

By: Representative Flaggs

To: Juvenile Justice;
Appropriations

HOUSE BILL NO. 1223

1 AN ACT TO CREATE THE DEPARTMENT OF JUVENILE JUSTICE AND THE
2 BOARD OF THE DEPARTMENT OF JUVENILE JUSTICE, WHICH SHALL BE VESTED
3 WITH THE EXCLUSIVE RESPONSIBILITY FOR MANAGEMENT AND CONTROL OF
4 ALL JUVENILE CORRECTIONAL FACILITIES AUTHORIZED BY LAW; TO CHANGE
5 THE NAME OF THE OAKLEY TRAINING SCHOOL TO THE JUVENILE JUSTICE
6 CENTER AT HINDS, AND CHANGE THE NAME OF THE COLUMBIA TRAINING
7 SCHOOL TO THE JUVENILE JUSTICE CENTER AT MARION; TO PROVIDE THAT
8 THE DEPARTMENT SHALL BE HEADED BY AN EXECUTIVE DIRECTOR WHO SHALL
9 BE APPOINTED BY THE BOARD OF JUVENILE JUSTICE; TO PROVIDE THAT ALL
10 RECORDS, PROPERTY FUNDS, OTHER ASSETS AND PERSONNEL OF THE
11 JUVENILE CORRECTIONAL FACILITIES UNDER THE JURISDICTION OF THE
12 OFFICE OF YOUTH SERVICES OF THE DEPARTMENT OF HUMAN SERVICES
13 SHALL BE TRANSFERRED TO THE DEPARTMENT OF JUVENILE JUSTICE; TO
14 PROVIDE THAT THE JUVENILE JUSTICE CENTERS AT HINDS AND MARION
15 SHALL HAVE A SPECIAL MASTER FOR HEARINGS REGARDING THE MENTAL
16 STATUS OF YOUTH COMMITTED TO THE CENTERS; TO PROVIDE THAT THE
17 MEDICAL SERVICES DEPARTMENTS AT THE JUVENILE JUSTICE CENTERS SHALL
18 BE OPERATIONAL TWENTY-FOUR HOURS A DAY; TO CREATE THE MISSISSIPPI
19 CHALLENGE PROGRAM FOR BOYS AND GIRLS, AND TO REQUIRE EACH
20 CONGRESSIONAL DISTRICT TO ESTABLISH THE PROGRAMS BY A CERTAIN
21 DATE; TO PROVIDE THAT EVERY COUNTY SHALL ESTABLISH A JUVENILE DRUG
22 COURT BY A CERTAIN DATE; TO AMEND SECTIONS 31-11-3, 37-31-65,
23 37-113-21, 37-143-15, 43-27-201 AND 43-21-159, MISSISSIPPI CODE OF
24 1972, IN CONFORMITY THERETO; TO AMEND SECTION 43-21-105,
25 MISSISSIPPI CODE OF 1972, TO REQUIRE THAT DESIGNEES BE SUBJECT TO
26 THE CODE OF JUDICIAL CONDUCT; TO AMEND SECTION 43-21-321,
27 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT PERSONS PROVIDING
28 CERTAIN SERVICE MUST BE TRAINED IN JUVENILE MATTERS; TO AMEND
29 SECTION 43-21-605, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE
30 MISSISSIPPI CHALLENGE PROGRAM MAY BE USED AS A DISPOSITION
31 ALTERNATIVE; TO REQUIRE THE DEPARTMENT OF JUVENILE JUSTICE TO
32 MAXIMIZE FEDERAL FUNDING FOR TANF; TO PROVIDE THAT BY JULY 1,
33 2008, THE JUVENILE JUSTICE CENTER AT MARION SHALL NO LONGER
34 OPERATE AS A SECURE JUVENILE JUSTICE CENTER; TO AMEND SECTIONS
35 43-27-8 AND 43-27-20, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE
36 PRECEDING PROVISIONS; TO AMEND SECTION 43-27-203, MISSISSIPPI CODE
37 OF 1972, TO PROVIDE THAT THE MISSISSIPPI YOUTH CHALLENGE PROGRAM
38 SHALL BE UNDER THE JURISDICTION OF THE DEPARTMENT OF JUVENILE
39 JUSTICE; TO AMEND SECTIONS 47-5-151, 47-7-45, 65-1-37 AND 99-43-3,
40 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING PROVISIONS;
41 TO REPEAL SECTIONS 43-27-10, 43-27-11, 43-27-12, 43-27-22,
42 43-27-23, 43-27-25, 43-27-27, 43-27-29 AND 43-27-35, MISSISSIPPI
43 CODE OF 1972, WHICH PROVIDE THAT THE DEPARTMENT OF HUMAN SERVICES
44 HAS JURISDICTION OF THE JUVENILE CORRECTIONAL FACILITIES; TO
45 PROVIDE THAT SECTIONS 1 THROUGH 12 OF THIS ACT SHALL STAND
46 REPEALED ON JULY 1, 2012; TO AMEND SECTION 43-21-123, MISSISSIPPI
47 CODE OF 1972, TO PROVIDE FOR STATE AND COUNTY CONTRIBUTIONS TOWARD
48 THE YOUTH COURT BUDGET; TO AUTHORIZE THE GOVERNOR TO EXECUTE THE
49 COMPACT FOR JUVENILES; TO PRESCRIBE ITS PURPOSE AND TO DEFINE
50 CERTAIN TERMS; TO CREATE THE INTERSTATE COMMISSION FOR JUVENILES
51 FROM THE COMPACTING STATES AND TO PRESCRIBE ITS POWERS AND DUTIES;
52 TO ESTABLISH THE ORGANIZATION AND OPERATION OF THE INTERSTATE

53 COMMISSION; TO PRESCRIBE THE RULEMAKING FUNCTIONS OF THE
54 INTERSTATE COMMISSION; TO PROVIDE THAT OVERSIGHT, ENFORCEMENT AND
55 DISPUTE RESOLUTION BE DONE BY THE INTERSTATE COMMISSION; TO
56 PROVIDE FOR THE FINANCING OF THE INTERSTATE COMMISSION; TO PROVIDE
57 THAT EACH MEMBER STATE OF THE COMPACT SHALL CREATE A STATE COUNCIL
58 FOR INTERSTATE JUVENILE SUPERVISION; TO PROVIDE FOR THE
59 WITHDRAWAL, DEFAULT, TERMINATION AND JUDICIAL ENFORCEMENT
60 PROCEDURES OF THE COMPACT; TO REPEAL SECTIONS 43-25-1 THROUGH
61 43-25-17, MISSISSIPPI CODE OF 1972, WHICH PROVIDE THE INTERSTATE
62 COMPACT ON JUVENILES; TO AMEND SECTION 43-21-801, MISSISSIPPI CODE
63 OF 1972, TO PROVIDE THAT THE YOUTH COURT INCARCERATION
64 ALTERNATIVES FUND SHALL BE APPROPRIATED THREE MILLION DOLLARS; TO
65 AMEND SECTION 43-21-803, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT
66 THE TONY GOBAR JUVENILE JUSTICE ALTERNATIVE SANCTION GRANT PROGRAM
67 SHALL BE APPROPRIATED TWO MILLION DOLLARS; AND FOR RELATED
68 PURPOSES.

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

70 **SECTION 1.** The Legislature finds that:

71 (a) The children and families of the state are the most
72 precious resource and require the state's highest priority and
73 attention;

74 (b) A juvenile justice system that relies primarily on
75 cost effective programs focused on the family environment, which
76 help to reduce juvenile delinquency and increase public safety, is
77 in the best interest of the children and families of this state;

78 (c) Juvenile rehabilitation should be a priority and
79 meaningful rehabilitation is critical, and utilizing all the tools
80 which range from early intervention treatment, alternative
81 sanctions and residential, commitment, if necessary;

82 (d) It is the intent of the Legislature that the
83 Department of Juvenile Justice shall seek funds from the federal
84 government, private foundations and partner with universities and
85 colleges to help ensure that at-risk youth of the state will
86 receive quality services so that they can achieve their true
87 potential.

88 **SECTION 2.** (1) There is created the Department of Juvenile
89 Justice, which shall be supervised and directed by the State Board
90 of Juvenile Justice. From and after July 1, 2007, the name of the
91 Oakley Training School is changed to the Juvenile Justice Center
92 at Hinds, and the name of the Columbia Training School is changed
93 to the Juvenile Justice Center at Marion. All administrative

94 changes shall be implemented by July 1, 2008. The Department of
95 Juvenile Justice, which shall be headquartered at the Juvenile
96 Justice Center at Hinds, shall have complete authority and shall
97 provide the requisite supervision for the Juvenile Justice Center
98 at Hinds and the Juvenile Justice Center at Marion.

99 (2) There is created the Board of the Department of Juvenile
100 Justice, which shall be composed of nine (9) board members. It is
101 the intent of the Legislature that the appointments to the board
102 reflect the racial and sexual demographics of the entire state.
103 The initial appointments to the Board of Juvenile Justice shall be
104 for staggered terms as follows:

105 (a) Three (3) members who have expertise in education,
106 juvenile justice and health care, and who are appointed by the
107 Governor for a term to expire June 30, 2012;

108 (b) Two (2) members who have expertise in education and
109 business/personnel management, and who are appointed by the
110 Lieutenant Governor for a term to expire June 30, 2011;

111 (c) Two (2) members from the mental health profession,
112 who are appointed by the Speaker of the House of Representatives
113 for terms to expire June 30, 2010; and

114 (d) Two (2) members from the Office of the Attorney
115 General, who are appointed by the Attorney General for a term to
116 expire June 30, 2009.

117 In the event of a vacancy for the initial terms, the
118 Governor, Lieutenant Governor and Speaker of the House of
119 Representatives shall by appointment fill the unexpired initial
120 terms.

121 (3) At the expiration of the original terms of the members
122 appointed by the Governor, Lieutenant Governor, Speaker of the
123 House of Representatives and the Attorney General, each successor
124 member shall be appointed for a term of four (4) years by the
125 Governor.

126 All meetings of the board shall be called by the chairman,

127 except the first meeting of the original board members, which
128 shall be called by the Governor.

129 (4) Each member of the board shall be a citizen of the
130 United States, and a resident of the State of Mississippi, and a
131 qualified elector therein, of integrity and sound and nonpartisan
132 judgment. Each member shall qualify by taking the oath of office
133 as prescribed by Section 28 of the Constitution and shall hold
134 office until his or her successor is appointed. The board shall
135 establish its principal office at Jackson, Mississippi, at which
136 the records of the board shall be kept.

137 (5) The members of the Board of the Department of Juvenile
138 Justice shall be paid a per diem as authorized by Section 25-3-69
139 and shall be reimbursed for necessary and ordinary expenses and
140 mileage incurred while performing their duties as members of the
141 board, at the rate authorized by Section 25-3-41.

142 (6) The members of the board shall take an oath to perform
143 faithfully the duties of their office. The oath shall be
144 administered by a person qualified by law to administer oaths.
145 Within thirty (30) days after taking the oath of office, the first
146 board appointed under this section shall meet for an
147 organizational meeting on call by the Governor. At such meeting
148 and at an organizational meeting in January every odd-numbered
149 year thereafter, the board shall elect from its members a
150 chairman, vice chairman and secretary-treasurer to serve for terms
151 of two (2) years. The board shall adopt rules for transacting its
152 business and keeping records at its first meeting.

153 (7) The members of the board shall adopt rules and
154 regulations not inconsistent with Sections 41-95-1 through
155 41-95-9, in compliance with the Mississippi Administrative
156 Procedures Law, for the conduct of its business and the carrying
157 out of its duties.

158 (8) The members of the board shall hold a monthly regular
159 meeting, and additional meetings may be held upon the call of the

160 chairperson or at the written request of any three (3) members. A
161 majority of the board shall constitute a quorum, and three (3)
162 affirmative votes shall be necessary for adoption or promulgation
163 of any rule, regulation or order. Any member who shall not attend
164 three (3) consecutive regular meetings of the board, for any
165 reason other than illness of such member, shall be removed from
166 office by the Governor. The chairperson of the board shall notify
167 the Governor in writing when any member has failed to attend three
168 (3) consecutive regular meetings.

169 (9) Where a question which has been presented or has arisen
170 to be acted upon by the board directly affects the interest of a
171 member or members of the board, such member or members shall
172 recuse himself or themselves from action upon such question.

173 (10) The board shall adopt an official seal, and may sue and
174 be sued.

175 (11) The members of the board are individually exempt from
176 any civil liability as a result of any action taken by the board.

177 (12) The chief executive, administrative and fiscal officer
178 of the department shall be the executive director of the
179 Department of Juvenile Justice who shall possess the minimum
180 qualifications prescribed for the position by the State Personnel
181 Board. The Board of the Department of Juvenile Justice shall
182 appoint the executive director, who shall serve a five-year term
183 and who may be removed by the board for cause.

184 (13) The executive director shall receive an annual salary
185 fixed by the board, not to exceed the maximum authorized by the
186 State Personnel Board, in addition to all actual, necessary
187 expenses incurred in the discharge of official duties, including
188 mileage as authorized by law.

189 (14) The executive director shall be required, upon assuming
190 the duties of his office, to execute a good and sufficient bond
191 payable to the State of Mississippi in the sum of Two Hundred
192 Fifty Thousand Dollars (\$250,000.00), conditioned upon an accurate

193 accounting for all monies and property coming into his hands. The
194 executive director, upon approval by the board, may require of
195 other officers, employees and agents of the department a good and
196 sufficient bond in such sum as he may determine, subject to the
197 minimum requirements set forth in this subsection, payable to the
198 State of Mississippi upon the same condition. The bonds shall be
199 approved by the board and filed with the Secretary of State, and
200 shall be executed by a surety company authorized to do business
201 under the laws of this state. The premium on any such bond shall
202 be paid by the state out of the support and maintenance fund of
203 the department.

204 (15) The department shall be vested with the exclusive
205 responsibility for management and control of all juvenile
206 correctional facilities authorized by law, and all property
207 belonging to the juvenile correctional facilities, and shall be
208 responsible for the proper care, treatment, feeding, clothing and
209 management of the juveniles in the juvenile correctional
210 facilities.

211 (16) On July 1, 2007, all records, property, funds, other
212 assets and personnel of the juvenile correctional facilities under
213 the jurisdiction of the Office of Youth Services of the Department
214 of Human Services that relates to youth service programs over all
215 state-supported juvenile correctional facilities shall be
216 transferred to the Department of Juvenile Justice.

217 (17) No facility operated by the Department of Juvenile
218 Justice shall operate a paramilitary or boot camp type program.
219 Facilities must develop residential and nonresidential programming
220 that incorporates two (2) or more of the following elements:
221 academic, tutoring/literacy, mentoring, vocational training,
222 substance abuse counseling, family counseling, mental health
223 services, special education services and community service. Each
224 facility must provide specific medical, educational, vocational,
225 social and psychological guidance, training, social education,

226 counseling, substance abuse treatment and other rehabilitative
227 services required by children of the facility.

228 (18) This section, Section 1 of this act, Sections 3 through
229 12 of this act, Sections 31-11-3, 37-31-65, 37-113-21, 37-143-15,
230 43-14-1, 43-14-5, 43-21-105, 43-21-109, 43-21-151, 43-21-157,
231 43-21-159, 43-21-315, 43-21-321, 43-21-605, 43-27-8, 43-27-20,
232 43-27-201, 43-27-203, 43-27-401, 47-5-138, 47-5-151, 47-7-45,
233 65-1-37 and 99-43-3 shall stand repealed on July 1, 2012.

234 **SECTION 3.** (1) The Department of Juvenile Justice shall
235 exercise executive and administrative supervision over all
236 state-owned facilities used for the detention, training, care and
237 treatment of delinquent children properly committed to or confined
238 in those facilities by a court on account of that delinquency.
239 However, executive and administrative supervision under
240 state-owned facilities shall not extend to any institutions and
241 facilities for which executive and administrative supervision has
242 been provided otherwise by law through other agencies.

243 (2) The department shall have exclusive supervisory care,
244 custody and active control of all children properly committed to
245 or confined in its facilities and included in its programs and
246 shall have control of the grounds, buildings and other facilities
247 and properties of those facilities and programs. Any child
248 committed to a facility under the jurisdiction of the department
249 may be transferred by the executive director, in his or her
250 discretion, to any of the other facilities under the jurisdiction
251 of the department.

252 (3) The juvenile correctional facilities under the
253 jurisdiction of the department shall include, but not be limited
254 to, the Columbia Training School created by Chapter 111, Laws of
255 1916, the Oakley Training School created by Chapter 205, Laws of
256 1942, and those facilities authorized by Sections 43-27-201
257 through 43-27-233.

258 (4) The department may receive, hold and use personal, real
259 and mixed property donated to or otherwise acquired by the
260 department, and shall have such other authority as is necessary
261 for the operation of any juvenile correctional facility. The
262 department shall be responsible for the planning, development and
263 coordination of a statewide, comprehensive youth services program
264 designed to train and rehabilitate children in order to prevent,
265 control and retard juvenile delinquency.

266 (5) The department may develop and implement diversified
267 programs and facilities to promote, enhance, provide and assure
268 the opportunities for the successful care, training and treatment
269 of delinquent children properly committed to or confined in any
270 facility under its control. Those programs and facilities may
271 include, but not be limited to, juvenile justice centers, foster
272 homes, halfway houses, forestry camps, regional diagnostic
273 centers, detention centers and other state and local
274 community-based programs and facilities.

275 (6) The department may acquire whatever hazard, casualty or
276 workers' compensation insurance is necessary for any property,
277 real or personal, owned, leased or rented by the department or for
278 any employees or personnel hired by the department and may acquire
279 professional liability insurance on all employees as deemed
280 necessary and proper by the department. All premiums due and
281 payable on account thereof shall be paid out of the funds of the
282 department.

283 **SECTION 4.** (1) The Department of Juvenile Justice shall
284 succeed to the exclusive control of all records, books, papers,
285 equipment and supplies, and all lands, buildings and other real
286 and personal property now or hereafter belonging to or assigned to
287 the use and benefit or under the control of the Juvenile Justice
288 Center at Hinds and the Juvenile Justice Center at Marion, and
289 shall have the exercise and control of the use, distribution and
290 disbursement of all funds, appropriations and taxes now or

291 hereafter in possession, levied, collected or received or
292 appropriated for the use, benefit, support and maintenance of
293 those training schools. The department shall have general
294 supervision of all the affairs of those juvenile justice centers,
295 and the care and conduct of all buildings and grounds, business
296 methods and arrangements of accounts and records, the organization
297 of the administrative plans of each juvenile justice center, and
298 all other matters incident to the proper functioning of the
299 juvenile justice centers.

