. Three (3) additional  
242 members may be added to each team, one (1) of which may be a  
243 representative of a family education/support 501(c)3 organization  
244 with statewide recognition and specifically established for the  
245 population of children defined in Section 43-14-1. The remaining  
246 two (2) members will be representatives of significant  
247 community-level stakeholders with resources that can benefit the  
248 population of children defined in Section 43-14-1.

249 (b) For each local existing MAP team that is  
250 established pursuant to paragraph (a) of this subsection, there  
251 shall also be established an "A" (Adolescent) team which shall  
252 work with a MAP team. The "A" teams shall provide System of Care  
253 services for nonviolent youthful offenders who have serious  
254 behavioral or emotional disorders. Each "A" team shall be  
255 comprised of the following five (5) members:

256 (i) A school counselor;

257 (ii) A community mental health professional;

258 (iii) A social services/child welfare

259 professional;

260 (iv) A youth court counselor; and

261 (v) A parent who has had a child in the juvenile

262 justice system.

263 (5) The Interagency Coordinating Council for Children and  
264 Youth may provide input relative to how each agency utilizes its  
265 federal and state statutes, policy requirements and funding  
266 streams to identify and/or serve children and youth in the  
267 population defined in Section 43-14-1. The ICCCY shall support  
268 the implementation of the plans of the respective state agencies



269 for comprehensive multidisciplinary care, treatment and placement  
270 of these children.

271 (6) The ICCCY shall oversee a pool of state funds that may  
272 be contributed by each participating state agency and additional  
273 funds from the Mississippi Tobacco Health Care Expenditure Fund,  
274 subject to specific appropriation therefor by the Legislature.  
275 Part of this pool of funds shall be available for increasing the  
276 present funding levels by matching Medicaid funds in order to  
277 increase the existing resources available for necessary  
278 community-based services for Medicaid beneficiaries.

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

282 (8) Each local MAP team shall serve as the single point of  
283 entry to ensure that comprehensive diagnosis and assessment occur  
284 and shall coordinate needed services through the local  
285 coordinating care entity for the children named in subsection (1).  
286 Local children in crisis shall have first priority for access to  
287 the MAP team processes and local System of Care programs.

288 (9) The Interagency Coordinating Council for Children and  
289 Youth shall facilitate monitoring of the performance of local MAP  
290 teams.

291 (10) Each state agency named in subsection (2) of this  
292 section shall enter into a binding interagency agreement to  
293 participate in the oversight of the statewide System of Care  
294 programs for the children and youth described in this section.  
295 The agreement shall be signed and in effect by July 1 of each  
296 year.

297 (11) This section shall stand repealed from and after July  
298 1, 2007.

299 **SECTION 4.** Section 43-14-5, Mississippi Code of 1972, is  
300 amended as follows:

301           43-14-5. There is created in the State Treasury a special  
302 fund into which shall be deposited all funds contributed by the  
303 Department of Human Services, State Department of Health,  
304 Department of Mental Health, State Department of Rehabilitation  
305 Services insofar as recipients are otherwise eligible under the  
306 Rehabilitation Act of 1973, as amended, and State Department of  
307 Education for the operation of a statewide System of Care by MAP  
308 teams and "A" teams utilizing such funds as may be made available  
309 to those MAP teams through a Request for Proposal (RFP) approved  
310 by the ICCCY.

311           This section shall stand repealed from and after July 1,  
312 2007.

313           **SECTION 5.** Section 43-21-105, Mississippi Code of 1972, is  
314 amended as follows:

315           43-21-105. The following words and phrases, for purposes of  
316 this chapter, shall have the meanings ascribed herein unless the  
317 context clearly otherwise requires:

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

319           (b) "Judge" means the judge of the Youth Court  
320 Division.

321           (c) "Designee" means any person that the judge appoints  
322 to perform a duty which this chapter requires to be done by the  
323 judge or his designee. The judge may not appoint a person who is  
324 involved in law enforcement to be his designee.

325           (d) "Child" and "youth" are synonymous, and each means  
326 a person who has not reached his eighteenth birthday. A child who  
327 has not reached his eighteenth birthday and is on active duty for  
328 a branch of the armed services or is married is not considered a  
329 "child" or "youth" for the purposes of this chapter.

330           (e) "Parent" means the father or mother to whom the  
331 child has been born, or the father or mother by whom the child has  
332 been legally adopted.

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

335           (g) "Custodian" means any person having the present  
336 care or custody of a child whether such person be a parent or  
337 otherwise.

