

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

To: Juvenile Justice; Ways  
and Means

HOUSE BILL NO. 199  
(As Sent to Governor)

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 YOUTH COURT-APPOINTED ATTORNEYS  
4 RECEIVE TRAINING IN JUVENILE JUSTICE ISSUES; TO AMEND SECTION  
5 43-21-301, MISSISSIPPI CODE OF 1972, TO PROHIBIT THE HOLDING OF A  
6 STATUS OFFENDER IN DETENTION FOR LONGER THAN 24 HOURS BEFORE SUCH  
7 AN OFFENDER HAS HAD HIS OR HER INITIAL COURT APPEARANCE; TO AMEND  
8 SECTION 43-21-311, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT  
9 CERTAIN RIGHTS SHALL BE READ TO A CHILD WHEN HE OR SHE IS TAKEN  
10 INTO CUSTODY; TO AMEND SECTION 43-21-321, MISSISSIPPI CODE OF  
11 1972, TO REQUIRE CERTAIN MINIMUM DETENTION STANDARDS FOR JUVENILE  
12 DETENTION FACILITIES; TO AMEND SECTION 43-21-605, MISSISSIPPI CODE  
13 OF 1972, TO CREATE A STUDY COMMITTEE TO ANALYZE WHAT ENTITY SHOULD  
14 PROVIDE EDUCATIONAL SERVICES TO YOUTH IN DETENTION CENTERS; TO  
15 AMEND SECTION 43-27-201, MISSISSIPPI CODE OF 1972, TO REQUIRE THAT  
16 ADOLESCENT OFFENDER PROGRAMS PROVIDE CERTAIN SERVICES; TO  
17 ESTABLISH THE YOUTH COURT INCARCERATION ALTERNATIVES FUND; TO  
18 ESTABLISH THE TONY GOBAR JUVENILE JUSTICE ALTERNATIVE SANCTION  
19 GRANT PROGRAM; AND FOR RELATED PURPOSES.

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

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

23 43-21-201. (1) Each party shall have the right to be  
24 represented by counsel at all stages of the proceedings including,  
25 but not limited to, detention, adjudicatory and disposition  
26 hearings and parole or probation revocation proceedings. If the  
27 party is a child, the child shall be represented by counsel at all  
28 critical stages. If indigent, the child shall have the right to  
29 have counsel appointed for him by the youth court.

30 (2) When a party first appears before the youth court, the  
31 judge shall ascertain whether he is represented by counsel and, if  
32 not, inform him of his rights including his right to counsel.

33 (3) An attorney appointed to represent a delinquent child  
34 shall be required to complete annual juvenile justice training  
35 that is approved by the Mississippi Judicial College or The

36 Mississippi Bar Association. The Mississippi Judicial College and  
37 The Mississippi Bar Association shall determine the amount of  
38 juvenile justice training and continuing education required to  
39 fulfill the requirements of this subsection. The Administrative  
40 Office of Courts shall maintain a roll of attorneys who have  
41 complied with the training requirements and shall enforce the  
42 provisions of this subsection. Should an attorney fail to  
43 complete the annual training requirement or fail to attend the  
44 required training within six (6) months of being appointed to a  
45 youth court case, the attorney shall be disqualified to serve and  
46 the youth court shall immediately terminate the representation and  
47 appoint another attorney. Attorneys appointed by a youth court to  
48 five (5) or fewer cases a year are exempt from the requirements of  
49 this subsection.

50       (4) An attorney shall enter his appearance on behalf of a  
51 party in the proceeding by filing a written notice of appearance  
52 with the youth court, by filing a pleading, notice or motion  
53 signed by counsel or by appearing in open court and advising the  
54 youth court that he is representing a party. After counsel has  
55 entered his appearance, he shall be served with copies of all  
56 subsequent pleadings, motions and notices required to be served on  
57 the party he represents. An attorney who has entered his  
58 appearance shall not be permitted to withdraw from the case until  
59 a timely appeal if any has been decided, except by leave of the  
60 court then exercising jurisdiction of the cause after notice of  
61 his intended withdrawal is served by him on the party he  
62 represents.

63       (5) Each designee appointed by a youth court judge shall be  
64 subject to the Code of Judicial Conduct and shall govern himself  
65 or herself accordingly.

66       **SECTION 2.** Section 43-21-301, Mississippi Code of 1972, is  
67 amended as follows:

68           43-21-301. (1) No court other than the youth court shall  
69 issue an arrest warrant or custody order for a child in a matter  
70 in which the youth court has exclusive original jurisdiction but  
71 shall refer the matter to the youth court.