300 (2) The department shall have full authority over the
301 operation of any and all farms at each of the juvenile justice
302 centers and over the distribution of agricultural, dairy,
303 livestock and any and all other products therefrom and over all
304 funds received from the sale of hogs and livestock. All sums
305 realized from the sale of products manufactured and fabricated in
306 the shops of the vocational departments of the juvenile justice
307 centers shall be placed in the revolving fund of the respective
308 juvenile justice center in which the products were manufactured,
309 fabricated and sold.

310 (3) The department shall be authorized to lease the lands of
311 the juvenile justice centers for oil, gas and mineral exploration,
312 and for such other purposes as the department deems to be
313 appropriate, on such terms and conditions as the department and
314 lessee agree. The granting of any leases for oil, gas and mineral
315 exploration shall be on a public bid basis as prescribed by law.
316 The department may contract with the State Forestry Commission for
317 the proper management of forest lands and the sale of timber, and
318 the department may sell timber and forestry products. The
319 department may expend the net proceeds from incomes from all
320 leases and timber sales exclusively for the instructional purposes
321 or operational expenses, or both, at the juvenile justice centers
322 under its jurisdiction.

323 **SECTION 5.** (1) The Executive Director of the Department of
324 Juvenile Justice shall appoint the individual administrators of
325 the facilities under the jurisdiction of the department who, in
326 turn, shall have full power to select and employ personnel
327 necessary to operate the facility that they direct, subject to the
328 approval of the executive director.

329 (2) In administering the Juvenile Justice Centers at Hinds
330 and Marion under its jurisdiction, the department and the
331 executive director shall have the following duties:

332 (a) To operate and maintain the juvenile justice
333 centers and other facilities as may be needed to properly
334 diagnose, care for, train, educate and rehabilitate children and
335 youths who have been committed to or confined in the centers or
336 who are included in the programs of the centers.

337 (b) To fulfill the objectives of rehabilitation and
338 reformation of the youths confined in the centers, by using
339 evidence based practices proven by empirical data to reduce
340 recidivism among youthful offenders to employ no discipline,
341 training or utilization of time and efforts of the youth that
342 under any condition or in any way interferes with those
343 objectives.

344 (c) To group the youths in the facilities according to
345 age, sex and disciplinary needs with respect to their housing,
346 schooling, training, recreation and work, being careful to prevent
347 injury to the morals or interference with the training and
348 rehabilitation of the younger or correctable youths by those
349 considered to be less amenable to discipline and rehabilitation.

350 **SECTION 6.** The administrators of the juvenile justice
351 centers under the jurisdiction of the Department of Juvenile
352 Justice each may receive free lodging in his respective facility
353 for himself or herself and his or her family, but not free board
354 nor free supplies from the institution. Upon each administrator's
355 election to receive board for himself and family from the

356 facility, the department shall enter on its records in advance the
357 names and ages of the members of the family and fix the charges
358 for their board at the average cost of table board in that
359 community, but in no event at an amount less than the cost of the
360 board to the facility. The amount of the board so fixed shall be
361 paid by the administrator into the State Treasury before his
362 salary for the next succeeding month will be paid. The department
363 shall make a detailed and itemized statement thereof to the
364 Legislature. The same restrictions shall apply to all members of
365 the support staff of the service centers.

366 SECTION 7. (1) Academic and vocational training at all
367 facilities under the jurisdiction of the Department of Juvenile
368 Justice shall meet standards prescribed by the State Department of
369 Education based upon standards required for public schools. The
370 department may prescribe such additional requirements as it may
371 from time to time deem necessary. The Department of Juvenile
372 Justice shall request accreditation as a nonpublic school as
373 prescribed in Section 37-17-7, and shall maintain educational
374 standards equivalent to the standards established by the State
375 Department of Education for the state schools as outlined in the
376 Approval Requirements of the State Board of Education for
377 Nonpublic Schools.

378 (2) The State Superintendent of Public Education shall
379 administer the standards related to the high school and elementary
380 school programs. Reports from the State Department of Education
381 evaluating the educational program at all juvenile justice
382 centers and indicating whether or not the program meets the
383 standards as prescribed shall be made directly to the Executive
384 Director of the Department of Juvenile Justice at regularly
385 scheduled meetings. Such State Department of Education
386 supervisory personnel as deemed appropriate shall be utilized for
387 evaluating the programs and for reporting to the executive
388 director.

389 SECTION 8. (1) The Juvenile Justice Centers at Hinds and
390 Marion shall each have one (1) special master assigned to the
391 centers, who are appointed by the Chief Justice of the Mississippi
392 Supreme Court. The jurisdiction of such special masters shall be
393 limited to those cases where the youth court has not previously
394 ruled on a child's mental status. If after a child is referred to
395 a juvenile justice center of the department and is believed that
396 he or she is mentally ill, suicidal or mentally retarded, then a
397 hearing must be held within twenty-four (24) hours, excluding
398 Saturdays, Sundays and statutory state holidays, to determine
399 proper placement for the child. Such hearing will be held before
400 a special master that is assigned to each juvenile justice center.

401 (2) When a child in the jurisdiction of the department is
402 committed to the custody of a juvenile justice center and is
403 believed to be in need of treatment for a mental or emotional
404 disability or infirmity, the department through its special
405 master, as described in this section, shall file an affidavit
406 alleging that the child is in need of mental health service. The
407 special master shall refer the child to the appropriate community
408 mental health center for evaluation pursuant to Section 41-21-67.
409 If the prescreening evaluation recommends civil commitment, the
410 special master shall proceed with civil commitment pursuant to
411 Sections 41-21-61 et seq., 43-21-315 and 43-21-611, and the
412 Department of Mental Health, once commitment is ordered, shall
413 provide appropriate care treatment and services for at least as
414 many adolescents as were provided services in fiscal year 2005 in
415 its facilities. The Department of Mental Health shall provide
416 appropriate care, treatment and services at the following
417 facilities: Brookhaven Juvenile Rehabilitation Center, Oak Circle
418 at Mississippi State Hospital, East Mississippi State Hospital
419 Adolescent Unit, Specialized Treatment for the Emotionally
420 Disabled in Harrison County.

421 (3) The medical services departments at the Juvenile Justice
422 Centers at Hinds and Marion shall be in operation twenty-four (24)
423 hours a day seven (7) days a week to provide appropriate treatment
424 or training for youth committed to the centers.

425 **SECTION 9.** (1) The Department of Finance and
426 Administration, for and on behalf of the Department of Juvenile
427 Justice and the State of Mississippi, may enter into a purchase
428 contract, a lease-purchase agreement or other similar contract for
429 the acquisition of land, buildings or equipment that would be
430 suitable for use by the Department of Juvenile Justice in
431 providing housing and facilities for youth under its jurisdiction
432 regardless of the ages of those youths and that would assist the
433 Department of Juvenile Justice in the performance of its duties
434 under Sections 1 through 8 of this act. Before entering into any
435 such contract or agreement, the Department of Finance and
436 Administration must first demonstrate to the Public Procurement
437 Review Board satisfactory evidence that the contract or agreement
438 would be economically advantageous to the Department of Juvenile
439 Justices.

440 (2) Acquisition of the property described in subsection (1)
441 of this section shall be made only upon legislative approval or
442 upon approval of the State Bond Commission in accordance with the
443 manner and procedure prescribed in Section 27-104-107.

444 **SECTION 10.** (1) There is created the Mississippi Challenge
445 Program (MCP) for Boys and the Mississippi Challenge Program (MCP)
446 for Girls which shall provide therapeutic services eligible for
447 Medicaid reimbursement for males and females between the ages of
448 fourteen (14) to seventeen (17) who are at-risk of placement in a
449 juvenile justice center. There shall be two (2) regional programs
450 for females and two (2) regional programs for males.

451 Beginning July 1, 2008, the department shall phase-in a MCP
452 in each congressional district over a period of four (4) years.
453 The phase-in of the MCPS shall be as follows:

454 (a) As of July 1, 2009, the Second Congressional
455 District shall have a MCP for males;

456 (b) As of July 1, 2010, the Third Congressional
457 District shall have a MCP for females;

458 (c) As of July 1, 2011, the Fourth Congressional
459 District shall have a MCP for males; and

460 (d) As of July 1, 2012, the First Congressional District
461 shall have a MCP for females.

462 (2) A nonprofit organization who has competitively bid and
463 won the contract for the MCP, pursuant to subsection (6) of this
464 section, may implement and administer the MCP and may promulgate
465 rules and regulations concerning the administration of the
466 program. The nonprofit organization may prepare written
467 guidelines concerning the nomination and selection process of
468 participants in the program, and such guidelines may include a
469 list of the factors considered in the selection established from
470 bids from nonprofit organizations. The MCP may be a
471 challenge-based program and may house thirty-five (35) males and
472 thirteen (13) females who may be housed separately at each
473 regional facility. All program services for males and females may
474 be separate and may be held on different sites. The MCP design
475 may include individual educational, behavior modification and
476 treatment services for all of its residents.

477 (3) Participation in the Mississippi Challenge Programs
478 shall be on a voluntary basis. No child may be ordered by any
479 court to participate in the program; however, a youth court judge
480 may refer the program to a child when such program would be
481 sufficient to meet the needs of the child.

482 (4) The nonprofit organization may award an adult high
483 school diploma to each participant who meets the requirements for
484 a general educational development (GED) equivalent under the
485 policies and guidelines of the GED Testing Service of the American
486 Council on Education and any other minimum academic requirements

487 prescribed by the nonprofit organization for graduation from the
488 Mississippi Challenge Program. Participants in the program who do
489 not meet the minimum academic requirements may be awarded a
490 special certificate of attendance. The nonprofit organization may
491 establish rules and regulations for awarding the adult high school
492 diploma and may prescribe the form for such diploma and the
493 certificate of attendance.

494 (5) The nonprofit organization may accept any available
495 funds that may be used to defray the expenses of the program
496 including, but not limited to, federal funding, public or private
497 funds and any funds that may be appropriated by the Legislature
498 for that purpose.

499 (6) The Department of Juvenile Justice may publicly issue a
500 request for proposals to nonprofit organizations for the
501 establishment of the MCP. The request for proposals when issued
502 may contain terms and conditions relating to price, services
503 needed and such other matters are determined by the department to
504 be appropriate for inclusion or required by law. After responses
505 to the request for proposals have been duly received, the
506 department may select the lowest and best bids on the basis of
507 price, services needed and other relevant factors and from such
508 proposals, but not limited to, the terms thereof negotiate and
509 enter into contract(s) with one or more of the nonprofit
510 organizations submitting proposals.

511 **SECTION 11.** Beginning July 1, 2008, every county of the
512 state shall establish a juvenile drug court as prescribed in
513 Section 9-23-1 et seq. The phase-in of the juvenile drug courts
514 shall occur over a period of four (4) years as follows:

515 (a) As of July 1, 2009, all counties shall have at
516 least one (1) juvenile drug court in the Second Congressional
517 District;

518 (b) As of July 1, 2010, all counties shall have at
519 least one (1) juvenile drug court in the Third Congressional
520 District;

521 (c) As of July 1, 2011, all counties shall have at
522 least one (1) juvenile drug court in the Fourth Congressional
523 District; and

524 (d) As of July 1, 2012, all counties shall have at
525 least one (1) juvenile drug court in the First Congressional
526 District.

527 **SECTION 12.** Section 31-11-3, Mississippi Code of 1972, is
528 amended as follows:

529 31-11-3. (1) The Department of Finance and Administration,
530 for the purposes of carrying out the provisions of this chapter,
531 in addition to all other rights and powers granted by law, shall
532 have full power and authority to employ and compensate architects
533 or other employees necessary for the purpose of making
534 inspections, preparing plans and specifications, supervising the
535 erection of any buildings, and making any repairs or additions as
536 may be determined by the Department of Finance and Administration
537 to be necessary, pursuant to the rules and regulations of the
538 State Personnel Board. The department shall have entire control
539 and supervision of, and determine what, if any, buildings,
540 additions, repairs or improvements are to be made under the
541 provisions of this chapter, subject to the approval of the Public
542 Procurement Review Board.

543 (2) The department shall have full power to erect buildings,
544 make repairs, additions or improvements, and buy materials,
545 supplies and equipment for any of the institutions or departments
546 of the state subject to the approval of the Public Procurement
547 Review Board. In addition to other powers conferred, the
548 department shall have full power and authority as directed by the
549 Legislature, or when funds have been appropriated for its use for
550 these purposes, to:

- 551 (a) Build a state office building;
- 552 (b) Build suitable plants or buildings for the use and
553 housing of any state schools or institutions, including the
554 building of plants or buildings for new state schools or
555 institutions, as provided for by the Legislature;
- 556 (c) Provide state aid for the construction of school
557 buildings;
- 558 (d) Promote and develop the training of returned
559 veterans of the United States in all sorts of educational and
560 vocational learning to be supplied by the proper educational
561 institution of the State of Mississippi, and in so doing allocate
562 monies appropriated to it for these purposes to the Governor for
563 use by him in setting up, maintaining and operating an office and
564 employing a state director of on-the-job training for veterans and
565 the personnel necessary in carrying out Public Law No. 346 of the
566 United States;
- 567 (e) Build and equip a hospital and administration
568 building at the Mississippi State Penitentiary;
- 569 (f) Build and equip additional buildings and wards at
570 the Boswell Retardation Center;
- 571 (g) Construct a sewage disposal and treatment plant at
572 the Mississippi State Hospital at Whitfield, and in so doing
573 acquire additional land as may be necessary, and to exercise the
574 right of eminent domain in the acquisition of this land;
- 575 (h) Build and equip the Mississippi central market and
576 purchase or acquire by eminent domain, if necessary, any lands
577 needed for this purpose;
- 578 (i) Build and equip suitable facilities for a training
579 and employing center for the blind;
- 580 (j) Build and equip a gymnasium at the Juvenile Justice
581 Center at Marion;

582 (k) Approve or disapprove the expenditure of any money
583 appropriated by the Legislature when authorized by the bill making
584 the appropriation;

585 (l) Expend monies appropriated to it in paying the
586 state's part of the cost of any street paving;

587 (m) Sell and convey state lands when authorized by the
588 Legislature, cause said lands to be properly surveyed and platted,
589 execute all deeds or other legal instruments, and do any and all
590 other things required to effectively carry out the purpose and
591 intent of the Legislature. Any transaction which involves state
592 lands under the provisions of this paragraph shall be done in a
593 manner consistent with the provisions of Section 29-1-1;

594 (n) Collect and receive from educational institutions
595 of the State of Mississippi monies required to be paid by these
596 institutions to the state in carrying out any veterans'
597 educational programs;

598 (o) Purchase lands for building sites, or as additions
599 to building sites, for the erection of buildings and other
600 facilities which the department is authorized to erect, and
601 demolish and dispose of old buildings, when necessary for the
602 proper construction of new buildings. Any transaction which
603 involves state lands under the provisions of this paragraph shall
604 be done in a manner consistent with the provisions of Section
605 29-1-1;

606 (p) Obtain business property insurance with a
607 deductible of not less than One Hundred Thousand Dollars
608 (\$100,000.00) on state-owned buildings under the management and
609 control of the department; and

610 (q) In consultation with and approval by the Chairmen
611 of the Public Property Committees of the Senate and the House of
612 Representatives, enter into contracts for the purpose of providing
613 parking spaces for state employees who work in the Woolfolk
614 Building, the Carroll Gartin Justice Building or the Walter

615 Sillers Office Building. The provisions of this paragraph (q)
616 shall stand repealed on July 1, 2010.

617 (3) The department shall survey state-owned and
618 state-utilized buildings to establish an estimate of the costs of
619 architectural alterations, pursuant to the Americans With
620 Disabilities Act of 1990, 42 USCS, Section 12111 et seq. The
621 department shall establish priorities for making the identified
622 architectural alterations and shall make known to the Legislative
623 Budget Office and to the Legislature the required cost to
624 effectuate such alterations. To meet the requirements of this
625 section, the department shall use standards of accessibility that
626 are at least as stringent as any applicable federal requirements
627 and may consider:

628 (a) Federal minimum guidelines and requirements issued
629 by the United States Architectural and Transportation Barriers
630 Compliance Board and standards issued by other federal agencies;

631 (b) The criteria contained in the American Standard
632 Specifications for Making Buildings Accessible and Usable by the
633 Physically Handicapped and any amendments thereto as approved by
634 the American Standards Association, Incorporated (ANSI Standards);

635 (c) Design manuals;

636 (d) Applicable federal guidelines;

637 (e) Current literature in the field;

638 (f) Applicable safety standards; and

639 (g) Any applicable environmental impact statements.

640 (4) The department shall observe the provisions of Section
641 31-5-23, in letting contracts and shall use Mississippi products,
642 including paint, varnish and lacquer which contain as vehicles
643 tung oil and either ester gum or modified resin (with rosin as the
644 principal base of constituents), and turpentine shall be used as a
645 solvent or thinner, where these products are available at a cost
646 not to exceed the cost of products grown, produced, prepared, made
647 or manufactured outside of the State of Mississippi.

648 (5) The department shall have authority to accept grants,
649 loans or donations from the United States government or from any
650 other sources for the purpose of matching funds in carrying out
651 the provisions of this chapter.

652 (6) The department shall build a wheelchair ramp at the War
653 Memorial Building which complies with all applicable federal laws,
654 regulations and specifications regarding wheelchair ramps.

655 (7) The department shall review and preapprove all
656 architectural or engineering service contracts entered into by any
657 state agency, institution, commission, board or authority
658 regardless of the source of funding used to defray the costs of
659 the construction or renovation project for which services are to
660 be obtained. The provisions of this subsection (7) shall not
661 apply to any architectural or engineering contract paid for by
662 self-generated funds of any of the state institutions of higher
663 learning, nor shall they apply to community college projects that
664 are funded from local funds or other nonstate sources which are
665 outside the Department of Finance and Administration's
666 appropriations or as directed by the Legislature. The provisions
667 of this subsection (7) shall not apply to any construction or
668 design projects of the State Military Department that are funded
669 from federal funds or other nonstate sources.

