

By: Representatives Flaggs, Brown, Clarke,
Buck, Hines

To: Juvenile Justice; Ways
and Means

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 199

1 AN ACT TO CREATE THE MISSISSIPPI JUVENILE DELINQUENCY
2 PREVENTION ACT OF 2006; TO AMEND SECTION 43-21-201, MISSISSIPPI
3 CODE OF 1972, TO REQUIRE THAT PARTIES BE REPRESENTED BY COUNSEL IN
4 CERTAIN PROCEEDINGS; TO REQUIRE THAT YOUTH COURT APPOINTED
5 ATTORNEYS RECEIVE TRAINING IN JUVENILE JUSTICE ISSUES; TO REQUIRE
6 THAT INDIGENT PARTIES BE APPOINTED AN ATTORNEY IN YOUTH COURT
7 PROCEEDINGS; TO AMEND SECTION 43-21-307, MISSISSIPPI CODE OF 1972,
8 TO PROHIBIT THE HOLDING OF A STATUS OFFENDER IN DETENTION FOR
9 LONGER THAN 24 HOURS BEFORE SUCH AN OFFENDER HAS HAD HIS OR HER
10 INITIAL COURT APPEARANCE; TO AMEND SECTION 43-21-311, MISSISSIPPI
11 CODE OF 1972, TO PROVIDE THAT THE RIGHTS OF A CHILD MUST BE READ
12 TO SUCH CHILD WHEN HE OR SHE IS TAKEN INTO CUSTODY; TO AMEND
13 SECTION 43-21-321, MISSISSIPPI CODE OF 1972, TO REQUIRE CERTAIN
14 MINIMUM DETENTION STANDARDS FOR JUVENILE DETENTION FACILITIES; TO
15 AMEND SECTION 43-21-605, MISSISSIPPI CODE OF 1972, TO PROHIBIT THE
16 PLACEMENT OF CERTAIN YOUTH IN PARAMILITARY PROGRAMS; TO PROVIDE
17 THAT DETENTION CENTERS MUST PROVIDE CERTAIN CERTIFIED EDUCATIONAL
18 SERVICES FOR YOUTH; TO REVISE FROM 90 TO 10 DAYS THE AMOUNT OF
19 TIME A FIRST-TIME NONVIOLENT OFFENDER MAY BE COMMITTED TO A
20 DETENTION CENTER DURING CERTAIN CIRCUMSTANCES; TO REQUIRE THAT
21 COLUMBIA TRAINING SCHOOL HOUSE FEMALE AND MALE YOUTHS; TO
22 AUTHORIZE COLUMBIA AND OAKLEY TRAINING SCHOOLS TO OPERATE A BOYS
23 AND GIRLS CLUB OF AMERICA; TO REQUIRE OAKLEY TRAINING SCHOOL TO
24 HOUSE FEMALE AND MALE DELINQUENT YOUTHS; TO AUTHORIZE THE YOUTH
25 COURT TO IMPOSE A CIVIL FINE FOR THE PARENTS OR CUSTODIANS OF
26 DELINQUENT YOUTH WHO DO NOT FOLLOW IMPROVEMENT PLANS OR
27 DISPOSITION ORDERS OF THE YOUTH COURT; TO AMEND SECTION 43-27-201,
28 MISSISSIPPI CODE OF 1972, TO REQUIRE THAT ADOLESCENT OFFENDER
29 PROGRAMS PROVIDE CERTAIN SERVICES; TO PROVIDE THAT COLUMBIA
30 TRAINING SCHOOL SHALL BE A NONSECURED FACILITY; TO PROVIDE THAT
31 COLUMBIA TRAINING SCHOOL SHALL PROVIDE CERTAIN ALTERNATIVE
32 SERVICES; TO AMEND SECTION 43-27-11, MISSISSIPPI CODE OF 1972, TO
33 REQUIRE THAT ANY FUNDS APPROPRIATED TO OAKLEY AND COLUMBIA
34 TRAINING SCHOOLS BE EXPENDED SOLELY FOR SUCH SCHOOLS; TO ESTABLISH
35 THE MISSISSIPPI JUVENILE JUSTICE ALTERNATIVE SANCTIONS GRANT
36 PROGRAM FOR MUNICIPALITIES; TO AUTHORIZE THE ISSUANCE OF
37 \$5,000,000.00 IN STATE GENERAL OBLIGATION BONDS FOR THE PURPOSE OF
38 PROVIDING FUNDS FOR SUCH GRANT PROGRAMS; TO PROVIDE THAT THE STATE
39 BE CONSIDERED LOAN ELIGIBLE FOR ADDITIONAL TANF FUNDS FOR
40 HURRICANE KATRINA RELATED DAMAGES.

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

42 **SECTION 1.** Section 43-21-201, Mississippi Code of 1972, is
43 amended as follows:

44 43-21-201. (1) Each party shall have the right to be
45 represented by counsel at all stages of the proceedings including,
46 but not limited to, detention, adjudicatory and disposition

47 hearings and parole or probation revocation proceedings. If the
48 party is a child, the child shall be represented by counsel at all
49 critical stages. If indigent, the child shall have the right to
50 have counsel appointed for him by the youth court.

51 (2) When a party first appears before the youth court, the
52 judge shall ascertain whether he is represented by counsel and, if
53 not, inform him of his rights including his right to counsel. If
54 the party is indigent, the youth court judge shall appoint a court
55 appointed attorney to represent the party at all critical stages
56 of the proceedings.

