

Senate Amendments to House Bill No. 199

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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

18 43-21-201. (1) Each party shall have the right to be
19 represented by counsel at all stages of the proceedings including,
20 but not limited to, detention, adjudicatory and disposition
21 hearings and parole or probation revocation proceedings. If the
22 party is a child, the child shall be represented by counsel at all
23 critical stages. If indigent, the child shall have the right to
24 have counsel appointed for him by the youth court.

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

28 (3) An attorney appointed to represent an abused, neglected
29 or delinquent child, or a child in need of supervision, shall be
30 required to complete annual juvenile justice training that is
31 approved by the Mississippi Judicial College or The Mississippi
32 Bar Association. The Mississippi Judicial College and The
33 Mississippi Bar Association shall determine the amount of juvenile
34 justice training and continuing education required to fulfill the
35 requirements of this subsection. The Administrative Office of
36 Courts shall maintain a roll of attorneys who have complied with
37 the training requirements and shall enforce the provisions of this
38 subsection. Should an attorney fail to complete the annual
39 training requirement or fail to attend the required training
40 within six (6) months of being appointed to a youth court case,
41 the attorney shall be disqualified to serve and the youth court

42 shall immediately terminate the representation and appoint another
43 attorney. Attorneys appointed by a youth court to five (5) or
44 fewer cases a year are exempt from the requirements of this
45 subsection.

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

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

61 43-21-301. (1) No court other than the youth court shall
62 issue an arrest warrant or custody order for a child in a matter
63 in which the youth court has exclusive original jurisdiction but
64 shall refer the matter to the youth court.

65 (2) Except as otherwise provided, no child in a matter in
66 which the youth court has exclusive original jurisdiction shall be
67 taken into custody by a law enforcement officer, the Department of
68 Human Services, or any other person unless the judge or his
69 designee has issued a custody order to take the child into
70 custody.

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

77 (a) The child is within the jurisdiction of the court;
78 and

79 (b) Custody is necessary; custody shall be deemed
80 necessary:

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

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

85 (iii) When a parent, guardian or custodian is not
86 available to provide for the care and supervision of the child;
87 and

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

89 (4) The judge or his designee may order, orally or in
90 writing, the immediate release of any child in the custody of any
91 person or agency. Custody orders as provided by this chapter and
92 authorizations of temporary custody may be written or oral, but,
93 if oral, reduced to writing as soon as practicable. The written
94 order shall:

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

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

101 (c) Except in cases where the child is alleged to be a
102 delinquent child or a child in need of supervision, state that the
103 effect of the continuation of the child's residing within his or
104 her own home would be contrary to the welfare of the child, that
105 the placement of the child in foster care is in the best interests
106 of the child, and unless the reasonable efforts requirement is
107 bypassed under Section 43-21-603(7)(c), also state that (i)
108 reasonable efforts have been made to maintain the child within his
109 or her own home, but that the circumstances warrant his removal
110 and there is no reasonable alternative to custody; or (ii) the
111 circumstances are of such an emergency nature that no reasonable

112 efforts have been made to maintain the child within his own home,
113 and that there is no reasonable alternative to custody. If the
114 court makes a finding in accordance with (ii) of this paragraph,
115 the court shall order that reasonable efforts be made towards the
116 reunification of the child with his or her family.

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

120 (e) State the date issued and the youth court by which
121 the order is issued; and

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

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

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

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

144 (c) If any county violates the provisions of paragraph
145 (a) or (b) of this subsection, the state agency authorized to
146 allocate federal funds received pursuant to the Juvenile Justice

147 and Delinquency Prevention Act of 1974, 88 Stat. 2750 (codified in
148 scattered sections of 5, 18, 42 USCS), shall withhold the county's
149 share of such funds.

150 (d) Any county that does not have a facility in which
151 to detain its juvenile offenders in compliance with the provisions
152 of paragraphs (a) and (b) of this subsection may enter into a
153 contractual agreement with any county or municipality that does
154 have such a facility, or with the State of Mississippi, or with
155 any private entity that maintains a juvenile correctional
156 facility, or with the State of Mississippi, to detain or place
157 into custody the juvenile offenders of the county not having such
158 a facility.