670 (8) The department shall have the authority to obtain
671 annually from the state institutions of higher learning
672 information on all building, construction and renovation projects
673 including duties, responsibilities and costs of any architect or
674 engineer hired by any such institutions.

675 (9) When funding is provided through the Bureau of Building,
676 Grounds and Real Property Management, the department may authorize
677 the state institutions of higher learning, community and junior
678 colleges, and other state agencies to manage any construction or
679 renovation project with a value not exceeding Two Hundred Fifty
680 Thousand Dollars (\$250,000.00). The department shall develop

681 criteria for management of such projects that each agency must
682 follow in order to manage the projects. Only agencies that the
683 department deems capable of managing by the criteria may manage
684 these projects. Additionally, the department shall require
685 agencies managing these projects to do the following:

686 (a) Use standard departmentally approved contracts and
687 project management procedures; and

688 (b) Conduct projects on a reimbursable basis and
689 require documentation that the department deems appropriate for
690 payment of claims. Reimbursement shall be on a one-time basis at
691 completion and approval of project documentation submittals.

692 The department shall revoke the authority of any agency to
693 perform these project management functions if, in its opinion, an
694 agency has not followed the department's requirements for managing
695 projects. The authority granted to the department in this section
696 shall not apply to projects funded directly to the institutions of
697 higher learning, community and junior colleges, or other state
698 agencies through separate appropriation or other means.

699 (10) The department shall adopt building code standards for
700 the new construction of public facilities in a manner consistent
701 with the provisions of Section 31-11-33.

702 **SECTION 13.** Section 37-31-65, Mississippi Code of 1972, is
703 amended as follows:

704 37-31-65. The funds derived from any sources for any trade
705 school, such as the Mississippi School for the Deaf, Mississippi
706 School for the Blind, the Juvenile Justice Center at Hinds or
707 Parchman Vocational School or other agencies or institutions
708 receiving funds for the purposes of this chapter, which are not
709 operated in connection with any public school, agricultural high
710 school or community/junior college, or by virtue of any tuition,
711 registration fees, or payment for services rendered or commodities
712 produced, shall be the property of the State Board of Education.
713 In the event any public school, agricultural high school or

714 community/junior college establishes any trade school, classes or
715 courses under Section 37-31-61, such funds shall be the property
716 of such public school, agricultural high school or
717 community/junior college, to be expended by the trustees thereof,
718 and shall be expended solely for the expense of operating and
719 conducting the trade school, classes or courses in connection with
720 such public school, agricultural high school or community/junior
721 college. None of such funds shall be commingled with the funds of
722 any other of such schools, and none of such funds shall be
723 commingled with any of the other funds of any of the public
724 schools, agricultural high schools or community/junior colleges.
725 All of such funds so created shall be and are * * * declared to be
726 public funds, as defined by law.

727 **SECTION 14.** Section 37-113-21, Mississippi Code of 1972, is
728 amended as follows:

729 37-113-21. (1) Agriculture is the primary industry of
730 Mississippi and it is to the interest of * * * state agriculture
731 that research in the fields of livestock products, pastures and
732 forage crops, poultry, herd and flock management, horticulture,
733 farm mechanization, soil conservation, forestry, disease and
734 insect and parasite control, the testing of plants and livestock
735 under different conditions, farm enterprises for different sized
736 farms under different soil and climatic conditions and market
737 locations, and other important phases of Mississippi's
738 agricultural economy, be expanded in the manner provided for in
739 this section.

740 (2) There is * * * authorized a branch experiment station to
741 be known as the Brown Loam Branch Experiment Station, which is to
742 be located on a part of that tract of land owned by the State of
743 Mississippi and formerly operated as the Oakley Penitentiary and
744 known as the Juvenile Justice Center at Hinds, same to be selected
745 in accordance with Laws, 1954, Chapter 159, Section 3, and used as
746 an agricultural experiment station. This property is to be

747 supplied with necessary buildings, equipment, and other
748 facilities; and title to such Oakley Penitentiary Farm, now known
749 as the Juvenile Justice Center at Hinds, is to be transferred to
750 the Board of Trustees of State Institutions of Higher Learning for
751 the use of the Mississippi Agricultural and Forestry Experimental
752 Station as the site of, and to be used for the Brown Loam Branch
753 Experiment Station in accordance with Laws, 1954, Chapter 159,
754 Section 3.

755 There is * * * authorized a branch experiment station to be
756 known as the Coastal Plain Branch Experiment Station to be located
757 on a suitable tract of approximately nine hundred (900) acres to
758 be purchased in the upper coastal plain or short leaf pine area of
759 east central Mississippi and to be supplied with necessary
760 buildings, equipment, and other facilities.

761 The enlargement of the Holly Springs Branch Experiment
762 Station, hereafter to be known as the North Mississippi Branch
763 Experiment Station, is * * * authorized, by the purchase of
764 approximately five hundred (500) acres of additional land adjacent
765 to or in the vicinity of either of the two (2) farms now operated
766 by the branch stations, and by the provision of the necessary
767 buildings, equipment, and other facilities, and the sale, as
768 hereinafter provided, of that farm of the branch station which is
769 not adjacent to the additional land to be purchased.

770 There is * * * authorized the reactivation of the former
771 McNeil Branch Experiment Station to be operated as a part of the
772 South Mississippi Branch Experiment Station at Poplarville, and to
773 be supplied with necessary buildings, equipment, and other
774 facilities.

775 There is * * * authorized a branch experiment station to be
776 known as the Black Belt Branch Experiment Station to be located on
777 a suitable tract of approximately six hundred forty (640) acres of
778 land to be purchased in Noxubee County, Mississippi, and to be

779 supplied with the necessary buildings, equipment and other
780 facilities.

781 There is * * * authorized a branch experiment station to be
782 known as the Northeast Mississippi Branch Experiment Station to be
783 located on a suitable tract of approximately two hundred (200)
784 acres of land to be purchased in Lee County, Mississippi. The
785 station shall be primarily devoted to the development of the dairy
786 industry and shall be supplied with necessary buildings,
787 equipment, and other facilities.

788 There is * * * authorized the expansion of the office and
789 laboratory building at the Delta Branch Experiment Station at
790 Stoneville and of the office and laboratory and dwellings for
791 station workers at the Truck Crops Branch Experiment Station at
792 Crystal Springs.

793 (3) The governing authorities of any municipality, town or
794 county in the state may, in their discretion, donate land, money
795 or other property to the board of trustees of state institutions
796 of higher learning in furtherance of the purposes of this section.

797 For the purpose of securing funds to carry out this
798 subsection, the governing authorities of such municipality, town
799 or county are * * * authorized and empowered, in their discretion,
800 to issue bonds or negotiate notes for the purpose of acquiring by
801 purchase, gift, or lease real estate for the purpose herein
802 authorized. Such issuance of bonds or notes shall be issued in an
803 amount not to exceed the limitation now or hereafter imposed by
804 law on counties, municipalities and towns, and shall be issued in
805 all respects including interest rate, maturities and other details
806 as is now or may hereafter be provided by general law regulating
807 the issuance of bond or notes by the governing authorities of such
808 municipality, town, or county.

809 (4) Any person, firm or corporation may contribute or donate
810 real or other property to the Board of Trustees of State

811 Institutions of Higher Learning in furtherance of the purpose of
812 this section.

813 (5) The Board of Trustees of State Institutions of Higher
814 Learning is * * * authorized, upon recommendation of the Director
815 of the Agricultural and Forestry Experimental Station at the
816 Mississippi State University of Agriculture and Applied Science,
817 which recommendation is approved by and transmitted to the board
818 by the president of the university, to carry out the provisions of
819 this section with particular reference to the establishment,
820 reactivation, expansion, and the discontinuance of branch stations
821 as herein provided, to receive and accept title to any land or
822 property or money herein authorized, to buy or sell and dispose of
823 any real or personal property herein authorized, to make available
824 for carrying into effect the provisions of this section all money
825 received from such sale or sales, and to do any and all things
826 necessary to effectuate the purposes of this section. One-half
827 (1/2) interest in and to all oil, gas and other minerals shall be
828 retained under any lands sold hereunder.

829 (6) A gift of One Hundred Thousand Dollars (\$100,000.00),
830 authorized by the general education board of the Rockefeller
831 Foundation for the development of agricultural research, with
832 particular reference to expanding the branch experiment stations
833 and conditioned upon a general program of expansion substantially,
834 as herein provided, is * * * accepted. The Director of the
835 Agricultural and Forestry Experimental Station at the Mississippi
836 State University of Agriculture and Applied Science is authorized
837 and instructed to control and expend such fund in the same manner
838 as other funds appropriated to carry out the provisions of this
839 section.

840 (7) The experiment station in Clay County, Mississippi,
841 shall not be affected by this section.

842 **SECTION 15.** Section 37-143-15, Mississippi Code of 1972, is
843 amended as follows:

844 37-143-15. The Board of Trustees of State Institutions of
845 Higher Learning is authorized and empowered to establish loan or
846 scholarship programs of like character, operation and purpose to
847 the foregoing enumerated programs to encourage the participation
848 of eligible worthy persons in courses of instruction in its
849 institutions, and in furtherance of such power and authority is
850 authorized: to adopt and implement rules and regulations
851 declaring and describing the goals and objectives of such loan or
852 scholarship programs; to establish the eligibility requirements
853 for entry into such program and required for continuing
854 participation for succeeding years; to determine the maximum
855 amount to be made available to recipients; to delineate the terms
856 and conditions of contracts with recipients and establish the
857 service requirements for such contracts, if any; to enter into
858 contracts pertaining to such programs with recipients; to enter
859 into loan agreements and other contracts with financial
860 institutions or other providers of loan monies for scholarship or
861 loan participants; and to allocate and utilize such funds as may
862 be necessary for the operation of such loan or scholarship
863 programs from the annual appropriation for student financial aid.
864 In issuing rules and regulations governing the administration of
865 the Graduate Teacher Summer Scholarship (GTS) Program, the Board
866 of Trustees of State Institutions of Higher Learning shall provide
867 that certified teachers at the Juvenile Justice Centers at Hinds
868 and Marion under the jurisdiction of the Department of Juvenile
869 Justice shall be fully eligible to participate in the program.

870 **SECTION 16.** Section 43-21-105, Mississippi Code of 1972, is
871 amended as follows:

872 43-21-105. The following words and phrases, for purposes of
873 this chapter, shall have the meanings ascribed herein unless the
874 context clearly otherwise requires:

875 (a) "Youth court" means the Youth Court Division.

876 (b) "Judge" means the judge of the Youth Court
877 Division.

878 (c) "Designee" means any person that the judge appoints
879 to perform a duty which this chapter requires to be done by the
880 judge or his designee. The judge may not appoint a person who is
881 involved in law enforcement to be his designee. Each designee
882 shall be subject to the Code of Judicial Conduct and shall govern
883 himself or herself accordingly.

884 (d) "Child" and "youth" are synonymous, and each means
885 a person who has not reached his eighteenth birthday. A child who
886 has not reached his eighteenth birthday and is on active duty for
887 a branch of the armed services or is married is not considered a
888 "child" or "youth" for the purposes of this chapter.

889 (e) "Parent" means the father or mother to whom the
890 child has been born, or the father or mother by whom the child has
891 been legally adopted.

892 (f) "Guardian" means a court-appointed guardian of the
893 person of a child.

894 (g) "Custodian" means any person having the present
895 care or custody of a child whether such person be a parent or
896 otherwise.

897 (h) "Legal custodian" means a court-appointed custodian
898 of the child.

899 (i) "Delinquent child" means a child who has reached
900 his tenth birthday and who has committed a delinquent act.

901 (j) "Delinquent act" is any act, which if committed by
902 an adult, is designated as a crime under state or federal law, or
903 municipal or county ordinance other than offenses punishable by
904 life imprisonment or death. A delinquent act includes escape from
905 lawful detention and violations of the Uniform Controlled
906 Substances Law and violent behavior.

907 (k) "Child in need of supervision" means a child who
908 has reached his seventh birthday and is in need of treatment or
909 rehabilitation because the child:

910 (i) Is habitually disobedient of reasonable and
911 lawful commands of his parent, guardian or custodian and is
912 ungovernable; or

913 (ii) While being required to attend school,
914 willfully and habitually violates the rules thereof or willfully
915 and habitually absents himself therefrom; or

916 (iii) Runs away from home without good cause; or

917 (iv) Has committed a delinquent act or acts.

918 (l) "Neglected child" means a child:

919 (i) Whose parent, guardian or custodian or any
920 person responsible for his care or support, neglects or refuses,
921 when able so to do, to provide for him proper and necessary care
922 or support, or education as required by law, or medical, surgical,
923 or other care necessary for his well-being; provided, however, a
924 parent who withholds medical treatment from any child who in good
925 faith is under treatment by spiritual means alone through prayer
926 in accordance with the tenets and practices of a recognized church
927 or religious denomination by a duly accredited practitioner
928 thereof shall not, for that reason alone, be considered to be
929 neglectful under any provision of this chapter; or

930 (ii) Who is otherwise without proper care,
931 custody, supervision or support; or

932 (iii) Who, for any reason, lacks the special care
933 made necessary for him by reason of his mental condition, whether
934 said mental condition be mentally retarded or mentally ill; or

935 (iv) Who, for any reason, lacks the care necessary
936 for his health, morals or well-being.

937 (m) "Abused child" means a child whose parent, guardian
938 or custodian or any person responsible for his care or support,
939 whether legally obligated to do so or not, has caused or allowed

940 to be caused upon said child sexual abuse, sexual exploitation,
941 emotional abuse, mental injury, nonaccidental physical injury or
942 other maltreatment. Provided, however, that physical discipline,
943 including spanking, performed on a child by a parent, guardian or
944 custodian in a reasonable manner shall not be deemed abuse under
945 this section.

946 (n) "Sexual abuse" means obscene or pornographic
947 photographing, filming or depiction of children for commercial
948 purposes, or the rape, molestation, incest, prostitution or other
949 such forms of sexual exploitation of children under circumstances
950 which indicate that the child's health or welfare is harmed or
951 threatened.

952 (o) "A child in need of special care" means a child
953 with any mental or physical illness that cannot be treated with
954 the dispositional alternatives ordinarily available to the youth
955 court.

956 (p) A "dependent child" means any child who is not a
957 child in need of supervision, a delinquent child, an abused child
958 or a neglected child, and which child has been voluntarily placed
959 in the custody of the Department of Human Services by his parent,
960 guardian or custodian.

961 (q) "Custody" means the physical possession of the
962 child by any person.

963 (r) "Legal custody" means the legal status created by a
964 court order which gives the legal custodian the responsibilities
965 of physical possession of the child and the duty to provide him
966 with food, shelter, education and reasonable medical care, all
967 subject to residual rights and responsibilities of the parent or
968 guardian of the person.

969 (s) "Detention" means the care of children in
970 physically restrictive facilities.

971 (t) "Shelter" means care of children in physically
972 nonrestrictive facilities.

973 (u) "Records involving children" means any of the
974 following from which the child can be identified:

975 (i) All youth court records as defined in Section
976 43-21-251;

977 (ii) All social records as defined in Section
978 43-21-253;

979 (iii) All law enforcement records as defined in
980 Section 43-21-255;

981 (iv) All agency records as defined in Section
982 43-21-257; and

983 (v) All other documents maintained by any
984 representative of the state, county, municipality or other public
985 agency insofar as they relate to the apprehension, custody,
986 adjudication or disposition of a child who is the subject of a
987 youth court cause.

988 (v) "Any person responsible for care or support" means
989 the person who is providing for the child at a given time. This
990 term shall include, but is not limited to, stepparents, foster
991 parents, relatives, nonlicensed baby-sitters or other similar
992 persons responsible for a child and staff of residential care
993 facilities and group homes that are licensed by the Department of
994 Human Services.

995 (w) The singular includes the plural, the plural the
996 singular and the masculine the feminine when consistent with the
997 intent of this chapter.

998 (x) "Out-of-home" setting means the temporary
999 supervision or care of children by the staff of licensed day care
1000 centers, the staff of public, private and state schools, the staff
1001 of juvenile detention facilities, the staff of unlicensed
1002 residential care facilities and group homes and the staff of, or
1003 individuals representing, churches, civic or social organizations.

1004 (y) "Durable legal custody" means the legal status
1005 created by a court order which gives the durable legal custodian

1006 the responsibilities of physical possession of the child and the
1007 duty to provide him with care, nurture, welfare, food, shelter,
1008 education and reasonable medical care. All these duties as
1009 enumerated are subject to the residual rights and responsibilities
1010 of the natural parent(s) or guardian(s) of the child or children.

1011 (z) "Status offense" means conduct subject to
1012 adjudication by the youth court that would not be a crime if
1013 committed by an adult.

1014 **SECTION 17.** Section 43-21-159, Mississippi Code of 1972, is
1015 amended as follows:

1016 43-21-159. (1) When a person appears before a court other
1017 than the youth court, and it is determined that the person is a
1018 child under jurisdiction of the youth court, such court shall,
1019 unless the jurisdiction of the offense has been transferred to
1020 such court as provided in this chapter, or unless the child has
1021 previously been the subject of a transfer from the youth court to
1022 the circuit court for trial as an adult and was convicted,
1023 immediately dismiss the proceeding without prejudice and forward
1024 all documents pertaining to the cause to the youth court; and all
1025 entries in permanent records shall be expunged. The youth court
1026 shall have the power to order and supervise the expunction or the
1027 destruction of such records in accordance with Section 43-21-265.
1028 Upon petition therefor, the youth court shall expunge the record
1029 of any case within its jurisdiction in which an arrest was made,
1030 the person arrested was released and the case was dismissed or the
1031 charges were dropped or there was no disposition of such case. In
1032 cases where the child is charged with a hunting or fishing
1033 violation or a traffic violation whether it be any state or
1034 federal law, a violation of the Mississippi Implied Consent Law,
1035 or municipal ordinance or county resolution or where the child is
1036 charged with a violation of Section 67-3-70, the appropriate
1037 criminal court shall proceed to dispose of the same in the same
1038 manner as for other adult offenders and it shall not be necessary

1039 to transfer the case to the youth court of the county. Unless the
1040 cause has been transferred, or unless the child has previously
1041 been the subject of a transfer from the youth court to the circuit
1042 court for trial as an adult, except for violations under the
1043 Implied Consent Law, and was convicted, the youth court shall have
1044 power on its own motion to remove jurisdiction from any criminal
1045 court of any offense including a hunting or fishing violation, a
1046 traffic violation, or a violation of Section 67-3-70, committed by
1047 a child in a matter under the jurisdiction of the youth court and
1048 proceed therewith in accordance with the provisions of this
1049 chapter.

