

By: Representatives Flaggs, Brown, Clarke,
Buck

To: Juvenile Justice; Ways
and Means

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 BRING FORWARD SECTION 43-21-311,
11 MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE RIGHTS OF A CHILD
12 WHEN HE OR SHE IS TAKEN INTO CUSTODY FOR PURPOSES OF AMENDMENT; TO
13 AMEND SECTION 43-21-321, MISSISSIPPI CODE OF 1972, TO REQUIRE
14 CERTAIN MINIMUM DETENTION STANDARDS FOR JUVENILE DETENTION
15 FACILITIES; TO AMEND SECTION 43-21-605, MISSISSIPPI CODE OF 1972,
16 TO PROHIBIT THE PLACEMENT OF CERTAIN YOUTH IN PARAMILITARY
17 PROGRAMS; TO PROVIDE THAT DETENTION CENTERS MUST PROVIDE CERTAIN
18 CERTIFIED EDUCATIONAL SERVICES FOR YOUTH; TO REVISE FROM 90 TO 10
19 DAYS THE AMOUNT OF TIME A FIRST-TIME NONVIOLENT OFFENDER MAY BE
20 COMMITTED TO A DETENTION CENTER DURING CERTAIN CIRCUMSTANCES; TO
21 AUTHORIZE THE YOUTH COURT TO REQUIRE THE PARENTS OF DELINQUENT
22 YOUTH TO SUBMIT TO DRUG TESTING AS PART OF THE DISPOSITION ORDER
23 OF A YOUTH; TO REQUIRE THAT COLUMBIA TRAINING SCHOOL HOUSE FEMALE
24 AND MALE YOUTHS; TO AUTHORIZE COLUMBIA AND OAKLEY TRAINING SCHOOLS
25 TO OPERATE A BOYS AND GIRLS CLUB OF AMERICA; TO REQUIRE OAKLEY
26 TRAINING SCHOOL TO HOUSE FEMALE AND MALE DELINQUENT YOUTHS; TO
27 AUTHORIZE THE YOUTH COURT TO IMPOSE A CIVIL FINE FOR THE PARENTS
28 OR CUSTODIANS OF DELINQUENT YOUTH WHO DO NOT FOLLOW IMPROVEMENT
29 PLANS OR DISPOSITION ORDERS OF THE YOUTH COURT; TO AMEND SECTION
30 43-27-201, MISSISSIPPI CODE OF 1972, TO REQUIRE THAT ADOLESCENT
31 OFFENDER PROGRAMS PROVIDE CERTAIN SERVICES; TO PROVIDE THAT
32 COLUMBIA TRAINING SCHOOL SHALL BE A NONSECURED FACILITY; TO
33 PROVIDE THAT COLUMBIA TRAINING SCHOOL SHALL PROVIDE CERTAIN
34 ALTERNATIVE SERVICES; TO AMEND SECTION 43-27-11, MISSISSIPPI CODE
35 OF 1972, TO REQUIRE THAT ANY FUNDS APPROPRIATED TO OAKLEY AND
36 COLUMBIA TRAINING SCHOOLS BE EXPENDED SOLELY FOR SUCH SCHOOLS; TO
37 ESTABLISH THE MISSISSIPPI JUVENILE JUSTICE ALTERNATIVE SANCTIONS
38 GRANT PROGRAM FOR MUNICIPALITIES; TO AUTHORIZE THE ISSUANCE OF
39 \$5,000,000.00 IN STATE GENERAL OBLIGATION BONDS FOR THE PURPOSE OF
40 PROVIDING FUNDS FOR SUCH GRANT PROGRAMS; TO PROVIDE THAT THE STATE
41 BE CONSIDERED LOAN ELIGIBLE FOR ADDITIONAL TANF FUNDS FOR
42 HURRICANE KATRINA RELATED DAMAGES.

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

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

46 43-21-201. (1) Each party shall have the right to be
47 represented by counsel at all stages of the proceedings including,

48 but not limited to, detention, adjudicatory and disposition
49 hearings and parole or probation revocation proceedings. If the
50 party is a child, the child shall be represented by counsel at all
51 critical stages. If indigent, the child shall have the right to
52 have counsel appointed for him by the youth court.

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

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

78 (4) An attorney shall enter his or her appearance on behalf
79 of a party in the proceeding by filing a written notice of
80 appearance with the youth court, by filing a pleading, notice or

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

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

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

104 **SECTION 3.** Section 43-21-311, Mississippi Code of 1972, is
105 brought forward as follows:

106 43-21-311. (1) When a child is taken into custody, he shall
107 immediately be informed of:

108 (a) The reason for his custody;
109 (b) The time within which review of the custody shall
110 be held;

111 (c) His rights during custody including his right to
112 counsel;

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

115 (e) The time and place of the detention hearing when
116 the time and place is set; and

117 (f) The conditions of his custody which shall be in
118 compliance with the detention requirements provided in Section
119 43-21-301(6).

