

By: Representatives Banks, Hines,
Fredericks, Lane, Scott

To: Juvenile Justice

HOUSE BILL NO. 1479
(As Sent to Governor)

1 AN ACT TO CHANGE THE NAME OF THE OAKLEY TRAINING SCHOOL TO
2 THE OAKLEY YOUTH DEVELOPMENT CENTER, AND TO AMEND SECTIONS
3 37-31-65, 37-113-21, 37-143-15, 43-27-10, 43-27-11, 43-27-401,
4 47-5-151, 47-7-45, 65-1-37 AND 97-37-13, MISSISSIPPI CODE OF 1972,
5 AND SECTION 43-21-605, MISSISSIPPI CODE OF 1972, AS AMENDED BY
6 SENATE BILL NO. 2984, 2010 REGULAR SESSION, AND SECTION 43-27-39,
7 MISSISSIPPI CODE OF 1972, AS AMENDED BY SENATE BILL NO. 2633, 2010
8 REGULAR SESSION, IN CONFORMITY THERETO; TO PROVIDE THAT THE NAME
9 CHANGE SHALL NOT TAKE EFFECT UNTIL JULY 1, 2011; AND FOR RELATED
10 PURPOSES.

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

12 **SECTION 1.** Section 37-31-65, Mississippi Code of 1972, is
13 amended as follows:

14 37-31-65. The funds derived from any sources for any trade
15 school, such as the Mississippi School for the Deaf, Mississippi
16 School for the Blind, the Oakley Youth Development Center, or
17 Parchman Vocational School or other agencies or institutions
18 receiving funds for the purposes of this chapter, which are not
19 operated in connection with any public school, agricultural high
20 school or community/junior college, or by virtue of any tuition,
21 registration fees, or payment for services rendered or commodities
22 produced, shall be the property of the State Board of Education.
23 In the event any public school, agricultural high school or
24 community/junior college establishes any trade school, classes or
25 courses under Section 37-31-61, such funds shall be the property
26 of such public school, agricultural high school or
27 community/junior college, to be expended by the trustees thereof,
28 and shall be expended solely for the expense of operating and
29 conducting the trade school, classes or courses in connection with
30 such public school, agricultural high school or community/junior



31 college. None of such funds shall be commingled with the funds of
32 any other of such schools, and none of such funds shall be
33 commingled with any of the other funds of any of the public
34 schools, agricultural high schools or community/junior colleges.
35 All of such funds so created shall be and are hereby declared to
36 be public funds, as defined by law.

37 **SECTION 2.** Section 37-113-21, Mississippi Code of 1972, is
38 amended as follows:

39 37-113-21. (1) Agriculture is the primary industry of
40 Mississippi and it is to the interest of said state agriculture
41 that research in the fields of livestock products, pastures and
42 forage crops, poultry, herd and flock management, horticulture,
43 farm mechanization, soil conservation, forestry, disease and
44 insect and parasite control, the testing of plants and livestock
45 under different conditions, farm enterprises for different sized
46 farms under different soil and climatic conditions and market
47 locations, and other important phases of Mississippi's
48 agricultural economy, be expanded in the manner provided for in
49 this section.

50 (2) There is hereby authorized a branch experiment station
51 to be known as the Brown Loam Branch Experiment Station, which is
52 to be located on a part of that tract of land owned by the State
53 of Mississippi and formerly operated as the Oakley Penitentiary
54 and known as the Oakley Youth Development Center, same to be
55 selected in accordance with Laws, 1954, Chapter 159, Section 3,
56 and used as an agricultural experiment station. This property is
57 to be supplied with necessary buildings, equipment, and other
58 facilities; and title to such Oakley Penitentiary Farm, now known
59 as the Oakley Youth Development Center, is to be transferred to
60 the Board of Trustees of State Institutions of Higher Learning for
61 the use of the Mississippi Agricultural and Forestry Experimental
62 Station as the site of, and to be used for said Brown Loam Branch



63 Experiment Station in accordance with Laws, 1954, Chapter 159,
64 Section 3.

65 There is hereby authorized a branch experiment station to be
66 known as the Coastal Plain Branch Experiment Station to be located
67 on a suitable tract of approximately nine hundred (900) acres to
68 be purchased in the upper coastal plain or short leaf pine area of
69 east central Mississippi and to be supplied with necessary
70 buildings, equipment, and other facilities.