1050 (2) After conviction and sentence of any child by any other
1051 court having original jurisdiction on a misdemeanor charge, and
1052 within the time allowed for an appeal of such conviction and
1053 sentence, the youth court of the county shall have the full power
1054 to stay the execution of the sentence and to release the child on
1055 good behavior or on other order as the youth court may see fit to
1056 make unless the child has previously been the subject of a
1057 transfer from the youth court to the circuit court for trial as an
1058 adult and was convicted. When a child is convicted of a
1059 misdemeanor and is committed to, incarcerated in or imprisoned in
1060 a jail or other place of detention by a criminal court having
1061 proper jurisdiction of such charge, such court shall notify the
1062 youth court judge or the judge's designee of the conviction and
1063 sentence prior to the commencement of such incarceration. The
1064 youth court shall have the power to order and supervise the
1065 destruction of any records involving children maintained by the
1066 criminal court in accordance with Section 43-21-265. However, the
1067 youth court shall have the power to set aside a judgment of any
1068 other court rendered in any matter over which the youth court has
1069 exclusive original jurisdiction, to expunge or destroy the records
1070 thereof in accordance with Section 43-21-265, and to order a
1071 refund of fines and costs.

1072 (3) Nothing in subsection (1) or (2) shall apply to a youth
1073 who has a pending charge or a conviction for any crime over which
1074 circuit court has original jurisdiction.

1075 (4) In any case wherein the defendant is a child as defined
1076 in this chapter and of which the circuit court has original
1077 jurisdiction, the circuit judge, upon a finding that it would be
1078 in the best interest of such child and in the interest of justice,
1079 may at any stage of the proceedings prior to the attachment of
1080 jeopardy transfer such proceedings to the youth court for further
1081 proceedings unless the child has previously been the subject of a
1082 transfer from the youth court to the circuit court for trial as an
1083 adult and was convicted or has previously been convicted of a
1084 crime which was in original circuit court jurisdiction, and the
1085 youth court shall, upon acquiring jurisdiction, proceed as
1086 provided in this chapter for the adjudication and disposition of
1087 delinquent child proceeding proceedings. If the case is not
1088 transferred to the youth court and the youth is convicted of a
1089 crime by any circuit court, the trial judge shall sentence the
1090 youth as though such youth was an adult. The circuit court shall
1091 not have the authority to commit such child to the custody of the
1092 Department of Juvenile Justice for placement in a state-supported
1093 juvenile justice center.

1094 (5) In no event shall a court sentence an offender over the
1095 age of eighteen (18) to the custody of the Department of Juvenile
1096 Justice for placement in a state-supported juvenile justice
1097 center.

1098 (6) When a child's driver's license is suspended by the
1099 youth court for any reason, the clerk of the youth court shall
1100 report the suspension, without a court order under Section
1101 43-21-261, to the Commissioner of Public Safety in the same manner
1102 as such suspensions are reported in cases involving adults.

1103 (7) No offense involving the use or possession of a firearm
1104 by a child who has reached his fifteenth birthday and which, if

1105 committed by an adult would be a felony, shall be transferred to
1106 the youth court.

1107 **SECTION 18.** Section 43-21-321, Mississippi Code of 1972, is
1108 amended as follows:

1109 43-21-321. (1) All juveniles shall undergo a health
1110 screening within one (1) hour of admission to any juvenile
1111 detention center, or as soon thereafter as reasonably possible.
1112 Information obtained during the screening shall include, but shall
1113 not be limited to, the juvenile's:

- 1114 (a) Mental health;
- 1115 (b) Suicide risk;
- 1116 (c) Alcohol and other drug use and abuse;
- 1117 (d) Physical health;
- 1118 (e) Aggressive behavior;
- 1119 (f) Family relations;
- 1120 (g) Peer relations;
- 1121 (h) Social skills;
- 1122 (i) Educational status; and
- 1123 (j) Vocational status.

1124 (2) If the screening instrument indicates that a juvenile is
1125 in need of emergency medical care or mental health intervention
1126 services, the detention staff shall refer those juveniles to the
1127 proper health care facility or community mental health service
1128 provider for further evaluation, as soon as reasonably possible.
1129 If the screening instrument, such as the Massachusetts Youth
1130 Screening Instrument version 2 (MAYSI-2) or other comparable
1131 mental health screening instrument indicates that the juvenile is
1132 in need of emergency medical care or mental health intervention
1133 services, the detention staff shall refer the juvenile to the
1134 proper health care facility or community mental health service
1135 provider for further evaluation, recommendation and referral for
1136 treatment, if necessary, within forty-eight (48) hours, excluding
1137 Saturdays, Sundays and statutory state holidays.

1138 (3) All juveniles shall receive a thorough orientation to
1139 the center's procedures, rules, programs and services. The intake
1140 process shall operate twenty-four (24) hours per day.

1141 (4) The directors of all of the juvenile detention centers
1142 shall amend or develop written procedures for admission of
1143 juveniles who are new to the system. These shall include, but are
1144 not limited to, the following:

1145 (a) Determine that the juvenile is legally committed to
1146 the facility;

1147 (b) Make a complete search of the juvenile and his
1148 possessions;

1149 (c) Dispose of personal property;

1150 (d) Require shower and hair care, if necessary;

1151 (e) Issue clean, laundered clothing, as needed;

1152 (f) Issue personal hygiene articles;

1153 (g) Perform medical, dental and mental health
1154 screening;

1155 (h) Assign a housing unit for the juvenile;

1156 (i) Record basic personal data and information to be
1157 used for mail and visiting lists;

1158 (j) Assist juveniles in notifying their families of
1159 their admission and procedures for mail and visiting;

1160 (k) Assign a registered number to the juvenile; and

1161 (l) Provide written orientation materials to the
1162 juvenile.

1163 (5) All juvenile detention centers shall adhere to the
1164 following minimum standards:

1165 (a) Each center shall have a manual that states the
1166 policies and procedures for operating and maintaining the
1167 facility, and the manual shall be reviewed annually and revised as
1168 needed;

1169 (b) Each center shall have a policy that specifies
1170 support for a drug-free workplace for all employees, and the
1171 policy shall, at a minimum, include the following:

- 1172 (i) The prohibition of the use of illegal drugs;
- 1173 (ii) The prohibition of the possession of any
1174 illegal drugs except in the performance of official duties;
- 1175 (iii) The procedure used to ensure compliance with
1176 a drug-free workplace policy;
- 1177 (iv) The opportunities available for the treatment
1178 and counseling for drug abuse; and
- 1179 (v) The penalties for violation of the drug-free
1180 workplace policy;

1181 (c) Each center shall have a policy, procedure and
1182 practice that ensures that personnel files and records are
1183 current, accurate and confidential;

1184 (d) Each center shall promote the safety and protection
1185 of juvenile detainees from personal abuse, corporal punishment,
1186 personal injury, disease, property damage and harassment;

1187 (e) Each center shall have written policies that allow
1188 for mail and telephone rights for juvenile detainees, and the
1189 policies are to be made available to all staff and reviewed
1190 annually;

1191 (f) Center food service personnel shall implement
1192 sanitation practices based on State Department of Health food
1193 codes;

1194 (g) Each center shall provide juveniles with meals that
1195 are nutritionally adequate and properly prepared, stored and
1196 served according to the State Department of Health food codes;

1197 (h) Each center shall offer special diet food plans to
1198 juveniles under the following conditions:

- 1199 (i) When prescribed by appropriate medical or
1200 dental staff; or

1201 (ii) As directed or approved by a registered
1202 dietitian or physician; and

1203 (iii) As a complete meal service and not as a
1204 supplement to or choice between dietary meals and regular meals;

1205 (i) Each center shall serve religious diets when
1206 approved and petitioned in writing by a religious professional on
1207 behalf of a juvenile and approved by the juvenile detention center
1208 director;

1209 (j) Juvenile detention center directors shall provide a
1210 written method of ensuring regular monitoring of daily
1211 housekeeping, pest control and sanitation practices, and centers
1212 shall comply with all federal, state and local sanitation and
1213 health codes;

1214 (k) Juvenile detention center staff shall screen
1215 detainees for medical, dental and mental health needs during the
1216 intake process. If medical, dental or mental health assistance is
1217 indicated by the screening, or if the intake officer deems it
1218 necessary, the detainee shall be provided access to appropriate
1219 health care professionals for evaluation and treatment. Youth who
1220 are held less than seventy-two (72) hours shall receive treatment
1221 for emergency medical, dental or mental health assistance or
1222 chronic conditions if a screening indicates such treatment is
1223 needed. A medical history of all detainees shall be completed by
1224 the intake staff of the detention center immediately after arrival
1225 at the facility by using a medical history form which shall
1226 include, but not be limited to, the following:

1227 (i) Any medical, dental and mental health
1228 treatments and medications the juvenile is taking;

1229 (ii) Any chronic health problems such as
1230 allergies, seizures, diabetes, hearing or sight loss, hearing
1231 conditions or any other health problems; and

1232 (iii) Documentation of all medications
1233 administered and all health care services rendered;

1234 (1) Juvenile detention center detainees shall be
1235 provided access to medical care and treatment while in custody of
1236 the facility;

1237 (m) Each center shall provide reasonable access by
1238 youth services or county counselors for counseling opportunities.
1239 The youth service or county counselor shall visit with detainees
1240 on a regular basis;

1241 (n) Juvenile detention center detainees shall be
1242 referred to other counseling services when necessary including:
1243 mental health services; crisis intervention; referrals for
1244 treatment of drugs and alcohol and special offender treatment
1245 groups;

1246 (o) Local school districts shall work collaboratively
1247 with juvenile detention center staff to provide special education
1248 services as required by state and federal law;

1249 (p) Recreational services shall be made available to
1250 juvenile detainees for purpose of physical exercise;

1251 (q) Juvenile detention center detainees shall have the
1252 opportunity to participate in the practices of their religious
1253 faith as long as such practices do not violate facility rules and
1254 are approved by the director of the juvenile detention center;

1255 (r) Each center shall provide sufficient space for a
1256 visiting room, and the facility shall encourage juveniles to
1257 maintain ties with families through visitation, and the detainees
1258 shall be allowed the opportunity to visit with the social workers,
1259 counselors and lawyers involved in the juvenile's care;

1260 (s) Juvenile detention centers shall ensure that staffs
1261 create transition planning for youth leaving the facilities.
1262 Plans shall include providing the youth and his or her parents or
1263 guardian with copies of the youth's detention center education and
1264 health records, information regarding the youth's home community,
1265 referrals to mental and counseling services when appropriate, and

1266 providing assistance in making initial appointments with community
1267 service providers; and

1268 (t) The Juvenile Detention Facilities Monitoring Unit
1269 shall monitor the detention facilities for compliance with these
1270 minimum standards, and no child shall be housed in a detention
1271 facility the monitoring unit determines is substantially out of
1272 compliance with the standards prescribed in this subsection.

1273 (6) Programs and services shall be initiated for all
1274 juveniles once they have completed the admissions process.

1275 (7) Programs and professional services may be provided by
1276 the detention staff, youth court staff or the staff of the local
1277 or state agencies, or those programs and professional services may
1278 be provided through contractual arrangements with community
1279 agencies.

1280 (8) Persons providing the services required in this section
1281 must be qualified or trained for juvenile matters in their
1282 respective fields.

1283 (9) All directors of juvenile detention centers shall amend
1284 or develop written procedures to fit the programs and services
1285 described in this section.

1286 **SECTION 19.** Section 43-21-605, Mississippi Code of 1972, is
1287 amended as follows:

1288 43-21-605. (1) In delinquency cases, the disposition order
1289 may include any of the following alternatives:

1290 (a) Release the child without further action;

1291 (b) Place the child in the custody of the parents, a
1292 relative or other persons subject to any conditions and
1293 limitations, including restitution, as the youth court may
1294 prescribe;

1295 (c) Place the child on probation subject to any
1296 reasonable and appropriate conditions and limitations, including
1297 restitution, as the youth court may prescribe;

1298 (d) Order terms of treatment calculated to assist the
1299 child and the child's parents or guardian which are within the
1300 ability of the parent or guardian to perform;

1301 (e) Order terms of supervision which may include
1302 participation in a constructive program of service or education or
1303 civil fines not in excess of Five Hundred Dollars (\$500.00), or
1304 restitution not in excess of actual damages caused by the child to
1305 be paid out of his own assets or by performance of services
1306 acceptable to the victims and approved by the youth court and
1307 reasonably capable of performance within one (1) year;

1308 (f) Suspend the child's driver's license by taking and
1309 keeping it in custody of the court for not more than one (1) year;

1310 (g) Give legal custody of the child to any of the
1311 following:

1312 (i) The Department of Human Services for
1313 appropriate placement; or

1314 (ii) Any public or private organization,
1315 preferably community-based, able to assume the education, care and
1316 maintenance of the child, which has been found suitable by the
1317 court; or

1318 (iii) The Department of Human Services for
1319 placement in a wilderness training program or the Department of
1320 Juvenile Justice for placement in a state juvenile justice center,
1321 except that no child under the age of ten (10) years shall be
1322 committed to a state juvenile justice center, and no first-time
1323 nonviolent youth offenders shall be committed to a state juvenile
1324 justice center until all other options provided for in this
1325 section have been considered and the court makes a specific
1326 finding of fact that commitment is appropriate.

1327 The juvenile justice center may retain custody of the child
1328 until the child's twentieth birthday but for no longer. When the
1329 child is committed to a juvenile justice center, the child shall
1330 remain in the legal custody of the juvenile justice center until

1331 the child has made sufficient progress in treatment and
1332 rehabilitation and it is in the best interest of the child to
1333 release the child. However, the superintendent of a state
1334 juvenile justice center, in consultation with the treatment team,
1335 may parole a child at any time he may deem it in the best interest
1336 and welfare of such child. Twenty (20) days prior to such parole,
1337 the juvenile justice center shall notify the committing court of
1338 the pending release. The youth court may then arrange subsequent
1339 placement after a reconvened disposition hearing, except that the
1340 youth court may not recommit the child to the juvenile justice
1341 center or any other secure facility without an adjudication of a
1342 new offense or probation or parole violation. The Department of
1343 Juvenile Justice shall ensure that staffs create transition
1344 planning for youth leaving the facilities. Plans shall include
1345 providing the youth and his or her parents or guardian with copies
1346 of the youth's juvenile justice center education and health
1347 records, information regarding the youth's home community,
1348 referrals to mental and counseling services when appropriate, and
1349 providing assistance in making initial appointments with community
1350 service providers. Prior to assigning the custody of any child to
1351 any private institution or agency, the youth court through its
1352 designee shall first inspect the physical facilities to determine
1353 that they provide a reasonable standard of health and safety for
1354 the child. No child shall be placed in the custody of a state
1355 juvenile justice center for a status offense or for contempt of or
1356 revocation of a status offense adjudication unless the child is
1357 contemporaneously adjudicated for having committed an act of
1358 delinquency that is not a status offense. A disposition order
1359 rendered under this subparagraph shall meet the following
1360 requirements:

1361 1. The disposition is the least restrictive
1362 alternative appropriate to the best interest of the child and the
1363 community;

1364 2. The disposition allows the child to be in
1365 reasonable proximity to the family home community of each child
1366 given the dispositional alternatives available and the best
1367 interest of the child and the state; and

1368 3. The disposition order provides that the
1369 court has considered the medical, educational, vocational, social
1370 and psychological guidance, training, social education,
1371 counseling, substance abuse treatment and other rehabilitative
1372 services required by that child as determined by the court;

1373 (h) Recommend to the child and the child's parents or
1374 guardian that the child attend and participate in the Youth
1375 Challenge Program under the Mississippi National Guard, as created
1376 in Section 43-27-203, subject to the selection of the child for
1377 the program by the National Guard; however, the child must
1378 volunteer to participate in the program. The youth court shall
1379 not order any child to apply or attend the program;

1380 (i) Recommend to the child and the child's parents or
1381 guardian that the child attend and participate in the Mississippi
1382 Challenge Program, as created in Section 10 of this act; however,
1383 the child, with the permission of a parent or guardian, must
1384 volunteer to participate in the program. The youth court shall
1385 not order any child to apply or attend the program;

1386 (j) (i) Adjudicate the juvenile to the Statewide
1387 Juvenile Work Program if the program is established in the court's
1388 jurisdiction. The juvenile and his parents or guardians must sign
1389 a waiver of liability in order to participate in the work program.
1390 The judge will coordinate with the youth services counselors as to
1391 placing participants in the work program;

1392 (ii) The severity of the crime, whether or not the
1393 juvenile is a repeat offender or is a felony offender will be
1394 taken into consideration by the judge when adjudicating a juvenile
1395 to the work program. The juveniles adjudicated to the work
1396 program will be supervised by police officers or reserve officers.