120 These rights shall be posted where the child may read them.

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 Monitoring Unit within the Department of Public Safety to
246 work in cooperation with the Juvenile Justice Advisory Board that
247 is established in this section. The unit shall inspect all
248 juvenile detention facilities including, but not limited to, the
249 state training schools on a quarterly basis. The inspections
250 shall encompass the following:

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

254 (b) Providing technical assistance and advice to
255 juvenile detention facilities, which will assist the facilities in
256 complying with the minimum standards.

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

258 (a) To conduct an assessment of all juvenile detention
259 facilities and to determine how far each is from coming into
260 compliance with the minimum standards, as established in Section
261 43-21-301(6) and Section 43-21-321; and

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

265 (3) There is established the Juvenile Justice Programs
266 Advisory Board, the duties of which shall be to provide oversight
267 of the Mississippi juvenile justice system. The advisory board
268 shall ensure that Mississippi's juvenile justice system employs
269 services for children that are both cost efficient and proven to
270 reduce juvenile delinquency.

271 (4) The Juvenile Justice Programs Advisory Board shall
272 consist of the following twenty-five (25) members:

- 273 (a) The Chairman of the House of Representatives
274 Juvenile Justice Committee and the Chairman of the Senate
275 Judiciary B Committee;
- 276 (b) Two (2) members of the House of Representatives to
277 be named by the Speaker of the House of Representatives;
- 278 (c) Two (2) members of the Senate to be named by the
279 Lieutenant Governor;
- 280 (d) The Governor or his designee;
- 281 (e) The Attorney General or his designee;
- 282 (f) The Executive Director of the Department of Human
283 Services or his designee;
- 284 (g) The Executive Director of the Division of Medicaid
285 or his designee;
- 286 (h) The Executive Director of the Department of Mental
287 Health or his designee;
- 288 (i) The Executive Director of the Department of Public
289 Safety or his designee;
- 290 (j) The State Superintendent of Public Education or his
291 designee;
- 292 (k) One (1) youth court judge who is a representative
293 of the Mississippi Council of Youth Court Judges;
- 294 (l) One (1) youth court counselor appointed by the
295 Mississippi Council of Youth Court Judges;
- 296 (m) One (1) attorney experienced in prosecuting youth
297 in youth court matters;
- 298 (n) One (1) attorney experienced in defending youth in
299 youth court matters;
- 300 (o) Two (2) representatives from child advocacy
301 organizations appointed by the Chairman of the House of
302 Representatives Juvenile Justice Committee and the Chairman of the
303 Senate Judiciary B Committee;
- 304 (p) Two (2) parents of youth involved (or formerly
305 involved) in Mississippi's juvenile justice system;

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

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

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

314 (5) At its first meeting, the advisory board shall adopt
315 rules for transacting its business and keeping records. The
316 chairmanship of the advisory board shall alternate for
317 twelve-month periods between the Senate members and the House
318 members, on May 1 of each year, with the Chairman of the Senate
319 Judiciary B Committee serving as chairman beginning in
320 even-numbered years, and the Chairman of the House Juvenile
321 Justice Committee serving as chairman beginning in odd-numbered
322 years. The advisory board shall meet once each quarter, or upon
323 the call of the chairman at such times as he deems necessary or
324 advisable. If sufficient funds are available to the advisory
325 board for that purpose, members of the advisory board may receive
326 a per diem in the amount provided in Section 25-3-69 for each day
327 engaged in the business of the advisory board, and members of the
328 advisory board other than the legislative members may receive
329 reimbursement for travel expenses incurred while engaged in
330 official business of the advisory board in accordance with Section
331 25-3-41.

332 (6) The advisory board shall be assigned to the Department
333 of Public Safety for administrative purposes only, and the
334 Department of Public Safety shall designate staff to assist the
335 advisory board. The advisory board may solicit grants, donations
336 and other funds, and may accept and expend any funds that are made
337 available to the advisory board to carry out its purpose.
338 However, no state general funds may be used to pay any expenses of

339 the advisory board. The advisory board shall issue a report to
340 the Legislature, and the Governor before December 1 of each year.
341 The report shall issue an evaluation of the effectiveness and
342 efficiency of Mississippi's juvenile justice interventions and
343 make policy and legislative recommendations.

344 (7) All agencies, departments, offices and institutions of
345 the state, including the state universities and the community and
346 junior colleges, shall cooperate with the advisory board with such
347 assistance as requested by the task advisory board.

