

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

Senate Bill No. 2894

BY: Committee

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

27 SECTION 1. (1) There is established the Juvenile Detention
28 Facilities Monitoring Unit within the Office of the Attorney
29 General to work in cooperation with the Juvenile Justice Advisory
30 Committee described in Section 45-1-33. The unit shall inspect
31 all juvenile detention facilities on a quarterly basis. The
32 inspections shall encompass the following:

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

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

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

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

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

47 **SECTION 2.** Section 43-14-1, Mississippi Code of 1972, is
48 amended as follows:

49 43-14-1. (1) The purpose of this chapter is to provide for
50 the development and implementation of a coordinated interagency
51 system of necessary services and care for children and youth up to
52 age twenty-one (21) with serious emotional/behavioral disorders
53 including, but not limited to, conduct disorders, or mental
54 illness who require services from a multiple services and multiple
55 programs system, and who can be successfully diverted from
56 inappropriate institutional placement. This program is to be done
57 in the most fiscally responsible (cost efficient) manner possible,
58 based on an individualized plan of care which takes into account
59 other available interagency programs, including, but not limited
60 to, Early Intervention Act of Infants and Toddlers, Section
61 41-87-1 et seq., Early Periodic Screening Diagnosis and Treatment,
62 Section 43-13-117(5), waived program for home- and
63 community-based services for developmentally disabled people,
64 Section 43-13-117(29), and waived program for targeted case
65 management services for children with special needs, Section
66 43-13-117(31), those children identified through the federal
67 Individuals with Disabilities Education Act of 1997 as having a
68 serious emotional disorder (EMD), the Mississippi Children's
69 Health Insurance Program Phase I and Phase II and waived
70 programs for children with serious emotional disturbances, Section
71 43-13-117(46), and is tied to clinically appropriate outcomes.
72 Some of the outcomes are to reduce the number of inappropriate
73 out-of-home placements inclusive of those out-of-state and to
74 reduce the number of inappropriate school suspensions and
75 expulsions for this population of children. From and after July

76 1, 2001, this coordinated interagency system of necessary services
77 and care shall be named the System of Care program. Children to
78 be served by this chapter who are eligible for Medicaid shall be
79 screened through the Medicaid Early Periodic Screening Diagnosis
80 and Treatment (EPSDT) and their needs for medically necessary
81 services shall be certified through the EPSDT process. For
82 purposes of this chapter, a "System of Care" is defined as a
83 coordinated network of agencies and providers working as a team to
84 make a full range of mental health and other necessary services
85 available as needed by children with mental health problems and
86 their families. The System of Care shall be:

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

88 (b) Community based;

89 (c) Culturally competent and responsive; and shall

90 provide for:

91 (i) Service coordination or case management;

92 (ii) Prevention and early identification and
93 intervention;

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

96 (iv) Human rights protection and advocacy;

97 (v) Nondiscrimination in access to services;

98 (vi) A comprehensive array of services;

99 (vii) Individualized service planning;

100 (viii) Services in the least restrictive
101 environment;

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

104 (x) Integrated services with coordinated planning
105 across child-serving agencies.

106 (2) There is established the Interagency Coordinating
107 Council for Children and Youth (hereinafter referred to as the

108 "ICCCY"). The ICCCY shall consist of the following membership:
109 (a) the State Superintendent of Public Education; (b) the
110 Executive Director of the Mississippi Department of Mental Health;
111 (c) the Executive Director of the State Department of Health; (d)
112 the Executive Director of the Department of Human Services; (e)
113 the Executive Director of the Division of Medicaid, Office of the
114 Governor; (f) the Executive Director of the State Department of
115 Rehabilitation Services; and (g) the Executive Director of
116 Mississippi Families as Allies for Children's Mental Health, Inc.
117 The council shall meet before August 1, 2001, and shall organize
118 for business by selecting a chairman, who shall serve for a
119 one-year term and may not serve consecutive terms. The council
120 shall adopt internal organizational procedures necessary for
121 efficient operation of the council. Each member of the council
122 shall designate necessary staff of their departments to assist the
123 ICCCY in performing its duties and responsibilities. The ICCCY
124 shall meet and conduct business at least twice annually. The
125 chairman of the ICCCY shall notify all persons who request such
126 notice as to the date, time and place of each meeting.