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

163 **SECTION 3.** Section 43-21-321, Mississippi Code of 1972, is
164 amended as follows:

165 43-21-321. (1) All juveniles shall undergo a health
166 screening within one (1) hour of admission to any juvenile
167 detention center, or as soon thereafter as reasonably possible.
168 Information obtained during the screening shall include, but shall
169 not be limited to, the juvenile's:

- 170 (a) Mental health;
- 171 (b) Suicide risk;
- 172 (c) Alcohol and other drug use and abuse;
- 173 (d) Physical health;
- 174 (e) Aggressive behavior;
- 175 (f) Family relations;
- 176 (g) Peer relations;
- 177 (h) Social skills;
- 178 (i) Educational status; and
- 179 (j) Vocational status.

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

182 services, the detention staff shall refer those juveniles to the
183 proper health care facility or community mental health service
184 provider for further evaluation, as soon as reasonably possible.
185 If the screening instrument, such as the Massachusetts Youth
186 Screening Instrument version 2 (MAYSI-2) or other comparable
187 mental health screening instrument indicates that the juvenile is
188 in need of emergency medical care or mental health intervention
189 services, the detention staff shall refer the juvenile to the
190 proper health care facility or community mental health service
191 provider for further evaluation, recommendation and referral for
192 treatment, if necessary, within forty-eight (48) hours, excluding
193 Saturdays, Sundays and statutory state holidays.

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

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

201 (a) Determine that the juvenile is legally committed to
202 the facility;

203 (b) Make a complete search of the juvenile and his
204 possessions;

205 (c) Dispose of personal property;

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

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

208 (f) Issue personal hygiene articles;

209 (g) Perform medical, dental and mental health
210 screening;

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

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

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

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

217 (1) Provide written orientation materials to the
218 juvenile.

219 (5) All juvenile detention centers shall adhere to the
220 following minimum standards:

221 (a) Each center shall have a manual that states the
222 policies and procedures for operating and maintaining the
223 facility; the manual shall be reviewed annually and revised as
224 needed;

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

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

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

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

233 4. The opportunities available for the treatment
234 and counseling for drug abuse; and

235 5. The penalties for violation of the drug-free
236 workplace policy;

237 (c) Each center shall have a policy, procedure and
238 practice that ensures that personnel files and records are
239 current, accurate and confidential;

240 (d) Each center shall ensure the safety and protection
241 of juvenile detainees from personal abuse, corporal punishment,
242 personal injury, disease, property damage and harassment;

243 (e) Each center shall have written policies that allow
244 for mail and telephone rights for juvenile detainees; the policies
245 are to be made available to all staff and reviewed annually;

246 (f) Center food service personnel shall implement
247 sanitation practices based on State Department of Health food
248 codes;

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

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

254 (i) When prescribed by appropriate medical or
255 dental staff; or

256 (ii) As directed or approved by a registered
257 dietitian or physician; and

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

260 (i) Each center shall serve religious diets when
261 approved and petitioned in writing by a religious professional on
262 behalf of a juvenile and approved by the juvenile detention center
263 director;

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

269 (k) Juvenile detention center staff shall screen
270 detainees for medical, dental and mental health needs during the
271 intake process. If medical, dental or mental health assistance is
272 indicated by the screening, or if the intake officer deems it
273 necessary, the detainee shall be provided access to appropriate
274 health care professionals for evaluation and treatment. A medical
275 history of all detainees shall be completed by the intake staff of
276 the detention center immediately after arrival at the facility by
277 using a medical history form which shall include, but not be
278 limited to, the following:

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

281 (ii) Any chronic health problems such as
282 allergies, seizures, diabetes, hearing or sight loss, hearing
283 conditions or any other health problems;

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

286 (iv) Documentation of all medications administered
287 and all health care services rendered;

288 (l) Juvenile detention center detainees shall be
289 provided access to medical care and treatment while in custody of
290 the facility;

291 (m) Each center shall provide reasonable access by
292 youth services or county counselors for counseling opportunities.
293 The youth service or county counselor shall visit with detainees
294 on a regular basis;

