

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

To: Juvenile Justice; Ways
and Means

HOUSE BILL NO. 199
(As Passed the House)

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 A CERTAIN PARTY BE REPRESENTED BY
4 COUNSEL IN CERTAIN PROCEEDINGS; TO REQUIRE THAT YOUTH COURT
5 APPOINTED ATTORNEYS RECEIVE TRAINING IN JUVENILE JUSTICE ISSUES;
6 TO AMEND SECTION 43-21-307, MISSISSIPPI CODE OF 1972, TO PROHIBIT
7 THE HOLDING OF A STATUS OFFENDER IN DETENTION FOR LONGER THAN 24
8 HOURS BEFORE SUCH AN OFFENDER HAS HAD HIS OR HER INITIAL COURT
9 APPEARANCE; TO AMEND SECTION 43-21-311, MISSISSIPPI CODE OF 1972,
10 TO PROVIDE THAT THE RIGHTS OF A CHILD MUST BE READ TO SUCH CHILD
11 WHEN HE OR SHE IS TAKEN INTO CUSTODY; TO AMEND SECTION 43-21-321,
12 MISSISSIPPI CODE OF 1972, TO REQUIRE CERTAIN MINIMUM DETENTION
13 STANDARDS FOR JUVENILE DETENTION FACILITIES; TO AMEND SECTION
14 43-21-605, MISSISSIPPI CODE OF 1972, TO PROHIBIT THE PLACEMENT OF
15 CERTAIN YOUTH IN PARAMILITARY PROGRAMS; TO PROVIDE THAT DETENTION
16 CENTERS MUST PROVIDE CERTAIN CERTIFIED EDUCATIONAL SERVICES FOR
17 YOUTH; TO AUTHORIZE COLUMBIA AND OAKLEY TRAINING SCHOOLS TO
18 OPERATE A BOYS AND GIRLS CLUB OF AMERICA; TO AUTHORIZE THE YOUTH
19 COURT TO IMPOSE A CIVIL FINE FOR THE PARENTS OR CUSTODIANS OF
20 DELINQUENT YOUTH WHO DO NOT FOLLOW IMPROVEMENT PLANS OR
21 DISPOSITION ORDERS OF THE YOUTH COURT; TO REQUIRE THAT BY JULY 1,
22 2007, THE COLUMBIA TRAINING SCHOOL SHALL BE KNOWN AS THE COLUMBIA
23 GIRLS' CENTER; TO PROVIDE THAT SUCH CENTER SHALL PROVIDE CERTAIN
24 SERVICES; TO AMEND SECTION 43-27-201, MISSISSIPPI CODE OF 1972, TO
25 REQUIRE THAT ADOLESCENT OFFENDER PROGRAMS PROVIDE CERTAIN
26 SERVICES; TO PROVIDE THAT COLUMBIA TRAINING SCHOOL SHALL PROVIDE
27 CERTAIN ALTERNATIVE SERVICES; TO AMEND SECTION 43-27-11,
28 MISSISSIPPI CODE OF 1972, TO REQUIRE THAT ANY FUNDS APPROPRIATED
29 TO OAKLEY AND COLUMBIA TRAINING SCHOOLS BE EXPENDED SOLELY FOR
30 SUCH SCHOOLS; TO ESTABLISH THE TONY GOBAR JUVENILE JUSTICE
31 ALTERNATIVE SANCTIONS GRANT PROGRAM FOR MUNICIPALITIES; TO
32 AUTHORIZE THE ISSUANCE OF \$3,000,000.00 IN STATE GENERAL
33 OBLIGATION BONDS FOR THE PURPOSE OF PROVIDING FUNDS FOR SUCH GRANT
34 PROGRAMS; TO PROVIDE THAT THE STATE BE CONSIDERED LOAN ELIGIBLE
35 FOR ADDITIONAL TANF FUNDS FOR HURRICANE KATRINA RELATED DAMAGES;
36 AND FOR RELATED PURPOSES.

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

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

40 43-21-201. (1) Each party shall have the right to be
41 represented by counsel at all stages of the proceedings including,
42 but not limited to, detention, adjudicatory and disposition
43 hearings and parole or probation revocation proceedings. If the
44 party is a child, the child shall be represented by counsel at all

45 critical stages. If indigent, the child shall have the right to
46 have counsel appointed for him by the youth court.