71 The enlargement of the Holly Springs Branch Experiment
72 Station, hereafter to be known as the North Mississippi Branch
73 Experiment Station, is hereby authorized, by the purchase of
74 approximately five hundred (500) acres of additional land adjacent
75 to or in the vicinity of either of the two (2) farms now operated
76 by said branch stations, and by the provision of the necessary
77 buildings, equipment, and other facilities, and the sale as,
78 hereinafter provided, of that farm of said branch station which is
79 not adjacent to the additional land to be purchased.

80 There is hereby authorized the reactivation of the former
81 McNeil Branch Experiment Station to be operated as a part of the
82 South Mississippi Branch Experiment Station at Poplarville, and to
83 be supplied with necessary buildings, equipment, and other
84 facilities.

85 There is hereby authorized a branch experiment station to be
86 known as the Black Belt Branch Experiment Station to be located on
87 a suitable tract of approximately six hundred forty (640) acres of
88 land to be purchased in Noxubee County, Mississippi, and to be
89 supplied with the necessary buildings, equipment, and other
90 facilities.

91 There is hereby authorized a branch experiment station to be
92 known as the Northeast Mississippi Branch Experiment Station to be
93 located on a suitable tract of approximately two hundred (200)
94 acres of land to be purchased in Lee County, Mississippi. Said
95 station shall be primarily devoted to the development of the dairy



96 industry and shall be supplied with necessary buildings,
97 equipment, and other facilities.

98 There is hereby authorized the expansion of the office and
99 laboratory building at the Delta Branch Experiment Station at
100 Stoneville and of the office and laboratory and dwellings for
101 station workers at the Truck Crops Branch Experiment Station at
102 Crystal Springs.

103 (3) The governing authorities of any municipality, town, or
104 county in the state may, in their discretion, donate land, money
105 or other property to the Board of Trustees of State Institutions
106 of Higher Learning in furtherance of the purposes of this section.

107 For the purpose of securing funds to carry out this
108 subsection, the governing authorities of such municipality, town,
109 or county are hereby authorized and empowered, in their
110 discretion, to issue bonds or negotiate notes for the purpose of
111 acquiring by purchase, gift, or lease real estate for the purpose
112 herein authorized. Such issuance of bonds or notes shall be
113 issued in an amount not to exceed the limitation now or hereafter
114 imposed by law on counties, municipalities and towns, and shall be
115 issued in all respects including interest rate, maturities and
116 other details as is now or may hereafter be provided by general
117 law regulating the issuance of bond or notes by the governing
118 authorities of such municipality, town, or county.

119 (4) Any person, firm or corporation may contribute or donate
120 real or other property to the Board of Trustees of State
121 Institutions of Higher Learning in furtherance of the purpose of
122 this section.

123 (5) The Board of Trustees of State Institutions of Higher
124 Learning is hereby authorized, upon recommendation of the Director
125 of the Agricultural and Forestry Experimental Station at the
126 Mississippi State University of Agriculture and Applied Science,
127 which recommendation is approved by and transmitted to said board
128 by the president of said university, to carry out the provisions



129 of this section with particular reference to the establishment,
130 reactivation, expansion, and the discontinuance of branch stations
131 as herein provided, to receive and accept title to any land or
132 property or money herein authorized, to buy or sell and dispose of
133 any real or personal property herein authorized, to make available
134 for carrying into effect the provisions of this section all money
135 received from such sale or sales, and to do any and all things
136 necessary to effectuate the purposes of this section. One-half
137 (1/2) interest in and to all oil, gas and other minerals shall be
138 retained under any lands sold hereunder.

139 (6) A gift of One Hundred Thousand Dollars (\$100,000.00),
140 authorized by the general education board of the Rockefeller
141 Foundation for the development of agricultural research, with
142 particular reference to expanding the branch experiment stations
143 and conditioned upon a general program of expansion substantially,
144 as herein provided, is hereby accepted. The Director of the
145 Agricultural and Forestry Experimental Station at the Mississippi
146 State University of Agriculture and Applied Science is authorized
147 and instructed to control and expend such fund in the same manner
148 as other funds appropriated to carry out the provisions of this
149 section.