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

350 43-21-605. (1) In delinquency cases, the disposition order
351 may include any of the following alternatives:

352 (a) Release the child without further action;

353 (b) Place the child in the custody of the parents, a
354 relative or other persons subject to any conditions and
355 limitations, including restitution, as the youth court may
356 prescribe;

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

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

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

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

372 (g) Give legal custody of the child to any of the
373 following:

374 (i) The Department of Human Services for
375 appropriate placement; or

376 (ii) Any public or private organization,
377 preferably community-based, able to assume the education, care and
378 maintenance of the child, which has been found suitable by the
379 court; or

380 (iii) The Department of Human Services for
381 placement in a wilderness training program or the Division of
382 Youth Services for placement in a state-supported training school,
383 except that no child under the age of ten (10) years shall be
384 committed to a state training school, and no first-time nonviolent
385 youth offenders shall be committed to a state training school
386 until all other options provided for in this section have been
387 considered and the court makes a specific finding of fact that
388 commitment is appropriate.

389 The state shall cease the placement of youths in the
390 paramilitary programs when, by reason of mental or physical
391 disability or maturity level, a youth cannot be expected to obtain
392 any significant benefit or the placement will likely result in
393 physical or psychological harm to the youth. This includes, but
394 is not limited to, youths who are seriously mentally ill or who
395 have mental retardation and youths who are younger than thirteen
396 (13) years of age.

397 The state shall ensure that staffs create transition planning
398 for youth leaving the facilities. Such plans shall include
399 providing the youth and his or her parents or guardian with
400 information regarding the youth's home community; making referrals
401 to such services when appropriate; and providing assistance in
402 making initial appointments with community service providers.

403 The training school may retain custody of the child until the
404 child's twentieth birthday but for no longer. When the child is

405 committed to a training school, the child shall remain in the
406 legal custody of the training school until the child has made
407 sufficient progress in treatment and rehabilitation and it is in
408 the best interest of the child to release the child. However, the
409 superintendent of a state training school, in consultation with
410 the treatment team, may parole a child at any time he may deem it
411 in the best interest and welfare of such child. Twenty (20) days
412 prior to such parole, the training school shall notify the
413 committing court of the pending release. The youth court may then
414 arrange subsequent placement after a reconvened disposition
415 hearing, except that the youth court may not recommit the child to
416 the training school or any other secure facility without an
417 adjudication of a new offense or probation or parole violation.
418 Prior to assigning the custody of any child to any private
419 institution or agency, the youth court through its designee shall
420 first inspect the physical facilities to determine that they
421 provide a reasonable standard of health and safety for the child.
422 No child shall be placed in the custody of a state training school
423 for a status offense or for contempt of or revocation of a status
424 offense adjudication unless the child is contemporaneously
425 adjudicated for having committed an act of delinquency that is not
426 a status offense. A disposition order rendered under this
427 subparagraph shall meet the following requirements:

428 1. The disposition is the least restrictive
429 alternative appropriate to the best interest of the child and the
430 community;

431 2. The disposition allows the child to be in
432 reasonable proximity to the family home community of each child
433 given the dispositional alternatives available and the best
434 interest of the child and the state; and

435 3. The disposition order provides that the
436 court has considered the medical, educational, vocational, social
437 and psychological guidance, training, social education,

438 counseling, substance abuse treatment and other rehabilitative
439 services required by that child as determined by the court;

440 (h) Recommend to the child and the child's parents or
441 guardian that the child attend and participate in the Youth
442 Challenge Program under the Mississippi National Guard, as created
443 in Section 43-27-203, subject to the selection of the child for
444 the program by the National Guard; however, the child must
445 volunteer to participate in the program. The youth court shall
446 not order any child to apply or attend the program;

447 (i) (i) Adjudicate the juvenile to the Statewide
448 Juvenile Work Program if the program is established in the court's
449 jurisdiction. The juvenile and his parents or guardians must sign
450 a waiver of liability in order to participate in the work program.
451 The judge will coordinate with the youth services counselors as to
452 placing participants in the work program;

453 (ii) The severity of the crime, whether or not the
454 juvenile is a repeat offender or is a felony offender will be
455 taken into consideration by the judge when adjudicating a juvenile
456 to the work program. The juveniles adjudicated to the work
457 program will be supervised by police officers or reserve officers.
458 The term of service will be from twenty-four (24) to one hundred
459 twenty (120) hours of community service. A juvenile will work the
460 hours to which he was adjudicated on the weekends during school
461 and weekdays during the summer. Parents are responsible for a
462 juvenile reporting for work. Noncompliance with an order to
463 perform community service will result in a heavier adjudication.
464 A juvenile may be adjudicated to the community service program
465 only two (2) times;

466 (iii) The judge shall assess an additional fine on
467 the juvenile which will be used to pay the costs of implementation
468 of the program and to pay for supervision by police officers and
469 reserve officers. The amount of the fine will be based on the
470 number of hours to which the juvenile has been adjudicated;