1397 The term of service will be from twenty-four (24) to one hundred
1398 twenty (120) hours of community service. A juvenile will work the
1399 hours to which he was adjudicated on the weekends during school
1400 and weekdays during the summer. Parents are responsible for a
1401 juvenile reporting for work. Noncompliance with an order to
1402 perform community service will result in a heavier adjudication.
1403 A juvenile may be adjudicated to the community service program
1404 only two (2) times;

1405 (iii) The judge shall assess an additional fine on
1406 the juvenile which will be used to pay the costs of implementation
1407 of the program and to pay for supervision by police officers and
1408 reserve officers. The amount of the fine will be based on the
1409 number of hours to which the juvenile has been adjudicated;

1410 (k) Order the child to participate in a youth court
1411 work program as provided in Section 43-21-627;

1412 (l) Order the child into a juvenile detention center
1413 operated by the county or into a juvenile detention center
1414 operated by any county with which the county in which the court is
1415 located has entered into a contract for the purpose of housing
1416 delinquents. The time period for detention cannot exceed ninety
1417 (90) days, and any detention exceeding forty-five (45) days shall
1418 be administratively reviewed by the youth court no later than
1419 forty-five (45) days after the entry of the order. The youth
1420 court judge may order that the number of days specified in the
1421 detention order be served either throughout the week or on
1422 weekends only. No first-time nonviolent youth offender shall be
1423 committed to a detention center for a period of ninety (90) days
1424 until all other options provided for in this section have been
1425 considered and the court makes a specific finding of fact that
1426 commitment to a detention center is appropriate. However, if a
1427 child is committed to a detention center ninety (90) consecutive
1428 days, the disposition order shall meet the following requirements:

1429 (i) The disposition order is the least restrictive
1430 alternative appropriate to the best interest of the child and the
1431 community;

1432 (ii) The disposition order allows the child to be
1433 in reasonable proximity to the family home community of each child
1434 given the dispositional alternatives available and the best
1435 interest of the child and the state; and

1436 (iii) The disposition order provides that the
1437 court has considered the medical, educational, vocational, social
1438 and psychological guidance, training, social education,
1439 counseling, substance abuse treatment and other rehabilitative
1440 services required by that child as determined by the court; or

1441 (m) Referral to A-team provided system of care
1442 services.

1443 (2) If a disposition order requires that a child miss school
1444 due to other placement, the youth court shall notify a child's
1445 school while maintaining the confidentiality of the youth court
1446 process.

1447 (3) In addition to any of the disposition alternatives
1448 authorized under subsection (1) of this section, the disposition
1449 order in any case in which the child is adjudicated delinquent for
1450 an offense under Section 63-11-30 shall include an order denying
1451 the driver's license and driving privileges of the child as
1452 required under Section 63-11-30(9).

1453 (4) The Department of Juvenile Justice shall maximize
1454 federal funding including, but not limited to, TANF funding for
1455 adolescent offender programs.

1456 By July 1, 2008, the Juvenile Justice Center at Marion shall
1457 no longer operate as a secure juvenile justice center. The
1458 Department of Juvenile Justice shall develop alternative uses for
1459 the Juvenile Justice Center at Marion campus that may include, but
1460 are not limited to, day programming for at-risk youth, mental
1461 health services that must be provided by the Department of Mental

1462 Health for female and male adolescents, adolescent substance abuse
1463 treatment and transitional care for youth who have aged out of
1464 foster care but are not yet self-sufficient. The Department of
1465 Juvenile Justice shall ensure that the use of the Juvenile Justice
1466 Center at Marion maximizes federal dollars including, but not
1467 limited to, Medicaid funds.

1468 (5) If the youth court places a child in a state-supported
1469 juvenile justice center, the court may order the parents or
1470 guardians of the child and other persons living in the child's
1471 household to receive counseling and parenting classes for
1472 rehabilitative purposes while the child is in the legal custody of
1473 the training school. A youth court entering an order under this
1474 subsection (5) shall utilize appropriate services offered either
1475 at no cost or for a fee calculated on a sliding scale according to
1476 income unless the person ordered to participate elects to receive
1477 other counseling and classes acceptable to the court at the
1478 person's sole expense.

1479 (6) Fines levied under this chapter shall be paid into the
1480 general fund of the county but, in those counties wherein the
1481 youth court is a branch of the municipal government, it shall be
1482 paid into the municipal treasury.

1483 (7) Any institution or agency to which a child has been
1484 committed shall give to the youth court any information concerning
1485 the child as the youth court may at any time require.

1486 (8) The youth court shall not place a child in another
1487 school district who has been expelled from a school district for
1488 the commission of a violent act. For the purpose of this
1489 subsection, "violent act" means any action which results in death
1490 or physical harm to another or an attempt to cause death or
1491 physical harm to another.

1492 (9) The youth court may require drug testing as part of a
1493 disposition order. If a child tests positive, the court may
1494 require treatment, counseling and random testing, as it deems

1495 appropriate. The costs of such tests shall be paid by the parent,
1496 guardian or custodian of the child unless the court specifically
1497 finds that the parent, guardian or custodian is unable to pay.

1498 (10) The Department of Juvenile Justice shall operate and
1499 maintain services for youth adjudicated delinquent at the Juvenile
1500 Justice Center at Hinds and the Juvenile Justice Center at Marion.
1501 The program shall be designed for children committed to the
1502 juvenile justice centers by the youth courts. The purpose of the
1503 program is to promote good citizenship, self-reliance, leadership
1504 and respect for constituted authority, teamwork, cognitive
1505 abilities and appreciation of our national heritage. The
1506 Department of Juvenile Justice shall issue credit towards academic
1507 promotions and high school completion. The Department of Juvenile
1508 Justice may award credits to each student who meets the
1509 requirements for a general education development certification.
1510 The Department of Juvenile Justice must also provide to each
1511 special education eligible youth the services required by that
1512 youth's individualized education plan.

1513 (11) There is created a study committee to determine what
1514 entity should be responsible for providing the educational
1515 services within detention centers to ensure that detained youth
1516 receive adequate educational services. The study is also to
1517 include, but is not limited to, the examination of the costs of
1518 providing such educational services. The study committee shall
1519 consist of the following ten (10) members:

1520 (a) The Chairperson of the House of Representatives of
1521 the Juvenile Justice Committee;

1522 (b) The Chairperson of the Senate Judiciary B
1523 Committee;

1524 (c) The Chairperson of the House of Representatives
1525 Education Committee or his or her designee;

1526 (d) The Chairperson of the Senate Education Committee
1527 or his or her designee;

1528 (e) Three (3) members from the House of
1529 Representatives, appointed by the Chairperson of the Juvenile
1530 Justice Committee; and

1531 (f) Three (3) members from the Senate, appointed by the
1532 Chairperson of the Senate Judiciary B Committee.

1533 At its first meeting the study committee shall elect a
1534 chairperson and vice chairperson from its membership and shall
1535 adopt rules for transacting its business and keeping its records.

1536 By October 31, 2006, the study committee shall make a report
1537 of its work and recommendations.

1538 **SECTION 20.** Section 43-27-8, Mississippi Code of 1972, is
1539 amended as follows:

1540 43-27-8. The Department of Human Services, shall administer
1541 the following duties and responsibilities through the Office of
1542 Youth Services:

1543 (a) To implement and administer laws and policy
1544 relating to youth services and coordinate the efforts of the
1545 department with those of the federal government and other state
1546 departments and agencies, county governments, municipal
1547 governments and private agencies concerned with providing youth
1548 services.

1549 * * *

1550 (b) To promulgate and publish such rules, regulations
1551 and policies of the department as are needed for the efficient
1552 government and maintenance of all * * * programs in accord,
1553 insofar as possible, with currently accepted standards of juvenile
1554 care and treatment.

1555 **SECTION 21.** Section 43-27-20, Mississippi Code of 1972, is
1556 amended as follows:

1557 43-27-20. (1) Within the Office of Youth Services there
1558 shall be a Division of Community Services, which shall be headed
1559 by a director appointed by and responsible to the Director of the
1560 Office of Youth Services. He shall hold a master's degree in

1561 social work or a related field and shall have no less than three
1562 (3) years' experience in social services, or in lieu of that
1563 degree and experience, he shall have a minimum of eight (8) years'
1564 experience in social work or a related field. He shall employ and
1565 assign the community workers to serve in the various areas in the
1566 state and any other supporting personnel necessary to carry out
1567 the duties of the Division of Community Services.

1568 (2) The Director of the Division of Community Services
1569 shall assign probation and aftercare workers to the youth court or
1570 family court judges of the various court districts upon the
1571 request of the individual judge on the basis of case load and
1572 need, when funds are available. The probation and aftercare
1573 workers shall live in their respective districts except upon
1574 approval of the Director of the Division of Community Services.
1575 The Director of the Division of Community Services is authorized
1576 to assign a youth services counselor to a district other than the
1577 district in which the youth services counselor lives upon the
1578 approval of the youth court judge of the assigned district and the
1579 Director of the Division of Youth Services. Every placement shall
1580 be with the approval of the youth court or the family court judge,
1581 and a probation and aftercare worker may be removed for cause from
1582 a youth or family court district.

1583 (3) Any counties or cities which, on July 1, 1973, have
1584 court counselors or similar personnel may continue using this
1585 personnel or may choose to come within the statewide framework.

1586 (4) A probation and aftercare worker may be transferred by
1587 the division from one court to another after consultation with the
1588 judge or judges in the court to which the employee is currently
1589 assigned.

1590 (5) The Office of Community Services shall have such duties
1591 as the Office of Youth Services assigns to it, which shall
1592 include, but not be limited to, the following:

1593 (a) Preparing the social, educational and home-life
1594 history and other diagnostic reports on the child for the benefit
1595 of the court or a juvenile justice center under the jurisdiction
1596 of the Department of Juvenile Justice; however, this provision
1597 shall not abridge the power of the court to require similar
1598 services from other agencies, according to law.

1599 (b) Serving in counseling capacities with the youth or
1600 family courts.

1601 (c) Serving as probation agents for the youth or family
1602 courts.

1603 (d) Serving, advising and counseling of children in the
1604 various facilities under the jurisdiction of the Department of
1605 Juvenile Justice as may be necessary to the placement of the
1606 children in proper environment after release and the placement of
1607 children in suitable jobs where necessary and proper.

1608 (e) Supervising and guiding of children released or
1609 conditionally released from facilities under the jurisdiction of
1610 the Department of Juvenile Justice.

1611 (f) Counseling in an aftercare program.

1612 (g) Coordinating the activities of supporting community
1613 agencies which aid in the social adjustment of children released
1614 from the facility and in an aftercare program.

1615 (h) Providing or arranging for necessary services
1616 leading to the rehabilitation of delinquents, either within the
1617 division or through cooperative arrangements with other
1618 appropriate agencies.

1619 (i) Providing counseling and supervision for any child
1620 under ten (10) years of age who has been brought to the attention
1621 of the court when other suitable personnel is not available and
1622 upon request of the court concerned.

1623 (j) Supervising the aftercare program and making
1624 revocation investigations at the request of the court.

1625 (k) This section shall stand repealed on July 1, 2009.

1626 **SECTION 22.** Section 43-27-201, Mississippi Code of 1972, is
1627 amended as follows:

1628 43-27-201. (1) The purpose of this section is to outline
1629 and structure a long-range proposal in addition to certain
1630 immediate objectives for improvements in the juvenile correctional
1631 facilities of the Division of Youth Services of the Mississippi
1632 Department of Human Services in order to provide modern and
1633 efficient correctional and rehabilitation facilities for juvenile
1634 offenders in Mississippi, who are committing an increasing
1635 percentage of serious and violent crimes.

1636 (2) The Department of Finance and Administration, acting
1637 through the Bureau of Building, Grounds and Real Property
1638 Management, using funds from bonds issued under this chapter,
1639 monies appropriated by the Legislature for such purposes, federal
1640 matching or other federal funds, federal grants or other available
1641 funds from whatever source, shall provide for, by construction,
1642 lease, lease-purchase or otherwise, and equip the following
1643 juvenile correctional facilities under the jurisdiction and
1644 responsibility * * * of the Department of Juvenile Justice:

1645 (a) Construct an additional one-hundred-fifty-bed,
1646 stand-alone, medium security juvenile correctional facility for
1647 habitual violent male offenders, which complies with American
1648 Correctional Association Accreditation standards and applicable
1649 building and fire safety codes. The medium security, male
1650 juvenile facility location shall be on property owned by the
1651 Department of Juvenile Justice, or its successor, or at a site
1652 selected by the Bureau of Building, Grounds and Real Property
1653 Management on land which is hereafter donated to the state
1654 specifically for the location of such facility.

1655 (b) Construct an additional one-hundred-bed minimum
1656 security juvenile correctional facility for female offenders, and
1657 an additional stand-alone, fifteen-bed maximum security juvenile
1658 correctional facility for female offenders, which complies with

1659 American Correctional Association Accreditation standards and
1660 applicable building and fire safety codes. The minimum security
1661 and maximum security female juvenile facilities location shall be
1662 on property owned by the Division of Youth Services, or its
1663 successor, or at a site selected by the Bureau of Building,
1664 Grounds and Real Property Management on land which is hereafter
1665 donated to the state specifically for the location of such
1666 facility.

1667 (3) Upon the selection of a proposed site for a correctional
1668 facility for juveniles authorized under subsection (2), the Bureau
1669 of Building, Grounds and Real Property Management of the
1670 Department of Finance and Administration shall notify the board of
1671 supervisors of the county in which such facility is proposed to be
1672 located and shall publish a notice as hereinafter set forth in a
1673 newspaper having general circulation in such county. Such notice
1674 shall include a description of the tract of land in the county
1675 whereon the facility is proposed to be located, the nature and
1676 size of the facility and the date on which the determination of
1677 the Bureau of Building, Grounds and Real Property Management shall
1678 be final as to the location of such facility, which date shall not
1679 be less than forty-five (45) days following the first publication
1680 of such notice. Such notice shall include a brief summary of the
1681 provisions of this section pertaining to the petition for an
1682 election on the question of the location of the juvenile housing
1683 facility in such county. Such notice shall be published not less
1684 than one (1) time each week for at least three (3) consecutive
1685 weeks in at least one (1) newspaper published in such county.

1686 If no petition requesting an election is filed before the
1687 date of final determination stated in such notice, then the bureau
1688 shall give final approval to the location of such facility.

1689 If at any time before the aforesaid date a petition signed by
1690 twenty percent (20%), or fifteen hundred (1500), whichever is
1691 less, of the qualified electors of the county involved shall be

1692 filed with the board of supervisors requesting that an election be
1693 called on the question of locating such facility, then the board
1694 of supervisors shall adopt a resolution calling an election to be
1695 held within such county upon the question of the location of such
1696 facility. Such election shall be held, as far as practicable, in
1697 the same manner as other elections are held in counties. At such
1698 election, all qualified electors of the county may vote, and the
1699 ballots used at such election shall have printed thereon a brief
1700 statement of the facility to be constructed and the words "For the
1701 construction of the facility in (here insert county name) County"
1702 and "Against the construction of the facility in (here insert
1703 county name) County." The voter shall vote by placing a cross (X)
1704 or check mark (√) opposite his choice on the proposition. When
1705 the results of the election on the question of the construction of
1706 the facility shall have been canvassed by the election
1707 commissioners of the county and certified by them to the board of
1708 supervisors, it shall be the duty of the board of supervisors to
1709 determine and adjudicate whether or not a majority of the
1710 qualified electors who voted thereon in such election voted in
1711 favor of the construction of the facilities in such county.
1712 Unless a majority of the qualified electors who voted in such
1713 election shall have voted in favor of the construction of the
1714 facilities in such county, then such facility shall not be
1715 constructed in such county.

1716 (4) The Division of Youth Services shall establish, maintain
1717 and operate an Adolescent Offender Program (AOP), which may
1718 include non-Medicaid assistance eligible juveniles. Beginning
1719 July 1, 2006, subject to availability of funds appropriated
1720 therefor by the Legislature, the Division of Youth Services shall
1721 phase-in AOPs in every county of the state over a period of four
1722 (4) years. The phase-in of the AOPs shall be as follows:

1723 (a) As of July 1, 2007, not less than twenty (20)
1724 counties shall be served by at least one (1) AOP;

1725 (b) As of July 1, 2008, not less than forty (40)
1726 counties shall be served by at least one (1) AOP;

1727 (c) As of July 1, 2009, not less than sixty (60)
1728 counties shall be served by at least one (1) AOP; and

1729 (d) As of July 1, 2010, all eighty-two (82) counties
1730 shall be served by at least one (1) AOP.

1731 AOP professional services, salaries, facility offices,
1732 meeting rooms and related supplies and equipment may be provided
1733 through contract with local mental health or other nonprofit
1734 community organizations. Each AOP must incorporate evidence-based
1735 practices and positive behavioral intervention that includes two
1736 (2) or more of the following elements: academic, tutoring,
1737 literacy, mentoring, vocational training, substance abuse
1738 treatment, family counseling and anger management. Programs may
1739 include, but shall not be limited to, after school and weekend
1740 programs, job readiness programs, home detention programs,
1741 community service conflict resolution programs, restitution and
1742 community service.

1743 (5) The Department of Juvenile Justice shall operate and
1744 maintain the Forestry Camp Number 43 at the Juvenile Justice
1745 Center at Marion, originally authorized and constructed in 1973,
1746 to consist of a twenty-bed dormitory, four (4) offices, a
1747 classroom, kitchen, dining room, day room and apartment. The
1748 purpose of this camp shall be to train juvenile detention
1749 residents for community college and other forestry training
1750 programs.

1751 (6) The Department of Juvenile Justice shall establish a
1752 ten-bed transitional living facility for the temporary holding of
1753 juvenile justice center adolescents who have reached their
1754 majority, have completed the GED requirement, and are willing to
1755 be rehabilitated until they are placed in jobs, job training or
1756 postsecondary programs. Such transitional living facility may be

1757 operated pursuant to contract with a nonprofit community support
1758 organization.

1759 **SECTION 23.** Section 43-27-203, Mississippi Code of 1972, is
1760 amended as follows:

1761 43-27-203. (1) There is created under the Mississippi
1762 National Guard a program to be known as the "Youth Challenge
1763 Program." The program shall be an interdiction program designed
1764 for children determined to be "at-risk" by the National Guard.
1765 Beginning July 1, 2008, the Youth Challenge Program shall be under
1766 the jurisdiction of the Department of Juvenile Justice, and the
1767 National Guard must report to the Board of the Department of
1768 Juvenile Justice as it relates to the Youth Challenge Program.

1769 (2) The Mississippi National Guard shall implement and
1770 administer the Youth Challenge Program and shall promulgate rules
1771 and regulations concerning the administration of the program. The
1772 National Guard shall prepare written guidelines concerning the
1773 nomination and selection process of participants in the program,
1774 and such guidelines shall include a list of the factors considered
1775 in the selection process.

1776 (3) Participation in the Youth Challenge Program shall be on
1777 a voluntary basis. No child may be sentenced by any court to
1778 participate in the program; however, a youth court judge may refer
1779 the program to a child when, under his determination, such program
1780 would be sufficient to meet the needs of the child.