338           (h) "Legal custodian" means a court-appointed custodian  
339 of the child.

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

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

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

351               (i) Is habitually disobedient of reasonable and  
352 lawful commands of his parent, guardian or custodian and is  
353 ungovernable; or

354               (ii) While being required to attend school,  
355 willfully and habitually violates the rules thereof or willfully  
356 and habitually absents himself therefrom; or

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

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

359           (l) "Neglected child" means a child:

360               (i) Whose parent, guardian or custodian or any  
361 person responsible for his care or support, neglects or refuses,  
362 when able so to do, to provide for him proper and necessary care  
363 or support, or education as required by law, or medical, surgical,  
364 or other care necessary for his well-being; provided, however, a  
365 parent who withholds medical treatment from any child who in good

366 faith is under treatment by spiritual means alone through prayer  
367 in accordance with the tenets and practices of a recognized church  
368 or religious denomination by a duly accredited practitioner  
369 thereof shall not, for that reason alone, be considered to be  
370 neglectful under any provision of this chapter; or

371 (ii) Who is otherwise without proper care,  
372 custody, supervision or support; or

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

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

378 (m) "Abused child" means a child whose parent, guardian  
379 or custodian or any person responsible for his care or support,  
380 whether legally obligated to do so or not, has caused or allowed  
381 to be caused upon said child sexual abuse, sexual exploitation,  
382 emotional abuse, mental injury, nonaccidental physical injury or  
383 other maltreatment. Provided, however, that physical discipline,  
384 including spanking, performed on a child by a parent, guardian or  
385 custodian in a reasonable manner shall not be deemed abuse under  
386 this section.

387 (n) "Sexual abuse" means obscene or pornographic  
388 photographing, filming or depiction of children for commercial  
389 purposes, or the rape, molestation, incest, prostitution or other  
390 such forms of sexual exploitation of children under circumstances  
391 which indicate that the child's health or welfare is harmed or  
392 threatened.

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

397 (p) A "dependent child" means any child who is not a  
398 child in need of supervision, a delinquent child, an abused child

399 or a neglected child, and which child has been voluntarily placed  
400 in the custody of the Department of Human Services by his parent,  
401 guardian or custodian.

402 (q) "Custody" means the physical possession of the  
403 child by any person.

404 (r) "Legal custody" means the legal status created by a  
405 court order which gives the legal custodian the responsibilities  
406 of physical possession of the child and the duty to provide him  
407 with food, shelter, education and reasonable medical care, all  
408 subject to residual rights and responsibilities of the parent or  
409 guardian of the person.

410 (s) "Detention" means the care of children in  
411 physically restrictive facilities.

412 (t) "Shelter" means care of children in physically  
413 nonrestrictive facilities.

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

416 (i) All youth court records as defined in Section  
417 43-21-251;

418 (ii) All social records as defined in Section  
419 43-21-253;

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

422 (iv) All agency records as defined in Section  
423 43-21-257; and

424 (v) All other documents maintained by any  
425 representative of the state, county, municipality or other public  
426 agency insofar as they relate to the apprehension, custody,  
427 adjudication or disposition of a child who is the subject of a  
428 youth court cause.

429 (v) "Any person responsible for care or support" means  
430 the person who is providing for the child at a given time. This  
431 term shall include, but is not limited to, stepparents, foster

432 parents, relatives, nonlicensed babysitters or other similar  
433 persons responsible for a child and staff of residential care  
434 facilities and group homes that are licensed by the Department of  
435 Human Services.

436 (w) The singular includes the plural, the plural the  
437 singular and the masculine the feminine when consistent with the  
438 intent of this chapter.

439 (x) "Out-of-home" setting means the temporary  
440 supervision or care of children by the staff of licensed day care  
441 centers, the staff of public, private and state schools, the staff  
442 of juvenile detention facilities, the staff of unlicensed  
443 residential care facilities and group homes and the staff of, or  
444 individuals representing, churches, civic or social organizations.

445 (y) "Durable legal custody" means the legal status  
446 created by a court order which gives the durable legal custodian  
447 the responsibilities of physical possession of the child and the  
448 duty to provide him with care, nurture, welfare, food, shelter,  
449 education and reasonable medical care. All these duties as  
450 enumerated are subject to the residual rights and responsibilities  
451 of the natural parent(s) or guardian(s) of the child or children.

452 (z) "Status offense" means conduct subject to  
453 adjudication by the youth court that would not be a crime if  
454 committed by an adult.