72           (2) Except as otherwise provided, no child in a matter in  
73 which the youth court has exclusive original jurisdiction shall be  
74 taken into custody by a law enforcement officer, the Department of  
75 Human Services, or any other person unless the judge or his  
76 designee has issued a custody order to take the child into  
77 custody.

78           (3) The judge or his designee may issue an order to a law  
79 enforcement officer, the Department of Human Services, or any  
80 suitable person to take a child into custody for a period not  
81 longer than forty-eight (48) hours, excluding Saturdays, Sundays,  
82 and statutory state holidays if it appears that there is probable  
83 cause to believe that:

84                 (a) The child is within the jurisdiction of the court;  
85 and

86                 (b) Custody is necessary; custody shall be deemed  
87 necessary:

88                         (i) When a child is endangered or any person would  
89 be endangered by the child; or

90                         (ii) To insure the child's attendance in court at  
91 such time as required; or

92                         (iii) When a parent, guardian or custodian is not  
93 available to provide for the care and supervision of the child;  
94 and

95                 (c) There is no reasonable alternative to custody.

96           (4) The judge or his designee may order, orally or in  
97 writing, the immediate release of any child in the custody of any  
98 person or agency. Custody orders as provided by this chapter and  
99 authorizations of temporary custody may be written or oral, but,

100 if oral, reduced to writing as soon as practicable. The written  
101 order shall:

102 (a) Specify the name and address of the child, or, if  
103 unknown, designate him or her by any name or description by which  
104 he or she can be identified with reasonable certainty;

105 (b) Specify the age of the child, or, if unknown, that  
106 he or she is believed to be of an age subject to the jurisdiction  
107 of the youth court;

108 (c) Except in cases where the child is alleged to be a  
109 delinquent child or a child in need of supervision, state that the  
110 effect of the continuation of the child's residing within his or  
111 her own home would be contrary to the welfare of the child, that  
112 the placement of the child in foster care is in the best interests  
113 of the child, and unless the reasonable efforts requirement is  
114 bypassed under Section 43-21-603(7)(c), also state that (i)  
115 reasonable efforts have been made to maintain the child within his  
116 or her own home, but that the circumstances warrant his removal  
117 and there is no reasonable alternative to custody; or (ii) the  
118 circumstances are of such an emergency nature that no reasonable  
119 efforts have been made to maintain the child within his own home,  
120 and that there is no reasonable alternative to custody. If the  
121 court makes a finding in accordance with (ii) of this paragraph,  
122 the court shall order that reasonable efforts be made towards the  
123 reunification of the child with his or her family.

124 (d) State that the child shall be brought immediately  
125 before the youth court or be taken to a place designated by the  
126 order to be held pending review of the order;

127 (e) State the date issued and the youth court by which  
128 the order is issued; and

129 (f) Be signed by the judge or his designee with the  
130 title of his office.

131 (5) The taking of a child into custody shall not be  
132 considered an arrest except for evidentiary purposes.

133           (6) (a) No child who has been accused or adjudicated of any  
134 offense that would not be a crime if committed by an adult shall  
135 be placed \* \* \* in an adult jail or lockup. \* \* \* An accused  
136 status offender shall not be held in secure detention \* \* \* longer  
137 than twenty-four (24) hours prior to and twenty-four (24) hours  
138 after an initial court appearance, excluding Saturdays, Sundays  
139 and statutory state holidays, \* \* \* except under the following  
140 circumstances: a status offender may be held in secure detention  
141 for violating a valid court order pursuant to the criteria as  
142 established by the federal Juvenile Justice and Delinquency  
143 Prevention Act of 2002, and any subsequent amendments thereto, and  
144 out-of-state runaways may be detained pending return to their home  
145 state.

146           (b) No accused or adjudicated juvenile offender, except  
147 for an accused or adjudicated juvenile offender in cases where  
148 jurisdiction is waived to the adult criminal court, shall be  
149 detained or placed into custody of any adult jail or lockup for a  
150 period in excess of six (6) hours.

151           (c) If any county violates the provisions of paragraph  
152 (a) or (b) of this subsection, the state agency authorized to  
153 allocate federal funds received pursuant to the Juvenile Justice  
154 and Delinquency Prevention Act of 1974, 88 Stat. 2750 (codified in  
155 scattered Sections of 5, 18, 42 USCS), shall withhold the county's  
156 share of such funds.

