

**Adopted  
AMENDMENT NO 1 PROPOSED TO**

**Cmte Sub for Senate Bill No. 2894**

**BY: Senator(s) Tollison**

**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

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

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

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

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

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

(b) Community based;

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

(i) Service coordination or case management;

(ii) Prevention and early identification and intervention;

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

(iv) Human rights protection and advocacy;

(v) Nondiscrimination in access to services;

(vi) A comprehensive array of services;

(vii) Individualized service planning;

(viii) Services in the least restrictive environment;

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

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

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

"ICCCY"). The ICCCY shall consist of the following membership:

- (a) the State Superintendent of Public Education; (b) the Executive Director of the Mississippi Department of Mental Health;
- (c) the Executive Director of the State Department of Health; (d) the Executive Director of the Department of Human Services; (e) the Executive Director of the Division of Medicaid, Office of the Governor; (f) the Executive Director of the State Department of Rehabilitation Services; and (g) the Executive Director of Mississippi Families as Allies for Children's Mental Health, Inc.

The council shall meet before August 1, 2001, and shall organize for business by selecting a chairman, who shall serve for a one-year term and may not serve consecutive terms. The council shall adopt internal organizational procedures necessary for efficient operation of the council. Each member of the council shall designate necessary staff of their departments to assist the ICCCY in performing its duties and responsibilities. The ICCCY shall meet and conduct business at least twice annually. The chairman of the ICCCY shall notify all persons who request such notice as to the date, time and place of each meeting.

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

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

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

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

shall also be established an "A" (Adolescent) team which shall work with a MAP team. The "A" teams shall provide System of Care services for nonviolent youthful offenders who have serious behavioral or emotional disorders. Each "A" team shall be comprised of, at a minimum, the following four (4) members:

- (i) A school counselor;
- (ii) A community mental health professional;
- (iii) A social services/child welfare professional; and
- (iv) A youth court counselor.

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

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

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

(8) Each local MAP team shall serve as the single point of entry to ensure that comprehensive diagnosis and assessment occur and shall coordinate needed services through the local

203 coordinating care entity for the children named in subsection (1).  
204 Local children in crisis shall have first priority for access to  
205 the MAP team processes and local System of Care programs.

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

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

215 (11) This section shall stand repealed from and after July  
216 1, 2007.

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

219 43-14-5. There is created in the State Treasury a special  
220 fund into which shall be deposited all funds contributed by the  
221 Department of Human Services, State Department of Health,  
222 Department of Mental Health, State Department of Rehabilitation  
223 Services insofar as recipients are otherwise eligible under the  
224 Rehabilitation Act of 1973, as amended, and State Department of  
225 Education for the operation of a statewide System of Care by MAP  
226 teams and "A" teams utilizing such funds as may be made available  
227 to those MAP teams through a Request for Proposal (RFP) approved  
228 by the ICCCY.

229 This section shall stand repealed from and after July 1,  
230 2007.

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

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

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

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

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

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

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

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

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

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

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

(j) "Delinquent act" is any act, which if committed by an adult, is designated as a crime under state or federal law, or municipal or county ordinance other than offenses punishable by life imprisonment or death. A delinquent act includes escape from



264 lawful detention and violations of the Uniform Controlled  
265 Substances Law and violent behavior.

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

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

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

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

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

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

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

289 (ii) Who is otherwise without proper care,  
290 custody, supervision or support; or

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

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

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

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

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

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

320           (q) "Custody" means the physical possession of the  
321 child by any person.

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

328           (s) "Detention" means the care of children in  
329 physically restrictive facilities.

330           (t) "Shelter" means care of children in physically  
331 nonrestrictive facilities.

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

334               (i) All youth court records as defined in Section  
335 43-21-251;

336               (ii) All social records as defined in Section  
337 43-21-253;

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

340               (iv) All agency records as defined in Section  
341 43-21-257; and

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

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

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

357           (x) "Out-of-home" setting means the temporary  
358 supervision or care of children by the staff of licensed day care  
359 centers, the staff of public, private and state schools, the staff

of juvenile detention facilities, the staff of unlicensed residential care facilities and group homes and the staff of, or individuals representing, churches, civic or social organizations.