127 (3) The Interagency System of Care Council is created to
128 serve as the state management team for the ICCCY, with the
129 responsibility of collecting and analyzing data and funding
130 strategies necessary to improve the operation of the System of
131 Care programs, and to make recommendations to the ICCCY and to the
132 Legislature concerning such strategies on or before December 31,
133 2002. The System of Care Council also has the responsibility of
134 coordinating the local Multidisciplinary Assessment and Planning
135 (MAP) teams and may apply for grants from public and private
136 sources necessary to carry out its responsibilities. The
137 Interagency System of Care Council shall be comprised of one (1)
138 member from each of the appropriate child-serving divisions or
139 sections of the State Department of Health, the Department of

140 Human Services, the State Department of Mental Health, the State
141 Department of Education, the Division of Medicaid of the
142 Governor's Office, the Department of Rehabilitation Services, a
143 family member representing a family education and support 501(c)3
144 organization, a representative from the Council of Administrators
145 for Special Education/Mississippi Organization of Special
146 Education Supervisors (CASE/MOSES) and a family member designated
147 by Mississippi Families as Allies for Children's Mental Health,
148 Inc. Appointments to the Interagency System of Care Council shall
149 be made within sixty (60) days after the effective date of this
150 act. The council shall organize by selecting a chairman from its
151 membership to serve on an annual basis, and the chairman may not
152 serve consecutive terms.

153 (4) (a) There is established a statewide system of local
154 Multidisciplinary Assessment and Planning Resource (MAP) teams.
155 The MAP teams shall be comprised of one (1) representative each at
156 the county level from the major child-serving public agencies for
157 education, human services, health, mental health and
158 rehabilitative services approved by respective state agencies of
159 the Department of Education, the Department of Human Services, the
160 Department of Health, the Department of Mental Health and the
161 Department of Rehabilitation Services. Three (3) additional
162 members may be added to each team, one (1) of which may be a
163 representative of a family education/support 501(c)3 organization
164 with statewide recognition and specifically established for the
165 population of children defined in Section 43-14-1. The remaining
166 two (2) members will be representatives of significant
167 community-level stakeholders with resources that can benefit the
168 population of children defined in Section 43-14-1.

169 (b) For each local existing MAP team that is
170 established pursuant to paragraph (a) of this subsection, there

171 shall also be established an "A" (Adolescent) team which shall
172 work with a MAP team. The "A" teams shall provide System of Care
173 services for nonviolent youthful offenders who have serious
174 behavioral or emotional disorders. Each "A" team shall be
175 comprised of, at a minimum, the following five (5) members:

- 176 (i) A school counselor;
177 (ii) A community mental health professional;
178 (iii) A social services/child welfare
179 professional;
180 (iv) A youth court counselor; and
181 (v) A parent who had a child in the juvenile
182 justice system who committed a nonviolent offense.

183 (5) The Interagency Coordinating Council for Children and
184 Youth may provide input relative to how each agency utilizes its
185 federal and state statutes, policy requirements and funding
186 streams to identify and/or serve children and youth in the
187 population defined in Section 43-14-1. The ICCCY shall support
188 the implementation of the plans of the respective state agencies
189 for comprehensive multidisciplinary care, treatment and placement
190 of these children.

191 (6) The ICCCY shall oversee a pool of state funds that may
192 be contributed by each participating state agency and additional
193 funds from the Mississippi Tobacco Health Care Expenditure Fund,
194 subject to specific appropriation therefor by the Legislature.
195 Part of this pool of funds shall be available for increasing the
196 present funding levels by matching Medicaid funds in order to
197 increase the existing resources available for necessary
198 community-based services for Medicaid beneficiaries.