157           (d) Any county that does not have a facility in which  
158 to detain its juvenile offenders in compliance with the provisions  
159 of paragraphs (a) and (b) of this subsection may enter into a  
160 contractual agreement with any county or municipality that does  
161 have such a facility, or with the State of Mississippi, or with  
162 any private entity that maintains a juvenile correctional  
163 facility, or with the State of Mississippi, to detain or place  
164 into custody the juvenile offenders of the county not having such  
165 a facility.

166 (e) Notwithstanding the provisions of paragraphs (a),  
167 (b), (c) and (d) of this subsection, all counties shall be allowed  
168 a one-year grace period from March 27, 1993, to comply with the  
169 provisions of this subsection.

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

172 43-21-311. (1) When a child is taken into custody, he shall  
173 immediately be informed of:

174 (a) The reason for his custody;

175 (b) The time within which review of the custody shall  
176 be held;

177 (c) His rights during custody including his right to  
178 counsel;

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

181 (e) The time and place of the detention hearing when  
182 the time and place is set; and

183 (f) The conditions of his custody which shall be in  
184 compliance with the detention requirements provided in Section  
185 43-21-301(6).

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

189 (2) When a child is taken into custody, the child may  
190 immediately telephone his parent, guardian or custodian; his  
191 counsel; and personnel of the youth court. Thereafter, he shall  
192 be allowed to telephone his counsel or any personnel of the youth  
193 court at reasonable intervals. Unless the judge or his designee  
194 finds that it is against the best interest of the child, he may  
195 telephone his parent, guardian or custodian at reasonable  
196 intervals.

197 (3) When a child is taken into custody, the child may be  
198 visited by his counsel and authorized personnel of the youth court

199 at any time. Unless the judge or his designee finds it to be  
200 against the best interest of the child, he may be visited by his  
201 parent, guardian or custodian during visiting hours which shall be  
202 regularly scheduled at least three (3) days per week. The youth  
203 court may establish rules permitting visits by other persons.

204 (4) Except for the child's counsel, guardian ad litem and  
205 authorized personnel of the youth court, no person shall interview  
206 or interrogate a child held in a detention or shelter facility  
207 unless approval therefor has first been obtained from the judge or  
208 his designee. When a child in a detention or shelter facility is  
209 represented by counsel or has a guardian ad litem, no person may  
210 interview or interrogate the child concerning the violation of a  
211 state or federal law, or municipal or county ordinance by the  
212 child unless in the presence of his counsel or guardian ad litem  
213 or with their consent.

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

216 43-21-321. (1) All juveniles shall undergo a health  
217 screening within one (1) hour of admission to any juvenile  
218 detention center, or as soon thereafter as reasonably possible.  
219 Information obtained during the screening shall include, but shall  
220 not be limited to, the juvenile's:

- 221 (a) Mental health;
- 222 (b) Suicide risk;
- 223 (c) Alcohol and other drug use and abuse;
- 224 (d) Physical health;
- 225 (e) Aggressive behavior;
- 226 (f) Family relations;
- 227 (g) Peer relations;
- 228 (h) Social skills;
- 229 (i) Educational status; and
- 230 (j) Vocational status.

231           (2) If the screening instrument indicates that a juvenile is  
232 in need of emergency medical care or mental health intervention  
233 services, the detention staff shall refer those juveniles to the  
234 proper health care facility or community mental health service  
235 provider for further evaluation, as soon as reasonably possible.  
236 If the screening instrument, such as the Massachusetts Youth  
237 Screening Instrument version 2 (MAYSI-2) or other comparable  
238 mental health screening instrument indicates that the juvenile is  
239 in need of emergency medical care or mental health intervention  
240 services, the detention staff shall refer the juvenile to the  
241 proper health care facility or community mental health service  
242 provider for further evaluation, recommendation and referral for  
243 treatment, if necessary, within forty-eight (48) hours, excluding  
244 Saturdays, Sundays and statutory state holidays.

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

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

252                   (a) Determine that the juvenile is legally committed to  
253 the facility;

254                   (b) Make a complete search of the juvenile and his  
255 possessions;

256                   (c) Dispose of personal property;

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

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

259                   (f) Issue personal hygiene articles;

260                   (g) Perform medical, dental and mental health  
261 screening;

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

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

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

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

268 (l) Provide written orientation materials to the  
269 juvenile.