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

473 (k) Order the child into a juvenile detention center
474 operated by the county or into a juvenile detention center
475 operated by any county with which the county in which the court is
476 located has entered into a contract for the purpose of housing
477 delinquents. By July 1, 2007, no child shall be ordered into a
478 detention center for a disposition, if that center does not
479 provide, at a minimum, certified educational services, including
480 special education services and adequate on-site medical and mental
481 health services. The time period for such detention cannot exceed
482 ninety (90) days, and any detention exceeding forty-five (45) days
483 shall be administratively reviewed by the youth court no later
484 than forty-five (45) days after the entry of the order. The youth
485 court judge may order that the number of days specified in the
486 detention order be served either throughout the week or on
487 weekends only. No first-time nonviolent youth offender shall be
488 committed to a detention center for a period of more than ten (10)
489 days until all other options provided for in this section have
490 been considered and the court makes a specific finding of fact
491 that commitment to a detention center is appropriate. However, if
492 a child is committed to a detention center * * * , the disposition
493 order shall meet the following requirements:

494 (i) The disposition order is the least restrictive
495 alternative appropriate to the best interest of the child and the
496 community;

497 (ii) The disposition order allows the child to be
498 in reasonable proximity to the family home community of each child
499 given the dispositional alternatives available and the best
500 interest of the child and the state; and

501 (iii) The disposition order provides that the
502 court has considered the medical, educational, vocational, social
503 and psychological guidance, training, social education,

504 counseling, substance abuse treatment and other rehabilitative
505 services required by that child as determined by the court; or

506 (1) Referral to A-team provided system of care
507 services.

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

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

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

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

532 (6) The youth court shall not place a child in another
533 school district who has been expelled from a school district for
534 the commission of a violent act. For the purpose of this
535 subsection, "violent act" means any action which results in death

536 or physical harm to another or an attempt to cause death or
537 physical harm to another.

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

545 (8) (a) The Mississippi Department of Human Services,
546 Division of Youth Services, shall operate and maintain services
547 for youth adjudicated delinquent at * * * Oakley Training School.
548 The program shall be designed for children who have been committed
549 to the training school by the youth courts. Beginning July 1,
550 2007, Oakley Training School shall house female and male youths
551 who have been adjudicated delinquent. By July 1, 2007, the
552 Columbia Training School shall no longer operate as a secure
553 training school and shall house female and male youths, and the
554 campus of Columbia Training School shall be utilized as prescribed
555 in Section 43-27-201.

556 (b) The purpose of the programs at Columbia and Oakley
557 Training Schools is to promote good citizenship, self-reliance,
558 leadership and respect for constituted authority, teamwork,
559 cognitive abilities and appreciation of our national heritage.
560 The training schools are authorized to operate a Boys and Girls
561 Club of America as part of the programs of the training schools.
562 The Division of Youth Services shall issue credit towards academic
563 promotions and high school completion. The Division of Youth
564 Services may award credits to each student who meets the
565 requirements for a general education development certification.
566 The Division of Youth Services must also provide to each special
567 education eligible youth the services required by that youth's
568 individualized education plan.

569 (9) The youth court, as part of any disposition order, may
570 impose a civil fine that is not to exceed Five Hundred Dollars
571 (\$500.00) to the parent or custodian of a delinquent youth when
572 such parent or custodian fails to follow any disposition order or
573 improvement plan that is ordered by the youth court.

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

576 43-27-201. (1) The purpose of this section is to outline
577 and structure a long-range proposal in addition to certain
578 immediate objectives for improvements in the juvenile correctional
579 facilities of the Division of Youth Services of the Mississippi
580 Department of Human Services in order to provide modern and
581 efficient correctional and rehabilitation facilities for juvenile
582 offenders in Mississippi, who are committing an increasing
583 percentage of serious and violent crimes.

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

594 (a) Construct an additional one-hundred-fifty-bed,
595 stand-alone, medium security juvenile correctional facility for
596 habitual violent male offenders, which complies with American
597 Correctional Association Accreditation standards and applicable
598 building and fire safety codes. The medium security, male
599 juvenile facility location shall be on property owned by the
600 Division of Youth Services, or its successor, or at a site
601 selected by the Bureau of Building, Grounds and Real Property

602 Management on land which is hereafter donated to the state
603 specifically for the location of such facility.

604 (b) Construct an additional one-hundred-bed minimum
605 security juvenile correctional facility for female offenders, and
606 an additional stand-alone, fifteen-bed maximum security juvenile
607 correctional facility for female offenders, which complies with
608 American Correctional Association Accreditation standards and
609 applicable building and fire safety codes. The minimum security
610 and maximum security female juvenile facilities location shall be
611 on property owned by the Division of Youth Services, or its
612 successor, or at a site selected by the Bureau of Building,
613 Grounds and Real Property Management on land which is hereafter
614 donated to the state specifically for the location of such
615 facility.