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

202 (8) Each local MAP team shall serve as the single point of
203 entry to ensure that comprehensive diagnosis and assessment occur
204 and shall coordinate needed services through the local
205 coordinating care entity for the children named in subsection (1).
206 Local children in crisis shall have first priority for access to
207 the MAP team processes and local System of Care programs.

208 (9) The Interagency Coordinating Council for Children and
209 Youth shall facilitate monitoring of the performance of local MAP
210 teams.

211 (10) Each state agency named in subsection (2) of this
212 section shall enter into a binding interagency agreement to
213 participate in the oversight of the statewide System of Care
214 programs for the children and youth described in this section.
215 The agreement shall be signed and in effect by July 1 of each
216 year.

217 (11) This section shall stand repealed from and after July
218 1, 2007.

219 **SECTION 3.** Section 43-14-5, Mississippi Code of 1972, is
220 amended as follows:

221 43-14-5. There is created in the State Treasury a special
222 fund into which shall be deposited all funds contributed by the
223 Department of Human Services, State Department of Health,
224 Department of Mental Health, State Department of Rehabilitation
225 Services insofar as recipients are otherwise eligible under the
226 Rehabilitation Act of 1973, as amended, and State Department of
227 Education for the operation of a statewide System of Care by MAP
228 teams and "A" teams utilizing such funds as may be made available
229 to those MAP teams through a Request for Proposal (RFP) approved
230 by the ICCCY.

231 This section shall stand repealed from and after July 1,
232 2007.

233 **SECTION 4.** Section 43-21-105, Mississippi Code of 1972, is
234 amended as follows:

235 43-21-105. The following words and phrases, for purposes of
236 this chapter, shall have the meanings ascribed herein unless the
237 context clearly otherwise requires:

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

239 (b) "Judge" means the judge of the Youth Court
240 Division.

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

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

250 (e) "Parent" means the father or mother to whom the
251 child has been born, or the father or mother by whom the child has
252 been legally adopted.

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

255 (g) "Custodian" means any person having the present
256 care or custody of a child whether such person be a parent or
257 otherwise.

258 (h) "Legal custodian" means a court-appointed custodian
259 of the child.

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

262 (j) "Delinquent act" is any act, which if committed by
263 an adult, is designated as a crime under state or federal law, or
264 municipal or county ordinance other than offenses punishable by

265 life imprisonment or death. A delinquent act includes escape from
266 lawful detention and violations of the Uniform Controlled
267 Substances Law and violent behavior.

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

271 (i) Is habitually disobedient of reasonable and
272 lawful commands of his parent, guardian or custodian and is
273 ungovernable; or

274 (ii) While being required to attend school,
275 willfully and habitually violates the rules thereof or willfully
276 and habitually absents himself therefrom; or

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

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

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

280 (i) Whose parent, guardian or custodian or any
281 person responsible for his care or support, neglects or refuses,
282 when able so to do, to provide for him proper and necessary care
283 or support, or education as required by law, or medical, surgical,
284 or other care necessary for his well-being; provided, however, a
285 parent who withholds medical treatment from any child who in good
286 faith is under treatment by spiritual means alone through prayer
287 in accordance with the tenets and practices of a recognized church
288 or religious denomination by a duly accredited practitioner
289 thereof shall not, for that reason alone, be considered to be
290 neglectful under any provision of this chapter; or

291 (ii) Who is otherwise without proper care,
292 custody, supervision or support; or

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

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

298 (m) "Abused child" means a child whose parent, guardian
299 or custodian or any person responsible for his care or support,
300 whether legally obligated to do so or not, has caused or allowed
301 to be caused upon said child sexual abuse, sexual exploitation,
302 emotional abuse, mental injury, nonaccidental physical injury or
303 other maltreatment. Provided, however, that physical discipline,
304 including spanking, performed on a child by a parent, guardian or
305 custodian in a reasonable manner shall not be deemed abuse under
306 this section.