270 (5) All juvenile detention centers shall adhere to the  
271 following minimum standards:

272 (a) Each center shall have a manual that states the  
273 policies and procedures for operating and maintaining the  
274 facility, and the manual shall be reviewed annually and revised as  
275 needed;

276 (b) Each center shall have a policy that specifies  
277 support for a drug-free workplace for all employees, and the  
278 policy shall, at a minimum, include the following:

279 (i) The prohibition of the use of illegal drugs;

280 (ii) The prohibition of the possession of any  
281 illegal drugs except in the performance of official duties;

282 (iii) The procedure used to ensure compliance with  
283 a drug-free workplace policy;

284 (iv) The opportunities available for the treatment  
285 and counseling for drug abuse; and

286 (v) The penalties for violation of the drug-free  
287 workplace policy;

288 (c) Each center shall have a policy, procedure and  
289 practice that ensures that personnel files and records are  
290 current, accurate and confidential;

291 (d) Each center shall promote the safety and protection  
292 of juvenile detainees from personal abuse, corporal punishment,  
293 personal injury, disease, property damage and harassment;

294 (e) Each center shall have written policies that allow  
295 for mail and telephone rights for juvenile detainees, and the

296 policies are to be made available to all staff and reviewed  
297 annually;

298 (f) Center food service personnel shall implement  
299 sanitation practices based on State Department of Health food  
300 codes;

301 (g) Each center shall provide juveniles with meals that  
302 are nutritionally adequate and properly prepared, stored and  
303 served according to the State Department of Health food codes;

304 (h) Each center shall offer special diet food plans to  
305 juveniles under the following conditions:

306 (i) When prescribed by appropriate medical or  
307 dental staff; or

308 (ii) As directed or approved by a registered  
309 dietitian or physician; and

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

312 (i) Each center shall serve religious diets when  
313 approved and petitioned in writing by a religious professional on  
314 behalf of a juvenile and approved by the juvenile detention center  
315 director;

316 (j) Juvenile detention center directors shall provide a  
317 written method of ensuring regular monitoring of daily  
318 housekeeping, pest control and sanitation practices, and centers  
319 shall comply with all federal, state and local sanitation and  
320 health codes;

321 (k) Juvenile detention center staff shall screen  
322 detainees for medical, dental and mental health needs during the  
323 intake process. If medical, dental or mental health assistance is  
324 indicated by the screening, or if the intake officer deems it  
325 necessary, the detainee shall be provided access to appropriate  
326 health care professionals for evaluation and treatment. Youth who  
327 are held less than seventy-two (72) hours shall receive treatment  
328 for emergency medical, dental or mental health assistance or

329 chronic conditions if a screening indicates such treatment is  
330 needed. A medical history of all detainees shall be completed by  
331 the intake staff of the detention center immediately after arrival  
332 at the facility by using a medical history form which shall  
333 include, but not be limited to, the following:

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

336 (ii) Any chronic health problems such as  
337 allergies, seizures, diabetes, hearing or sight loss, hearing  
338 conditions or any other health problems; and

339 (iii) Documentation of all medications  
340 administered and all health care services rendered;

341 (l) Juvenile detention center detainees shall be  
342 provided access to medical care and treatment while in custody of  
343 the facility;

344 (m) Each center shall provide reasonable access by  
345 youth services or county counselors for counseling opportunities.  
346 The youth service or county counselor shall visit with detainees  
347 on a regular basis;

348 (n) Juvenile detention center detainees shall be  
349 referred to other counseling services when necessary including:  
350 mental health services; crisis intervention; referrals for  
351 treatment of drugs and alcohol and special offender treatment  
352 groups;

353 (o) Local school districts shall work collaboratively  
354 with juvenile detention center staff to provide special education  
355 services as required by state and federal law;

356 (p) Recreational services shall be made available to  
357 juvenile detainees for purpose of physical exercise;

358 (q) Juvenile detention center detainees shall have the  
359 opportunity to participate in the practices of their religious  
360 faith as long as such practices do not violate facility rules and  
361 are approved by the director of the juvenile detention center;

362           (r) Each center shall provide sufficient space for a  
363 visiting room, and the facility shall encourage juveniles to  
364 maintain ties with families through visitation, and the detainees  
365 shall be allowed the opportunity to visit with the social workers,  
366 counselors and lawyers involved in the juvenile's care;

367           (s) Juvenile detention centers shall ensure that staffs  
368 create transition planning for youth leaving the facilities.  
369 Plans shall include providing the youth and his or her parents or  
370 guardian with copies of the youth's detention center education and  
371 health records, information regarding the youth's home community,  
372 referrals to mental and counseling services when appropriate, and  
373 providing assistance in making initial appointments with community  
374 service providers; and

375           (t) The Juvenile Detention Facilities Monitoring Unit  
376 shall monitor the detention facilities for compliance with these  
377 minimum standards, and no child shall be housed in a detention  
378 facility the monitoring unit determines is substantially out of  
379 compliance with the standards prescribed in this subsection.