47 (2) When a party first appears before the youth court, the
48 judge shall ascertain whether he is represented by counsel and, if
49 not, inform him of his rights including his right to counsel. If
50 the child named in a delinquency petition is indigent, the youth
51 court judge shall appoint a court appointed attorney to represent
52 the party at all critical stages of the proceedings. Any
53 statement made by a child under the jurisdiction of the youth
54 court, whether jurisdiction is to be transferred to the circuit
55 court or not, shall be inadmissible as evidence in any civil,
56 criminal or administrative proceeding unless the statement was
57 made in the presence of or with the specific approval of the
58 attorney for such child.

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. Court appointed attorneys

78 who appear in any youth court less than five (5) times a year are
79 exempt from the requirements of this subsection.

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

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

95 43-21-307. The judge or his designee may authorize the
96 temporary custody of a child taken into custody for a period of
97 not longer than forty-eight (48) hours, excluding Saturdays,
98 Sundays, and statutory state holidays if the judge or his designee
99 finds there are grounds to issue a custody order as defined in
100 Section 43-21-301 and such custody order complies with the
101 detention requirements provided in Section 43-21-301(6). However,
102 an accused status offender shall not be held in secure detention
103 for longer than twenty-four (24) hours prior to and twenty-four
104 (24) hours after an initial court appearance excluding Saturdays,
105 Sundays and statutory state holidays unless a status offender is
106 held in secure detention for violating a valid court order
107 pursuant to the criteria as established by the federal Juvenile
108 Justice and Delinquency Prevention Act of 2002, and any subsequent
109 amendments to such act.

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

112 43-21-311. (1) When a child is taken into custody, he shall
113 immediately be informed of:

114 (a) The reason for his custody;

115 (b) The time within which review of the custody shall
116 be held;

117 (c) His rights during custody including his right to
118 counsel;

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

121 (e) The time and place of the detention hearing when
122 the time and place is set; and

123 (f) The conditions of his custody which shall be in
124 compliance with the detention requirements provided in Section
125 43-21-301(6).

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

129 (2) When a child is taken into custody, the child may
130 immediately telephone his parent, guardian or custodian; his
131 counsel; and personnel of the youth court. Thereafter, he shall
132 be allowed to telephone his counsel or any personnel of the youth
133 court at reasonable intervals. Unless the judge or his designee
134 finds that it is against the best interest of the child, he may
135 telephone his parent, guardian or custodian at reasonable
136 intervals.

137 (3) When a child is taken into custody, the child may be
138 visited by his counsel and authorized personnel of the youth court
139 at any time. Unless the judge or his designee finds it to be
140 against the best interest of the child, he may be visited by his
141 parent, guardian or custodian during visiting hours which shall be

142 regularly scheduled at least three (3) days per week. The youth
143 court may establish rules permitting visits by other persons.

144 (4) Except for the child's counsel, guardian ad litem and
145 authorized personnel of the youth court, no person shall interview
146 or interrogate a child held in a detention or shelter facility
147 unless approval therefor has first been obtained from the judge or
148 his designee. When a child in a detention or shelter facility is
149 represented by counsel or has a guardian ad litem, no person may
150 interview or interrogate the child concerning the violation of a
151 state or federal law, or municipal or county ordinance by the
152 child unless in the presence of his counsel or guardian ad litem
153 or with their consent.

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

156 43-21-321. (1) All juveniles shall undergo a health
157 screening within one (1) hour of admission to any juvenile
158 detention center, or as soon thereafter as reasonably possible.
159 Information obtained during the screening shall include, but shall
160 not be limited to, the juvenile's:

- 161 (a) Mental health;
- 162 (b) Suicide risk;
- 163 (c) Alcohol and other drug use and abuse;
- 164 (d) Physical health;
- 165 (e) Aggressive behavior;
- 166 (f) Family relations;
- 167 (g) Peer relations;
- 168 (h) Social skills;
- 169 (i) Educational status; and
- 170 (j) Vocational status.