616 (3) Upon the selection of a proposed site for a correctional
617 facility for juveniles authorized under subsection (2), the Bureau
618 of Building, Grounds and Real Property Management of the
619 Department of Finance and Administration shall notify the board of
620 supervisors of the county in which such facility is proposed to be
621 located and shall publish a notice as hereinafter set forth in a
622 newspaper having general circulation in such county. Such notice
623 shall include a description of the tract of land in the county
624 whereon the facility is proposed to be located, the nature and
625 size of the facility and the date on which the determination of
626 the Bureau of Building, Grounds and Real Property Management shall
627 be final as to the location of such facility, which date shall not
628 be less than forty-five (45) days following the first publication
629 of such notice. Such notice shall include a brief summary of the
630 provisions of this section pertaining to the petition for an
631 election on the question of the location of the juvenile housing
632 facility in such county. Such notice shall be published not less
633 than one (1) time each week for at least three (3) consecutive
634 weeks in at least one (1) newspaper published in such county.

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

638 If at any time before the aforesaid date a petition signed by
639 twenty percent (20%), or fifteen hundred (1,500), whichever is
640 less, of the qualified electors of the county involved shall be
641 filed with the board of supervisors requesting that an election be
642 called on the question of locating such facility, then the board
643 of supervisors shall adopt a resolution calling an election to be
644 held within such county upon the question of the location of such
645 facility. Such election shall be held, as far as practicable, in
646 the same manner as other elections are held in counties. At such
647 election, all qualified electors of the county may vote, and the
648 ballots used at such election shall have printed thereon a brief
649 statement of the facility to be constructed and the words "For the
650 construction of the facility in (here insert county name) County"
651 and "Against the construction of the facility in (here insert
652 county name) County." The voter shall vote by placing a cross (X)
653 or check mark (✓) opposite his choice on the proposition. When
654 the results of the election on the question of the construction of
655 the facility shall have been canvassed by the election
656 commissioners of the county and certified by them to the board of
657 supervisors, it shall be the duty of the board of supervisors to
658 determine and adjudicate whether or not a majority of the
659 qualified electors who voted thereon in such election voted in
660 favor of the construction of the facilities in such county.
661 Unless a majority of the qualified electors who voted in such
662 election shall have voted in favor of the construction of the
663 facilities in such county, then such facility shall not be
664 constructed in such county.

665 (4) The Division of Youth Services shall establish, maintain
666 and operate an Adolescent Offender Program (AOP), which may
667 include non-Medicaid assistance eligible juveniles. Beginning

668 July 1, 2006, subject to availability of funds appropriated
669 therefor by the Legislature, the Division of Youth Services shall
670 phase in AOPs in every county of the state over a period of four
671 (4) years. The phase-in of the AOPs shall be as follows:

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

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

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

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

680 AOP professional services, salaries, facility offices,
681 meeting rooms and related supplies and equipment may be provided
682 through contract with local mental health or other nonprofit
683 community organizations. Each AOP must incorporate evidence-based
684 practices and positive behavioral intervention that includes two
685 (2) or more of the following elements: academic,
686 tutoring/literacy, mentoring, vocational training, substance abuse
687 treatment, family counseling and anger management. Programs may
688 include, but shall not be limited to, after school and weekend
689 programming, job readiness programs, home detention programs,
690 community service conflict resolution programs, restitution and
691 community service.

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

694 (5) By July 1, 2007, the Columbia Training School shall no
695 longer operate as a secure training school and shall house female
696 and male youths. In addition, the Department of Human Services
697 shall develop alternative uses for the Columbia Training School
698 campus that may include, but are not limited to, day programming
699 for at-risk youth, mental health services that must be provided by
700 the Department of Mental Health for female and male adolescents,

701 adolescent substance abuse treatment and transitional care for
702 youth who have aged out of foster care but are not yet
703 self-sufficient. The Department of Human Services shall ensure
704 that the use of the Columbia Training School maximizes federal
705 dollars including, but not limited to, Medicaid funds.

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

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

715 43-27-11. The Mississippi Department of Human Services shall
716 succeed to the exclusive control of all records, books, papers,
717 equipment and supplies, and all lands, buildings and other real
718 and personal property now or hereafter belonging to or assigned to
719 the use and benefit or under the control of the Columbia Training
720 School and the Oakley Training School, and shall have the exercise
721 and control of the use, distribution and disbursement of all
722 funds, appropriations and taxes now or hereafter in possession,
723 levied, collected or received or appropriated for the use,
724 benefit, support and maintenance of these two (2) institutions,
725 and the department shall have general supervision of all the
726 affairs of the two (2) institutions herein named, and the care and
727 conduct of all buildings and grounds, business methods and
728 arrangements of accounts and records, the organization of the
729 administrative plans of each institution, and all other matters
730 incident to the proper functioning of the institutions. Any funds
731 appropriated to the Youth Services Division of the Department of
732 Human Services for Columbia and Oakley Training Schools shall
733 solely and strictly be expended for services provided by the

734 training schools or community-based programs for delinquent
735 youths.