380       \* \* \*

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

383           (7) Programs and professional services may be provided by  
384 the detention staff, youth court staff or the staff of the local  
385 or state agencies, or those programs and professional services may  
386 be provided through contractual arrangements with community  
387 agencies.

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

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

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

395           43-21-605. (1) In delinquency cases, the disposition order  
396 may include any of the following alternatives:

397                   (a) Release the child without further action;

398                   (b) Place the child in the custody of the parents, a  
399 relative or other persons subject to any conditions and  
400 limitations, including restitution, as the youth court may  
401 prescribe;

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

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

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

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

417                   (g) Give legal custody of the child to any of the  
418 following:

419                           (i) The Department of Human Services for  
420 appropriate placement; or

421                           (ii) Any public or private organization,  
422 preferably community-based, able to assume the education, care and  
423 maintenance of the child, which has been found suitable by the  
424 court; or

425                           (iii) The Department of Human Services for  
426 placement in a wilderness training program or the Division of  
427 Youth Services for placement in a state-supported training school,

428 except that no child under the age of ten (10) years shall be  
429 committed to a state training school, and no first-time nonviolent  
430 youth offenders shall be committed to a state training school  
431 until all other options provided for in this section have been  
432 considered and the court makes a specific finding of fact that  
433 commitment is appropriate.

434 The training school may retain custody of the child until the  
435 child's twentieth birthday but for no longer. When the child is  
436 committed to a training school, the child shall remain in the  
437 legal custody of the training school until the child has made  
438 sufficient progress in treatment and rehabilitation and it is in  
439 the best interest of the child to release the child. However, the  
440 superintendent of a state training school, in consultation with  
441 the treatment team, may parole a child at any time he may deem it  
442 in the best interest and welfare of such child. Twenty (20) days  
443 prior to such parole, the training school shall notify the  
444 committing court of the pending release. The youth court may then  
445 arrange subsequent placement after a reconvened disposition  
446 hearing, except that the youth court may not recommit the child to  
447 the training school or any other secure facility without an  
448 adjudication of a new offense or probation or parole violation.  
449 The Department of Human Services shall ensure that staffs create  
450 transition planning for youth leaving the facilities. Plans shall  
451 include providing the youth and his or her parents or guardian  
452 with copies of the youth's training school education and health  
453 records, information regarding the youth's home community,  
454 referrals to mental and counseling services when appropriate, and  
455 providing assistance in making initial appointments with community  
456 service providers. Prior to assigning the custody of any child to  
457 any private institution or agency, the youth court through its  
458 designee shall first inspect the physical facilities to determine  
459 that they provide a reasonable standard of health and safety for  
460 the child. No child shall be placed in the custody of a state

461 training school for a status offense or for contempt of or  
462 revocation of a status offense adjudication unless the child is  
463 contemporaneously adjudicated for having committed an act of  
464 delinquency that is not a status offense. A disposition order  
465 rendered under this subparagraph shall meet the following  
466 requirements:

467                   1. The disposition is the least restrictive  
468 alternative appropriate to the best interest of the child and the  
469 community;

470                   2. The disposition allows the child to be in  
471 reasonable proximity to the family home community of each child  
472 given the dispositional alternatives available and the best  
473 interest of the child and the state; and

474                   3. The disposition order provides that the  
475 court has considered the medical, educational, vocational, social  
476 and psychological guidance, training, social education,  
477 counseling, substance abuse treatment and other rehabilitative  
478 services required by that child as determined by the court;

479                   (h) Recommend to the child and the child's parents or  
480 guardian that the child attend and participate in the Youth  
481 Challenge Program under the Mississippi National Guard, as created  
482 in Section 43-27-203, subject to the selection of the child for  
483 the program by the National Guard; however, the child must  
484 volunteer to participate in the program. The youth court shall  
485 not order any child to apply or attend the program;

486                   (i) (i) Adjudicate the juvenile to the Statewide  
487 Juvenile Work Program if the program is established in the court's  
488 jurisdiction. The juvenile and his parents or guardians must sign  
489 a waiver of liability in order to participate in the work program.  
490 The judge will coordinate with the youth services counselors as to  
491 placing participants in the work program;

492                   (ii) The severity of the crime, whether or not the  
493 juvenile is a repeat offender or is a felony offender will be

