

By: Representatives Flaggs, Wells-Smith,
Johnson

To: Juvenile Justice;
Appropriations

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 728

1 AN ACT TO AMEND SECTION 43-21-801, MISSISSIPPI CODE OF 1972,
2 TO ABOLISH THE YOUTH COURT INCARCERATION ALTERNATIVES FUND; TO
3 ESTABLISH THE YOUTH COURT SUPPORT FUND; TO PROVIDE THE PURPOSE OF
4 SUCH FUND; TO AMEND SECTION 43-21-803, MISSISSIPPI CODE OF 1972,
5 TO REQUIRE THAT TWO MILLION DOLLARS BE APPROPRIATED TO THE TONY
6 GOBAR JUVENILE JUSTICE ALTERNATIVE SANCTIONS GRANT FUND DURING THE
7 2007 LEGISLATIVE SESSION; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 43-21-801, Mississippi Code of 1972, is
10 amended as follows:

11 43-21-801. (1) There is established the Youth Court Support
12 Fund. The purpose of the fund shall be to ensure that all youth
13 courts not served by a county court have sufficient support funds
14 to carry on the business of the youth court and the Administrative
15 Office of Courts shall establish a formula for providing state
16 support payable from the General Fund for the support of the youth
17 courts. Youth court support funds shall be available to each
18 regular youth court referee and municipal youth court referee so
19 long as the senior chancellor does not elect to employ a youth
20 court administrator as set forth in subsection (2), and each
21 regular youth court referee shall have the individual discretion
22 to appropriate those funds as expense monies to assist in hiring
23 secretarial staff and acquiring materials incidental to carrying
24 on the business of the court within the referee's private practice
25 of law, or may direct the use of those funds through the county
26 budget for court support supplies or services. The regular youth
27 court referee and municipal youth court referee shall be
28 accountable for assuring through private or county employees the
29 proper preparation and filing of all necessary tracking and other

30 documentation attendant to the administration of the youth court.
31 The formula developed by the Administrative Office of Courts for
32 providing youth court support funds shall be reviewed by the
33 Administrative Office of Courts every two (2) years to ensure that
34 the youth court support funds provided herein are proportional to
35 each youth court's caseload. Approval of the use of any of the
36 youth court support funds made under this subsection shall be made
37 by the Administrative Office of Courts in accordance with
38 procedures established by the Administrative Office of Courts.

39 (2) In lieu of accepting any referee support funds as
40 provided in this section, when permitted by the Administrative
41 Office of Courts, the senior chancellors of Chancery Districts
42 One, Two, Three, Four, Six, Seven, Nine, Ten, Thirteen, Fourteen,
43 Fifteen and Eighteen may appoint a youth court administrator for
44 the district whose responsibility will be to perform all
45 reporting, tracking and other duties of a court administrator for
46 all youth courts in the district which are under the chancery
47 court system. The Administrative Office of Courts shall allocate
48 to each chancellor so electing a sum not to exceed Thirty Thousand
49 Dollars (\$30,000.00) per year to cover the salary, fringe benefits
50 and equipment of such administrator, and an additional sum not to
51 exceed One Thousand Nine Hundred Dollars (\$1,900.00) to cover
52 travel expenses of the administrator.

53 (3) There is created in the State Treasury a special fund to
54 be designated as the "Youth Court Support Fund," which shall
55 consist of funds derived from the formula established by the
56 Administrative Office of Courts for providing state support
57 payable from the General Fund for the support of youth courts as
58 provided in this section. Unexpended amounts remaining in the
59 fund at the end of a fiscal year shall not lapse into the State
60 General Fund, and any investment earnings or interest earned on
61 amounts in the fund shall be deposited to the credit of the fund.
62 Monies in the fund shall be distributed to the youth courts by the

63 Administrative Office of Courts for the purposes described in this
64 section.

65 **SECTION 2.** Section 43-21-803, Mississippi Code of 1972, is
66 amended as follows:

67 43-21-803. (1) There is established the Tony Gobar Juvenile
68 Justice Alternative Sanction Grant Program for the purpose of
69 providing grants to faith-based organizations and nonprofit 501
70 (c)(3) organizations that develop and operate community-based
71 alternatives to the training schools and detention centers. In
72 order to be eligible for a grant under this section, a faith-based
73 or nonprofit 501(c)(3) organization in cooperation with a youth
74 court must develop and operate a juvenile justice alternative
75 sanction designed for delinquent youths. The program must be
76 designed to decrease reliance on commitment in juvenile detention
77 facilities and training schools. Programs must not duplicate
78 existing programs or services and must incorporate evidence-based
79 practices and positive behavioral intervention including two (2)
80 or more of the following elements: academic tutoring/literacy,
81 dropout prevention, mentoring, vocational training, substance
82 abuse treatment, family counseling and anger management, and
83 faith-based programming. Programs may include, but shall not be
84 limited to, after school and weekend programming, job readiness
85 programs, home detention programs, restitution, conflict
86 resolution programs, and community service.

87 (2) A faith-based or nonprofit 501(c)(3) must submit an
88 application to the Department of Public Safety. The application
89 must include a description of the purpose for which assistance is
90 requested, the amount of assistance requested and any other
91 information required by the Department of Public Safety in
92 consultation with the Department of Human Services.

93 (3) The Department of Public Safety shall have all powers
94 necessary to implement and administer the program established
95 under this section, and the department shall promulgate rules and

96 regulations, in accordance with the Mississippi Administrative
97 Procedures Law, necessary for the implementation of this section.

98 (4) There is created in the State Treasury a special fund to
99 be designated as the "Tony Gobar Juvenile Justice Alternative
100 Sanctions Grant Fund," which shall consist of funds appropriated
101 or otherwise made available by the Legislature in any manner and
102 funds from any other source designated for deposit into such fund.
103 Unexpended amounts remaining in the fund at the end of a fiscal
104 year shall not lapse into the State General Fund, and any
105 investment earnings or interest earned on amounts in the fund
106 shall be deposited to the credit of the fund. Monies in the fund
107 shall be used by the Department of Public Safety for the purposes
108 described in this section.

109 (5) During the regular legislative session held in calendar
110 year 2007 the Legislature shall appropriate Two Million Dollars
111 (\$2,000,000.00) to the Tony Gobar Juvenile Justice Alternative
112 Sanctions Grant Fund.

113 **SECTION 3.** This act shall take effect and be in force from
114 and after July 1, 2007.