1781 (4) The Mississippi National Guard, under the auspices of
1782 the Challenge Academy, may award an adult high school diploma to
1783 each participant who meets the requirements for a general
1784 educational development (GED) equivalent under the policies and
1785 guidelines of the GED Testing Service of the American Council on
1786 Education and any other minimum academic requirements prescribed
1787 by the National Guard and Challenge Academy for graduation from
1788 the Youth Challenge Program. Participants in the program who do
1789 not meet the minimum academic requirements may be awarded a

1790 special certificate of attendance. The Mississippi National Guard
1791 and the Challenge Academy shall establish rules and regulations
1792 for awarding the adult high school diploma and shall prescribe the
1793 form for such diploma and the certificate of attendance.

1794 (5) The Mississippi National Guard may accept any available
1795 funds that may be used to defray the expenses of the program
1796 including, but not limited to, federal funding, public or private
1797 funds and any funds that may be appropriated by the Legislature
1798 for that purpose; however, all funding for the Youth Challenge
1799 Program shall be under the jurisdiction of the Department of
1800 Juvenile Justice.

1801 **SECTION 24.** Section 47-5-151, Mississippi Code of 1972, is
1802 amended as follows:

1803 47-5-151. The superintendent (warden) or other person in
1804 charge of prisoners, upon the death of any prisoner under his care
1805 and control, shall at once notify the county medical examiner or
1806 county medical examiner investigator (hereinafter "medical
1807 examiner") of the county in which the prisoner died, of the death
1808 of the prisoner, and it shall be the duty of such medical
1809 examiner, when so notified of the death of such person, to obtain
1810 a court order and notify the State Medical Examiner of the death
1811 of such prisoner. It shall be mandatory that the State Medical
1812 Examiner cause an autopsy to be performed upon the body of the
1813 deceased prisoner. Furthermore, the State Medical Examiner shall
1814 investigate any case where a person is found dead on the premises
1815 of the correctional system, in accordance with Sections 41-61-51
1816 through 41-61-79. The State Medical Examiner shall make a written
1817 report of his investigation, and shall furnish a copy of the same,
1818 including the autopsy report, to the superintendent (warden) and a
1819 copy of the same to the district attorney of the county in which
1820 the prisoner died. The copy so furnished to the district attorney
1821 shall be turned over by the district attorney to the grand jury,
1822 and it shall be the duty of the grand jury, if there be any

1823 suspicion of wrongdoing shown by the inquest papers, to thoroughly
1824 investigate the cause of such death.

1825 It shall be the duty of the medical examiner of the county in
1826 which the prisoner died to arrange for the remains to be
1827 transported to the State Medical Examiner for the autopsy, and
1828 accompanying the remains shall be the court order for autopsy and
1829 any documents or records pertaining to the deceased prisoner,
1830 institutional health records or other information relating to the
1831 circumstances surrounding the prisoner's death. The State Medical
1832 Examiner shall arrange for the remains to be transported to the
1833 county in which the prisoner died following completion of the
1834 autopsy. If the remains are not claimed for burial within
1835 forty-eight (48) hours after autopsy, then the remains may be
1836 delivered to the University of Mississippi Medical Center for use
1837 in medical research or anatomical study.

1838 The provisions herein set forth in the first paragraph shall
1839 likewise apply to any case in which any person is found dead on
1840 the premises of the Mississippi State Penitentiary, except that
1841 the autopsy to be performed on the body of such a person shall not
1842 be mandatory upon a person who is not a prisoner unless the
1843 medical examiner determines that the death resulted from
1844 circumstances raising questions as to the cause of death, in which
1845 case the medical examiner may cause an autopsy to be performed
1846 upon the body of such deceased person in the same manner as
1847 authorized to be performed upon the body of a deceased prisoner.

1848 * * * The provisions of this section shall apply with
1849 respect to any deceased prisoner who at the time of death is being
1850 detained by duly constituted state authority such as the Juvenile
1851 Justice Center at Marion, Juvenile Justice Center at Hinds,
1852 Mississippi State Hospital at Whitfield, East Mississippi State
1853 Hospital, or any other state institution.

1854 The provisions of this section shall not apply to a prisoner
1855 who was lawfully executed as provided in Sections 99-19-49 through
1856 99-19-55.

1857 Any officer or employee of the prison system or any other
1858 officer, employee or person having charge of any prisoner who
1859 shall fail to immediately notify the medical examiner of the death
1860 of such prisoner, shall be guilty of a misdemeanor and, upon
1861 conviction thereof, shall be punished by a fine of not less than
1862 One Hundred Dollars (\$100.00) nor more than Five Hundred dollars
1863 (\$500.00) and by confinement in the county jail for not more than
1864 one (1) year.

1865 **SECTION 25.** Section 47-7-45, Mississippi Code of 1972, is
1866 amended as follows:

1867 47-7-45. The provisions of this chapter shall not apply to
1868 probation under the Youth Court Law nor to parole from the
1869 Juvenile Justice Center at Marion and the Juvenile Justice Center
1870 at Hinds.

1871 **SECTION 26.** Section 65-1-37, Mississippi Code of 1972, is
1872 amended as follows:

1873 65-1-37. The Mississippi Transportation Commission is hereby
1874 authorized and empowered to have the Mississippi Department of
1875 Transportation construct, repair and maintain the driveways and
1876 streets on the grounds of the universities and colleges under the
1877 jurisdiction of the Board of Trustees of the State Institutions of
1878 Higher Learning, state, and/or county supported junior colleges,
1879 the state hospitals, and institutions under the jurisdiction of
1880 the Department of Mental Health, the Juvenile Justice Center at
1881 Marion, the Juvenile Justice Center at Hinds, the Mississippi
1882 Schools for the Deaf and Blind, and the Mississippi Department of
1883 Wildlife, Fisheries and Parks in the manner provided herein,
1884 including bypasses to connect those driveways and streets with
1885 roads on the state highway system, and the main thoroughfare
1886 running east and west through the grounds of the Mississippi

1887 Penitentiary, provided that the institutions obtain the necessary
1888 rights-of-way, those institutions being * * * authorized so to do
1889 by this section.

1890 The Transportation Commission and the governing boards of
1891 the institutions shall enter into an agreement prior to
1892 undertaking any of the work mentioned in the first paragraph of
1893 this section, and the agreement shall be based on the
1894 Transportation Department's furnishing equipment, equipment
1895 operators, skilled labor, supervision, and engineering services,
1896 and the governing bodies of the aforementioned institutions shall
1897 furnish material, supplies and common labor. This agreement shall
1898 further provide for reimbursement of the Mississippi Department of
1899 Transportation, in full, for the expenditures incurred in the
1900 construction, repair and maintenance of driveways and streets at
1901 the institutions hereinabove mentioned, such reimbursement to be
1902 made directly to the Mississippi Transportation Commission from
1903 the institutions. Upon the execution of an agreement as set out
1904 herein, the Mississippi Department of Transportation may provide
1905 all the necessary engineering, supervision, skilled labor,
1906 equipment, and equipment operators to perform such work.

1907 **SECTION 27.** Section 99-43-3, Mississippi Code of 1972, is
1908 amended as follows:

1909 99-43-3. As used in this chapter, the following words shall
1910 have the meanings ascribed to them unless the context clearly
1911 requires otherwise:

1912 (a) "Accused" means a person who has been arrested for
1913 committing a criminal offense and who is held for an initial
1914 appearance or other proceeding before trial or who is a target of
1915 an investigation for committing a criminal offense.

1916 (b) "Appellate proceeding" means an oral argument held
1917 in open court before the Mississippi Court of Appeals, the
1918 Mississippi Supreme Court, a federal court of appeals or the
1919 United States Supreme Court.

1920 (c) "Arrest" means the actual custodial restraint of a
1921 person or his submission to custody.

1922 (d) "Community status" means extension of the limits of
1923 the places of confinement of a prisoner through work release,
1924 intensive supervision, house arrest and initial consideration of
1925 pre-discretionary leave, passes and furloughs.

1926 (e) "Court" means all state courts including juvenile
1927 courts.

1928 (f) "Victim assistance coordinator" means a person who
1929 is employed or authorized by a public entity or a private entity
1930 that receives public funding primarily to provide counseling,
1931 treatment or other supportive assistance to crime victims.

1932 (g) "Criminal offense" means conduct that gives a law
1933 enforcement officer or prosecutor probable cause to believe that a
1934 felony involving physical injury, the threat of physical injury, a
1935 sexual offense, any offense involving spousal abuse or domestic
1936 violence has been committed.

1937 (h) "Criminal proceeding" means a hearing, argument or
1938 other matter scheduled by and held before a trial court but does
1939 not include a lineup, grand jury proceeding or other matter not
1940 held in the presence of the court.

1941 (i) "Custodial agency" means a municipal or county
1942 jail, the Department of Corrections, juvenile detention facility,
1943 Department of Juvenile Justice or a secure mental health facility
1944 having custody of a person who is arrested or is in custody for a
1945 criminal offense.

1946 (j) "Defendant" means a person or entity that is
1947 formally charged by complaint, indictment or information of
1948 committing a criminal offense.

1949 (k) "Final disposition" means the ultimate termination
1950 of the criminal prosecution of a defendant by a trial court,
1951 including dismissal, acquittal or imposition of a sentence.

1952 (1) "Immediate family" means the spouse, parent, child,
1953 sibling, grandparent or guardian of the victim, unless that person
1954 is in custody for an offense or is the accused.

1955 (m) "Lawful representative" means a person who is a
1956 member of the immediate family or who is designated as provided in
1957 Section 99-43-5; no person in custody for an offense or who is the
1958 accused may serve as lawful representative.

1959 (n) "Post-arrest release" means the discharge of the
1960 accused from confinement on recognizance, bond or other condition.

1961 (o) "Post-conviction release" means parole or discharge
1962 from confinement by an agency having custody of the prisoner.

1963 (p) "Post-conviction relief proceeding" means a
1964 hearing, argument or other matter that is held in any court and
1965 that involves a request for relief from a conviction, sentence or
1966 adjudication.

1967 (q) "Prisoner" means a person who has been convicted or
1968 adjudicated of a criminal offense against a victim and who has
1969 been sentenced to the custody of the sheriff, the Department of
1970 Corrections, Department of Juvenile Justice, juvenile detention
1971 facility, a municipal jail or a secure mental health facility.

1972 (r) "Prosecuting attorney" means the district attorney,
1973 county prosecuting attorney, municipal prosecuting attorney, youth
1974 court prosecuting attorney, special prosecuting attorney or
1975 Attorney General.

1976 (s) "Right" means any right granted to the victim by
1977 the laws of this state.

1978 (t) "Victim" means a person against whom the criminal
1979 offense has been committed, or if the person is deceased or
1980 incapacitated, the lawful representative.

1981 **SECTION 28.** Sections 43-27-10, 43-27-11, 43-27-12, 43-27-22,
1982 43-27-23, 43-27-25, 43-27-27, 43-27-29 and 43-27-35, Mississippi
1983 Code of 1972, which provide that the Department of Human Services

1984 has jurisdiction over the juvenile correctional facilities, are
1985 repealed.

1986 **SECTION 29.** Section 43-21-123, Mississippi Code of 1972, is
1987 amended as follows:

1988 43-21-123. (1) Except for expenses provided by state funds
1989 and/or other monies, the board of supervisors, or the municipal
1990 governing board where there is a municipal youth court, shall
1991 adequately provide funds for the operation of the youth court
1992 division of the appropriate court in conjunction with the
1993 regular * * * court budget * * *. In preparation for said
1994 funding, on an annual basis at the time requested, the youth court
1995 judge, regular youth court referee or administrator shall prepare
1996 and submit to the board of supervisors, or the municipal governing
1997 board of the youth court wherever the youth court is a municipal
1998 court, an annual budget which will identify the number, staff
1999 position, title and amount of annual or monthly compensation of
2000 each position as well as provide for other expenditures necessary
2001 to the functioning and operation of the youth court. When the
2002 budget of the youth court or youth court judge is approved by the
2003 board of supervisors or the governing authority of the
2004 municipality, then the youth court, youth court judge, regular
2005 youth court referee or administrator may employ such persons as
2006 provided in the budget from time to time.

2007 (2) The board of supervisors of any county in which there is
2008 located a youth court, and the governing authority of any
2009 municipality in which there is located a municipal youth court,
2010 are each authorized to reimburse the youth court referees and
2011 other county employed youth court employees or personnel for
2012 reasonable travel and expenses incurred in the performance of
2013 their duties and in attending educational meetings offering
2014 professional training to such persons as budgeted.

2015 (3) (a) In order to ensure that all youth courts not served
2016 by a county court have sufficient support funds to carry on the

2017 business of the youth court, the Administrative Office of Courts
2018 shall establish a formula for providing state support payable from
2019 the General Fund for the support of the youth courts. Youth court
2020 support funds shall be available to each regular youth court
2021 referee and municipal youth court referee so long as the senior
2022 chancellor does not elect to employ a youth court administrator as
2023 set forth in subsection 3(b), and each regular youth court referee
2024 shall have the individual discretion to appropriate those funds as
2025 expense monies to assist in hiring secretarial staff and acquiring
2026 materials incident to carrying on the business of the court within
2027 the referee's private practice of law, or may direct the use of
2028 those funds through the county budget for court support supplies
2029 or services. The regular youth court referee and municipal youth
2030 court referee shall be accountable for assuring through private or
2031 county employees the proper preparation and filing of all
2032 necessary tracking and other documentation attendant to the
2033 administration of the youth court. The formula developed by the
2034 Administrative Office of Courts for providing youth court support
2035 funds shall be reviewed by the Administrative Office of Courts
2036 every two (2) years to ensure that the youth court support funds
2037 provided herein are proportional to each youth court's caseload.
2038 Approval of the use of any of the youth court support funds made
2039 under this subsection shall be made by the Administrative Office
2040 of Courts in accordance with procedures established by the
2041 Administrative Office of Courts.

2042 (b) In lieu of accepting any referee support funds as
2043 provided in paragraph (b) of this subsection, when permitted by
2044 the Administrative Office of Courts, the senior chancellors of
2045 Chancery Districts One, Two, Three, Four, Six, Seven, Nine, Ten,
2046 Thirteen, Fourteen, Fifteen and Eighteen may appoint a youth court
2047 administrator for the district whose responsibility will be to
2048 perform all reporting, tracking and other duties of a court
2049 administrator for all youth courts in the district which are under

2050 the chancery court system. The Administrative Office of Courts
2051 shall allocate to each chancellor so electing a sum not to exceed
2052 Thirty Thousand Dollars (\$30,000.00) per year to cover the salary,
2053 fringe benefits and equipment of such administrator, and an
2054 additional sum not to exceed One Thousand Nine Hundred Dollars
2055 (\$1,900.00) to cover travel expenses of the administrator.

2056 **SECTION 30.** The Governor, on behalf of this state, may
2057 execute a compact in substantially the following form, and the
2058 Legislature signifies in advance its approval and ratification of
2059 the compact:

2060 **THE INTERSTATE COMPACT FOR JUVENILES**

2061 **ARTICLE I**

2062 **PURPOSE**

2063 The compacting states to this Interstate Compact recognize
2064 that each state is responsible for the proper supervision or
2065 return of juveniles, delinquents and status offenders who are on
2066 probation or parole and who have absconded, escaped or run away
2067 from supervision and control and in so doing have endangered their
2068 own safety and the safety of others. The compacting states also
2069 recognize that each state is responsible for the safe return of
2070 juveniles who have run away from home and in doing so have left
2071 their state of residence. The compacting states also recognize
2072 that Congress, be enacting the Crime Control Act, 4 USCS Section
2073 112 (1965), has authorized and encouraged compacts for cooperative
2074 efforts and mutual assistance in the prevention of crime.

2075 It is the purpose of this compact, through means of joint and
2076 cooperative action among the compacting states to;

2077 (a) Ensure that the adjudicated juveniles and status
2078 offenders subject to this compact are provided adequate
2079 supervision and services in the receiving state as ordered by the
2080 adjudicating judge or parole authority in the sending state;

2081 (b) Ensure that the public safety interests of the
2082 citizens, including the victims of juvenile offenders, in both the
2083 sending and receiving states are adequately protected;

2084 (c) Return juveniles who have run away, absconded or
2085 escaped from supervision or control or have been accused or an
2086 offense to the state requesting their return;

2087 (d) Make contracts for the cooperative
2088 institutionalization in public facilities in member states for
2089 delinquent youth needing special services;

2090 (e) Provide for the effective tracking and supervision
2091 of juveniles;

2092 (f) Equitably allocate the costs, benefits and
2093 obligations of the compacting states;

2094 (g) Establish procedures to manage the movement between
2095 states of juvenile offenders released to the community under the
2096 jurisdiction of courts, juvenile departments, or any other
2097 criminal or juvenile justice agency that has jurisdiction over
2098 juvenile offenders;

2099 (h) Insure immediate notice to jurisdictions where
2100 defined offenders are authorized to travel or to relocate across
2101 state lines;

2102 (i) Establish procedures to resolve pending charges
2103 (detainers) against juvenile offenders before transfer or release
2104 to the community under the terms of this compact;

2105 (j) Establish a system of uniform data collection on
2106 information pertaining to juveniles subject to this compact that
2107 allows access by authorized juvenile justice and criminal justice
2108 officials, and regular reporting of compact activities to heads of
2109 state executive, judicial, and legislative branches and juvenile
2110 and criminal justice administrators;

2111 (k) Monitor compliance with rules governing interstate
2112 movement of juveniles and initiate interventions to address and
2113 correct noncompliance;

2114 (l) Coordinate training and education regarding the
2115 regulation of interstate movement of juveniles for officials
2116 involved in that activity; and

2117 (m) Coordinate the implementation and operation of the
2118 compact with the Interstate Compact for the Placement of Children,
2119 the Interstate Compact for Adult Offender Supervision and other
2120 compacts affecting juveniles particularly in those cases where
2121 concurrent or overlapping supervision issues arise.

2122 It is the policy of the compacting states that the activities
2123 conducted by the Interstate Commission created by this Compact are
2124 the formation of public policies and therefore are public
2125 business. Furthermore, the compacting states shall cooperate and
2126 observe their individual and collective duties and
2127 responsibilities for the prompt return and acceptance of juveniles
2128 subject to the provisions of this compact. The provisions of this
2129 compact shall be reasonably and liberally construed to accomplish
2130 the purposes and policies of the compact.