171 (2) If the screening instrument indicates that a juvenile is
172 in need of emergency medical care or mental health intervention
173 services, the detention staff shall refer those juveniles to the
174 proper health care facility or community mental health service

175 provider for further evaluation, as soon as reasonably possible.
176 If the screening instrument, such as the Massachusetts Youth
177 Screening Instrument version 2 (MAYSI-2) or other comparable
178 mental health screening instrument indicates that the juvenile is
179 in need of emergency medical care or mental health intervention
180 services, the detention staff shall refer the juvenile to the
181 proper health care facility or community mental health service
182 provider for further evaluation, recommendation and referral for
183 treatment, if necessary, within forty-eight (48) hours, excluding
184 Saturdays, Sundays and statutory state holidays.

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

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

192 (a) Determine that the juvenile is legally committed to
193 the facility;

194 (b) Make a complete search of the juvenile and his
195 possessions;

196 (c) Dispose of personal property;

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

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

199 (f) Issue personal hygiene articles;

200 (g) Perform medical, dental and mental health
201 screening;

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

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

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

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

208 (1) Provide written orientation materials to the
209 juvenile.

210 (5) All juvenile detention centers shall adhere to the
211 following minimum standards:

212 (a) Juvenile detention centers shall have a manual that
213 states the policies and procedures for operating and maintaining
214 the facility, and such manual shall be reviewed annually and
215 revised as needed;

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

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

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

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

224 4. The opportunities available for the treatment
225 and/or counseling for drug abuse; and

226 5. The penalties for violation of the drug-free
227 workplace policy;

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

231 (d) Juvenile detention centers shall ensure the safety
232 and protection of juvenile detainees from personal abuse, corporal
233 punishment, personal injury, disease, property damage and
234 harassment;

235 (e) Juvenile detention centers shall have written
236 policies that allow for mail and telephone rights for juvenile
237 detainees, and such policies are to be made available for all
238 staff and is to be reviewed annually;

239 (f) Juvenile detention centers shall have written
240 policies which allow for mail and telephone rights for juvenile

241 detainees and a written policy is to be made available to all
242 staff and is to be reviewed annually;

243 (g) Juvenile detention center food service personnel
244 shall implement sanitation practices based on State Department of
245 Health Food Services Codes;

246 (h) Juvenile detention centers shall provide juveniles
247 with meals that are nutritionally adequate, properly prepared,
248 stored and served according to the State Department of Health food
249 codes;

250 (i) Juvenile detention centers shall offer special diet
251 food plans to juveniles under the following conditions:

252 (i) When prescribed by appropriate medical or
253 dental staff; or

254 (ii) As directed or approved by a registered
255 dietitian or physician; and

256 (iii) As a complete meal service and not as a
257 supplement to or choice between dietary meals and regular meals;

258 (j) Juvenile detention centers shall serve religious
259 diets when approved and petitioned in writing by a religious
260 professional on behalf of a juvenile and approved by the juvenile
261 detention center director;

262 (k) Juvenile detention center directors shall provide a
263 written method of ensuring regular monitoring of daily
264 housekeeping, pest control and sanitation practices and centers
265 shall comply with all federal, state and local sanitation and
266 health codes;

267 (l) Juvenile detention center standards shall have
268 access to a health care professional in order to provide
269 screenings for needed health services for detained juveniles and a
270 medical history shall be completed by the intake worker
271 immediately after arrival at the facility by using a health
272 history form which shall include:

273 (i) Any medical, dental and mental health
274 treatments and medications the juvenile is taking;

275 (ii) Any chronic health problems such as
276 allergies, seizures, diabetes, hearing or sight loss, hearing
277 conditions or any other health problems;

278 (iii) A medical consent form signed by a person
279 legally authorized to give consent; and

280 (iv) Any and all medications administered and all
281 health care services rendered shall be documented in the
282 juvenile's case record;

283 (m) Juvenile detention center detainees shall be
284 provided access to medical care and treatment while in custody of
285 the facility;

286 (n) Juvenile detention center detainees shall be seen
287 by a youth service or a county counselor while in the detention
288 center on a regular basis;

289 (o) Juvenile detention centers shall provide accessible
290 individual and group counseling to all juvenile detainees;

291 (p) Juvenile detention center detainees shall be
292 referred to other counseling services when necessary including:
293 mental health services; crisis intervention; referrals for
294 treatment of drugs and alcohol; special offender treatment and
295 educational prevention groups;