57 (3) All youth court appointed attorneys shall be required to
58 receive juvenile justice training that is approved by the
59 Mississippi Judicial College and/or The Mississippi Bar
60 Association. The Mississippi Judicial College and The Mississippi
61 Bar Association shall determine the amount of juvenile justice
62 training and continuing education which shall be satisfactory to
63 fulfill the requirements of this subsection. The Administrative
64 Office of Courts shall maintain a roll of youth court appointed
65 attorneys, and shall enforce the provisions of this subsection and
66 shall maintain records on all such youth court appointed attorneys
67 regarding such training. Should a youth court appointed attorney
68 miss two (2) consecutive training sessions sponsored by the
69 Mississippi Judicial College and/or The Mississippi Bar
70 Association as required by this subsection or fail to attend one
71 (1) such training within six (6) months of his or her designation
72 as a youth court appointed attorney, such attorney shall be
73 disqualified to serve and shall be immediately removed from the
74 office of youth court appointed attorney and another youth court
75 appointed attorney shall be designated.

76 (4) An attorney shall enter his or her appearance on behalf
77 of a party in the proceeding by filing a written notice of
78 appearance with the youth court, by filing a pleading, notice or
79 motion signed by counsel or by appearing in open court and

80 advising the youth court that he or she is representing a party.
81 After counsel has entered his or her appearance, he or she shall
82 be served with copies of all subsequent pleadings, motions and
83 notices required to be served on the party he or she represents.
84 An attorney who has entered his appearance shall not be permitted
85 to withdraw from the case until a timely appeal if any has been
86 decided, except by leave of the court then exercising jurisdiction
87 of the cause after notice of his or her intended withdrawal is
88 served by him or her on the party he or she represents.

89 **SECTION 2.** Section 43-21-307, Mississippi Code of 1972, is
90 amended as follows:

91 43-21-307. The judge or his designee may authorize the
92 temporary custody of a child taken into custody for a period of
93 not longer than forty-eight (48) hours, excluding Saturdays,
94 Sundays, and statutory state holidays if the judge or his designee
95 finds there are grounds to issue a custody order as defined in
96 Section 43-21-301 and such custody order complies with the
97 detention requirements provided in Section 43-21-301(6). However,
98 an accused status offender shall not be held in detention for
99 longer than twenty-four (24) hours excluding Saturdays, Sundays
100 and statutory state holidays before such an offender has had his
101 or her initial court appearance.

102 **SECTION 3.** Section 43-21-311, Mississippi Code of 1972, is
103 amended as follows:

104 43-21-311. (1) When a child is taken into custody, he shall
105 immediately be informed of:

106 (a) The reason for his custody;

107 (b) The time within which review of the custody shall
108 be held;

109 (c) His rights during custody including his right to
110 counsel;

111 (d) All rules and regulations of the place at which he
112 is held;

113 (e) The time and place of the detention hearing when
114 the time and place is set; and

115 (f) The conditions of his custody which shall be in
116 compliance with the detention requirements provided in Section
117 43-21-301(6).

118 These rights shall be posted where the child may read them,
119 and such rights must be read to the child when he or she is taken
120 into custody.

121 (2) When a child is taken into custody, the child may
122 immediately telephone his parent, guardian or custodian; his
123 counsel; and personnel of the youth court. Thereafter, he shall
124 be allowed to telephone his counsel or any personnel of the youth
125 court at reasonable intervals. Unless the judge or his designee
126 finds that it is against the best interest of the child, he may
127 telephone his parent, guardian or custodian at reasonable
128 intervals.

129 (3) When a child is taken into custody, the child may be
130 visited by his counsel and authorized personnel of the youth court
131 at any time. Unless the judge or his designee finds it to be
132 against the best interest of the child, he may be visited by his
133 parent, guardian or custodian during visiting hours which shall be
134 regularly scheduled at least three (3) days per week. The youth
135 court may establish rules permitting visits by other persons.

136 (4) Except for the child's counsel, guardian ad litem and
137 authorized personnel of the youth court, no person shall interview
138 or interrogate a child held in a detention or shelter facility
139 unless approval therefor has first been obtained from the judge or
140 his designee. When a child in a detention or shelter facility is
141 represented by counsel or has a guardian ad litem, no person may
142 interview or interrogate the child concerning the violation of a
143 state or federal law, or municipal or county ordinance by the
144 child unless in the presence of his counsel or guardian ad litem
145 or with their consent.

146 **SECTION 4.** Section 43-21-321, Mississippi Code of 1972, is
147 amended as follows:

148 43-21-321. (1) All juveniles shall undergo a health
149 screening within one (1) hour of admission to any juvenile
150 detention center, or as soon thereafter as reasonably possible.
151 Information obtained during the screening shall include, but shall
152 not be limited to, the juvenile's:

- 153 (a) Mental health;
- 154 (b) Suicide risk;
- 155 (c) Alcohol and other drug use and abuse;
- 156 (d) Physical health;
- 157 (e) Aggressive behavior;
- 158 (f) Family relations;
- 159 (g) Peer relations;
- 160 (h) Social skills;
- 161 (i) Educational status; and
- 162 (j) Vocational status.

163 (2) If the screening instrument indicates that a juvenile is
164 in need of emergency medical care or mental health intervention
165 services, the detention staff shall refer those juveniles to the
166 proper health care facility or community mental health service
167 provider for further evaluation, as soon as reasonably possible.
168 If the screening instrument, such as the Massachusetts Youth
169 Screening Instrument version 2 (MAYSI-2) or other comparable
170 mental health screening instrument indicates that the juvenile is
171 in need of emergency medical care or mental health intervention
172 services, the detention staff shall refer the juvenile to the
173 proper health care facility or community mental health service
174 provider for further evaluation, recommendation and referral for
175 treatment, if necessary, within forty-eight (48) hours, excluding
176 Saturdays, Sundays and statutory state holidays.

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

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

184 (a) Determine that the juvenile is legally committed to
185 the facility;

186 (b) Make a complete search of the juvenile and his
187 possessions;

188 (c) Dispose of personal property;

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

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

191 (f) Issue personal hygiene articles;

192 (g) Perform medical, dental and mental health
193 screening;

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

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

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

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

200 (l) Provide written orientation materials to the
201 juvenile.