307 (n) "Sexual abuse" means obscene or pornographic
308 photographing, filming or depiction of children for commercial
309 purposes, or the rape, molestation, incest, prostitution or other
310 such forms of sexual exploitation of children under circumstances
311 which indicate that the child's health or welfare is harmed or
312 threatened.

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

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

322 (q) "Custody" means the physical possession of the
323 child by any person.

324 (r) "Legal custody" means the legal status created by a
325 court order which gives the legal custodian the responsibilities
326 of physical possession of the child and the duty to provide him
327 with food, shelter, education and reasonable medical care, all

328 subject to residual rights and responsibilities of the parent or
329 guardian of the person.

330 (s) "Detention" means the care of children in
331 physically restrictive facilities.

332 (t) "Shelter" means care of children in physically
333 nonrestrictive facilities.

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

336 (i) All youth court records as defined in Section
337 43-21-251;

338 (ii) All social records as defined in Section
339 43-21-253;

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

342 (iv) All agency records as defined in Section
343 43-21-257; and

344 (v) All other documents maintained by any
345 representative of the state, county, municipality or other public
346 agency insofar as they relate to the apprehension, custody,
347 adjudication or disposition of a child who is the subject of a
348 youth court cause.

349 (v) "Any person responsible for care or support" means
350 the person who is providing for the child at a given time. This
351 term shall include, but is not limited to, stepparents, foster
352 parents, relatives, nonlicensed babysitters or other similar
353 persons responsible for a child and staff of residential care
354 facilities and group homes that are licensed by the Department of
355 Human Services.

356 (w) The singular includes the plural, the plural the
357 singular and the masculine the feminine when consistent with the
358 intent of this chapter.

359 (x) "Out-of-home" setting means the temporary
360 supervision or care of children by the staff of licensed day care
361 centers, the staff of public, private and state schools, the staff
362 of juvenile detention facilities, the staff of unlicensed
363 residential care facilities and group homes and the staff of, or
364 individuals representing, churches, civic or social organizations.

365 (y) "Durable legal custody" means the legal status
366 created by a court order which gives the durable legal custodian
367 the responsibilities of physical possession of the child and the
368 duty to provide him with care, nurture, welfare, food, shelter,
369 education and reasonable medical care. All these duties as
370 enumerated are subject to the residual rights and responsibilities
371 of the natural parent(s) or guardian(s) of the child or children.

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

375 **SECTION 5.** Section 43-21-321, Mississippi Code of 1972, is
376 amended as follows:

377 43-21-321. (1) All juveniles shall undergo a health
378 screening within one (1) hour of admission to any juvenile
379 detention center, or as soon thereafter as reasonably possible.
380 Information obtained during the screening shall include, but shall
381 not be limited to, the juvenile's:

- 382 (a) Mental health;
- 383 (b) Suicide risk;
- 384 (c) Alcohol and other drug use and abuse;
- 385 (d) Physical health;
- 386 (e) Aggressive behavior;
- 387 (f) Family relations;
- 388 (g) Peer relations;
- 389 (h) Social skills;
- 390 (i) Educational status; and

391 (j) Vocational status.

392 (2) If the screening instrument indicates that a juvenile is
393 in need of emergency medical care or mental health intervention
394 services, the detention staff shall refer those juveniles to the
395 proper health care facility or community mental health service
396 provider for further evaluation, as soon as reasonably possible.

397 If the screening instrument, such as the Massachusetts Youth
398 Screening Instrument version 2 (MAYSI-2) or other comparable
399 mental health screening instrument indicates that the juvenile is
400 in need of emergency medical care or mental health intervention
401 services, the detention staff shall refer the juvenile to the
402 proper health care facility or mental health service provider for
403 further evaluation, recommendation and referral for treatment, if
404 necessary, within forty-eight (48) hours, excluding Saturdays,
405 Sundays and statutory state holidays.