494 taken into consideration by the judge when adjudicating a juvenile  
495 to the work program. The juveniles adjudicated to the work  
496 program will be supervised by police officers or reserve officers.  
497 The term of service will be from twenty-four (24) to one hundred  
498 twenty (120) hours of community service. A juvenile will work the  
499 hours to which he was adjudicated on the weekends during school  
500 and weekdays during the summer. Parents are responsible for a  
501 juvenile reporting for work. Noncompliance with an order to  
502 perform community service will result in a heavier adjudication.  
503 A juvenile may be adjudicated to the community service program  
504 only two (2) times;

505 (iii) The judge shall assess an additional fine on  
506 the juvenile which will be used to pay the costs of implementation  
507 of the program and to pay for supervision by police officers and  
508 reserve officers. The amount of the fine will be based on the  
509 number of hours to which the juvenile has been adjudicated;

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

512 (k) Order the child into a juvenile detention center  
513 operated by the county or into a juvenile detention center  
514 operated by any county with which the county in which the court is  
515 located has entered into a contract for the purpose of housing  
516 delinquents. The time period for \* \* \* detention cannot exceed  
517 ninety (90) days, and any detention exceeding forty-five (45) days  
518 shall be administratively reviewed by the youth court no later  
519 than forty-five (45) days after the entry of the order. The youth  
520 court judge may order that the number of days specified in the  
521 detention order be served either throughout the week or on  
522 weekends only. No first-time nonviolent youth offender shall be  
523 committed to a detention center for a period of ninety (90) days  
524 until all other options provided for in this section have been  
525 considered and the court makes a specific finding of fact that  
526 commitment to a detention center is appropriate. However, if a

527 child is committed to a detention center ninety (90) consecutive  
528 days, the disposition order shall meet the following requirements:

529           (i) The disposition order is the least restrictive  
530 alternative appropriate to the best interest of the child and the  
531 community;

532           (ii) The disposition order allows the child to be  
533 in reasonable proximity to the family home community of each child  
534 given the dispositional alternatives available and the best  
535 interest of the child and the state; and

536           (iii) The disposition order provides that the  
537 court has considered the medical, educational, vocational, social  
538 and psychological guidance, training, social education,  
539 counseling, substance abuse treatment and other rehabilitative  
540 services required by that child as determined by the court; or

541           (1) Referral to A-team provided system of care  
542 services.

543           (2) If a disposition order requires that a child miss school  
544 due to other placement, the youth court shall notify a child's  
545 school while maintaining the confidentiality of the youth court  
546 process.

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

553           (4) If the youth court places a child in a state-supported  
554 training school, the court may order the parents or guardians of  
555 the child and other persons living in the child's household to  
556 receive counseling and parenting classes for rehabilitative  
557 purposes while the child is in the legal custody of the training  
558 school. A youth court entering an order under this subsection (4)  
559 shall utilize appropriate services offered either at no cost or

560 for a fee calculated on a sliding scale according to income unless  
561 the person ordered to participate elects to receive other  
562 counseling and classes acceptable to the court at the person's  
563 sole expense.

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

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

571 (7) The youth court shall not place a child in another  
572 school district who has been expelled from a school district for  
573 the commission of a violent act. For the purpose of this  
574 subsection, "violent act" means any action which results in death  
575 or physical harm to another or an attempt to cause death or  
576 physical harm to another.

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

583 (9) The Mississippi Department of Human Services, Division  
584 of Youth Services, shall operate and maintain services for youth  
585 adjudicated delinquent at Columbia and Oakley Training Schools.  
586 The program shall be designed for children committed to the  
587 training schools by the youth courts. The purpose of the program  
588 is to promote good citizenship, self-reliance, leadership and  
589 respect for constituted authority, teamwork, cognitive abilities  
590 and appreciation of our national heritage. The Division of Youth  
591 Services shall issue credit towards academic promotions and high  
592 school completion. The Division of Youth Services may award

593 credits to each student who meets the requirements for a general  
594 education development certification. The Division of Youth  
595 Services must also provide to each special education eligible  
596 youth the services required by that youth's individualized  
597 education plan.

598 (10) There is created a study committee to determine what  
599 entity should be responsible for providing the educational  
600 services within detention centers to ensure that detained youth  
601 receive adequate educational services. The study is also to  
602 include, but is not limited to, the examination of the costs of  
603 providing such educational services. The study committee shall  
604 consist of the following 10 members:

605 (a) The Chairperson of the House of Representatives of  
606 the Juvenile Justice Committee;

607 (b) The Chairperson of the Senate Judiciary B  
608 Committee;

609 (c) The Chairperson of the House of Representatives  
610 Education Committee or his or her designee;

611 (d) The Chairperson of the Senate Education Committee  
612 or his or her designee;

613 (e) Three (3) members from the House of  
614 Representatives, appointed by the Chairperson of the Juvenile  
615 Justice Committee; and

616 (f) Three (3) members from the Senate, appointed by the  
617 Chairperson of the Senate Judiciary B Committee.