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

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

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

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

- (a) Mental health;
- (b) Suicide risk;
- (c) Alcohol and other drug use and abuse;
- (d) Physical health;
- (e) Aggressive behavior;
- (f) Family relations;
- (g) Peer relations;
- (h) Social skills;
- (i) Educational status; and
- (j) Vocational status.

(2) If the screening instrument indicates that a juvenile is in need of emergency medical care or mental health intervention

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

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

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

411 (a) Determine that the juvenile is legally committed to  
412 the facility;

413 (b) Make a complete search of the juvenile and his  
414 possessions;

415 (c) Dispose of personal property;

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

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

418 (f) Issue personal hygiene articles;

419 (g) Perform medical, dental and mental health  
420 screening;

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

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

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

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

427           (l) Provide written orientation materials to the  
428 juvenile.

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

431           (a) An educational program;

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

433           (c) Private communications with visitors and staff;

434           (d) Counseling;

435           (e) Continuous supervision of living units;

436           (f) Medical service;

437           (g) Food service;

438           (h) Recreation and exercise program; and

439           (i) Reading materials.

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

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

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

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

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

454       43-21-605. (1) In delinquency cases, the disposition order  
455 may include any of the following alternatives:

456           (a) Release the child without further action;

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

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

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

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

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

476           (g) Give legal custody of the child to any of the  
477 following:

478               (i) The Department of Human Services for  
479 appropriate placement; or

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

484               (iii) The Department of Human Services for  
485 placement in a wilderness training program or the Division of  
486 Youth Services for placement in a state-supported training school,  
487 except that no child under the age of ten (10) years shall be

committed to a state training school, and no first-time nonviolent youth offenders shall be committed to a state training school until all other options provided for in this section have been considered and the court makes a specific finding of fact that commitment is appropriate. The training school may retain custody of the child until the child's twentieth birthday but for no longer. When the child is committed to a training school, the child shall remain in the legal custody of the training school until the child has made sufficient progress in treatment and rehabilitation and it is in the best interest of the child to release the child. However, the superintendent of a state training school, in consultation with the treatment team, may parole a child at any time he may deem it in the best interest and welfare of such child. Twenty (20) days prior to such parole, the training school shall notify the committing court of the pending release. The youth court may then arrange subsequent placement after a reconvened disposition hearing, except that the youth court may not recommit the child to the training school or any other secure facility without an adjudication of a new offense or probation or parole violation. Prior to assigning the custody of any child to any private institution or agency, the youth court through its designee shall first inspect the physical facilities to determine that they provide a reasonable standard of health and safety for the child. No child shall be placed in the custody of a state training school for a status offense or for contempt of or revocation of a status offense adjudication unless the child is contemporaneously adjudicated for having committed an act of delinquency that is not a status offense;

(h) Recommend to the child and the child's parents or guardian that the child attend and participate in the Youth Challenge Program under the Mississippi National Guard, as created in Section 43-27-203, subject to the selection of the child for



520 the program by the National Guard; however, the child must  
521 volunteer to participate in the program. The youth court shall  
522 not order any child to apply or attend the program;

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

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

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

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

549 (k) Order the child into a juvenile detention center  
550 operated by the county or into a juvenile detention center  
551 operated by any county with which the county in which the court is

located has entered into a contract for the purpose of housing delinquents. The time period for such detention cannot exceed ninety (90) days. The youth court judge may order that the number of days specified in the detention order be served either throughout the week or on weekends only.

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

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

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

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

(6) The youth court shall not place a child in another school district who has been expelled from a school district for the commission of a violent act. For the purpose of this

subsection, "violent act" means any action which results in death or physical harm to another or an attempt to cause death or physical harm to another.

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

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

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

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

(a) Construct an additional one-hundred-fifty-bed, stand-alone, medium security juvenile correctional facility for habitual violent male offenders, which complies with American

616 Correctional Association Accreditation standards and applicable  
617 building and fire safety codes. The medium security, male  
618 juvenile facility location shall be on property owned by the  
619 Division of Youth Services, or its successor, or at a site  
620 selected by the Bureau of Building, Grounds and Real Property  
621 Management on land which is hereafter donated to the state  
622 specifically for the location of such facility.