296 (q) Juvenile detention center staff shall work
297 collaboratively with the local school district to provide
298 individualized educational services, including special education
299 services for each juvenile detainee;

300 (r) Juvenile detention centers shall maintain a ratio
301 of one (1) approved special education certified teacher/instructor
302 for every ten (10) juvenile detainee students;

303 (s) Juvenile detention centers shall have classroom
304 space consistent with local and state educational standards;

305 (t) Juvenile detention centers shall establish and
306 maintain an in-house library or provide access to library services
307 and such library shall provide appropriate educational, vocational
308 and self-enrichment reading materials as well as information to
309 assist juveniles after discharge including: community resources,
310 job opportunities, training and educational programming;

311 (u) Juvenile detention center recreational services
312 shall be provided to juvenile detainees and centers must provide
313 one (1) hour of large muscle exercise and one (1) hour of planned
314 free time on school days and an additional hour of recreation must
315 be provided on weekends and holidays;

316 (v) Juvenile detention center detainees shall have the
317 opportunity to participate in the practices of their religious
318 faith which are deemed essential by an appropriate religious
319 authority, limited only by documentation showing threat to the
320 safety of persons involved in such activity, or that the activity
321 itself disrupts the order in the facility;

322 (w) Juvenile detention centers shall provide sufficient
323 space for a visiting room and the facility shall encourage
324 juveniles to maintain ties with families through visitation, and
325 detainees shall be allowed the opportunity to visit with their
326 social workers, counselors, lawyers or other professionals
327 involved in the juveniles care; and

328 (x) The Juvenile Detention Facilities Monitoring Unit
329 shall monitor the detention facilities for compliance with these
330 minimum standards and no child shall be housed in a detention
331 facility the monitoring unit determines is substantially out of
332 compliance with the standards prescribed in this subsection.

333 * * *

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

336 (7) Programs and professional services may be provided by
337 the detention staff, youth court staff or the staff of the local

338 or state agencies, or those programs and professional services may
339 be provided through contractual arrangements with community
340 agencies.

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

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

346 **SECTION 5.** Section 43-21-605, Mississippi Code of 1972, is
347 amended as follows:

348 43-21-605. (1) In delinquency cases, the disposition order
349 may include any of the following alternatives:

350 (a) Release the child without further action;

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

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

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

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

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

370 (g) Give legal custody of the child to any of the
371 following:

372 (i) The Department of Human Services for
373 appropriate placement; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

502 (iii) The disposition order provides that the
503 court has considered the medical, educational, vocational, social
504 and psychological guidance, training, social education,
505 counseling, substance abuse treatment and other rehabilitative
506 services required by that child as determined by the court; or

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

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

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

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

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

533 (6) The youth court shall not place a child in another
534 school district who has been expelled from a school district for

535 the commission of a violent act. For the purpose of this
536 subsection, "violent act" means any action which results in death
537 or physical harm to another or an attempt to cause death or
538 physical harm to another.

539 (7) The youth court may require drug testing as part of a
540 disposition order for the offending child. If a child tests
541 positive, the court may require treatment, family counseling and
542 random testing, as it deems appropriate. In addition, the youth
543 court may require drug testing for the custodial parents or
544 guardians to determine improvement plans for the best interest of
545 the child which could include removal from the home for the
546 child's best interest. If a parent fails such drug testing as
547 provided in this subsection, such parent shall not incur punitive
548 sanctions. The costs of such tests shall be paid by the parent,
549 guardian or custodian of the child unless the court specifically
550 finds that the parent, guardian or custodian is unable to pay.

551 (8) (a) The Mississippi Department of Human Services,
552 Division of Youth Services, shall operate and maintain services
553 for youth adjudicated delinquent at *Columbia and Oakley Training*
554 *Schools*. The program shall be designed for children who have been
555 committed to the training schools by the youth courts. The campus
556 of Columbia Training School shall be utilized as prescribed in
557 Section 43-27-201.

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

568 The Division of Youth Services must also provide to each special
569 education eligible youth the services required by that youth's
570 individualized education plan.