455 (aa) "Juvenile justice center" means a state-supported  
456 training school.

457 **SECTION 6.** Section 43-21-321, Mississippi Code of 1972, is  
458 amended as follows:

459 43-21-321. (1) All juveniles shall undergo a health  
460 screening within one (1) hour of admission to any juvenile  
461 detention center, or as soon thereafter as reasonably possible.  
462 Information obtained during the screening shall include, but shall  
463 not be limited to, the juvenile's:

464 (a) Mental health;

- 465 (b) Suicide risk;
- 466 (c) Alcohol and other drug use and abuse;
- 467 (d) Physical health;
- 468 (e) Aggressive behavior;
- 469 (f) Family relations;
- 470 (g) Peer relations;
- 471 (h) Social skills;
- 472 (i) Educational status; and
- 473 (j) Vocational status.

474 (2) If the screening instrument indicates that a juvenile is  
475 in need of emergency medical care or mental health intervention  
476 services, the detention staff shall refer those juveniles to the  
477 proper health care facility or mental health service provider for  
478 further evaluation, as soon as reasonably possible. If the  
479 screening instrument, such as the Massachusetts Youth Screening  
480 Instrument version 2 (MAYSI-2) or other comparable mental health  
481 screening instrument indicates that the juvenile is in need of  
482 emergency medical care or mental health intervention services, the  
483 detention staff shall refer the juvenile to the proper health care  
484 facility or mental health service provider for further evaluation  
485 within forty-eight (48) hours, excluding Saturdays, Sundays and  
486 statutory state holidays.

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

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

- 494 (a) Determine that the juvenile is legally committed to  
495 the facility;
- 496 (b) Make a complete search of the juvenile and his  
497 possessions;

- 498 (c) Dispose of personal property;
- 499 (d) Require shower and hair care, if necessary;
- 500 (e) Issue clean, laundered clothing, as needed;
- 501 (f) Issue personal hygiene articles;
- 502 (g) Perform medical, dental and mental health
- 503 screening;
- 504 (h) Assign a housing unit for the juvenile;
- 505 (i) Record basic personal data and information to be
- 506 used for mail and visiting lists;
- 507 (j) Assist juveniles in notifying their families of
- 508 their admission and procedures for mail and visiting;
- 509 (k) Assign a registered number to the juvenile; and
- 510 (l) Provide written orientation materials to the
- 511 juvenile.

512 (5) All juvenile detention centers shall provide or make

513 available the following minimum services and programs:

- 514 (a) An educational program;
- 515 (b) A visitation program with parents and guardians;
- 516 (c) Private communications with visitors and staff;
- 517 (d) Counseling;
- 518 (e) Continuous supervision of living units;
- 519 (f) Medical service;
- 520 (g) Food service;
- 521 (h) Recreation and exercise program; and
- 522 (i) Reading materials.

523 (6) Programs and services shall be initiated for all

524 juveniles once they have completed the admissions process.

525 (7) Programs and professional services may be provided by

526 the detention staff, youth court staff or the staff of the local

527 or state agencies, or those programs and professional services may

528 be provided through contractual arrangements with community

529 agencies.



530 (8) Persons providing the services required in this section  
531 must be qualified or trained in their respective fields.

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

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

537 43-21-605. (1) In delinquency cases, the disposition order  
538 may include any of the following alternatives:

539 (a) Release the child without further action;

540 (b) Place the child in the custody of the parents, a  
541 relative or other persons subject to any conditions and  
542 limitations, including restitution, as the youth court may  
543 prescribe;

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

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

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

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

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

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

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

567 (iii) The Department of Human Services for  
568 placement in a wilderness training program or the Division of  
569 Youth Services for placement in a state-supported juvenile justice  
570 center, except that no child under the age of ten (10) years shall  
571 be committed to a juvenile justice center, and no first-time  
572 nonviolent youth offenders shall be committed to a juvenile  
573 justice center until all other options provided for in this  
574 subparagraph have been utilized unless the court makes specific  
575 finding of fact that there is extraordinary and compelling  
576 evidence that those options are not appropriate. The juvenile  
577 justice center may retain custody of the child until the child's  
578 twentieth birthday but for no longer. When the child is committed  
579 to a juvenile justice center, the child shall remain in the legal  
580 custody of the center for a minimum of five and one-half (5-1/2)  
581 months or one (1) full public school semester whichever is longer.  
582 However, the superintendent of a juvenile justice center may  
583 parole a child at any time he may deem it in the best interest and  
584 welfare of such child, after the child has been in the custody of  
585 a juvenile justice center for a minimum of five and one-half  
586 (5-1/2) months or one (1) full public school semester whichever is  
587 longer. If a child is committed to a juvenile justice center  
588 during a summer break of a public school year, then the child  
589 shall not be released until the beginning of the winter term.  
590 Twenty (20) days prior to such parole, the juvenile justice center  
591 shall notify the committing court of the pending release. The  
592 youth court may then arrange subsequent placement after a  
593 reconvened disposition hearing, except that the youth court may  
594 not recommit the child to the juvenile justice center or any other  
595 secure facility without an adjudication of a new offense or