618 At its first meeting the study committee shall elect a  
619 chairperson and vice chairperson from its membership and shall  
620 adopt rules for transacting its business and keeping its records.

621 By October 31, 2006, the study committee shall make a report  
622 of its work and recommendations.

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

625           43-27-201. (1) The purpose of this section is to outline  
626 and structure a long-range proposal in addition to certain  
627 immediate objectives for improvements in the juvenile correctional  
628 facilities of the Division of Youth Services of the Mississippi  
629 Department of Human Services in order to provide modern and  
630 efficient correctional and rehabilitation facilities for juvenile  
631 offenders in Mississippi, who are committing an increasing  
632 percentage of serious and violent crimes.

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

643           (a) Construct an additional one-hundred-fifty-bed,  
644 stand-alone, medium security juvenile correctional facility for  
645 habitual violent male offenders, which complies with American  
646 Correctional Association Accreditation standards and applicable  
647 building and fire safety codes. The medium security, male  
648 juvenile facility location shall be on property owned by the  
649 Division of Youth Services, or its successor, or at a site  
650 selected by the Bureau of Building, Grounds and Real Property  
651 Management on land which is hereafter donated to the state  
652 specifically for the location of such facility.

653           (b) Construct an additional one-hundred-bed minimum  
654 security juvenile correctional facility for female offenders, and  
655 an additional stand-alone, fifteen-bed maximum security juvenile  
656 correctional facility for female offenders, which complies with  
657 American Correctional Association Accreditation standards and

658 applicable building and fire safety codes. The minimum security  
659 and maximum security female juvenile facilities location shall be  
660 on property owned by the Division of Youth Services, or its  
661 successor, or at a site selected by the Bureau of Building,  
662 Grounds and Real Property Management on land which is hereafter  
663 donated to the state specifically for the location of such  
664 facility.

665 (3) Upon the selection of a proposed site for a correctional  
666 facility for juveniles authorized under subsection (2), the Bureau  
667 of Building, Grounds and Real Property Management of the  
668 Department of Finance and Administration shall notify the board of  
669 supervisors of the county in which such facility is proposed to be  
670 located and shall publish a notice as hereinafter set forth in a  
671 newspaper having general circulation in such county. Such notice  
672 shall include a description of the tract of land in the county  
673 whereon the facility is proposed to be located, the nature and  
674 size of the facility and the date on which the determination of  
675 the Bureau of Building, Grounds and Real Property Management shall  
676 be final as to the location of such facility, which date shall not  
677 be less than forty-five (45) days following the first publication  
678 of such notice. Such notice shall include a brief summary of the  
679 provisions of this section pertaining to the petition for an  
680 election on the question of the location of the juvenile housing  
681 facility in such county. Such notice shall be published not less  
682 than one (1) time each week for at least three (3) consecutive  
683 weeks in at least one (1) newspaper published in such county.

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

687 If at any time before the aforesaid date a petition signed by  
688 twenty percent (20%), or fifteen hundred (1,500), whichever is  
689 less, of the qualified electors of the county involved shall be  
690 filed with the board of supervisors requesting that an election be

691 called on the question of locating such facility, then the board  
692 of supervisors shall adopt a resolution calling an election to be  
693 held within such county upon the question of the location of such  
694 facility. Such election shall be held, as far as practicable, in  
695 the same manner as other elections are held in counties. At such  
696 election, all qualified electors of the county may vote, and the  
697 ballots used at such election shall have printed thereon a brief  
698 statement of the facility to be constructed and the words "For the  
699 construction of the facility in (here insert county name) County"  
700 and "Against the construction of the facility in (here insert  
701 county name) County." The voter shall vote by placing a cross (X)  
702 or check mark (✓) opposite his choice on the proposition. When  
703 the results of the election on the question of the construction of  
704 the facility shall have been canvassed by the election  
705 commissioners of the county and certified by them to the board of  
706 supervisors, it shall be the duty of the board of supervisors to  
707 determine and adjudicate whether or not a majority of the  
708 qualified electors who voted thereon in such election voted in  
709 favor of the construction of the facilities in such county.  
710 Unless a majority of the qualified electors who voted in such  
711 election shall have voted in favor of the construction of the  
712 facilities in such county, then such facility shall not be  
713 constructed in such county.

