

By: Representative Clark

To: Judiciary A

HOUSE BILL NO. 956

1 AN ACT TO AMEND SECTION 43-21-559, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE RESPONSE TO DISCOVERY MOTIONS IN YOUTH COURT
3 PROCEEDINGS; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 43-21-559, Mississippi Code of 1972, is
6 amended as follows:

7 43-21-559. (1) In arriving at its adjudicatory decision,
8 the youth court shall consider only evidence which has been
9 formally admitted at the adjudicatory hearing. All testimony
10 shall be under oath and may be in narrative form. In proceedings
11 to determine whether a child is a delinquent child or a child in
12 need of supervision, the youth court shall admit any evidence that
13 would be admissible in a criminal proceeding. In proceedings to
14 determine whether a child is a neglected child or an abused child,
15 the youth court shall admit any evidence that would be admissible
16 in a civil proceeding.

17 (2) The youth court prosecutor shall respond to any motion
18 for discovery by legal defense counsel for the minor no later than
19 five (5) business days prior to the adjudicatory hearing.

20 (3) An out-of-court admission by the child, even if
21 otherwise admissible, shall be insufficient to support an
22 adjudication that the child is a delinquent child unless the
23 admission is corroborated in whole or in part by other competent
24 evidence.

25 (4) Members of the youth court staff may appear as witnesses
26 except that no member of the youth court staff may testify as to
27 an admission or confession made to him.

28 (5) At the conclusion of the evidence, the youth court shall
29 give the parties an opportunity to present oral argument.

30 **SECTION 2.** This act shall take effect and be in force from
31 and after July 1, 2007.