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

635           (3) Upon the selection of a proposed site for a correctional  
636 facility for juveniles authorized under subsection (2), the Bureau  
637 of Building, Grounds and Real Property Management of the  
638 Department of Finance and Administration shall notify the board of  
639 supervisors of the county in which such facility is proposed to be  
640 located and shall publish a notice as hereinafter set forth in a  
641 newspaper having general circulation in such county. Such notice  
642 shall include a description of the tract of land in the county  
643 whereon the facility is proposed to be located, the nature and  
644 size of the facility and the date on which the determination of  
645 the Bureau of Building, Grounds and Real Property Management shall  
646 be final as to the location of such facility, which date shall not  
647 be less than forty-five (45) days following the first publication

648 of such notice. Such notice shall include a brief summary of the  
649 provisions of this section pertaining to the petition for an  
650 election on the question of the location of the juvenile housing  
651 facility in such county. Such notice shall be published not less  
652 than one (1) time each week for at least three (3) consecutive  
653 weeks in at least one (1) newspaper published in such county.

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

657 If at any time before the aforesaid date a petition signed by  
658 twenty percent (20%), or fifteen hundred (1,500), whichever is  
659 less, of the qualified electors of the county involved shall be  
660 filed with the board of supervisors requesting that an election be  
661 called on the question of locating such facility, then the board  
662 of supervisors shall adopt a resolution calling an election to be  
663 held within such county upon the question of the location of such  
664 facility. Such election shall be held, as far as practicable, in  
665 the same manner as other elections are held in counties. At such  
666 election, all qualified electors of the county may vote, and the  
667 ballots used at such election shall have printed thereon a brief  
668 statement of the facility to be constructed and the words "For the  
669 construction of the facility in (here insert county name) County"  
670 and "Against the construction of the facility in (here insert  
671 county name) County." The voter shall vote by placing a cross (X)  
672 or check mark (✓) opposite his choice on the proposition. When  
673 the results of the election on the question of the construction of  
674 the facility shall have been canvassed by the election  
675 commissioners of the county and certified by them to the board of  
676 supervisors, it shall be the duty of the board of supervisors to  
677 determine and adjudicate whether or not a majority of the  
678 qualified electors who voted thereon in such election voted in  
679 favor of the construction of the facilities in such county.

680 Unless a majority of the qualified electors who voted in such  
681 election shall have voted in favor of the construction of the  
682 facilities in such county, then such facility shall not be  
683 constructed in such county.

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

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

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

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

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

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

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

710 (6) The Division of Youth Services shall establish a ten-bed  
711 transitional living facility for the temporary holding of training

712 school adolescents who have reached their majority, have completed  
713 the GED requirement, and are willing to be rehabilitated until  
714 they are placed in jobs, job training or postsecondary programs.  
715 Such transitional living facility may be operated pursuant to  
716 contract with a nonprofit community support organization.

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

719       43-27-401. (1) The Department of Human Services, Division  
720 of Youth Services, shall establish a pilot program to be known as  
721 the "Amer-I-Can Program." The program is designed for youths who  
722 have been committed to or are confined in Columbia or Oakley  
723 Training Schools. The objectives of this program are:

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

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

730               (c) To develop an understanding of the concept of  
731 community and collective responsibility;

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

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

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

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

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

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

748       \* \* \*

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

751           47-5-138. (1) The department may promulgate rules and  
752 regulations to carry out an earned time allowance program based on  
753 the good conduct and performance of an inmate. An inmate is  
754 eligible to receive an earned time allowance of one-half (1/2) of  
755 the period of confinement imposed by the court except those  
756 inmates excluded by law. When an inmate is committed to the  
757 custody of the department, the department shall determine a  
758 conditional earned time release date by subtracting the earned  
759 time allowance from an inmate's term of sentence. This subsection  
760 does not apply to any sentence imposed after June 30, 1995.

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

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

771           (b) On receipt of a final order, the department shall  
772 forfeit:



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

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

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

782                   (c) The department may not restore earned time  
783 forfeited under this subsection.

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

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

799           (6) Any inmate, who is released before the expiration of his  
800 term of sentence under this section, shall be placed under  
801 earned-release supervision until the expiration of the term of  
802 sentence. The inmate shall retain inmate status and remain under  
803 the jurisdiction of the department. The period of earned-release  
804 supervision shall be conducted in the same manner as a period of

805 supervised parole. The department shall develop rules, terms and  
806 conditions for the earned-release supervision program. The  
807 commissioner shall designate the appropriate hearing officer  
808 within the department to conduct revocation hearings for inmates  
809 violating the conditions of earned-release supervision.

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

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

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

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