202 (5) All juvenile detention centers shall adhere to the
203 following minimum standards:

204 (a) Juvenile detention centers shall have a manual that
205 states the policies and procedures for operating and maintaining
206 the facility, and such manual shall be reviewed annually and
207 revised as needed;

208 (b) Juvenile detention centers shall have a policy that
209 specifies support for a drug-free workplace for all employees, and
210 such policy shall, at a minimum, include the following:

211 1. The prohibition of the use of illegal drugs;

212 2. The prohibition of the possession of any
213 illegal drugs except in the performance of official duties;

214 3. The procedure used to ensure compliance with a
215 drug-free workplace policy;

216 4. The opportunities available for the treatment
217 and/or counseling for drug abuse; and

218 5. The penalties for violation of the drug-free
219 workplace policy.

220 (c) Juvenile detention centers shall have a policy,
221 procedure and practice that ensures that personnel files and
222 records are current, accurate and confidential;

223 (d) Juvenile detention centers shall ensure the safety
224 and protection of juvenile detainees from personal abuse, corporal
225 punishment, personal injury, disease, property damage and
226 harassment; and

227 (e) Juvenile detention centers shall have written
228 policies that allow for mail and telephone rights for juvenile
229 detainees, and such policies are to be made available for all
230 staff and is to be reviewed annually.

231 * * *

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

234 (7) Programs and professional services may be provided by
235 the detention staff, youth court staff or the staff of the local
236 or state agencies, or those programs and professional services may
237 be provided through contractual arrangements with community
238 agencies.

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

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

244 **SECTION 5.** (1) There is established the Juvenile Justice
245 Programs Advisory Board, the duties of which shall be to provide
246 oversight of the Mississippi juvenile justice system. The
247 advisory board shall ensure that Mississippi's juvenile justice
248 system employs services for children that are both cost efficient
249 and proven to reduce juvenile delinquency.

250 (2) The Juvenile Justice Programs Advisory Board shall
251 consist of the following twenty-five (25) members:

252 (a) The Chairman of the House of Representatives
253 Juvenile Justice Committee and the Chairman of the Senate
254 Judiciary B Committee;

255 (b) Two (2) members of the House of Representatives to
256 be named by the Speaker of the House of Representatives;

257 (c) Two (2) members of the Senate to be named by the
258 Lieutenant Governor;

259 (d) The Governor or his designee;

260 (e) The Attorney General or his designee;

261 (f) The Executive Director of the Department of Human
262 Services or his designee;

263 (g) The Executive Director of the Division of Medicaid
264 or his designee;

265 (h) The Executive Director of the Department of Mental
266 Health or his designee;

267 (i) The Executive Director of the Department of Public
268 Safety or his designee;

269 (j) The State Superintendent of Public Education or his
270 designee;

271 (k) One (1) youth court judge who is a representative
272 of the Mississippi Council of Youth Court Judges;

273 (1) One (1) youth court counselor appointed by the
274 Mississippi Council of Youth Court Judges;

275 (m) One (1) attorney experienced in prosecuting youth
276 in youth court matters;

277 (n) One (1) attorney experienced in defending youth in
278 youth court matters;

279 (o) Two (2) representatives from child advocacy
280 organizations appointed by the Chairman of the House of
281 Representatives Juvenile Justice Committee and the Chairman of the
282 Senate Judiciary B Committee;

283 (p) Two (2) parents of youth involved (or formerly
284 involved) in Mississippi's juvenile justice system;

285 (q) Two (2) youth involved (or formerly involved) in
286 Mississippi's juvenile justice system;

287 (r) A community health expert who has studied
288 children's mental health issues as they relate to detention, to be
289 appointed by the cochairs of the advisory board; and

290 (s) An expert from the Center for Child and Family
291 Studies at the University of Southern Mississippi, to be appointed
292 by the cochairs of the advisory board.

293 (3) At its first meeting, the advisory board shall adopt
294 rules for transacting its business and keeping records. The
295 chairmanship of the advisory board shall alternate for
296 twelve-month periods between the Senate members and the House
297 members, on May 1 of each year, with the Chairman of the Senate
298 Judiciary B Committee serving as chairman beginning in
299 even-numbered years, and the Chairman of the House Juvenile
300 Justice Committee serving as chairman beginning in odd-numbered
301 years. The advisory board shall meet once each quarter, or upon
302 the call of the chairman at such times as he deems necessary or
303 advisable. If sufficient funds are available to the advisory
304 board for that purpose, members of the advisory board may receive
305 a per diem in the amount provided in Section 25-3-69 for each day

306 engaged in the business of the advisory board, and members of the
307 advisory board other than the legislative members may receive
308 reimbursement for travel expenses incurred while engaged in
309 official business of the advisory board in accordance with Section
310 25-3-41.

311 (4) The advisory board shall be assigned to the Department
312 of Public Safety for administrative purposes only, and the
313 Department of Public Safety shall designate staff to assist the
314 advisory board. The advisory board may solicit grants, donations
315 and other funds, and may accept and expend any funds that are made
316 available to the advisory board to carry out its purpose.
317 However, no state general funds may be used to pay any expenses of
318 the advisory board. The advisory board shall issue a report to
319 the Legislature, and the Governor before December 1 of each year.
320 The report shall issue an evaluation of the effectiveness and
321 efficiency of Mississippi's juvenile justice interventions and
322 make policy and legislative recommendations.

323 (5) All agencies, departments, offices and institutions of
324 the state, including the state universities and the community and
325 junior colleges, shall cooperate with the advisory board with such
326 assistance as requested by the task advisory board.