295 (n) Juvenile detention center detainees shall be
296 referred to other counseling services when necessary including:
297 mental health services; crisis intervention; referrals for
298 treatment of drugs and alcohol; special offender treatment groups;

299 (o) Juvenile detention center staff shall work
300 collaboratively with the local school district to provide special
301 education services as required by state and federal law;

302 (p) Each center shall provide appropriate space for
303 educational pursuits of detainees;

304 (q) Each center shall provide access to library
305 services provided by the public school system;

306 (r) Recreational services shall be provided to juvenile
307 detainees; centers must provide one (1) hour of large muscle
308 exercise and one (1) hour of planned free time on school days and
309 an additional hour of recreation must be provided on weekends and
310 holidays;

311 (s) Juvenile detention center detainees shall have the
312 opportunity to participate in the practices of their religious
313 faith which are deemed essential by an appropriate religious
314 authority, limited only by documentation showing threat to the
315 safety of persons involved in such activity, or that the activity
316 itself disrupts the order in the facility;

317 (t) Each center shall provide sufficient space for a
318 visiting room; the facility shall encourage juveniles to maintain
319 ties with families through visitation; detainees shall be allowed

320 the opportunity to visit with the social workers, counselors and
321 lawyers involved in the juvenile's care; and

322 (u) The Juvenile Detention Facilities Monitoring Unit
323 shall monitor the detention facilities for compliance with these
324 minimum standards, and no child shall be housed in a detention
325 facility the monitoring unit determines is substantially out of
326 compliance with the standards prescribed in this subsection.

327 * * *

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

330 (7) Programs and professional services may be provided by
331 the detention staff, youth court staff or the staff of the local
332 or state agencies, or those programs and professional services may
333 be provided through contractual arrangements with community
334 agencies.

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

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

340 **SECTION 4.** Section 43-21-605, Mississippi Code of 1972, is
341 amended as follows:

342 43-21-605. (1) In delinquency cases, the disposition order
343 may include any of the following alternatives:

344 (a) Release the child without further action;

345 (b) Place the child in the custody of the parents, a
346 relative or other persons subject to any conditions and
347 limitations, including restitution, as the youth court may
348 prescribe;

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

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

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

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

364 (g) Give legal custody of the child to any of the
365 following:

366 (i) The Department of Human Services for
367 appropriate placement; or

368 (ii) Any public or private organization,
369 preferably community-based, able to assume the education, care and
370 maintenance of the child, which has been found suitable by the
371 court; or

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

381 The training school may retain custody of the child until the
382 child's twentieth birthday but for no longer. When the child is
383 committed to a training school, the child shall remain in the
384 legal custody of the training school until the child has made
385 sufficient progress in treatment and rehabilitation and it is in
386 the best interest of the child to release the child. However, the
387 superintendent of a state training school, in consultation with
388 the treatment team, may parole a child at any time he may deem it
389 in the best interest and welfare of such child. Twenty (20) days

390 prior to such parole, the training school shall notify the
391 committing court of the pending release. The youth court may then
392 arrange subsequent placement after a reconvened disposition
393 hearing, except that the youth court may not recommit the child to
394 the training school or any other secure facility without an
395 adjudication of a new offense or probation or parole violation.
396 Prior to assigning the custody of any child to any private
397 institution or agency, the youth court through its designee shall
398 first inspect the physical facilities to determine that they
399 provide a reasonable standard of health and safety for the child.
400 No child shall be placed in the custody of a state training school
401 for a status offense or for contempt of or revocation of a status
402 offense adjudication unless the child is contemporaneously
403 adjudicated for having committed an act of delinquency that is not
404 a status offense. A disposition order rendered under this
405 subparagraph shall meet the following requirements:

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

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

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

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

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

431 (ii) The severity of the crime, whether or not the
432 juvenile is a repeat offender or is a felony offender will be
433 taken into consideration by the judge when adjudicating a juvenile
434 to the work program. The juveniles adjudicated to the work
435 program will be supervised by police officers or reserve officers.
436 The term of service will be from twenty-four (24) to one hundred
437 twenty (120) hours of community service. A juvenile will work the
438 hours to which he was adjudicated on the weekends during school
439 and weekdays during the summer. Parents are responsible for a
440 juvenile reporting for work. Noncompliance with an order to
441 perform community service will result in a heavier adjudication.
442 A juvenile may be adjudicated to the community service program
443 only two (2) times;