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

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

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

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

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

729 AOP professional services, salaries, facility offices,  
730 meeting rooms and related supplies and equipment may be provided  
731 through contract with local mental health or other nonprofit  
732 community organizations. Each AOP must incorporate evidence-based  
733 practices and positive behavioral intervention that includes two  
734 (2) or more of the following elements: academic, tutoring,  
735 literacy, mentoring, vocational training, substance abuse  
736 treatment, family counseling and anger management. Programs may  
737 include, but shall not be limited to, after school and weekend  
738 programs, job readiness programs, home detention programs,  
739 community service conflict resolution programs, restitution and  
740 community service.

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

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

755           **SECTION 7.** (1) There is established the Youth Court  
756 Incarceration Alternatives Fund. The purpose of the fund shall be  
757 to provide funding for grants or services to Mississippi youth  
758 courts to develop nonduplicative programs or support services that  
759 promote uniformity of the youth court system. Programs funded  
760 through the Youth Court Incarceration Alternatives Fund must be  
761 nonresidential, community-based programs that incorporate  
762 evidence-based practices and positive behavioral interventions.  
763 Monies from this fund shall be administered by the Department of  
764 Public Safety.

765           (2) Any youth court must submit an application to the  
766 Department of Public Safety. The application must include a  
767 description of the purpose for which assistance is requested, the  
768 amount of assistance requested and any other information required  
769 by the Department of Public Safety, in consultation with the  
770 Department of Human Services and Administrative Office of Courts.

771           (3) There is created in the State Treasury a special fund to  
772 be designated as the "Youth Court Incarceration Alternatives  
773 Fund," which shall consist of funds appropriated or otherwise made  
774 available by the Legislature in any manner and funds from any  
775 other source designated for deposit into such fund. Unexpended  
776 amounts remaining in the fund at the end of a fiscal year shall  
777 not lapse into the State General Fund, and any investment earnings  
778 or interest earned on amounts in the fund shall be deposited to  
779 the credit of the fund. Monies in the fund shall be distributed  
780 to the youth courts by the Department of Public Safety for the  
781 purposes described in this section.

782           **SECTION 8.** (1) There is established the Tony Gobar Juvenile  
783 Justice Alternative Sanction Grant Program for the purpose of  
784 providing grants to faith-based organizations and nonprofit 501  
785 (c)(3) organizations that develop and operate community-based  
786 alternatives to the training schools and detention centers. In  
787 order to be eligible for a grant under this section, a faith-based

788 or nonprofit 501(c)(3) organization in cooperation with a youth  
789 court must develop and operate a juvenile justice alternative  
790 sanction designed for delinquent youths. The program must be  
791 designed to decrease reliance on commitment in juvenile detention  
792 facilities and training schools. Programs must not duplicate  
793 existing programs or services and must incorporate evidence-based  
794 practices and positive behavioral intervention including two (2)  
795 or more of the following elements: academic tutoring/literacy,  
796 dropout prevention, mentoring, vocational training, substance  
797 abuse treatment, family counseling and anger management, and  
798 faith-based programming. Programs may include, but shall not be  
799 limited to, after school and weekend programming, job readiness  
800 programs, home detention programs, restitution, conflict  
801 resolution programs, and community service.

802 (2) A faith-based or nonprofit 501(c)(3) must submit an  
803 application to the Department of Public Safety. The application  
804 must include a description of the purpose for which assistance is  
805 requested, the amount of assistance requested and any other  
806 information required by the Department of Public Safety in  
807 consultation with the Department of Human Services.

808 (3) The Department of Public Safety shall have all powers  
809 necessary to implement and administer the program established  
810 under this section, and the department shall  
811 promulgate rules and regulations, in accordance with the  
812 Mississippi Administrative Procedures Law, necessary for the  
813 implementation of this section.

814 (4) There is created in the State Treasury a special fund to  
815 be designated as the "Tony Gobar Juvenile Justice Alternative  
816 Sanctions Grant Fund," which shall consist of funds appropriated  
817 or otherwise made available by the Legislature in any manner and  
818 funds from any other source designated for deposit into such fund.  
819 Unexpended amounts remaining in the fund at the end of a fiscal

820 year shall not lapse into the State General Fund, and any  
821 investment earnings or interest earned on amounts in the fund  
822 shall be deposited to the credit of the fund. Monies in the fund  
823 shall be used by the Department of Public Safety for the purposes  
824 described in this section.

825         **SECTION 9.** This act shall take effect and be in force from  
826 and after July 1, 2006.