571 (9) The youth court, as part of any disposition order, may
572 impose a civil fine that is not to exceed Five Hundred Dollars
573 (\$500.00) to the parent or custodian of a delinquent youth when
574 such parent or custodian fails to follow any disposition order or
575 improvement plan that is ordered by the youth court. No child
576 shall remain in a training school or detention center as a result
577 of his or her parents' failure to pay the fine authorized in this
578 subsection. All fines collected shall be placed in a special
579 county fund and shall be used to support community-based
580 alternatives to incarceration.

581 **SECTION 6.** Section 43-27-201, Mississippi Code of 1972, is
582 amended as follows:

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

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

601 (a) Construct an additional one-hundred-fifty-bed,
602 stand-alone, medium security juvenile correctional facility for
603 habitual violent male offenders, which complies with American
604 Correctional Association Accreditation standards and applicable
605 building and fire safety codes. The medium security, male
606 juvenile facility location shall be on property owned by the
607 Division of Youth Services, or its successor, or at a site
608 selected by the Bureau of Building, Grounds and Real Property
609 Management on land which is hereafter donated to the state
610 specifically for the location of such facility.

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

623 (3) Upon the selection of a proposed site for a correctional
624 facility for juveniles authorized under subsection (2), the Bureau
625 of Building, Grounds and Real Property Management of the
626 Department of Finance and Administration shall notify the board of
627 supervisors of the county in which such facility is proposed to be
628 located and shall publish a notice as hereinafter set forth in a
629 newspaper having general circulation in such county. Such notice
630 shall include a description of the tract of land in the county
631 whereon the facility is proposed to be located, the nature and
632 size of the facility and the date on which the determination of
633 the Bureau of Building, Grounds and Real Property Management shall

634 be final as to the location of such facility, which date shall not
635 be less than forty-five (45) days following the first publication
636 of such notice. Such notice shall include a brief summary of the
637 provisions of this section pertaining to the petition for an
638 election on the question of the location of the juvenile housing
639 facility in such county. Such notice shall be published not less
640 than one (1) time each week for at least three (3) consecutive
641 weeks in at least one (1) newspaper published in such county.

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

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

667 favor of the construction of the facilities in such county.
668 Unless a majority of the qualified electors who voted in such
669 election shall have voted in favor of the construction of the
670 facilities in such county, then such facility shall not be
671 constructed in such county.

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

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

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

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

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

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

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

701 (5) The Department of Human Services shall develop
702 alternative uses for the Columbia Training School campus that may
703 include, but are not limited to, day programming for at-risk
704 youth, mental health services that must be provided by the
705 Department of Mental Health for female adolescents, adolescent
706 substance abuse treatment and transitional care for youth who have
707 aged out of foster care but are not yet self-sufficient. By July
708 1, 2007, the Columbia Training School shall be known as the
709 Columbia Girls' Center, and it shall operate fifty (50) secure
710 beds for delinquent juvenile girls and fifty (50) nonsecure beds
711 for girls who are in need of Medicaid reimbursable mental health
712 services. The Department of Human Services shall ensure that the
713 use of the Columbia Training School maximizes federal dollars
714 including, but not limited to, Medicaid funds.

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

722 **SECTION 7.** Section 43-27-11, Mississippi Code of 1972, is
723 amended as follows:

724 43-27-11. The Mississippi Department of Human Services shall
725 succeed to the exclusive control of all records, books, papers,
726 equipment and supplies, and all lands, buildings and other real
727 and personal property now or hereafter belonging to or assigned to
728 the use and benefit or under the control of the Columbia Training
729 School and the Oakley Training School, and shall have the exercise
730 and control of the use, distribution and disbursement of all
731 funds, appropriations and taxes now or hereafter in possession,

732 levied, collected or received or appropriated for the use,
733 benefit, support and maintenance of these two (2) institutions,
734 and the department shall have general supervision of all the
735 affairs of the two (2) institutions herein named, and the care and
736 conduct of all buildings and grounds, business methods and
737 arrangements of accounts and records, the organization of the
738 administrative plans of each institution, and all other matters
739 incident to the proper functioning of the institutions. Any funds
740 appropriated to the Youth Services Division of the Department of
741 Human Services for Columbia and Oakley Training Schools shall
742 solely and strictly be expended for services provided by the
743 training schools or community-based programs for delinquent
744 youths.