736 The department shall have full authority over the operation
737 of any and all farms at each of said institutions and over the
738 distribution of agricultural, dairy, livestock and any and all
739 other products therefrom and over all funds received from the sale
740 of hogs and livestock. All sums realized from the sale of
741 products manufactured and fabricated in the shops of the
742 vocational departments of such institutions shall be placed in the
743 revolving fund of the respective institutions in which said
744 products were manufactured, fabricated and sold.

745 The department shall be authorized to lease the lands for
746 oil, gas and mineral exploration, and for such other purposes as
747 the department deems to be appropriate, on such terms and
748 conditions as the department and lessee agree. The department may
749 contract with the State Forestry Commission for the proper
750 management of forest lands and the sale of timber, and the
751 department is expressly authorized to sell timber and forestry
752 products. The department is further authorized to expend the net
753 proceeds from incomes from all leases and timber sales exclusively
754 for the instructional purposes or operational expenses, or both,
755 at the two (2) institutions under its jurisdiction.

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

758 **SECTION 9.** (1) (a) There is established the Mississippi
759 Juvenile Justice Alternative Sanctions Grant Program for the
760 purpose of providing grants to municipalities to assist such
761 municipalities in operating community-based alternatives to
762 incarceration. The grant program established in this section
763 shall be administered by the Division of Youth Services of the
764 Department of Human Services in cooperation with the Department of
765 Public Safety. In order to be eligible for a grant under this
766 section, a municipality must have a juvenile justice alternative

767 sanction designed for delinquent youths. Such a program must be
768 designed to decrease a municipality's reliance on commitment in
769 juvenile detention facilities and training schools. Programs must
770 incorporate evidence-based practices and positive behavioral
771 intervention including two (2) or more of the following elements:
772 academic tutoring/literacy, mentoring, vocational training,
773 substance abuse treatment, family counseling and anger management.
774 Programs may include, but shall not be limited to, after school
775 and weekend programming, job readiness programs, home detention
776 programs, restitution, community service conflict resolution
777 programs, and community service.

778 (b) A municipality desiring assistance under this
779 section must submit an application to the Division of Youth
780 Services of the Department of Human Services and the Department of
781 Public Safety. The application must include a description of the
782 purpose for which assistance is requested, the amount of
783 assistance requested, a description of the municipality's juvenile
784 offender alternative program and any other information required by
785 the Department of Human Services. Any municipality that receives
786 a grant under this section shall be required to match ten percent
787 (10%) of the amount of the grant with cash which shall be used
788 together with the grant for the purposes for which the grant was
789 made.

790 (c) The Division of Youth Services of the Department of
791 Human Services and the Department of Public Safety shall have all
792 powers necessary to implement and administer the program
793 established under this section, and the Division of Youth Services
794 and the Department of Public Safety shall promulgate rules and
795 regulations, in accordance with the Mississippi Administrative
796 Procedures Law, necessary for the implementation of this section.

797 (2) There is created in the State Treasury a special fund to
798 be designated as the "Mississippi Juvenile Justice Alternative
799 Sanctions Grant Fund," which shall consist of funds appropriated

800 or otherwise made available by the Legislature in any manner and
801 funds from any other source designated for deposit into such fund.
802 Unexpended amounts remaining in the fund at the end of a fiscal
803 year shall not lapse into the State General Fund, and any
804 investment earnings or interest earned on amounts in the fund
805 shall be deposited to the credit of the fund. Monies in the fund
806 shall be used by the Department of Human Services for the purposes
807 described in this section.

808 SECTION 10. As used in Sections 10 through 25 of this act,
809 the following words shall have the meanings ascribed herein unless
810 the context clearly requires otherwise:

811 (a) "Accreted value" of any bonds means, as of any date
812 of computation, an amount equal to the sum of (i) the stated
813 initial value of such bond, plus (ii) the interest accrued thereon
814 from the issue date to the date of computation at the rate,
815 compounded semiannually, that is necessary to produce the
816 approximate yield to maturity shown for bonds of the same
817 maturity.

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

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

820 (d) "Department" means the Department of Human
821 Services.