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

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

413 (a) Determine that the juvenile is legally committed to
414 the facility;

415 (b) Make a complete search of the juvenile and his
416 possessions;

417 (c) Dispose of personal property;

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

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

420 (f) Issue personal hygiene articles;

421 (g) Perform medical, dental and mental health

422 screening;

- 423 (h) Assign a housing unit for the juvenile;
- 424 (i) Record basic personal data and information to be
425 used for mail and visiting lists;
- 426 (j) Assist juveniles in notifying their families of
427 their admission and procedures for mail and visiting;
- 428 (k) Assign a registered number to the juvenile; and
- 429 (l) Provide written orientation materials to the
430 juvenile.

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

- 433 (a) An educational program;
- 434 (b) A visitation program with parents and guardians;
- 435 (c) Private communications with visitors and staff;
- 436 (d) Counseling;
- 437 (e) Continuous supervision of living units;
- 438 (f) Medical service;
- 439 (g) Food service;
- 440 (h) Recreation and exercise program; and
- 441 (i) Reading materials.

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

444 (7) Programs and professional services may be provided by
445 the detention staff, youth court staff or the staff of the local
446 or state agencies, or those programs and professional services may
447 be provided through contractual arrangements with community
448 agencies.

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

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

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

456 43-21-605. (1) In delinquency cases, the disposition order
457 may include any of the following alternatives:

458 (a) Release the child without further action;

459 (b) Place the child in the custody of the parents, a
460 relative or other persons subject to any conditions and
461 limitations, including restitution, as the youth court may
462 prescribe;

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

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

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

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

478 (g) Give legal custody of the child to any of the
479 following:

480 (i) The Department of Human Services for
481 appropriate placement; or

482 (ii) Any public or private organization,
483 preferably community-based, able to assume the education, care and
484 maintenance of the child, which has been found suitable by the
485 court; or

486 (iii) The Department of Human Services for
487 placement in a wilderness training program or the Division of
488 Youth Services for placement in a state-supported training school,
489 except that no child under the age of ten (10) years shall be
490 committed to a state training school, and no first-time nonviolent
491 youth offenders shall be committed to a state training school
492 until all other options provided for in this section have been
493 considered and the court makes a specific finding of fact that
494 commitment is appropriate. The training school may retain custody
495 of the child until the child's twentieth birthday but for no
496 longer. When the child is committed to a training school, the
497 child shall remain in the legal custody of the training school
498 until the child has made sufficient progress in treatment and
499 rehabilitation and it is in the best interest of the child to
500 release the child. However, the superintendent of a state
501 training school, in consultation with the treatment team, may
502 parole a child at any time he may deem it in the best interest and
503 welfare of such child. Twenty (20) days prior to such parole, the
504 training school shall notify the committing court of the pending
505 release. The youth court may then arrange subsequent placement
506 after a reconvened disposition hearing, except that the youth
507 court may not recommit the child to the training school or any
508 other secure facility without an adjudication of a new offense or
509 probation or parole violation. Prior to assigning the custody of
510 any child to any private institution or agency, the youth court
511 through its designee shall first inspect the physical facilities
512 to determine that they provide a reasonable standard of health and
513 safety for the child. No child shall be placed in the custody of
514 a state training school for a status offense or for contempt of or
515 revocation of a status offense adjudication unless the child is
516 contemporaneously adjudicated for having committed an act of
517 delinquency that is not a status offense;

518 (h) Recommend to the child and the child's parents or
519 guardian that the child attend and participate in the Youth
520 Challenge Program under the Mississippi National Guard, as created
521 in Section 43-27-203, subject to the selection of the child for
522 the program by the National Guard; however, the child must
523 volunteer to participate in the program. The youth court shall
524 not order any child to apply or attend the program;

525 (i) (i) Adjudicate the juvenile to the Statewide
526 Juvenile Work Program if the program is established in the court's
527 jurisdiction. The juvenile and his parents or guardians must sign
528 a waiver of liability in order to participate in the work program.
529 The judge will coordinate with the youth services counselors as to
530 placing participants in the work program;