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

329 43-21-605. (1) In delinquency cases, the disposition order
330 may include any of the following alternatives:

331 (a) Release the child without further action;

332 (b) Place the child in the custody of the parents, a
333 relative or other persons subject to any conditions and
334 limitations, including restitution, as the youth court may
335 prescribe;

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

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

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

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

351 (g) Give legal custody of the child to any of the
352 following:

353 (i) The Department of Human Services for
354 appropriate placement; or

355 (ii) Any public or private organization,
356 preferably community-based, able to assume the education, care and
357 maintenance of the child, which has been found suitable by the
358 court; or

359 (iii) The Department of Human Services for
360 placement in a wilderness training program or the Division of
361 Youth Services for placement in a state-supported training school,
362 except that no child under the age of ten (10) years shall be
363 committed to a state training school, and no first-time nonviolent
364 youth offenders shall be committed to a state training school
365 until all other options provided for in this section have been
366 considered and the court makes a specific finding of fact that
367 commitment is appropriate.

368 The state shall cease the placement of youths in the
369 paramilitary programs when, by reason of mental or physical
370 disability or maturity level, a youth cannot be expected to obtain
371 any significant benefit or the placement will likely result in

372 physical or psychological harm to the youth. This includes, but
373 is not limited to, youths who are seriously mentally ill or who
374 have mental retardation and youths who are younger than thirteen
375 (13) years of age.

376 The state shall ensure that staffs create transition planning
377 for youth leaving the facilities. Such plans shall include
378 providing the youth and his or her parents or guardian with
379 information regarding the youth's home community; making referrals
380 to such services when appropriate; and providing assistance in
381 making initial appointments with community service providers.

382 The training school may retain custody of the child until the
383 child's twentieth birthday but for no longer. When the child is
384 committed to a training school, the child shall remain in the
385 legal custody of the training school until the child has made
386 sufficient progress in treatment and rehabilitation and it is in
387 the best interest of the child to release the child. However, the
388 superintendent of a state training school, in consultation with
389 the treatment team, may parole a child at any time he may deem it
390 in the best interest and welfare of such child. Twenty (20) days
391 prior to such parole, the training school shall notify the
392 committing court of the pending release. The youth court may then
393 arrange subsequent placement after a reconvened disposition
394 hearing, except that the youth court may not recommit the child to
395 the training school or any other secure facility without an
396 adjudication of a new offense or probation or parole violation.
397 Prior to assigning the custody of any child to any private
398 institution or agency, the youth court through its designee shall
399 first inspect the physical facilities to determine that they
400 provide a reasonable standard of health and safety for the child.
401 No child shall be placed in the custody of a state training school
402 for a status offense or for contempt of or revocation of a status
403 offense adjudication unless the child is contemporaneously
404 adjudicated for having committed an act of delinquency that is not

405 a status offense. A disposition order rendered under this
406 subparagraph shall meet the following requirements:

407 1. The disposition is the least restrictive
408 alternative appropriate to the best interest of the child and the
409 community;

410 2. The disposition allows the child to be in
411 reasonable proximity to the family home community of each child
412 given the dispositional alternatives available and the best
413 interest of the child and the state; and

414 3. The disposition order provides that the
415 court has considered the medical, educational, vocational, social
416 and psychological guidance, training, social education,
417 counseling, substance abuse treatment and other rehabilitative
418 services required by that child as determined by the court;

419 (h) Recommend to the child and the child's parents or
420 guardian that the child attend and participate in the Youth
421 Challenge Program under the Mississippi National Guard, as created
422 in Section 43-27-203, subject to the selection of the child for
423 the program by the National Guard; however, the child must
424 volunteer to participate in the program. The youth court shall
425 not order any child to apply or attend the program;

426 (i) (i) Adjudicate the juvenile to the Statewide
427 Juvenile Work Program if the program is established in the court's
428 jurisdiction. The juvenile and his parents or guardians must sign
429 a waiver of liability in order to participate in the work program.
430 The judge will coordinate with the youth services counselors as to
431 placing participants in the work program;

432 (ii) The severity of the crime, whether or not the
433 juvenile is a repeat offender or is a felony offender will be
434 taken into consideration by the judge when adjudicating a juvenile
435 to the work program. The juveniles adjudicated to the work
436 program will be supervised by police officers or reserve officers.
437 The term of service will be from twenty-four (24) to one hundred

438 twenty (120) hours of community service. A juvenile will work the
439 hours to which he was adjudicated on the weekends during school
440 and weekdays during the summer. Parents are responsible for a
441 juvenile reporting for work. Noncompliance with an order to
442 perform community service will result in a heavier adjudication.
443 A juvenile may be adjudicated to the community service program
444 only two (2) times;

445 (iii) The judge shall assess an additional fine on
446 the juvenile which will be used to pay the costs of implementation
447 of the program and to pay for supervision by police officers and
448 reserve officers. The amount of the fine will be based on the
449 number of hours to which the juvenile has been adjudicated;

450 (j) Order the child to participate in a youth court
451 work program as provided in Section 43-21-627; * * *

452 (k) Order the child into a juvenile detention center
453 operated by the county or into a juvenile detention center
454 operated by any county with which the county in which the court is
455 located has entered into a contract for the purpose of housing
456 delinquents. By July 1, 2007, no child shall be ordered into a
457 detention center for a disposition, if that center does not
458 provide, at a minimum, certified educational services, including
459 special education services and adequate on-site medical and mental
460 health services. The time period for such detention cannot exceed
461 ninety (90) days, and any detention exceeding forty-five (45) days
462 shall be administratively reviewed by the youth court no later
463 than forty-five (45) days after the entry of the order. The youth
464 court judge may order that the number of days specified in the
465 detention order be served either throughout the week or on
466 weekends only. No first-time nonviolent youth offender shall be
467 committed to a detention center for a period of more than ten (10)
468 days until all other options provided for in this section have
469 been considered and the court makes a specific finding of fact
470 that commitment to a detention center is appropriate. However, if

471 a child is committed to a detention center * * * , the disposition
472 order shall meet the following requirements:

473 (i) The disposition order is the least restrictive
474 alternative appropriate to the best interest of the child and the
475 community;

476 (ii) The disposition order allows the child to be
477 in reasonable proximity to the family home community of each child
478 given the dispositional alternatives available and the best
479 interest of the child and the state; and

480 (iii) The disposition order provides that the
481 court has considered the medical, educational, vocational, social
482 and psychological guidance, training, social education,
483 counseling, substance abuse treatment and other rehabilitative
484 services required by that child as determined by the court; or

485 (1) Referral to A-team provided system of care
486 services.