745 The department shall have full authority over the operation
746 of any and all farms at each of said institutions and over the
747 distribution of agricultural, dairy, livestock and any and all
748 other products therefrom and over all funds received from the sale
749 of hogs and livestock. All sums realized from the sale of
750 products manufactured and fabricated in the shops of the
751 vocational departments of such institutions shall be placed in the
752 revolving fund of the respective institutions in which said
753 products were manufactured, fabricated and sold.

754 The department shall be authorized to lease the lands for
755 oil, gas and mineral exploration, and for such other purposes as
756 the department deems to be appropriate, on such terms and
757 conditions as the department and lessee agree. The department may
758 contract with the State Forestry Commission for the proper
759 management of forest lands and the sale of timber, and the
760 department is expressly authorized to sell timber and forestry
761 products. The department is further authorized to expend the net
762 proceeds from incomes from all leases and timber sales exclusively
763 for the instructional purposes or operational expenses, or both,
764 at the two (2) institutions under its jurisdiction.

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

767 **SECTION 8.** (1) (a) There is established the Tony Gobar
768 Juvenile Justice Alternative Sanctions Grant Program for the
769 purpose of providing grants to youth courts in cooperation with a
770 city and/or county to assist in operating community-based
771 alternatives to incarceration. The grant program established in
772 this section shall be administered by the Department of Public
773 Safety. In order to be eligible for a grant under this section, a
774 youth court in cooperation with a city and/or county must have a
775 juvenile justice alternative sanction designed for delinquent
776 youths. The program must be designed to decrease reliance on
777 commitment in juvenile detention facilities and training schools.
778 Programs must incorporate evidence-based practices and positive
779 behavioral intervention including two (2) or more of the following
780 elements: academic tutoring/literacy, mentoring, vocational
781 training, substance abuse treatment, family counseling and anger
782 management. Programs may include, but shall not be limited to,
783 after school and weekend programming, job readiness programs, home
784 detention programs, restitution, community service conflict
785 resolution programs, and community service.

786 (b) A youth court in cooperation with a city and/or
787 county desiring assistance under this section must submit an
788 application to the Department of Public Safety. The application
789 must include a description of the purpose for which assistance is
790 requested, the amount of assistance requested, a description of
791 the youth court's juvenile offender alternative program and any
792 other information required by the Department of Public Safety.

793 (c) The Department of Public Safety shall have all
794 powers necessary to implement and administer the program
795 established under this section, and the department shall
796 promulgate rules and regulations, in accordance with the

797 Mississippi Administrative Procedures Law, necessary for the
798 implementation of this section.

799 (2) There is created in the State Treasury a special fund to
800 be designated as the "Tony Gobar Juvenile Justice Alternative
801 Sanctions Grant Fund," which shall consist of funds appropriated
802 or otherwise made available by the Legislature in any manner and
803 funds from any other source designated for deposit into such fund.
804 Unexpended amounts remaining in the fund at the end of a fiscal
805 year shall not lapse into the State General Fund, and any
806 investment earnings or interest earned on amounts in the fund
807 shall be deposited to the credit of the fund. Monies in the fund
808 shall be used by the Department of Public Safety for the purposes
809 described in this section.

810 **SECTION 9.** As used in Sections 9 through 24 of this act, the
811 following words shall have the meanings ascribed herein unless the
812 context clearly requires otherwise:

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

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

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

822 (d) "Department" means the Department of Public Safety.

823 **SECTION 10.** (1) The department, at one time or from time to
824 time, may declare by resolution the necessity for issuance of
825 general obligation bonds of the State of Mississippi to provide
826 funds for the program authorized in Section 8 of this act. Upon
827 the adoption of a resolution by the department, declaring the
828 necessity for the issuance of any part or all of the general
829 obligation bonds authorized by this section, the department shall

830 deliver a certified copy of its resolution or resolutions to the
831 commission. Upon receipt of such resolution, the commission, in
832 its discretion, may act as the issuing agent, prescribe the form
833 of the bonds, advertise for and accept bids, issue and sell the
834 bonds so authorized to be sold and do any and all other things
835 necessary and advisable in connection with the issuance and sale
836 of such bonds. The total amount of bonds issued or funds
837 appropriated under Sections 9 through 24 of this act shall not
838 exceed Three Million Dollars (\$3,000,000.00).