531 (ii) The severity of the crime, whether or not the
532 juvenile is a repeat offender or is a felony offender will be
533 taken into consideration by the judge when adjudicating a juvenile
534 to the work program. The juveniles adjudicated to the work
535 program will be supervised by police officers or reserve officers.
536 The term of service will be from twenty-four (24) to one hundred
537 twenty (120) hours of community service. A juvenile will work the
538 hours to which he was adjudicated on the weekends during school
539 and weekdays during the summer. Parents are responsible for a
540 juvenile reporting for work. Noncompliance with an order to
541 perform community service will result in a heavier adjudication.
542 A juvenile may be adjudicated to the community service program
543 only two (2) times;

544 (iii) The judge shall assess an additional fine on
545 the juvenile which will be used to pay the costs of implementation
546 of the program and to pay for supervision by police officers and
547 reserve officers. The amount of the fine will be based on the
548 number of hours to which the juvenile has been adjudicated;

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

551 (k) Order the child into a juvenile detention center
552 operated by the county or into a juvenile detention center
553 operated by any county with which the county in which the court is
554 located has entered into a contract for the purpose of housing
555 delinquents. The time period for such detention cannot exceed
556 ninety (90) days. The youth court judge may order that the number
557 of days specified in the detention order be served either
558 throughout the week or on weekends only.

559 (2) In addition to any of the disposition alternatives
560 authorized under subsection (1) of this section, the disposition
561 order in any case in which the child is adjudicated delinquent for
562 an offense under Section 63-11-30 shall include an order denying
563 the driver's license and driving privileges of the child as
564 required under * * * Section 63-11-30(9).

565 (3) If the youth court places a child in a state-supported
566 training school, the court may order the parents or guardians of
567 the child and other persons living in the child's household to
568 receive counseling and parenting classes for rehabilitative
569 purposes while the child is in the legal custody of the training
570 school. A youth court entering an order under this subsection (3)
571 shall utilize appropriate services offered either at no cost or
572 for a fee calculated on a sliding scale according to income unless
573 the person ordered to participate elects to receive other
574 counseling and classes acceptable to the court at the person's
575 sole expense.

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

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

583 (6) The youth court shall not place a child in another
584 school district who has been expelled from a school district for
585 the commission of a violent act. For the purpose of this
586 subsection, "violent act" means any action which results in death
587 or physical harm to another or an attempt to cause death or
588 physical harm to another.

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

595 **SECTION 7.** Section 43-27-201, Mississippi Code of 1972, is
596 amended as follows:

597 43-27-201. (1) The purpose of this section is to outline
598 and structure a long-range proposal in addition to certain
599 immediate objectives for improvements in the juvenile correctional
600 facilities of the Division of Youth Services of the Mississippi
601 Department of Human Services in order to provide modern and
602 efficient correctional and rehabilitation facilities for juvenile
603 offenders in Mississippi, who are committing an increasing
604 percentage of serious and violent crimes.

605 (2) The Department of Finance and Administration, acting
606 through the Bureau of Building, Grounds and Real Property
607 Management, using funds from bonds issued under this chapter,
608 monies appropriated by the Legislature for such purposes, federal
609 matching or other federal funds, federal grants or other available
610 funds from whatever source, shall provide for, by construction,
611 lease, lease-purchase or otherwise, and equip the following

612 juvenile correctional facilities under the jurisdiction and
613 responsibility of the Division of Youth Services of the Department
614 of Human Services:

615 (a) Construct an additional one-hundred-fifty-bed,
616 stand-alone, medium security juvenile correctional facility for
617 habitual violent male offenders, which complies with American
618 Correctional Association Accreditation standards and applicable
619 building and fire safety codes. The medium security, male
620 juvenile facility location shall be on property owned by the
621 Division of Youth Services, or its successor, or at a site
622 selected by the Bureau of Building, Grounds and Real Property
623 Management on land which is hereafter donated to the state
624 specifically for the location of such facility.