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

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

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

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

511 (6) The youth court shall not place a child in another
512 school district who has been expelled from a school district for
513 the commission of a violent act. For the purpose of this
514 subsection, "violent act" means any action which results in death
515 or physical harm to another or an attempt to cause death or
516 physical harm to another.

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

524 (8) (a) The Mississippi Department of Human Services,
525 Division of Youth Services, shall operate and maintain services
526 for youth adjudicated delinquent at * * * Oakley Training School.
527 The program shall be designed for children who have been committed
528 to the training school by the youth courts. Beginning July 1,
529 2007, Oakley Training School shall house female and male youths
530 who have been adjudicated delinquent. By July 1, 2007, the
531 Columbia Training School shall no longer operate as a secure
532 training school and shall house female and male youths, and the
533 campus of Columbia Training School shall be utilized as prescribed
534 in Section 43-27-201.

535 (b) The purpose of the programs at Columbia and Oakley
536 Training Schools is to promote good citizenship, self-reliance,

537 leadership and respect for constituted authority, teamwork,
538 cognitive abilities and appreciation of our national heritage.
539 The training schools are authorized to operate a Boys and Girls
540 Club of America as part of the programs of the training schools.
541 The Division of Youth Services shall issue credit towards academic
542 promotions and high school completion. The Division of Youth
543 Services may award credits to each student who meets the
544 requirements for a general education development certification.
545 The Division of Youth Services must also provide to each special
546 education eligible youth the services required by that youth's
547 individualized education plan.

548 (9) The youth court, as part of any disposition order, may
549 impose a civil fine that is not to exceed Five Hundred Dollars
550 (\$500.00) to the parent or custodian of a delinquent youth when
551 such parent or custodian fails to follow any disposition order or
552 improvement plan that is ordered by the youth court.

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

555 43-27-201. (1) The purpose of this section is to outline
556 and structure a long-range proposal in addition to certain
557 immediate objectives for improvements in the juvenile correctional
558 facilities of the Division of Youth Services of the Mississippi
559 Department of Human Services in order to provide modern and
560 efficient correctional and rehabilitation facilities for juvenile
561 offenders in Mississippi, who are committing an increasing
562 percentage of serious and violent crimes.

563 (2) The Department of Finance and Administration, acting
564 through the Bureau of Building, Grounds and Real Property
565 Management, using funds from bonds issued under this chapter,
566 monies appropriated by the Legislature for such purposes, federal
567 matching or other federal funds, federal grants or other available
568 funds from whatever source, shall provide for, by construction,
569 lease, lease-purchase or otherwise, and equip the following

570 juvenile correctional facilities under the jurisdiction and
571 responsibility of the Division of Youth Services of the Department
572 of Human Services:

573 (a) Construct an additional one-hundred-fifty-bed,
574 stand-alone, medium security juvenile correctional facility for
575 habitual violent male offenders, which complies with American
576 Correctional Association Accreditation standards and applicable
577 building and fire safety codes. The medium security, male
578 juvenile facility location shall be on property owned by the
579 Division of Youth Services, or its successor, or at a site
580 selected by the Bureau of Building, Grounds and Real Property
581 Management on land which is hereafter donated to the state
582 specifically for the location of such facility.

583 (b) Construct an additional one-hundred-bed minimum
584 security juvenile correctional facility for female offenders, and
585 an additional stand-alone, fifteen-bed maximum security juvenile
586 correctional facility for female offenders, which complies with
587 American Correctional Association Accreditation standards and
588 applicable building and fire safety codes. The minimum security
589 and maximum security female juvenile facilities location shall be
590 on property owned by the Division of Youth Services, or its
591 successor, or at a site selected by the Bureau of Building,
592 Grounds and Real Property Management on land which is hereafter
593 donated to the state specifically for the location of such
594 facility.

595 (3) Upon the selection of a proposed site for a correctional
596 facility for juveniles authorized under subsection (2), the Bureau
597 of Building, Grounds and Real Property Management of the
598 Department of Finance and Administration shall notify the board of
599 supervisors of the county in which such facility is proposed to be
600 located and shall publish a notice as hereinafter set forth in a
601 newspaper having general circulation in such county. Such notice
602 shall include a description of the tract of land in the county

603 whereon the facility is proposed to be located, the nature and
604 size of the facility and the date on which the determination of
605 the Bureau of Building, Grounds and Real Property Management shall
606 be final as to the location of such facility, which date shall not
607 be less than forty-five (45) days following the first publication
608 of such notice. Such notice shall include a brief summary of the
609 provisions of this section pertaining to the petition for an
610 election on the question of the location of the juvenile housing
611 facility in such county. Such notice shall be published not less
612 than one (1) time each week for at least three (3) consecutive
613 weeks in at least one (1) newspaper published in such county.