839 (2) The proceeds of bonds issued or funds appropriated
840 pursuant to Sections 9 through 24 of this act shall be deposited
841 into the Tony Gobar Juvenile Justice Alternative Sanctions Grant
842 Fund created pursuant to Section 8 of this act. Any investment
843 earnings on bonds issued pursuant to Sections 9 through 24 of this
844 act shall be used to pay debt service on bonds issued under
845 Sections 9 through 24 of this act, in accordance with the
846 proceedings authorizing issuance of such bonds.

847 **SECTION 11.** The principal of and interest on the bonds
848 authorized under Sections 9 through 24 of this act shall be
849 payable in the manner provided in this section. Such bonds shall
850 bear such date or dates, be in such denomination or denominations,
851 bear interest at such rate or rates (not to exceed the limits set
852 forth in Section 75-17-101, Mississippi Code of 1972), be payable
853 at such place or places within or without the State of
854 Mississippi, shall mature absolutely at such time or times not to
855 exceed twenty-five (25) years from date of issue, be redeemable
856 before maturity at such time or times and upon such terms, with or
857 without premium, shall bear such registration privileges, and
858 shall be substantially in such form, all as shall be determined by
859 resolution of the commission.

860 **SECTION 12.** The bonds authorized by Sections 9 through 24 of
861 this act shall be signed by the chairman of the commission, or by
862 his facsimile signature, and the official seal of the commission

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

878 **SECTION 13.** All bonds and interest coupons issued under the
879 provisions of Sections 9 through 24 of this act have all the
880 qualities and incidents of negotiable instruments under the
881 provisions of the Uniform Commercial Code, and in exercising the
882 powers granted by Sections 9 through 24 of this act, the
883 commission shall not be required to and need not comply with the
884 provisions of the Uniform Commercial Code.

885 **SECTION 14.** The commission shall act as the issuing agent
886 for the bonds authorized under Sections 9 through 24 of this act,
887 prescribe the form of the bonds, advertise for and accept bids,
888 issue and sell the bonds so authorized to be sold, pay all fees
889 and costs incurred in such issuance and sale, and do any and all
890 other things necessary and advisable in connection with the
891 issuance and sale of such bonds. The commission is authorized and
892 empowered to pay the costs that are incident to the sale, issuance
893 and delivery of the bonds authorized under Sections 9 through 24
894 of this act from the proceeds derived from the sale of such bonds.
895 The commission shall sell such bonds on sealed bids at public

896 sale, and for such price as it may determine to be for the best
897 interest of the State of Mississippi, but no such sale shall be
898 made at a price less than par plus accrued interest to the date of
899 delivery of the bonds to the purchaser. All interest accruing on
900 such bonds so issued shall be payable semiannually or annually;
901 however, the first interest payment may be for any period of not
902 more than one (1) year.

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

910 The commission, when issuing any bonds under the authority of
911 Sections 9 through 24 of this act, may provide that bonds, at the
912 option of the State of Mississippi, may be called in for payment
913 and redemption at the call price named therein and accrued
914 interest on such date or dates named therein.

915 **SECTION 15.** The bonds issued under the provisions of
916 Sections 9 through 24 of this act are general obligations of the
917 State of Mississippi, and for the payment thereof the full faith
918 and credit of the State of Mississippi is irrevocably pledged. If
919 the funds appropriated by the Legislature are insufficient to pay
920 the principal of and the interest on such bonds as they become
921 due, then the deficiency shall be paid by the State Treasurer from
922 any funds in the State Treasury not otherwise appropriated. All
923 such bonds shall contain recitals on their faces substantially
924 covering the provisions of this section.

925 **SECTION 16.** Upon the issuance and sale of bonds under the
926 provisions of Sections 9 through 24 of this act, the commission
927 shall transfer the proceeds of any such sale or sales to the Tony
928 Gobar Juvenile Justice Alternative Sanctions Grant Fund created in

929 Section 8 of this act. The proceeds of such bonds shall be
930 disbursed solely upon the order of the department under such
931 restrictions, if any, as may be contained in the resolution
932 providing for the issuance of the bonds.