2131 **ARTICLE II**

2132 **DEFINITIONS**

2133 As used in this compact, unless the context clearly requires
2134 a different construction:

2135 (a) "Bylaws" means those bylaws established by the
2136 Interstate Commission for its governance, or for directing or
2137 controlling its actions or conduct.

2138 (b) "Compact Administrator" means the individual in
2139 each compacting state appointed under the terms of this compact,
2140 responsible for the administration and management of the state's
2141 supervision and transfer of juveniles subject to the terms of this
2142 compact, the rules adopted by the Interstate Commission and
2143 policies adopted by the State Council under this compact.

2144 (c) "Compacting State" means any state that has enacted
2145 the enabling legislation for this compact.

2146 (d) "Commissioner" means the voting representative of
2147 each compacting state appointed pursuant to Article III of this
2148 compact.

2149 (e) "Court" means any court having jurisdiction over
2150 delinquent, neglected or dependent children.

2151 (f) "Deputy Compact Administrator" means the
2152 individual, if any, in each compacting state appointed to act on
2153 behalf of a compact administrator under the terms of this compact
2154 responsible for the administration and management of the state's
2155 supervision and transfer of juveniles subject to the terms of this
2156 compact, the rules adopted by the Interstate Commission and
2157 policies adopted by the State Council under this compact.

2158 (g) "interstate Commission" means the Interstate
2159 Commission for Juveniles created by Article III of this compact.

2160 (h) "Juvenile" means any person defined as a juvenile
2161 in any member state or by the rules of the Interstate Commission,
2162 including:

2163 (i) Accused Delinquent, which is a person charged
2164 with an offense that, if committed by an adult, would be a
2165 criminal offense;

2166 (ii) Adjudicated Delinquent, which is a person
2167 found to have committed an offense that, if committed by an adult,
2168 would be a criminal offense;

2169 (iii) Accused Status Offender, which is a person
2170 charged with an offense that would not be a criminal offense if
2171 committed by an adult;

2172 (iv) Adjudicated Status Offender, which is a
2173 person found to have committed an offense that would not be a
2174 criminal offense if committed by an adult; and

2175 (v) Nonoffender which is, a person in need of
2176 supervision who has not been accused or adjudicated a status
2177 offender or delinquent.

2178 (i) "Noncompacting state" means any state that has not
2179 enacted the enabling legislation for this compact.

2180 (j) "Probation or Parole" means any kind of supervision
2181 or conditional release of juveniles authorized under the laws of
2182 the compacting states.

2183 (k) "Rules" means a written statement by the Interstate
2184 Commission promulgated under Article VI of this compact that is of
2185 general applicability, implements, interprets or prescribes a
2186 policy or provision of the compact, or an organizational,
2187 procedural, or practice requirement of the Commission, and has the
2188 force and effect of statutory law in a compacting state, and
2189 includes the amendment, repeal or suspension of an existing rule.

2190 (l) "State" means a state of the United States, the
2191 District of Columbia (or its designee), the Commonwealth of Puerto
2192 Rico, the United States Virgin Islands, Guam, American Samoa, and
2193 the Northern Marianas Islands.

2194 **ARTICLE III**

2195 **INTERSTATE COMMISSION FOR JUVENILES**

2196 (1) The compacting states create the "Interstate Commission
2197 for Juveniles." The commission shall be a body corporate and
2198 joint agency of the compacting states. The commission shall have
2199 all the responsibilities, powers and duties set forth in this
2200 compact, and such additional powers as may be conferred upon it by
2201 subsequent action of the respective legislatures of the compacting
2202 states in accordance with the terms of this compact.

2203 (2) The Interstate commission shall consist of commissioners
2204 appointed by the appropriate appointing authority in each state
2205 pursuant to the rules and requirements of each compacting state
2206 and in consultation with the State Council for Interstate Juvenile
2207 Supervision created under this compact. The commissioner shall be
2208 the compact administrator, deputy compact administrator or
2209 designee from that state who shall serve on the Interstate

2210 Commission in such capacity under the applicable law of the
2211 compacting state.

2212 (3) In addition to the commissioners who are the voting
2213 representatives of each state, the Interstate Commission shall
2214 include individuals who are not commissioners, but who are members
2215 of interested organizations. Those noncommissioner members must
2216 include a member of the national organizations of governors,
2217 legislators, state chief justices, attorneys general, Interstate
2218 Compact for Adult Offender for Adult Offender Supervision,
2219 Interstate Compact for the Placement of Children, juvenile justice
2220 and juvenile corrections officials and crime victims. All
2221 noncommissioner members of the Interstate Commission shall be
2222 exofficio nonvoting members. The Interstate Commission may
2223 provide in its bylaws for additional exofficio nonvoting members,
2224 including members of other national organizations, in such numbers
2225 as determined by the commission.

2226 (4) Each compacting state represented at any meeting of the
2227 commission is entitled to one (1) vote. A majority of the
2228 compacting states shall constitute a quorum for the transaction of
2229 business, unless a larger quorum is required by the bylaws of the
2230 Interstate Commission.

2231 (5) The commission shall meet at least once each calendar
2232 year. The chairperson may call additional meetings and, upon the
2233 request of a simple majority of the compacting states, shall call
2234 additional meetings. Public notice shall be given of all meetings
2235 and meetings shall be open to the public.

2236 (6) The Interstate Commission shall establish an executive
2237 committee, which shall include commission officers, members and
2238 others as determined by the bylaws. The executive committee shall
2239 have the power to act on behalf of the Interstate Commission
2240 during periods when the Interstate Commission is not in session,
2241 with the exception of rulemaking and/or amendment to the compact.
2242 The executive committee shall oversee the day-to -day activities

2243 of the administration of the compact managed by an executive
2244 director and Interstate Commission staff; administers enforcement
2245 and compliance with the provisions of the compact, its bylaws and
2246 rules and performs such other duties as directed by the Interstate
2247 Commission or set forth in the bylaws.

2248 (7) Each member of the Interstate Commission shall have the
2249 right and power to cast a vote to which that compacting state is
2250 entitled and to participate in the business and affairs of the
2251 Interstate Commission. A member shall vote in person and shall
2252 not delegate a vote to another compacting state. However, a
2253 commissioner, in consultation with the state council, shall
2254 appoint another authorized representative, in the absence of the
2255 commissioner from that state, to cast a vote on behalf of the
2256 compacting state at a specified meeting. The bylaws may provide
2257 for members' participation in meetings by telephone or other means
2258 of telecommunication or electronic communication.

2259 (8) The Interstate Commission's bylaws shall establish
2260 conditions and procedures under which the Interstate Commission
2261 shall make its information and official records available to the
2262 public for inspection or copying. The Interstate Commission may
2263 exempt from disclosure any information or official records to the
2264 extent they would adversely affect personal privacy rights or
2265 proprietary interests.

2266 (9) Public notice shall be given of all meetings and all
2267 meeting shall be open to the public, except as set forth in the
2268 Rules or as otherwise provided in the compact. The Interstate
2269 Commission and any of its committees may close a meeting to the
2270 public where it determines by two-thirds (2/3) vote that an open
2271 meeting would be likely to:

2272 (a) Relate solely to the Interstate Commission's
2273 internal personnel practice and procedures;

2274 (b) Disclose matters specifically exempted from
2275 disclosure by statute;

2276 (c) Disclose trade secrets or commercial or financial
2277 information that is privileged or confidential;

2278 (d) Involve accusing any person of a crime, or formally
2279 censuring any person;

2280 (e) Disclose information of a personal nature where
2281 disclosure would constitute a clearly unwarranted invasion of
2282 personal privacy;

2283 (f) Disclose investigative records compiled for law
2284 enforcement purposes;

2285 (g) Disclose information contained in or related to
2286 examination, operating or condition reports prepared by, or on
2287 behalf of or for the use of, the Interstate Commission with
2288 respect to a regulated person or entity for the purpose of
2289 regulation or supervision of the person or entity;

2290 (h) Disclose information, the premature disclosure of
2291 which would significantly endanger the stability of a regulated
2292 person or entity; or

2293 (i) Specifically relate to the Interstate Commission's
2294 issuance of a subpoena, or its participation in a civil action or
2295 other legal proceeding.

2296 (10) For every meeting closed under this provision, the
2297 Interstate Commission's legal counsel shall publicly certify that,
2298 in the legal counsel's opinion, the meeting may be closed to the
2299 public, and shall reference each relevant exemptive provision.
2300 The Interstate Commission shall keep minutes that shall fully and
2301 clearly describe all matters discussed in any meeting and shall
2302 provide a full and accurate summary of any actions taken, and the
2303 reasons therefor, including a description of each of the views
2304 expressed on any item and the record of any roll call vote
2305 (reflected in the vote of each member on the question). All
2306 documents considered in connection with any action shall be
2307 identified in the minutes.

2308 (11) The Interstate Commission shall collect standardized
2309 data concerning the interstate movement of juveniles as directed
2310 through its rules, which shall specify the data to be collected,
2311 the means of collection, data exchange and reporting requirements.
2312 Those methods of data collection, exchange and reporting shall,
2313 insofar as is reasonably possible, conform to up-to-date
2314 technology and coordinate its information functions with the
2315 appropriate repository of records.

2316 **ARTICLE IV**

2317 **POWERS AND DUTIES OF THE INTERSTATE COMMISSION**

2318 The commission shall have the following powers and duties:

2319 (a) To provide for dispute resolution among compacting
2320 state.

2321 (b) To promulgate rules to effect the purposes and
2322 obligations as enumerated in this compact, which shall have the
2323 force and effect of statutory law and shall be binding in the
2324 compacting states to the extent and in the manner provided in this
2325 compact.

2326 (c) To oversee, supervise and coordinate the interstate
2327 movement of juveniles subject to the terms of this compact and any
2328 bylaws adopted and rules promulgated by the Interstate Commission.

2329 (d) To enforce compliance with the compact provision,
2330 the rules promulgated by the Interstate commission, and the
2331 bylaws, using all necessary and proper means, including but not
2332 limited to the use of judicial process.

2333 (e) To establish and maintain offices, which shall be
2334 located within one or more of the compacting states.

2335 (f) To purchase and maintain insurance and bonds.

2336 (g) To borrow, accept, hire or contract for services of
2337 personnel.

2338 (h) To establish and appoint committees and hire staff
2339 that it deems necessary for the carrying out of its functions
2340 including, but not limited to, an executive committee as required

2341 by Article III, which shall have the power to act on behalf of the
2342 Interstate Commission in carrying out its powers and duties under
2343 this compact.

2344 (i) To elect or appoint officers, attorneys, employees,
2345 agents or consultants, and to fix their compensation, define their
2346 duties and determine their qualifications; and to establish
2347 the Interstate Commission's personnel policies and programs
2348 relating to, inter alia, conflicts of interest, rates of
2349 compensation and qualifications of personnel.

2350 (j) To accept any and all donations and grants of
2351 money, equipment, supplies, materials and services, and to
2352 receive, utilize and dispose of it.

2353 (k) To lease, purchase, accept contributions or
2354 donations of or otherwise to own, hold, improve or use any
2355 property, real, personal or mixed.

2356 (l) To sell, convey, mortgage, pledge, lease, exchange,
2357 abandon or otherwise dispose of any property, real, personal or
2358 mixed.

2359 (m) To establish a budget and make expenditures and
2360 levy dues as provided in Article VIII of this compact.

2361 (n) To sue and be sued.

2362 (o) To adopt a seal and bylaws governing the management
2363 and operation of the Interstate Commission.

2364 (p) To perform such functions as may be necessary or
2365 appropriate to achieve the purposes of this compact.

2366 (q) To report annually to the legislatures, governors,
2367 judiciary, and state councils of the compacting states concerning
2368 the activities of the Interstate Commission during the preceding
2369 year. Those reports also shall include any recommendations that
2370 may have been adopted by the Interstate Commission.

2371 (r) To coordinate education, training and public
2372 awareness regarding the interstate movement of juveniles for
2373 officials involved in that activity.

2374 (s) To establish uniform standards of the reporting,
2375 collecting and exchanging of data.

2376 (t) To maintain its corporate books and records in
2377 accordance with the bylaws.

2378 **ARTICLE V**

2379 **ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION**

2380 (1) **Bylaws.** The Interstate Commission shall, by a majority
2381 of the members present and voting, within twelve (12) months after
2382 the first Interstate Commission meeting, adopt bylaws to govern
2383 its conduct as may be necessary or appropriate to carry out the
2384 purposes of the compact including, but not limited to:

2385 (a) Establishing the fiscal year of the Interstate
2386 Commission;

2387 (b) Establishing an executive committee and such other
2388 committees as may be necessary;

2389 (c) Providing for the establishment of committees
2390 governing any general or specific delegation of any authority or
2391 function of the Interstate Commission;

2392 (d) Providing reasonable procedures for calling and
2393 conducting meetings of the Interstate Commission, and ensuring
2394 reasonable notice of each such meeting;

2395 (e) Establishing the titles and responsibilities of the
2396 officers of the Interstate Commission;

2397 (f) Providing a mechanism for concluding the operations
2398 of the Interstate Commission and the return of any surplus funds
2399 that may exist upon the termination of the compact after the
2400 payment and/or reserving of all of its debts and obligations;

2401 (g) Providing "start-up" rules for initial
2402 administration of the compact; and

2403 (h) Establishing standards and procedures for
2404 compliance and technical assistance in carrying out the compact.

2405 (2) **Officers and Staff.** (a) The Interstate Commission
2406 shall, by a majority of the members, elect annually from among its

2407 members a chairperson and a vice chairperson each of whom shall
2408 have such authority and duties as may be specified in the bylaws.
2409 The chairperson or, in the chairperson's absence or disability,
2410 the vice chairperson shall preside at all meetings of the
2411 Interstate Commission. The officers so elected shall serve
2412 without compensation or remuneration from the Interstate
2413 Commission; however, subject to the availability of budgeted
2414 funds, the officers shall be reimbursed for any ordinary and
2415 necessary costs and expenses incurred by them in the performance
2416 of their duties and responsibilities as officers of the Interstate
2417 Commission.

2418 (b) The Interstate Commission shall, through its
2419 executive committee, appoint or retain an executive director for
2420 such period, upon such terms and conditions and for such
2421 compensation as the Interstate Commission may deem appropriate.
2422 The executive director shall serve as secretary to the Interstate
2423 Commission, but shall not be a member and shall hire and supervise
2424 such other staff as may be authorized by the Interstate
2425 Commission.

2426 (3) **Qualified Immunity, Defense and Indemnification.** (a)
2427 The Commission's executive director and employees shall be immune
2428 from suit and liability, either personally or in their official
2429 capacity, for any claim for damage to or loss of property,
2430 personal injury or other civil liability caused or arising out of
2431 or relating to any actual or alleged act, error, or omission that
2432 occurred, or that the person had a reasonable basis for believing
2433 occurred within the scope of Commission employment, duties or
2434 responsibilities; however, any such person shall not be protected
2435 from suit or liability for any damage, loss, injury or liability
2436 caused by the intentional or willful and wanton misconduct of any
2437 such person.

2438 (b) The liability of any commissioner, or the employee
2439 of agent of a commissioner, acting within the scope of the

2440 person's employment or duties for acts, errors or omissions
2441 occurring within the person's state may not exceed the limits of
2442 liability set forth under the Constitution and laws of that state
2443 for state officials, employees and agents. Nothing in this
2444 subsection shall be construed to protect any such person from suit
2445 or liability for any damage, loss, injury or liability caused by
2446 the intentional or willful and wanton misconduct of any such
2447 person.

2448 (c) The Interstate Commission shall defend the
2449 executive director or the employees or representatives of the
2450 Interstate Commission and, subject to the approval of the Attorney
2451 General of the state represented by any commissioner of a
2452 compacting state, shall defend the commissioner or the
2453 commissioner's representatives or employees in any civil action
2454 seeking to impose liability arising out of any actual or alleged
2455 act, error or omission that occurred within the scope of
2456 Interstate Commission employment, duties or responsibilities, or
2457 that the defendant has a reasonable basis for believing occurred
2458 within the scope of Interstate Commission employment, duties or
2459 responsibilities, provided that the actual or alleged act, error
2460 or omission did not result from intentional or willful and wanton
2461 misconduct on the part of the person.

2462 (d) The Interstate Commission shall indemnify and hold
2463 the commissioner of a compacting state, or the commissioner's
2464 representatives or employees or the Interstate Commission's
2465 representatives or employees, harmless in the amount of any
2466 settlement or judgment obtained against those persons arising out
2467 of any actual or alleged act, error or omission that occurred
2468 within the scope of Interstate Commission employment, duties or
2469 responsibilities, or that those persons had a reasonable basis for
2470 believing occurred within the scope of Interstate Commission
2471 employment, duties or responsibilities, provide that the actual or

2472 alleged act, error or omission did not result from intentional or
2473 willful and wanton misconduct on the part of such persons.

2474 **ARTICLE VI**

2475 **RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION**

2476 (1) The Interstate Commission shall promulgate and publish
2477 rules in order to effectively and efficiently achieve the purposes
2478 of the compact.

2479 (2) Rule making shall occur using the criteria set forth in
2480 this article and the bylaws and rules adopted under this article.
2481 That rulemaking shall substantially conform to the principles of
2482 the "Model State Administrative Procedures Act," 1981 Act, Uniform
2483 Laws Annotated, Vol. 15, p.1 (2000), or such other administrative
2484 procedures act, as the Interstate Commission deems appropriate
2485 consistent with due process requirements under the United States
2486 Constitution as now or hereafter interpreted by the United States
2487 Supreme Court. All rules and amendments shall become binding as
2488 of the date specified, as published with the final version of the
2489 rule as approved by the Commission.

2490 (3) When promulgating a rule, the Interstate Commission
2491 shall, at a minimum:

2492 (a) Publish the proposed rule's entire text stating the
2493 reason(s) for that proposed rule;

2494 (b) Allow and invite any and all persons to submit
2495 written data, facts, opinions, and arguments, which information
2496 shall be added to the record, and be made publicly available;

2497 (c) Provide an opportunity for an informal hearing if
2498 petitioned by ten (10) or more persons; and

2499 (d) Promulgate a final rule and its effective date, if
2500 appropriate, based on input from state or local officials, or
2501 interested parties.