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

617 If at any time before the aforesaid date a petition signed by
618 twenty percent (20%), or fifteen hundred (1,500), whichever is
619 less, of the qualified electors of the county involved shall be
620 filed with the board of supervisors requesting that an election be
621 called on the question of locating such facility, then the board
622 of supervisors shall adopt a resolution calling an election to be
623 held within such county upon the question of the location of such
624 facility. Such election shall be held, as far as practicable, in
625 the same manner as other elections are held in counties. At such
626 election, all qualified electors of the county may vote, and the
627 ballots used at such election shall have printed thereon a brief
628 statement of the facility to be constructed and the words "For the
629 construction of the facility in (here insert county name) County"
630 and "Against the construction of the facility in (here insert
631 county name) County." The voter shall vote by placing a cross (X)
632 or check mark (✓) opposite his choice on the proposition. When
633 the results of the election on the question of the construction of
634 the facility shall have been canvassed by the election
635 commissioners of the county and certified by them to the board of

636 supervisors, it shall be the duty of the board of supervisors to
637 determine and adjudicate whether or not a majority of the
638 qualified electors who voted thereon in such election voted in
639 favor of the construction of the facilities in such county.
640 Unless a majority of the qualified electors who voted in such
641 election shall have voted in favor of the construction of the
642 facilities in such county, then such facility shall not be
643 constructed in such county.

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

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

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

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

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

659 AOP professional services, salaries, facility offices,
660 meeting rooms and related supplies and equipment may be provided
661 through contract with local mental health or other nonprofit
662 community organizations. Each AOP must incorporate evidence-based
663 practices and positive behavioral intervention that includes two
664 (2) or more of the following elements: academic,
665 tutoring/literacy, mentoring, vocational training, substance abuse
666 treatment, family counseling and anger management. Programs may
667 include, but shall not be limited to, after school and weekend
668 programming, job readiness programs, home detention programs,

669 community service conflict resolution programs, restitution and
670 community service.

671 The Department of Human Services shall maximize federal
672 funding including, but not limited to, TANF funding for AOPs.

673 (5) By July 1, 2007, the Columbia Training School shall no
674 longer operate as a secure training school and shall house female
675 and male youths. In addition, the Department of Human Services
676 shall develop alternative uses for the Columbia Training School
677 campus that may include, but are not limited to, day programming
678 for at-risk youth, mental health services that must be provided by
679 the Department of Mental Health for female and male adolescents,
680 adolescent substance abuse treatment and transitional care for
681 youth who have aged out of foster care but are not yet
682 self-sufficient. The Department of Human Services shall ensure
683 that the use of the Columbia Training School maximizes federal
684 dollars including, but not limited to, Medicaid funds.

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

692 **SECTION 8.** Section 43-27-11, Mississippi Code of 1972, is
693 amended as follows:

694 43-27-11. The Mississippi Department of Human Services shall
695 succeed to the exclusive control of all records, books, papers,
696 equipment and supplies, and all lands, buildings and other real
697 and personal property now or hereafter belonging to or assigned to
698 the use and benefit or under the control of the Columbia Training
699 School and the Oakley Training School, and shall have the exercise
700 and control of the use, distribution and disbursement of all
701 funds, appropriations and taxes now or hereafter in possession,

702 levied, collected or received or appropriated for the use,
703 benefit, support and maintenance of these two (2) institutions,
704 and the department shall have general supervision of all the
705 affairs of the two (2) institutions herein named, and the care and
706 conduct of all buildings and grounds, business methods and
707 arrangements of accounts and records, the organization of the
708 administrative plans of each institution, and all other matters
709 incident to the proper functioning of the institutions. Any funds
710 appropriated to the Youth Services Division of the Department of
711 Human Services for Columbia and Oakley Training Schools shall
712 solely and strictly be expended for services provided by the
713 training schools or community-based programs for delinquent
714 youths.

715 The department shall have full authority over the operation
716 of any and all farms at each of said institutions and over the
717 distribution of agricultural, dairy, livestock and any and all
718 other products therefrom and over all funds received from the sale
719 of hogs and livestock. All sums realized from the sale of
720 products manufactured and fabricated in the shops of the
721 vocational departments of such institutions shall be placed in the
722 revolving fund of the respective institutions in which said
723 products were manufactured, fabricated and sold.

724 The department shall be authorized to lease the lands for
725 oil, gas and mineral exploration, and for such other purposes as
726 the department deems to be appropriate, on such terms and
727 conditions as the department and lessee agree. The department may
728 contract with the State Forestry Commission for the proper
729 management of forest lands and the sale of timber, and the
730 department is expressly authorized to sell timber and forestry
731 products. The department is further authorized to expend the net
732 proceeds from incomes from all leases and timber sales exclusively
733 for the instructional purposes or operational expenses, or both,
734 at the two (2) institutions under its jurisdiction.

735 The granting of any leases for oil, gas and mineral
736 exploration shall be on a public bid basis as prescribed by law.

737 **SECTION 9.** (1) (a) There is established the Mississippi
738 Juvenile Justice Alternative Sanctions Grant Program for the
739 purpose of providing grants to municipalities to assist such
740 municipalities in operating community-based alternatives to
741 incarceration. The grant program established in this section
742 shall be administered by the Division of Youth Services of the
743 Department of Human Services in cooperation with the Department of
744 Public Safety. In order to be eligible for a grant under this
745 section, a municipality must have a juvenile justice alternative
746 sanction designed for delinquent youths. Such a program must be
747 designed to decrease a municipality's reliance on commitment in
748 juvenile detention facilities and training schools. Programs must
749 incorporate evidence-based practices and positive behavioral
750 intervention including two (2) or more of the following elements:
751 academic tutoring/literacy, mentoring, vocational training,
752 substance abuse treatment, family counseling and anger management.
753 Programs may include, but shall not be limited to, after school
754 and weekend programming, job readiness programs, home detention
755 programs, restitution, community service conflict resolution
756 programs, and community service.

757 (b) A municipality desiring assistance under this
758 section must submit an application to the Division of Youth
759 Services of the Department of Human Services and the Department of
760 Public Safety. The application must include a description of the
761 purpose for which assistance is requested, the amount of
762 assistance requested, a description of the municipality's juvenile
763 offender alternative program and any other information required by
764 the Department of Human Services. Any municipality that receives
765 a grant under this section shall be required to match ten percent
766 (10%) of the amount of the grant with cash which shall be used

767 together with the grant for the purposes for which the grant was
768 made.