933 **SECTION 17.** The bonds authorized under Sections 9 through 24
934 of this act may be issued without any other proceedings or the
935 happening of any other conditions or things other than those
936 proceedings, conditions and things which are specified or required
937 by Sections 9 through 24 of this act. Any resolution providing
938 for the issuance of bonds under the provisions of Sections 9
939 through 24 of this act shall become effective immediately upon its
940 adoption by the commission, and any such resolution may be adopted
941 at any regular or special meeting of the commission by a majority
942 of its members.

943 **SECTION 18.** The bonds authorized under the authority of
944 Sections 9 through 24 of this act may be validated in the Chancery
945 Court of the First Judicial District of Hinds County, Mississippi,
946 in the manner and with the force and effect provided by Chapter
947 13, Title 31, Mississippi Code of 1972, for the validation of
948 county, municipal, school district and other bonds. The notice to
949 taxpayers required by such statutes shall be published in a
950 newspaper published or having a general circulation in the City of
951 Jackson, Mississippi.

952 **SECTION 19.** Any holder of bonds issued under the provisions
953 of Sections 9 through 24 of this act or of any of the interest
954 coupons pertaining thereto may, either at law or in equity, by
955 suit, action, mandamus or other proceeding, protect and enforce
956 any and all rights granted under Sections 9 through 24 of this
957 act, or under such resolution, and may enforce and compel
958 performance of all duties required by Sections 9 through 24 of
959 this act to be performed, in order to provide for the payment of
960 bonds and interest thereon.

961 **SECTION 20.** All bonds issued under the provisions of
962 Sections 9 through 24 of this act shall be legal investments for
963 trustees and other fiduciaries, and for savings banks, trust
964 companies and insurance companies organized under the laws of the
965 State of Mississippi, and such bonds shall be legal securities
966 which may be deposited with and shall be received by all public
967 officers and bodies of this state and all municipalities and
968 political subdivisions for the purpose of securing the deposit of
969 public funds.

970 **SECTION 21.** Bonds issued under the provisions of Sections 9
971 through 24 of this act and income therefrom shall be exempt from
972 all taxation in the State of Mississippi.

973 **SECTION 22.** The proceeds of the bonds issued under Sections
974 9 through 24 of this act shall be used solely for the purposes
975 therein provided, including the costs incident to the issuance and
976 sale of such bonds.

977 **SECTION 23.** The State Treasurer is authorized, without
978 further process of law, to certify to the Department of Finance
979 and Administration the necessity for warrants, and the Department
980 of Finance and Administration is authorized and directed to issue
981 such warrants, in such amounts as may be necessary to pay when due
982 the principal of, premium, if any, and interest on, or the
983 accreted value of, all bonds issued under Sections 8 through 23 of
984 this act; and the State Treasurer shall forward the necessary
985 amount to the designated place or places of payment of such bonds
986 in ample time to discharge such bonds, or the interest thereon, on
987 the due dates thereof.

988 **SECTION 24.** Sections 9 through 24 of this act shall be
989 deemed to be full and complete authority for the exercise of the
990 powers therein granted, but Sections 9 through 24 of this act
991 shall not be deemed to repeal or to be in derogation of any
992 existing law of this state.

993 **SECTION 25.** (1) This state shall be considered
994 loan-eligible for purposes of Section 406 of the Social Security
995 Act for additional TANF funds for hurricane related damages as a
996 result of Hurricane Katrina. Except as provided in Section 406
997 (d) of the Social Security Act, the cumulative dollar amount of
998 all loans made to this state under Section 406 of the Social
999 Security Act by reason of this subsection shall not exceed twenty
1000 percent (20%) of the state family assistance grant that is payable
1001 to this state under Section 403 of the Social Security Act for
1002 fiscal year 2006.

1003 (2) Except as provided by Section 406 of the Social Security
1004 Act, a penalty may not be imposed against this state for failure
1005 to do the following:

1006 (a) Repay a loan made to this state under the federal
1007 government's TANF Emergency Response and Recovery Act of 2005, on
1008 or after the date of the enactment of such act and before October
1009 1, 2007; or

1010 (b) Make any interest payment on such a loan.

1011 **SECTION 26.** This act shall take effect and be in force from
1012 and after July 1, 2006.