822 SECTION 11. (1) The department, at one time or from time to
823 time, may declare by resolution the necessity for issuance of
824 general obligation bonds of the State of Mississippi to provide
825 funds for the program authorized in Section 9 of this act. Upon
826 the adoption of a resolution by the department, declaring the
827 necessity for the issuance of any part or all of the general
828 obligation bonds authorized by this section, the department shall
829 deliver a certified copy of its resolution or resolutions to the
830 commission. Upon receipt of such resolution, the commission, in
831 its discretion, may act as the issuing agent, prescribe the form
832 of the bonds, advertise for and accept bids, issue and sell the

833 bonds so authorized to be sold and do any and all other things
834 necessary and advisable in connection with the issuance and sale
835 of such bonds. The total amount of bonds issued under Sections 10
836 through 25 of this act shall not exceed Five Million Dollars
837 (\$5,000,000.00).

838 (2) The proceeds of bonds issued pursuant to Sections 10
839 through 25 of this act shall be deposited into the Mississippi
840 Juvenile Offender Alternative Program Grant Fund created pursuant
841 to Section 9 of this act. Any investment earnings on bonds issued
842 pursuant to Sections 10 through 25 of this act shall be used to
843 pay debt service on bonds issued under Sections 10 through 25 of
844 this act, in accordance with the proceedings authorizing issuance
845 of such bonds.

846 **SECTION 12.** The principal of and interest on the bonds
847 authorized under Sections 10 through 25 of this act shall be
848 payable in the manner provided in this section. Such bonds shall
849 bear such date or dates, be in such denomination or denominations,
850 bear interest at such rate or rates (not to exceed the limits set
851 forth in Section 75-17-101, Mississippi Code of 1972), be payable
852 at such place or places within or without the State of
853 Mississippi, shall mature absolutely at such time or times not to
854 exceed twenty-five (25) years from date of issue, be redeemable
855 before maturity at such time or times and upon such terms, with or
856 without premium, shall bear such registration privileges, and
857 shall be substantially in such form, all as shall be determined by
858 resolution of the commission.

859 **SECTION 13.** The bonds authorized by Sections 10 through 25
860 of this act shall be signed by the chairman of the commission, or
861 by his facsimile signature, and the official seal of the
862 commission shall be affixed thereto, attested by the secretary of
863 the commission. The interest coupons, if any, to be attached to
864 such bonds may be executed by the facsimile signatures of such
865 officers. Whenever any such bonds shall have been signed by the

866 officials designated to sign the bonds who were in office at the
867 time of such signing but who may have ceased to be such officers
868 before the sale and delivery of such bonds, or who may not have
869 been in office on the date such bonds may bear, the signatures of
870 such officers upon such bonds and coupons shall nevertheless be
871 valid and sufficient for all purposes and have the same effect as
872 if the person so officially signing such bonds had remained in
873 office until their delivery to the purchaser, or had been in
874 office on the date such bonds may bear. However, notwithstanding
875 anything herein to the contrary, such bonds may be issued as
876 provided in the Registered Bond Act of the State of Mississippi.

877 **SECTION 14.** All bonds and interest coupons issued under the
878 provisions of Sections 10 through 25 of this act have all the
879 qualities and incidents of negotiable instruments under the
880 provisions of the Uniform Commercial Code, and in exercising the
881 powers granted by Sections 10 through 25 of this act, the
882 commission shall not be required to and need not comply with the
883 provisions of the Uniform Commercial Code.

884 **SECTION 15.** The commission shall act as the issuing agent
885 for the bonds authorized under Sections 10 through 25 of this act,
886 prescribe the form of the bonds, advertise for and accept bids,
887 issue and sell the bonds so authorized to be sold, pay all fees
888 and costs incurred in such issuance and sale, and do any and all
889 other things necessary and advisable in connection with the
890 issuance and sale of such bonds. The commission is authorized and
891 empowered to pay the costs that are incident to the sale, issuance
892 and delivery of the bonds authorized under Sections 10 through 25
893 of this act from the proceeds derived from the sale of such bonds.
894 The commission shall sell such bonds on sealed bids at public
895 sale, and for such price as it may determine to be for the best
896 interest of the State of Mississippi, but no such sale shall be
897 made at a price less than par plus accrued interest to the date of
898 delivery of the bonds to the purchaser. All interest accruing on

899 such bonds so issued shall be payable semiannually or annually;
900 however, the first interest payment may be for any period of not
901 more than one (1) year.

902 Notice of the sale of any such bonds shall be published at
903 least one time, not less than ten (10) days before the date of
904 sale, and shall be so published in one or more newspapers
905 published or having a general circulation in the City of Jackson,
906 Mississippi, and in one or more other newspapers or financial
907 journals with a national circulation, to be selected by the
908 commission.

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

914 **SECTION 16.** The bonds issued under the provisions of
915 Sections 10 through 25 of this act are general obligations of the
916 State of Mississippi, and for the payment thereof the full faith
917 and credit of the State of Mississippi is irrevocably pledged. If
918 the funds appropriated by the Legislature are insufficient to pay
919 the principal of and the interest on such bonds as they become
920 due, then the deficiency shall be paid by the State Treasurer from
921 any funds in the State Treasury not otherwise appropriated. All
922 such bonds shall contain recitals on their faces substantially
923 covering the provisions of this section.