769 (c) The Division of Youth Services of the Department of
770 Human Services and the Department of Public Safety shall have all
771 powers necessary to implement and administer the program
772 established under this section, and the Division of Youth Services
773 and the Department of Public Safety shall promulgate rules and
774 regulations, in accordance with the Mississippi Administrative
775 Procedures Law, necessary for the implementation of this section.

776 (2) There is created in the State Treasury a special fund to
777 be designated as the "Mississippi Juvenile Justice Alternative
778 Sanctions Grant Fund," which shall consist of funds appropriated
779 or otherwise made available by the Legislature in any manner and
780 funds from any other source designated for deposit into such fund.
781 Unexpended amounts remaining in the fund at the end of a fiscal
782 year shall not lapse into the State General Fund, and any
783 investment earnings or interest earned on amounts in the fund
784 shall be deposited to the credit of the fund. Monies in the fund
785 shall be used by the Department of Human Services for the purposes
786 described in this section.

787 **SECTION 10.** As used in Sections 10 through 25 of this act,
788 the following words shall have the meanings ascribed herein unless
789 the context clearly requires otherwise:

790 (a) "Accreted value" of any bonds means, as of any date
791 of computation, an amount equal to the sum of (i) the stated
792 initial value of such bond, plus (ii) the interest accrued thereon
793 from the issue date to the date of computation at the rate,
794 compounded semiannually, that is necessary to produce the
795 approximate yield to maturity shown for bonds of the same
796 maturity.

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

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

799 (d) "Department" means the Department of Human
800 Services.

801 **SECTION 11.** (1) The department, at one time or from time to
802 time, may declare by resolution the necessity for issuance of
803 general obligation bonds of the State of Mississippi to provide
804 funds for the program authorized in Section 9 of this act. Upon
805 the adoption of a resolution by the department, declaring the
806 necessity for the issuance of any part or all of the general
807 obligation bonds authorized by this section, the department shall
808 deliver a certified copy of its resolution or resolutions to the
809 commission. Upon receipt of such resolution, the commission, in
810 its discretion, may act as the issuing agent, prescribe the form
811 of the bonds, advertise for and accept bids, issue and sell the
812 bonds so authorized to be sold and do any and all other things
813 necessary and advisable in connection with the issuance and sale
814 of such bonds. The total amount of bonds issued or funds
815 appropriated under Sections 10 through 25 of this act shall not
816 exceed Five Million Dollars (\$5,000,000.00).

817 (2) The proceeds of bonds issued or funds appropriated
818 pursuant to Sections 10 through 25 of this act shall be deposited
819 into the Mississippi Juvenile Offender Alternative Program Grant
820 Fund created pursuant to Section 9 of this act. Any investment
821 earnings on bonds issued pursuant to Sections 10 through 25 of
822 this act shall be used to pay debt service on bonds issued under
823 Sections 10 through 25 of this act, in accordance with the
824 proceedings authorizing issuance of such bonds.

825 **SECTION 12.** The principal of and interest on the bonds
826 authorized under Sections 10 through 25 of this act shall be
827 payable in the manner provided in this section. Such bonds shall
828 bear such date or dates, be in such denomination or denominations,
829 bear interest at such rate or rates (not to exceed the limits set
830 forth in Section 75-17-101, Mississippi Code of 1972), be payable
831 at such place or places within or without the State of

832 Mississippi, shall mature absolutely at such time or times not to
833 exceed twenty-five (25) years from date of issue, be redeemable
834 before maturity at such time or times and upon such terms, with or
835 without premium, shall bear such registration privileges, and
836 shall be substantially in such form, all as shall be determined by
837 resolution of the commission.

838 **SECTION 13.** The bonds authorized by Sections 10 through 25
839 of this act shall be signed by the chairman of the commission, or
840 by his facsimile signature, and the official seal of the
841 commission shall be affixed thereto, attested by the secretary of
842 the commission. The interest coupons, if any, to be attached to
843 such bonds may be executed by the facsimile signatures of such
844 officers. Whenever any such bonds shall have been signed by the
845 officials designated to sign the bonds who were in office at the
846 time of such signing but who may have ceased to be such officers
847 before the sale and delivery of such bonds, or who may not have
848 been in office on the date such bonds may bear, the signatures of
849 such officers upon such bonds and coupons shall nevertheless be
850 valid and sufficient for all purposes and have the same effect as
851 if the person so officially signing such bonds had remained in
852 office until their delivery to the purchaser, or had been in
853 office on the date such bonds may bear. However, notwithstanding
854 anything herein to the contrary, such bonds may be issued as
855 provided in the Registered Bond Act of the State of Mississippi.

856 **SECTION 14.** All bonds and interest coupons issued under the
857 provisions of Sections 10 through 25 of this act have all the
858 qualities and incidents of negotiable instruments under the
859 provisions of the Uniform Commercial Code, and in exercising the
860 powers granted by Sections 10 through 25 of this act, the
861 commission shall not be required to and need not comply with the
862 provisions of the Uniform Commercial Code.

863 **SECTION 15.** The commission shall act as the issuing agent
864 for the bonds authorized under Sections 10 through 25 of this act,

865 prescribe the form of the bonds, advertise for and accept bids,
866 issue and sell the bonds so authorized to be sold, pay all fees
867 and costs incurred in such issuance and sale, and do any and all
868 other things necessary and advisable in connection with the
869 issuance and sale of such bonds. The commission is authorized and
870 empowered to pay the costs that are incident to the sale, issuance
871 and delivery of the bonds authorized under Sections 10 through 25
872 of this act from the proceeds derived from the sale of such bonds.
873 The commission shall sell such bonds on sealed bids at public
874 sale, and for such price as it may determine to be for the best
875 interest of the State of Mississippi, but no such sale shall be
876 made at a price less than par plus accrued interest to the date of
877 delivery of the bonds to the purchaser. All interest accruing on
878 such bonds so issued shall be payable semiannually or annually;
879 however, the first interest payment may be for any period of not
880 more than one (1) year.