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

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

451 (k) Order the child into a juvenile detention center
452 operated by the county or into a juvenile detention center
453 operated by any county with which the county in which the court is
454 located has entered into a contract for the purpose of housing
455 delinquents. The State Department of Education shall study the
456 capacity of the local school districts to provide all educational
457 services within detention centers to ensure that detained youth
458 receive adequate educational services and shall report to the
459 Legislature on December 1, 2006. The time period for such

460 detention cannot exceed ninety (90) days, and any detention
461 exceeding forty-five (45) days shall be administratively reviewed
462 by the youth court no later than forty-five (45) days after the
463 entry of the order. The youth court judge may order that the
464 number of days specified in the detention order be served either
465 throughout the week or on weekends only. No first-time nonviolent
466 youth offender shall be committed to a detention center for a
467 period of ninety (90) days until all other options provided for in
468 this section have been considered and the court makes a specific
469 finding of fact that commitment to a detention center is
470 appropriate. However, if a child is committed to a detention
471 center ninety (90) consecutive days, the disposition order shall
472 meet the following requirements:

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

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

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

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

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

493 (3) If the youth court places a child in a state-supported
494 training school, the court may order the parents or guardians of

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

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

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

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

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

523 (8) The Mississippi Department of Human Services, Division
524 of Youth Services, shall operate and maintain services for youth
525 adjudicated delinquent at Columbia and Oakley Training Schools.
526 The program shall be designed for children committed to the
527 training schools by the youth courts. The purpose of the program
528 is to promote good citizenship, self-reliance, leadership and
529 respect for constituted authority, teamwork, cognitive abilities

530 and appreciation of our national heritage. The Division of Youth
531 Services shall issue credit towards academic promotions and high
532 school completion. The Division of Youth Services may award
533 credits to each student who meets the requirements for a general
534 education development certification. The Division of Youth
535 Services must also provide to each special education eligible
536 youth the services required by that youth's individualized
537 education plan.

538 **SECTION 5.** Section 43-27-201, Mississippi Code of 1972, is
539 amended as follows:

540 43-27-201. (1) The purpose of this section is to outline
541 and structure a long-range proposal in addition to certain
542 immediate objectives for improvements in the juvenile correctional
543 facilities of the Division of Youth Services of the Mississippi
544 Department of Human Services in order to provide modern and
545 efficient correctional and rehabilitation facilities for juvenile
546 offenders in Mississippi, who are committing an increasing
547 percentage of serious and violent crimes.

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

558 (a) Construct an additional one-hundred-fifty-bed,
559 stand-alone, medium security juvenile correctional facility for
560 habitual violent male offenders, which complies with American
561 Correctional Association Accreditation standards and applicable
562 building and fire safety codes. The medium security, male
563 juvenile facility location shall be on property owned by the
564 Division of Youth Services, or its successor, or at a site

565 selected by the Bureau of Building, Grounds and Real Property
566 Management on land which is hereafter donated to the state
567 specifically for the location of such facility.

568 (b) Construct an additional one-hundred-bed minimum
569 security juvenile correctional facility for female offenders, and
570 an additional stand-alone, fifteen-bed maximum security juvenile
571 correctional facility for female offenders, which complies with
572 American Correctional Association Accreditation standards and
573 applicable building and fire safety codes. The minimum security
574 and maximum security female juvenile facilities location shall be
575 on property owned by the Division of Youth Services, or its
576 successor, or at a site selected by the Bureau of Building,
577 Grounds and Real Property Management on land which is hereafter
578 donated to the state specifically for the location of such
579 facility.