924 **SECTION 17.** Upon the issuance and sale of bonds under the
925 provisions of Sections 10 through 25 of this act, the commission
926 shall transfer the proceeds of any such sale or sales to the
927 Mississippi Juvenile Offender Alternative Program Grant Fund
928 created in Section 9 of this act. The proceeds of such bonds
929 shall be disbursed solely upon the order of the department under
930 such restrictions, if any, as may be contained in the resolution
931 providing for the issuance of the bonds.

932 **SECTION 18.** The bonds authorized under Sections 10 through
933 25 of this act may be issued without any other proceedings or the
934 happening of any other conditions or things other than those
935 proceedings, conditions and things which are specified or required
936 by Sections 10 through 25 of this act. Any resolution providing
937 for the issuance of bonds under the provisions of Sections 10
938 through 25 of this act shall become effective immediately upon its
939 adoption by the commission, and any such resolution may be adopted
940 at any regular or special meeting of the commission by a majority
941 of its members.

942 **SECTION 19.** The bonds authorized under the authority of
943 Sections 10 through 25 of this act may be validated in the
944 Chancery Court of the First Judicial District of Hinds County,
945 Mississippi, in the manner and with the force and effect provided
946 by Chapter 13, Title 31, Mississippi Code of 1972, for the
947 validation of county, municipal, school district and other bonds.
948 The notice to taxpayers required by such statutes shall be
949 published in a newspaper published or having a general circulation
950 in the City of Jackson, Mississippi.

951 **SECTION 20.** Any holder of bonds issued under the provisions
952 of Sections 10 through 25 of this act or of any of the interest
953 coupons pertaining thereto may, either at law or in equity, by
954 suit, action, mandamus or other proceeding, protect and enforce
955 any and all rights granted under Sections 10 through 25 of this
956 act, or under such resolution, and may enforce and compel
957 performance of all duties required by Sections 10 through 25 of
958 this act to be performed, in order to provide for the payment of
959 bonds and interest thereon.

960 **SECTION 21.** All bonds issued under the provisions of
961 Sections 10 through 25 of this act shall be legal investments for
962 trustees and other fiduciaries, and for savings banks, trust
963 companies and insurance companies organized under the laws of the
964 State of Mississippi, and such bonds shall be legal securities

965 which may be deposited with and shall be received by all public
966 officers and bodies of this state and all municipalities and
967 political subdivisions for the purpose of securing the deposit of
968 public funds.

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

972 **SECTION 23.** The proceeds of the bonds issued under Sections
973 10 through 25 of this act shall be used solely for the purposes
974 therein provided, including the costs incident to the issuance and
975 sale of such bonds.

976 **SECTION 24.** The State Treasurer is authorized, without
977 further process of law, to certify to the Department of Finance
978 and Administration the necessity for warrants, and the Department
979 of Finance and Administration is authorized and directed to issue
980 such warrants, in such amounts as may be necessary to pay when due
981 the principal of, premium, if any, and interest on, or the
982 accreted value of, all bonds issued under Sections 9 through 24 of
983 this act; and the State Treasurer shall forward the necessary
984 amount to the designated place or places of payment of such bonds
985 in ample time to discharge such bonds, or the interest thereon, on
986 the due dates thereof.

987 **SECTION 25.** Sections 10 through 25 of this act shall be
988 deemed to be full and complete authority for the exercise of the
989 powers therein granted, but Sections 10 through 25 of this act
990 shall not be deemed to repeal or to be in derogation of any
991 existing law of this state.

992 **SECTION 26.** (1) This state shall be considered
993 loan-eligible for purposes of Section 406 of the Social Security
994 Act for additional TANF funds for hurricane related damages as a
995 result of Hurricane Katrina. Except as provided in Section 406
996 (d) of the Social Security Act, the cumulative dollar amount of
997 all loans made to this state under Section 406 of the Social

998 Security Act by reason of this subsection shall not exceed twenty
999 percent (20%) of the state family assistance grant that is payable
1000 to this state under Section 403 of the Social Security Act for
1001 fiscal year 2006.

1002 (2) Except as provided by Section 406 of the Social Security
1003 Act, a penalty may not be imposed against this state for failure
1004 to do the following:

1005 (a) Repay a loan made to this state under the federal
1006 government's TANF Emergency Response and Recovery Act of 2005, on
1007 or after the date of the enactment of such act and before October
1008 1, 2007; or

1009 (b) Make any interest payment on such a loan.

1010 **SECTION 27.** This act shall take effect and be in force from
1011 and after July 1, 2006.