881 Notice of the sale of any such bonds shall be published at
882 least one time, not less than ten (10) days before the date of
883 sale, and shall be so published in one or more newspapers
884 published or having a general circulation in the City of Jackson,
885 Mississippi, and in one or more other newspapers or financial
886 journals with a national circulation, to be selected by the
887 commission.

888 The commission, when issuing any bonds under the authority of
889 Sections 10 through 25 of this act, may provide that bonds, at the
890 option of the State of Mississippi, may be called in for payment
891 and redemption at the call price named therein and accrued
892 interest on such date or dates named therein.

893 **SECTION 16.** The bonds issued under the provisions of
894 Sections 10 through 25 of this act are general obligations of the
895 State of Mississippi, and for the payment thereof the full faith
896 and credit of the State of Mississippi is irrevocably pledged. If
897 the funds appropriated by the Legislature are insufficient to pay

898 the principal of and the interest on such bonds as they become
899 due, then the deficiency shall be paid by the State Treasurer from
900 any funds in the State Treasury not otherwise appropriated. All
901 such bonds shall contain recitals on their faces substantially
902 covering the provisions of this section.

903 **SECTION 17.** Upon the issuance and sale of bonds under the
904 provisions of Sections 10 through 25 of this act, the commission
905 shall transfer the proceeds of any such sale or sales to the
906 Mississippi Juvenile Offender Alternative Program Grant Fund
907 created in Section 9 of this act. The proceeds of such bonds
908 shall be disbursed solely upon the order of the department under
909 such restrictions, if any, as may be contained in the resolution
910 providing for the issuance of the bonds.

911 **SECTION 18.** The bonds authorized under Sections 10 through
912 25 of this act may be issued without any other proceedings or the
913 happening of any other conditions or things other than those
914 proceedings, conditions and things which are specified or required
915 by Sections 10 through 25 of this act. Any resolution providing
916 for the issuance of bonds under the provisions of Sections 10
917 through 25 of this act shall become effective immediately upon its
918 adoption by the commission, and any such resolution may be adopted
919 at any regular or special meeting of the commission by a majority
920 of its members.

921 **SECTION 19.** The bonds authorized under the authority of
922 Sections 10 through 25 of this act may be validated in the
923 Chancery Court of the First Judicial District of Hinds County,
924 Mississippi, in the manner and with the force and effect provided
925 by Chapter 13, Title 31, Mississippi Code of 1972, for the
926 validation of county, municipal, school district and other bonds.
927 The notice to taxpayers required by such statutes shall be
928 published in a newspaper published or having a general circulation
929 in the City of Jackson, Mississippi.

930 **SECTION 20.** Any holder of bonds issued under the provisions
931 of Sections 10 through 25 of this act or of any of the interest
932 coupons pertaining thereto may, either at law or in equity, by
933 suit, action, mandamus or other proceeding, protect and enforce
934 any and all rights granted under Sections 10 through 25 of this
935 act, or under such resolution, and may enforce and compel
936 performance of all duties required by Sections 10 through 25 of
937 this act to be performed, in order to provide for the payment of
938 bonds and interest thereon.

939 **SECTION 21.** All bonds issued under the provisions of
940 Sections 10 through 25 of this act shall be legal investments for
941 trustees and other fiduciaries, and for savings banks, trust
942 companies and insurance companies organized under the laws of the
943 State of Mississippi, and such bonds shall be legal securities
944 which may be deposited with and shall be received by all public
945 officers and bodies of this state and all municipalities and
946 political subdivisions for the purpose of securing the deposit of
947 public funds.

948 **SECTION 22.** Bonds issued under the provisions of Sections 10
949 through 25 of this act and income therefrom shall be exempt from
950 all taxation in the State of Mississippi.

951 **SECTION 23.** The proceeds of the bonds issued under Sections
952 10 through 25 of this act shall be used solely for the purposes
953 therein provided, including the costs incident to the issuance and
954 sale of such bonds.

955 **SECTION 24.** The State Treasurer is authorized, without
956 further process of law, to certify to the Department of Finance
957 and Administration the necessity for warrants, and the Department
958 of Finance and Administration is authorized and directed to issue
959 such warrants, in such amounts as may be necessary to pay when due
960 the principal of, premium, if any, and interest on, or the
961 accreted value of, all bonds issued under Sections 9 through 24 of
962 this act; and the State Treasurer shall forward the necessary

963 amount to the designated place or places of payment of such bonds
964 in ample time to discharge such bonds, or the interest thereon, on
965 the due dates thereof.

966 **SECTION 25.** Sections 10 through 25 of this act shall be
967 deemed to be full and complete authority for the exercise of the
968 powers therein granted, but Sections 10 through 25 of this act
969 shall not be deemed to repeal or to be in derogation of any
970 existing law of this state.

971 **SECTION 26.** (1) This state shall be considered
972 loan-eligible for purposes of Section 406 of the Social Security
973 Act for additional TANF funds for hurricane related damages as a
974 result of Hurricane Katrina. Except as provided in Section 406
975 (d) of the Social Security Act, the cumulative dollar amount of
976 all loans made to this state under Section 406 of the Social
977 Security Act by reason of this subsection shall not exceed twenty
978 percent (20%) of the state family assistance grant that is payable
979 to this state under Section 403 of the Social Security Act for
980 fiscal year 2006.

981 (2) Except as provided by Section 406 of the Social Security
982 Act, a penalty may not be imposed against this state for failure
983 to do the following:

984 (a) Repay a loan made to this state under the federal
985 government's TANF Emergency Response and Recovery Act of 2005, on
986 or after the date of the enactment of such act and before October
987 1, 2007; or

988 (b) Make any interest payment on such a loan.

989 **SECTION 27.** This act shall take effect and be in force from
990 and after July 1, 2006.