580 (3) Upon the selection of a proposed site for a correctional
581 facility for juveniles authorized under subsection (2), the Bureau
582 of Building, Grounds and Real Property Management of the
583 Department of Finance and Administration shall notify the board of
584 supervisors of the county in which such facility is proposed to be
585 located and shall publish a notice as hereinafter set forth in a
586 newspaper having general circulation in such county. Such notice
587 shall include a description of the tract of land in the county
588 whereon the facility is proposed to be located, the nature and
589 size of the facility and the date on which the determination of
590 the Bureau of Building, Grounds and Real Property Management shall
591 be final as to the location of such facility, which date shall not
592 be less than forty-five (45) days following the first publication
593 of such notice. Such notice shall include a brief summary of the
594 provisions of this section pertaining to the petition for an
595 election on the question of the location of the juvenile housing
596 facility in such county. Such notice shall be published not less
597 than one (1) time each week for at least three (3) consecutive
598 weeks in at least one (1) newspaper published in such county.

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

602 If at any time before the aforesaid date a petition signed by
603 twenty percent (20%), or fifteen hundred (1500), whichever is
604 less, of the qualified electors of the county involved shall be
605 filed with the board of supervisors requesting that an election be
606 called on the question of locating such facility, then the board
607 of supervisors shall adopt a resolution calling an election to be
608 held within such county upon the question of the location of such
609 facility. Such election shall be held, as far as practicable, in
610 the same manner as other elections are held in counties. At such
611 election, all qualified electors of the county may vote, and the
612 ballots used at such election shall have printed thereon a brief
613 statement of the facility to be constructed and the words "For the
614 construction of the facility in (here insert county name) County"
615 and "Against the construction of the facility in (here insert
616 county name) County." The voter shall vote by placing a cross (X)
617 or check mark (✓) opposite his choice on the proposition. When
618 the results of the election on the question of the construction of
619 the facility shall have been canvassed by the election
620 commissioners of the county and certified by them to the board of
621 supervisors, it shall be the duty of the board of supervisors to
622 determine and adjudicate whether or not a majority of the
623 qualified electors who voted thereon in such election voted in
624 favor of the construction of the facilities in such county.
625 Unless a majority of the qualified electors who voted in such
626 election shall have voted in favor of the construction of the
627 facilities in such county, then such facility shall not be
628 constructed in such county.

629 (4) The Division of Youth Services shall establish, maintain
630 and operate an Adolescent Offender Program (AOP), which may
631 include non-Medicaid assistance eligible juveniles. Beginning
632 July 1, 2006, subject to availability of funds appropriated
633 therefor by the Legislature, the Division of Youth Services shall

634 phase in AOPs in every county of the state over a period of four
635 (4) years. The phase-in of the AOPs shall be as follows:

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

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

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

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

644 AOP professional services, salaries, facility offices,
645 meeting rooms and related supplies and equipment may be provided
646 through contract with local mental health or other nonprofit
647 community organizations. Each AOP must incorporate evidence-based
648 practices and positive behavioral intervention that includes two
649 (2) or more of the following elements: academic, tutoring,
650 literacy, mentoring, vocational training, substance abuse
651 treatment, family counseling and anger management. Programs may
652 include, but shall not be limited to, after school and weekend
653 programs, job readiness programs, home detention programs,
654 community service conflict resolution programs, restitution and
655 community service.

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

663 (6) The Division of Youth Services shall establish a ten-bed
664 transitional living facility for the temporary holding of training
665 school adolescents who have reached their majority, have completed
666 the GED requirement, and are willing to be rehabilitated until
667 they are placed in jobs, job training or postsecondary programs.

668 Such transitional living facility may be operated pursuant to
669 contract with a nonprofit community support organization.

670 **SECTION 6.** This act shall take effect and be in force from
671 and after July 1, 2006, and shall stand repealed on June 30, 2006.

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

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 43-21-321, MISSISSIPPI CODE OF 1972, TO REQUIRE CERTAIN
9 MINIMUM DETENTION STANDARDS FOR JUVENILE DETENTION FACILITIES; TO
10 AMEND SECTION 43-21-605, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT
11 DETENTION CENTERS MUST PROVIDE CERTAIN CERTIFIED EDUCATIONAL
12 SERVICES FOR YOUTH; TO AMEND SECTION 43-27-201, MISSISSIPPI CODE
13 OF 1972, TO REQUIRE THAT ADOLESCENT OFFENDER PROGRAMS PROVIDE
14 CERTAIN SERVICES; AND FOR RELATED PURPOSES.

SS26\HB199PS.J

John O. Gilbert
Secretary of the Senate