625 (b) Construct an additional one-hundred-bed minimum
626 security juvenile correctional facility for female offenders, and
627 an additional stand-alone, fifteen-bed maximum security juvenile
628 correctional facility for female offenders, which complies with
629 American Correctional Association Accreditation standards and
630 applicable building and fire safety codes. The minimum security
631 and maximum security female juvenile facilities location shall be
632 on property owned by the Division of Youth Services, or its
633 successor, or at a site selected by the Bureau of Building,
634 Grounds and Real Property Management on land which is hereafter
635 donated to the state specifically for the location of such
636 facility.

637 (3) Upon the selection of a proposed site for a correctional
638 facility for juveniles authorized under subsection (2), the Bureau
639 of Building, Grounds and Real Property Management of the
640 Department of Finance and Administration shall notify the board of
641 supervisors of the county in which such facility is proposed to be
642 located and shall publish a notice as hereinafter set forth in a
643 newspaper having general circulation in such county. Such notice

644 shall include a description of the tract of land in the county
645 whereon the facility is proposed to be located, the nature and
646 size of the facility and the date on which the determination of
647 the Bureau of Building, Grounds and Real Property Management shall
648 be final as to the location of such facility, which date shall not
649 be less than forty-five (45) days following the first publication
650 of such notice. Such notice shall include a brief summary of the
651 provisions of this section pertaining to the petition for an
652 election on the question of the location of the juvenile housing
653 facility in such county. Such notice shall be published not less
654 than one (1) time each week for at least three (3) consecutive
655 weeks in at least one (1) newspaper published in such county.

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

659 If at any time before the aforesaid date a petition signed by
660 twenty percent (20%), or fifteen hundred (1,500), whichever is
661 less, of the qualified electors of the county involved shall be
662 filed with the board of supervisors requesting that an election be
663 called on the question of locating such facility, then the board
664 of supervisors shall adopt a resolution calling an election to be
665 held within such county upon the question of the location of such
666 facility. Such election shall be held, as far as practicable, in
667 the same manner as other elections are held in counties. At such
668 election, all qualified electors of the county may vote, and the
669 ballots used at such election shall have printed thereon a brief
670 statement of the facility to be constructed and the words "For the
671 construction of the facility in (here insert county name) County"
672 and "Against the construction of the facility in (here insert
673 county name) County." The voter shall vote by placing a cross (X)
674 or check mark (✓) opposite his choice on the proposition. When
675 the results of the election on the question of the construction of

676 the facility shall have been canvassed by the election
677 commissioners of the county and certified by them to the board of
678 supervisors, it shall be the duty of the board of supervisors to
679 determine and adjudicate whether or not a majority of the
680 qualified electors who voted thereon in such election voted in
681 favor of the construction of the facilities in such county.
682 Unless a majority of the qualified electors who voted in such
683 election shall have voted in favor of the construction of the
684 facilities in such county, then such facility shall not be
685 constructed in such county.

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

693 (a) As of July 1, 2007, not less than twenty (20)
694 counties shall be served by at least one (1) AOP;

695 (b) As of July 1, 2008, not less than forty (40)
696 counties shall be served by at least one (1) AOP;

697 (c) As of July 1, 2009, not less than sixty (60)
698 counties shall be served by at least one (1) AOP; and

699 (d) As of July 1, 2010, all eighty-two (82) counties
700 shall be served by at least one (1) AOP.

701 AOP professional services, salaries, facility offices,
702 meeting rooms and related supplies and equipment may be provided
703 through contract with local mental health or other nonprofit
704 community organizations.

705 (5) The Division of Youth Services shall operate and
706 maintain the Forestry Camp Number 43 at the Columbia Training
707 School, originally authorized and constructed in 1973, to consist

708 of a twenty-bed dormitory, four (4) offices, a classroom, kitchen,
709 dining room, day room and apartment. The purpose of this camp
710 shall be to train juvenile detention residents for community
711 college and other forestry training programs.

712 (6) The Division of Youth Services shall establish a ten-bed
713 transitional living facility for the temporary holding of training
714 school adolescents who have reached their majority, have completed
715 the GED requirement, and are willing to be rehabilitated until
716 they are placed in jobs, job training or postsecondary programs.
717 Such transitional living facility may be operated pursuant to
718 contract with a nonprofit community support organization.