2502 (4) Allow not later than sixty (60) days after a rule is
2503 promulgated, any interested person to file a petition in the
2504 United States District Court for the District of Columbia or in

2505 the Federal District Court where the Interstate Commission's
2506 principal office is located for judicial review of the rule. If
2507 the court finds that the Interstate Commission's action is not
2508 supported by substantial evidence in the rulemaking record, the
2509 court shall hold the rule unlawful and set it aside. For purposes
2510 of this subsection, evidence is substantial if it would be
2511 considered substantial evidence under the Model State
2512 Administrative Procedures Act.

2513 (5) If a majority of the legislatures of the compacting
2514 states rejects a rule, those states may, by enactment of a statute
2515 or resolution in the same manner used to adopt the compact, cause
2516 that the rule shall have no further force and effect in any
2517 compacting state.

2518 (6) The existing rules governing the operation of the
2519 Interstate Compact on Juveniles superceded by this act shall be
2520 null and void twelve (12) months after the first meeting of the
2521 Interstate Commission created under this compact.

2522 (7) Upon determination by the Interstate Commission that a
2523 state of emergency exists, it may promulgate an emergency rule
2524 that shall become effective immediately upon adoption, provided
2525 that the usual rulemaking procedures provided under this article
2526 retroactively applied to the rule as soon as reasonable possible,
2527 but no later than ninety (90) days after the effective date of the
2528 emergency rule.

2529 **ARTICLE VII**

2530 **OVERSIGHT, ENFORCEMENT AND DISPUTES RESOLUTION BY THE INTERSTATE** 2531 **COMMISSION**

2532 (1) **Oversight.** (a) The Interstate Commission shall oversee
2533 the administration and operations of the interstate movement of
2534 juveniles subject to this compact in the compacting states and
2535 shall monitor those activities being administered in noncompacting
2536 states that may significantly affect compacting states.

2537 (b) The courts and executive agencies in each
2538 compacting state shall enforce this compact and shall take all
2539 actions necessary and appropriate to effectuate the compact's
2540 purposes and intent. The provisions of this compact and the rules
2541 promulgated under this compact shall be received by all the
2542 judges, public officers, commissions and departments of the state
2543 government as evidence of the authorized statute and
2544 administrative rules. All courts shall take judicial notice of
2545 the compact and the rules. In any judicial or administrative
2546 proceeding in a compacting state pertaining to the subject matter
2547 of this compact that may affect the powers, responsibilities or
2548 actions of the Interstate Commission, it shall be entitled to
2549 receive all service of process in any such proceeding, and shall
2550 have standing to intervene in the proceeding for all purposes.

2551 (2) **Dispute Resolution.** (a) The compacting states shall
2552 report to the Interstate Commission on all issues and activities
2553 necessary for the administration of the compact, as well as issues
2554 and activities pertaining to compliance with the provisions of the
2555 compact and its bylaws and rules.

2556 (b) Then Interstate Commission shall attempt, upon the
2557 request of a compacting state, to resolve any disputes or other
2558 issues that are subject to the compact and that may arise among
2559 compacting states and between compacting and noncompacting states.
2560 The commission shall promulgate a rule providing for both
2561 mediation and binding dispute resolution for disputes among the
2562 compacting states.

2563 (c) The Interstate Commission, in the reasonable
2564 exercise of its discretion, shall enforce the provisions and rules
2565 of this compact using any or all means set forth in Article XI of
2566 this compact.

2567 **ARTICLE VIII**

2568 **FINANCE**

2569 (1) The Interstate Commission shall pay or provide for the
2570 payment of the reasonable expenses of its establishment,
2571 organization and ongoing activities.

2572 (2) The Interstate Commission shall levy on and collect an
2573 annual assessment from each compacting state to cover the cost of
2574 the internal operations and activities of the Interstate
2575 Commission and its staff, which must be in a total amount
2576 sufficient to cover the Interstate Commission's annual budget as
2577 approved each year. The aggregate annual assessment amount shall
2578 be allocated based upon a formula to be determined by the
2579 Interstate Commission, taking into consideration the population of
2580 each compacting state and the volume of interstate movement of
2581 juveniles in each compacting state, and shall promulgate a rule
2582 binding upon all compacting states which governs the assessment.

2583 (3) The Interstate Commission shall not incur any
2584 obligations of any kind before securing the funds adequate to meet
2585 the same; nor shall the Interstate Commission pledge the credit of
2586 any of the compacting states, except by and with the authority of
2587 the compacting state.

2588 (4) The Interstate Commission shall keep accurate accounts
2589 of all receipts and disbursements. The receipts and disbursements
2590 of the Interstate Commission shall be subject to the audit and
2591 accounting procedures established under its bylaws. However, all
2592 receipts and disbursements of funds handled by the Interstate
2593 Commission shall be audited yearly by a certified or licensed
2594 public accountant and the report of the audit shall be included in
2595 and become part of the annual report of the Interstate Commission.

2596 **ARTICLE IX**

2597 **THE STATE COUNCIL**

2598 Each member state shall create a State Council for Interstate
2599 Juvenile Supervision. While each state may determine the
2600 membership of its own state council, its membership must include
2601 at least one (1) representative from the legislative, judicial,

2602 and executive branches of government, victims groups, and the
2603 compact administrator or designee. Each compacting state retains
2604 the right to determine the qualifications of the compact
2605 administrator or deputy compact administrator. Each state council
2606 will advise and may exercise oversight and advocacy concerning the
2607 state's participation in Interstate Commission activities and
2608 other duties as may be determined by that state, including, but
2609 not limited to, development of policy concerning operations and
2610 procedures of the compact within that state.

2611 **ARTICLE X**

2612 **COMPACTING STATES, EFFECTIVE DATE AND AMENDMENT**

2613 (1) Any state, the District of Columbia (or its designee),
2614 the Commonwealth of Puerto Rico, the United States Virgin Islands,
2615 Guam, American Samoa and the Northern Marianas Islands as defined
2616 in Article II of this compact is eligible to become a compacting
2617 state.

2618 (2) The compact shall become effective and binding upon
2619 legislative enactment of the compact into law by no less than
2620 thirty-five (35) of the states. The initial effective date shall
2621 be the later of July 1, 2005 or upon enactment into law by the
2622 thirty-fifth jurisdiction. Thereafter, it shall become effective
2623 and binding as to any other compacting state upon enactment of the
2624 compact into law by that state. The governors of nonmember states
2625 or their designees shall be invited to participate in the
2626 activities of the Interstate Commission on a nonvoting basis
2627 before adoption of the compact by all states and territories of
2628 the United States.

2629 (3) The Interstate Commission may propose amendments to the
2630 compact for enactment by the compacting states. No amendment
2631 shall become effective and binding upon the Interstate Commission
2632 and the compacting states unless and until it is enacted into law
2633 by unanimous consent of the compacting states.

2634 **ARTICLE XI**

2635 **WITHDRAWAL, DEFAULT, TERMINATION AND JUDICIAL ENFORCEMENT**

2636 (1) **Withdrawal.** (a) Once effective, the compact shall
2637 continue in force and remain binding upon each and every
2638 compacting state; however, a compacting state may withdraw from
2639 the compact by specifically repealing the statute that enacted the
2640 compact into law.

2641 (b) The effective date of withdrawal is the effective
2642 date of the repeal.

2643 (c) The withdrawing state shall immediately notify the
2644 chairperson of the Interstate Commission in writing upon the
2645 introduction of legislation repealing this compact in the
2646 withdrawing state. The Interstate Commission shall notify the
2647 other compacting states of the withdrawing state's intent to
2648 withdraw within sixty (60) days of its receipt thereof.

2649 (d) The withdrawing state is responsible for all
2650 assessments, obligations and liabilities incurred through the
2651 effective date of withdrawal, including any obligations, the
2652 performance of which extend beyond the effective date of
2653 withdrawal.

2654 (e) Reinstatement following withdrawal of any
2655 compacting state shall occur upon the withdrawing state reenacting
2656 the compact or upon such later date as determined by the
2657 Interstate Commission.

2658 (2) **Technical Assistance, Fines, Suspension, Termination and**
2659 **Default.** (a) If the Interstate Commission determines that any
2660 compacting state has at any time defaulted in the performance of
2661 any of its obligations or responsibilities under this compact, or
2662 the bylaws or duly promulgated rules, the Interstate Commission
2663 may impose any or all the following penalties.

2664 (i) Remedial training and technical assistance as
2665 directed by the Interstate Commission;

2666 (ii) Alternative Dispute Resolution;

2667 (iii) Fines, fees and costs in such amounts as are
2668 deemed to be reasonable as fixed by the Interstate Commission; and
2669 (iv) Suspension or termination of membership in
2670 the compact, which shall be imposed only after all other
2671 reasonable means of securing compliance under the bylaws and rules
2672 have been exhausted and the Interstate Commission has therefore
2673 determined that the offending state is in default. Immediate
2674 notice of suspension shall be given by the Interstate Commission
2675 to the governor, the chief justice or the chief judicial officer
2676 of the state, the majority and minority leaders of the defaulting
2677 state's legislature and the state council. The grounds for
2678 default include, but are not limited to, failure of a compacting
2679 state to perform the obligation or responsibilities imposed upon
2680 it by this compact, the bylaws or duly promulgated rules and any
2681 other grounds designated in commission bylaws and rules. The
2682 Interstate Commission shall immediately notify the defaulting
2683 state in writing of the penalty imposed by the Interstate
2684 Commission and of the default pending a cure of the default. The
2685 commission shall stipulate the conditions and the time period
2686 within which the defaulting state must cure its default. If the
2687 defaulting state fails to cure the default within the time period
2688 specified by the commission, the defaulting state shall be
2689 terminated from the compact upon an affirmative vote of a majority
2690 of the compacting states and all rights, privileges and benefits
2691 conferred by this compact shall be terminated from the effective
2692 date of termination.

2693 (b) Within sixty (60) days of the effective date of
2694 termination of a defaulting state, the Commission shall notify the
2695 governor, the chief justice or chief judicial officer, the
2696 majority and minority leaders of the defaulting state's
2697 legislature, and the state council of that termination.

2698 (c) The defaulting state is responsible for all
2699 assessments, obligations and liabilities incurred through the

2700 effective date of termination including any obligations, the
2701 performance of which extends beyond the effective date of
2702 termination.

2703 (d) The Interstate Commission shall not bear any costs
2704 relating to the defaulting state unless otherwise mutually agreed
2705 upon in writing between the Interstate Commission and the
2706 defaulting state.

2707 (e) Reinstatement following termination of any
2708 compacting state requires both a reenactment of the compact by the
2709 defaulting state and the approval of the Interstate Commission
2710 pursuant to the rules.

2711 (3) **Judicial Enforcement.** The Interstate Commission may, by
2712 majority vote of the members, initiate legal action in the United
2713 States District Court for the District of Columbia or, at the
2714 discretion of the Interstate Commission, in the federal district
2715 where the Interstate Commission has its offices, to enforce
2716 compliance with the provisions of the compact, its duly
2717 promulgated rules and bylaws, against any compacting state in
2718 default. If judicial enforcement is necessary, the prevailing
2719 party shall be awarded all costs of the litigation, including
2720 reasonable attorney's fees.

2721 (4) **Dissolution of Compact.** (a) The compact dissolves
2722 effective upon the date of the withdrawal or default of the
2723 compacting state, which reduces membership in the compact to one
2724 (1) compacting state.

2725 (b) Upon the dissolution of the compact, the compact
2726 becomes null and void and shall be of no further force or effect,
2727 and the business and affairs of the Interstate Commission shall be
2728 concluded and any surplus funds shall be distributed in accordance
2729 with the bylaws.

2730 **ARTICLE XII**

2731 **SEVERABILITY AND CONSTRUCTION**

2732 (1) The provisions of this compact shall be severable, and
2733 if any phrase, clause, sentence or provision is deemed
2734 unenforceable, the remaining provisions of the compact shall be
2735 enforceable.

2736 (2) The provisions of this compact shall be liberally
2737 construed to effectuate its purposes.

2738 **ARTICLE XIII**

2739 **BINDING EFFECT OF COMPACT AND OTHER LAWS**

2740 (1) **Other Laws.** (a) Nothing in this compact prevents the
2741 enforcement of any other law of a compacting state that is not
2742 inconsistent with this compact.

2743 (b) All compacting states' laws other than state
2744 constitutions and other interstate compacts conflicting with this
2745 compact are superseded to the extent of the conflict.

2746 (2) **Binding Effect of the Compact.** (a) All lawful actions
2747 of the Interstate Commission, including all rules and bylaws
2748 promulgated by the Interstate Commission, are binding upon the
2749 compacting states.

2750 (b) All agreements between the Interstate Commission
2751 and the compacting states are binding in accordance with their
2752 terms.

2753 (c) Upon the request of a party to a conflict over
2754 meaning or interpretation of Interstate Commission actions, and
2755 upon a majority vote of the compacting states, the Interstate
2756 Commission may issue advisory opinions regarding that meaning or
2757 interpretation.

2758 (d) If any provision of this compact exceeds the
2759 constitutional limits imposed on the legislature of any compacting
2760 state, the obligations, duties, powers or jurisdiction sought to
2761 be conferred by that provision upon the Interstate Commission
2762 shall be ineffective and those obligation, duties, powers or
2763 jurisdiction shall remain in the compacting state and shall be
2764 exercised by the agency thereof to which those obligations,

2765 duties, powers or jurisdiction are delegated by law in effect at
2766 the time this compact becomes effective.

2767 **SECTION 31.** Sections 43-25-1 through 43-25-17, Mississippi
2768 Code of 1972, which provide for the Interstate Compact on
2769 Juveniles, is repealed.

2770 **SECTION 32.** Section 43-21-801, Mississippi Code of 1972, is
2771 amended as follows:

2772 43-21-801. (1) There is established the Youth Court
2773 Incarceration Alternatives Fund. The purpose of the fund shall be
2774 to provide funding for grants or services to Mississippi youth
2775 courts to develop nonduplicative programs or support services that
2776 promote uniformity of the youth court system. Programs funded
2777 through the Youth Court Incarceration Alternatives Fund must be
2778 nonresidential, community-based programs that incorporate
2779 evidence-based practices and positive behavioral interventions.
2780 Monies from this fund shall be administered by the Department of
2781 Public Safety.

2782 (2) Any youth court must submit an application to the
2783 Department of Public Safety. The application must include a
2784 description of the purpose for which assistance is requested, the
2785 amount of assistance requested and any other information required
2786 by the Department of Public Safety, in consultation with the
2787 Department of Human Services and Administrative Office of Courts.

2788 (3) There is created in the State Treasury a special fund to
2789 be designated as the "Youth Court Incarceration Alternatives
2790 Fund," which shall consist of funds appropriated or otherwise made
2791 available by the Legislature in any manner and funds from any
2792 other source designated for deposit into such fund. Unexpended
2793 amounts remaining in the fund at the end of a fiscal year shall
2794 not lapse into the State General Fund, and any investment earnings
2795 or interest earned on amounts in the fund shall be deposited to
2796 the credit of the fund. Monies in the fund shall be distributed

2797 to the youth courts by the Department of Public Safety for the
2798 purposes described in this section.

2799 (4) During the regular legislative session held in calendar
2800 year 2007, the Legislature shall appropriate Three Million Dollars
2801 (\$3,000,000.00) to the Youth Court Incarceration Alternatives
2802 Fund.

2803 **SECTION 33.** Section 43-21-803, Mississippi Code of 1972, is
2804 amended as follows:

2805 43-21-803. (1) There is established the Tony Gobar Juvenile
2806 Justice Alternative Sanction Grant Program for the purpose of
2807 providing grants to faith-based organizations and nonprofit 501
2808 (c)(3) organizations that develop and operate community-based
2809 alternatives to the training schools and detention centers. In
2810 order to be eligible for a grant under this section, a faith-based
2811 or nonprofit 501(c)(3) organization in cooperation with a youth
2812 court must develop and operate a juvenile justice alternative
2813 sanction designed for delinquent youths. The program must be
2814 designed to decrease reliance on commitment in juvenile detention
2815 facilities and training schools. Programs must not duplicate
2816 existing programs or services and must incorporate evidence-based
2817 practices and positive behavioral intervention including two (2)
2818 or more of the following elements: academic tutoring/literacy,
2819 dropout prevention, mentoring, vocational training, substance
2820 abuse treatment, family counseling and anger management, and
2821 faith-based programming. Programs may include, but shall not be
2822 limited to, after school and weekend programming, job readiness
2823 programs, home detention programs, restitution, conflict
2824 resolution programs, and community service.

2825 (2) A faith-based or nonprofit 501(c)(3) must submit an
2826 application to the Department of Public Safety. The application
2827 must include a description of the purpose for which assistance is
2828 requested, the amount of assistance requested and any other

2829 information required by the Department of Public Safety in
2830 consultation with the Department of Human Services.

2831 (3) The Department of Public Safety shall have all powers
2832 necessary to implement and administer the program established
2833 under this section, and the department shall promulgate rules and
2834 regulations, in accordance with the Mississippi Administrative
2835 Procedures Law, necessary for the implementation of this section.

2836 (4) There is created in the State Treasury a special fund to
2837 be designated as the "Tony Gobar Juvenile Justice Alternative
2838 Sanctions Grant Fund," which shall consist of funds appropriated
2839 or otherwise made available by the Legislature in any manner and
2840 funds from any other source designated for deposit into such fund.
2841 Unexpended amounts remaining in the fund at the end of a fiscal
2842 year shall not lapse into the State General Fund, and any
2843 investment earnings or interest earned on amounts in the fund
2844 shall be deposited to the credit of the fund. Monies in the fund
2845 shall be used by the Department of Public Safety for the purposes
2846 described in this section.

2847 (5) During the regular legislative session held in calendar
2848 year 2007, the Legislature shall appropriate Two Million Dollars
2849 (\$2,000,000.00) to the Tony Gobar Juvenile Justice Alternative
2850 Sanctions Grant Fund.

2851 **SECTION 34.** Nothing in this act shall become effective
2852 unless appropriate funding is made available during the 2007
2853 Regular Session of the Mississippi Legislature.

2854 **SECTION 35.** This act shall take effect and be in force from
2855 and after July 1, 2007.