596 probation or parole violation. Prior to assigning the custody of  
597 any child to any private institution or agency, the youth court  
598 through its designee shall first inspect the physical facilities  
599 to determine that they provide a reasonable standard of health and  
600 safety for the child. No child shall be placed in the custody of  
601 a state training school for a status offense or for contempt of or  
602 revocation of a status offense adjudication unless the child is  
603 contemporaneously adjudicated for having committed an act of  
604 delinquency that is not a status offense;

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

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

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

629 A juvenile may be adjudicated to the community service program  
630 only two (2) times;

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

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

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

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

652 (3) If the youth court places a child in a state-supported  
653 training school, the court may order the parents or guardians of  
654 the child and other persons living in the child's household to  
655 receive counseling and parenting classes for rehabilitative  
656 purposes while the child is in the legal custody of the training  
657 school. A youth court entering an order under this subsection (3)  
658 shall utilize appropriate services offered either at no cost or  
659 for a fee calculated on a sliding scale according to income unless  
660 the person ordered to participate elects to receive other

661 counseling and classes acceptable to the court at the person's  
662 sole expense.

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

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

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

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

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

684 43-27-8. The Department of Human Services, shall administer  
685 the following duties and responsibilities through the Division of  
686 Youth Services:

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

693 \* \* \*

694           (b) To promulgate and publish such rules, regulations  
695 and policies of the department as are needed for the efficient  
696 government and maintenance of all \* \* \* programs in accord,  
697 insofar as possible, with currently accepted standards of juvenile  
698 care and treatment.

699           **SECTION 9.** Section 43-27-20, Mississippi Code of 1972, is  
700 amended as follows:

701           43-27-20. (1) Within the Division of Youth Services there  
702 shall be a Division of Community Services, which shall be headed  
703 by a director appointed by and responsible to the Director of the  
704 Division of Youth Services. He shall hold a master's degree in  
705 social work or a related field and shall have no less than three  
706 (3) years' experience in social services, or in lieu of that  
707 degree and experience, he shall have a minimum of eight (8) years'  
708 experience in social work or a related field. He shall employ and  
709 assign the community workers to serve in the various areas in the  
710 state and any other supporting personnel necessary to carry out  
711 the duties of the Division of Community Services.

712           (2) The Director of the Division of Community Services shall  
713 assign probation and aftercare workers to the youth court or  
714 judges of the various court districts upon the request of the  
715 individual judge on the basis of case load and need, when funds  
716 are available. The probation and aftercare workers shall live in  
717 their respective districts except upon approval of the Director of  
718 the Division of Community Services. The Director of the Division  
719 of Community Services is authorized to assign a youth services  
720 counselor to a district other than the district in which the youth  
721 services counselor lives upon the approval of the youth court  
722 judge of the assigned district and the Director of the Division of  
723 Youth Services. Every placement shall be with the approval of the  
724 youth court or the judge, and a probation and aftercare worker may  
725 be removed for cause from a youth or district.

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

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

733           (5) The Office of Community Services shall have such duties  
734 as the Division of Youth Services assigns to it, which shall  
735 include, but not be limited to, the following:

736           (a) Preparing the social, educational and home-life  
737 history and other diagnostic reports on the child for the benefit  
738 of the court or a juvenile justice center under the jurisdiction  
739 of the Division of Youth Services; however, this provision shall  
740 not abridge the power of the court to require similar services  
741 from other agencies, according to law.

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

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

746           (d) Serving, advising and counseling of children in the  
747 various facilities under the jurisdiction of the Division of Youth  
748 Services as may be necessary to the placement of the children in  
749 proper environment after release and the placement of children in  
750 suitable jobs where necessary and proper.

751           (e) Supervising and guiding of children released or  
752 conditionally released from facilities under the jurisdiction of  
753 the Division of Youth Services.