719 **SECTION 8.** Section 43-27-401, Mississippi Code of 1972, is
720 amended as follows:

721 43-27-401. (1) The Department of Human Services, Division
722 of Youth Services, shall establish a pilot program to be known as
723 the "Amer-I-Can Program." The program is designed for youths who
724 have been committed to or are confined in Columbia or Oakley
725 Training Schools. The objectives of this program are:

726 (a) To develop greater self-esteem, assume responsible
727 attitudes and experience a restructuring of habits and
728 conditioning processes;

729 (b) To develop an appreciation of family members and an
730 understanding of the role family structure has in achieving
731 successful living;

732 (c) To develop an understanding of the concept of
733 community and collective responsibility;

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

737 (e) To develop skills in money management and financial
738 stability, thus relieving pressures that have contributed to
739 previous difficulties;

740 (f) To develop communication skills to better express
741 thoughts and ideas while acquiring an understanding of and respect
742 for the thoughts and ideas of others; and

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

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

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

750 * * *

751 **SECTION 9.** Section 47-5-138, Mississippi Code of 1972, is
752 amended as follows:

753 47-5-138. (1) The department may promulgate rules and
754 regulations to carry out an earned time allowance program based on
755 the good conduct and performance of an inmate. An inmate is
756 eligible to receive an earned time allowance of one-half (1/2) of
757 the period of confinement imposed by the court except those
758 inmates excluded by law. When an inmate is committed to the
759 custody of the department, the department shall determine a
760 conditional earned time release date by subtracting the earned
761 time allowance from an inmate's term of sentence. This subsection
762 does not apply to any sentence imposed after June 30, 1995.

763 (2) An inmate may forfeit all or part of his earned time
764 allowance for a serious violation of rules. No forfeiture of the
765 earned time allowance shall be effective except upon approval of
766 the commissioner or his designee, and forfeited earned time may
767 not be restored.

768 (3) (a) For the purposes of this subsection, "final order"
769 means an order of a state or federal court that dismisses a
770 lawsuit brought by an inmate while the inmate was in the custody

771 of the Department of Corrections as frivolous, malicious or for
772 failure to state a claim upon which relief could be granted.

773 (b) On receipt of a final order, the department shall
774 forfeit:

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

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

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

784 (c) The department may not restore earned time
785 forfeited under this subsection.

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

789 (5) For any sentence imposed after June 30, 1995, an inmate
790 may receive an earned time allowance of four and one-half (4-1/2)
791 days for each thirty (30) days served if the department determines
792 that the inmate has complied with the good conduct and performance
793 requirements of the earned time allowance program. The earned
794 time allowance under this subsection shall not exceed fifteen
795 percent (15%) of an inmate's term of sentence; however, beginning
796 July 1, 2006, no person under the age of twenty-one (21) who has
797 committed a nonviolent offense, and who is under the jurisdiction
798 of the Department of Corrections, shall be subject to the fifteen
799 percent (15%) limitation for earned time allowances as described
800 in this subsection (5).

801 (6) Any inmate, who is released before the expiration of his
802 term of sentence under this section, shall be placed under

803 earned-release supervision until the expiration of the term of
804 sentence. The inmate shall retain inmate status and remain under
805 the jurisdiction of the department. The period of earned-release
806 supervision shall be conducted in the same manner as a period of
807 supervised parole. The department shall develop rules, terms and
808 conditions for the earned-release supervision program. The
809 commissioner shall designate the appropriate hearing officer
810 within the department to conduct revocation hearings for inmates
811 violating the conditions of earned-release supervision.

812 (7) If the earned-release supervision is revoked, the inmate
813 shall serve the remainder of the sentence and the time the inmate
814 was on earned-release supervision, shall not be applied to and
815 shall not reduce his sentence.

816 **SECTION 10.** This act shall take effect and be in force from
817 and after July 1, 2005.