754           (f) Counseling in an aftercare program.

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

758           (h) Providing or arranging for necessary services  
759 leading to the rehabilitation of delinquents, either within the  
760 division or through cooperative arrangements with other  
761 appropriate agencies.

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

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

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

769           **SECTION 10.** Section 43-27-201, Mississippi Code of 1972, is  
770 amended as follows:

771           43-27-201. (1) The purpose of this section is to outline  
772 and structure a long-range proposal in addition to certain  
773 immediate objectives for improvements in the juvenile correctional  
774 facilities of the Division of Youth Services of the Mississippi  
775 Department of Human Services in order to provide modern and  
776 efficient correctional and rehabilitation facilities for juvenile  
777 offenders in Mississippi, who are committing an increasing  
778 percentage of serious and violent crimes.

779           (2) The Department of Finance and Administration, acting  
780 through the Bureau of Building, Grounds and Real Property  
781 Management, using funds from bonds issued under this chapter,  
782 monies appropriated by the Legislature for such purposes, federal  
783 matching or other federal funds, federal grants or other available  
784 funds from whatever source, shall provide for, by construction,  
785 lease, lease-purchase or otherwise, and equip the following  
786 juvenile correctional facilities under the jurisdiction and  
787 responsibility of the Division of Youth Services of the Department  
788 of Human Services:

789           (a) Construct an additional one-hundred-fifty-bed,  
790 stand-alone, medium security juvenile correctional facility for



791 habitual violent male offenders, which complies with American  
792 Correctional Association Accreditation standards and applicable  
793 building and fire safety codes. The medium security, male  
794 juvenile facility location shall be on property owned by the  
795 Division of Youth Services, or its successor, or at a site  
796 selected by the Bureau of Building, Grounds and Real Property  
797 Management on land which is hereafter donated to the state  
798 specifically for the location of such facility.

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

811 (3) Upon the selection of a proposed site for a correctional  
812 facility for juveniles authorized under subsection (2), the Bureau  
813 of Building, Grounds and Real Property Management of the  
814 Department of Finance and Administration shall notify the board of  
815 supervisors of the county in which such facility is proposed to be  
816 located and shall publish a notice as hereinafter set forth in a  
817 newspaper having general circulation in such county. Such notice  
818 shall include a description of the tract of land in the county  
819 whereon the facility is proposed to be located, the nature and  
820 size of the facility and the date on which the determination of  
821 the Bureau of Building, Grounds and Real Property Management shall  
822 be final as to the location of such facility, which date shall not  
823 be less than forty-five (45) days following the first publication

824 of such notice. Such notice shall include a brief summary of the  
825 provisions of this section pertaining to the petition for an  
826 election on the question of the location of the juvenile housing  
827 facility in such county. Such notice shall be published not less  
828 than one (1) time each week for at least three (3) consecutive  
829 weeks in at least one (1) newspaper published in such county.

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

833 If at any time before the aforesaid date a petition signed by  
834 twenty percent (20%), or fifteen hundred (1,500), whichever is  
835 less, of the qualified electors of the county involved shall be  
836 filed with the board of supervisors requesting that an election be  
837 called on the question of locating such facility, then the board  
838 of supervisors shall adopt a resolution calling an election to be  
839 held within such county upon the question of the location of such  
840 facility. Such election shall be held, as far as practicable, in  
841 the same manner as other elections are held in counties. At such  
842 election, all qualified electors of the county may vote, and the  
843 ballots used at such election shall have printed thereon a brief  
844 statement of the facility to be constructed and the words "For the  
845 construction of the facility in (here insert county name) County"  
846 and "Against the construction of the facility in (here insert  
847 county name) County." The voter shall vote by placing a cross (X)  
848 or check mark (✓) opposite his choice on the proposition. When  
849 the results of the election on the question of the construction of  
850 the facility shall have been canvassed by the election  
851 commissioners of the county and certified by them to the board of  
852 supervisors, it shall be the duty of the board of supervisors to  
853 determine and adjudicate whether or not a majority of the  
854 qualified electors who voted thereon in such election voted in  
855 favor of the construction of the facilities in such county.  
856 Unless a majority of the qualified electors who voted in such

857 election shall have voted in favor of the construction of the  
858 facilities in such county, then such facility shall not be  
859 constructed in such county.

860 (4) The Division of Youth Services shall establish, maintain  
861 and operate an Adolescent Offender Program (AOP), which may  
862 include non-Medicaid assistance eligible juveniles. Beginning  
863 July 1, 2006, subject to availability of funds appropriated  
864 therefor by the Legislature, the Division of Youth Services shall  
865 phase in AOPs in every county of the state over a period of four  
866 (4) years. The phase-in of the AOPs shall be as follows:

867 (a) As of July 1, 2007, not less than twenty (20)  
868 counties shall have at least one (1) AOP;

869 (b) As of July 1, 2008, not less than forty (40)  
870 counties shall have at least one (1) AOP;

871 (c) As of July 1, 2009, not less than sixty (60)  
872 counties shall have at least one (1) AOP; and

873 (d) As of July 1, 2010, not less than eighty-one (81)  
874 counties shall have at least one (1) AOP.

875 AOP professional services, salaries, facility offices,  
876 meeting rooms and related supplies and equipment may be provided  
877 through contract with local mental health or other nonprofit  
878 community organizations.

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

886 (6) The Division of Youth Services shall establish a ten-bed  
887 transitional living facility for the temporary holding of training  
888 school adolescents who have reached their majority, have completed  
889 the GED requirement, and are willing to be rehabilitated until

890 they are placed in jobs, job training or postsecondary programs.  
891 Such transitional living facility may be operated pursuant to  
892 contract with a nonprofit community support organization.

893 **SECTION 11.** Section 43-27-401, Mississippi Code of 1972, is  
894 amended as follows:

895 43-27-401. (1) The Department of Human Services, Division  
896 of Youth Services, shall establish a pilot program to be known as  
897 the "Amer-I-Can Program." The program is designed for youths who  
898 have been committed to or are confined in Columbia or Oakley  
899 Training Schools. The objectives of this program are:

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

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

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

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

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

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

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

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

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

924 \* \* \*

925 **SECTION 12.** Section 47-5-138, Mississippi Code of 1972, is  
926 amended as follows:

927 47-5-138. (1) The department may promulgate rules and  
928 regulations to carry out an earned time allowance program based on  
929 the good conduct and performance of an inmate. An inmate is  
930 eligible to receive an earned time allowance of one-half (1/2) of  
931 the period of confinement imposed by the court except those  
932 inmates excluded by law. When an inmate is committed to the  
933 custody of the department, the department shall determine a  
934 conditional earned time release date by subtracting the earned  
935 time allowance from an inmate's term of sentence. This subsection  
936 does not apply to any sentence imposed after June 30, 1995.

937 (2) An inmate may forfeit all or part of his earned time  
938 allowance for a serious violation of rules. No forfeiture of the  
939 earned time allowance shall be effective except upon approval of  
940 the commissioner or his designee, and forfeited earned time may  
941 not be restored.

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

947 (b) On receipt of a final order, the department shall  
948 forfeit:

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

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

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

958 (c) The department may not restore earned time  
959 forfeited under this subsection.

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

963 (5) For any sentence imposed after June 30, 1995, an inmate  
964 may receive an earned time allowance of four and one-half (4-1/2)  
965 days for each thirty (30) days served if the department determines  
966 that the inmate has complied with the good conduct and performance  
967 requirements of the earned time allowance program. The earned  
968 time allowance under this subsection shall not exceed fifteen  
969 percent (15%) of an inmate's term of sentence; however, beginning  
970 July 1, 2006, no person under the age of twenty-one (21) who has  
971 committed a nonviolent offense, and who is under the jurisdiction  
972 of the Department of Corrections, shall be subject to the fifteen  
973 percent (15%) limitation for earned time allowances as described  
974 in this subsection (5).

975 (6) Any inmate, who is released before the expiration of his  
976 term of sentence under this section, shall be placed under  
977 earned-release supervision until the expiration of the term of  
978 sentence. The inmate shall retain inmate status and remain under  
979 the jurisdiction of the department. The period of earned-release  
980 supervision shall be conducted in the same manner as a period of  
981 supervised parole. The department shall develop rules, terms and  
982 conditions for the earned-release supervision program. The  
983 commissioner shall designate the appropriate hearing officer  
984 within the department to conduct revocation hearings for inmates  
985 violating the conditions of earned-release supervision.

986 (7) If the earned-release supervision is revoked, the inmate  
987 shall serve the remainder of the sentence and the time the inmate

988 was on earned-release supervision, shall not be applied to and  
989 shall not reduce his sentence.

990           **SECTION 13.** This act shall take effect and be in force from  
991 and after July 1, 2005.