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

152 **SECTION 3.** Section 37-143-15, Mississippi Code of 1972, is
153 amended as follows:

154 37-143-15. The Board of Trustees of State Institutions of
155 Higher Learning is authorized and empowered to establish loan or
156 scholarship programs of like character, operation and purpose to
157 the foregoing enumerated programs to encourage the participation
158 of eligible worthy persons in courses of instruction in its
159 institutions, and in furtherance of such power and authority is
160 authorized: to adopt and implement rules and regulations
161 declaring and describing the goals and objectives of such loan or



162 scholarship programs; to establish the eligibility requirements
163 for entry into such program and required for continuing
164 participation for succeeding years; to determine the maximum
165 amount to be made available to recipients; to delineate the terms
166 and conditions of contracts with recipients and establish the
167 service requirements for such contracts, if any; to enter into
168 contracts pertaining to such programs with recipients; to enter
169 into loan agreements and other contracts with financial
170 institutions or other providers of loan monies for scholarship or
171 loan participants; and to allocate and utilize such funds as may
172 be necessary for the operation of such loan or scholarship
173 programs from the annual appropriation for student financial aid.
174 In issuing rules and regulations governing the administration of
175 the Graduate Teacher Summer Scholarship (GTS) Program, the Board
176 of Trustees of State Institutions of Higher Learning shall provide
177 that certified teachers at the Oakley Youth Development Center,
178 under the jurisdiction of the Department of Human Services shall
179 be fully eligible to participate in the program.

180 **SECTION 4.** Section 43-21-605, Mississippi Code of 1972, as
181 amended by Senate Bill No. 2984, 2010 Regular Session, is amended
182 as follows:

183 **[Until July 1, 2010, through June 30, 2011, this section**
184 **shall read as follows:]**

185 43-21-605. (1) In delinquency cases, the disposition order
186 may include any of the following alternatives:

187 (a) Release the child without further action;

188 (b) Place the child in the custody of the parents, a
189 relative or other persons subject to any conditions and
190 limitations, including restitution, as the youth court may
191 prescribe;

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



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

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

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

207 (g) Give legal custody of the child to any of the
208 following:

209 (i) The Department of Human Services for
210 appropriate placement; or

211 (ii) Any public or private organization,
212 preferably community-based, able to assume the education, care and
213 maintenance of the child, which has been found suitable by the
214 court; or

215 (iii) The Division of Youth Services for placement
216 in the least restrictive environment, except that no child under
217 the age of ten (10) years shall be committed to the state training
218 school. Only a child who has been adjudicated delinquent for a
219 felony or who has been adjudicated delinquent three (3) or more
220 times for a misdemeanor offense may be committed to the training
221 school. For the purposes of this section, a misdemeanor offense
222 does not include contempt of court for a probation violation,
223 unless the probation violation constitutes a charge that would be
224 a crime if committed by an adult. In the event a child is
225 committed to the Oakley Training School by the court, the child
226 shall be deemed to be committed to the custody of the Department



227 of Human Services which may place the child in the Oakley Training
228 School or another appropriate facility.

229 The training school may retain custody of the child until the
230 child's twentieth birthday but for no longer. When the child is
231 committed to the training school, the child shall remain in the
232 legal custody of the training school until the child has made
233 sufficient progress in treatment and rehabilitation and it is in
234 the best interest of the child to release the child. However, the
235 superintendent of the state training school, in consultation with
236 the treatment team, may parole a child at any time he or she may
237 deem it in the best interest and welfare of such child. Ten (10)
238 business days prior to such parole, the training school shall
239 notify the committing court of the pending release. The youth
240 court may then arrange subsequent placement after a reconvened
241 disposition hearing, except that the youth court may not recommit
242 the child to the training school or any other secure facility
243 without an adjudication of a new offense or probation or parole
244 violation. The Department of Human Services shall ensure that
245 staffs create transition planning for youth leaving the
246 facilities. Plans shall include providing the youth and his or
247 her parents or guardian with copies of the youth's training school
248 education and health records, information regarding the youth's
249 home community, referrals to mental and counseling services when
250 appropriate, and providing assistance in making initial
251 appointments with community service providers. Prior to assigning
252 the custody of any child to any private institution or agency, the
253 youth court through its designee shall first inspect the physical
254 facilities to determine that they provide a reasonable standard of
255 health and safety for the child. No child shall be placed in the
256 custody of the state training school for a status offense or for
257 contempt of or revocation of a status offense adjudication unless
258 the child is contemporaneously adjudicated for having committed an
259 act of delinquency that is not a status offense. A disposition



260 order rendered under this subparagraph shall meet the following
261 requirements:

262 1. The disposition is the least restrictive
263 alternative appropriate to the best interest of the child and the
264 community;

265 2. The disposition allows the child to be in
266 reasonable proximity to the family home community of each child
267 given the dispositional alternatives available and the best
268 interest of the child and the state; and

269 3. The disposition order provides that the
270 court has considered the medical, educational, vocational, social
271 and psychological guidance, training, social education,
272 counseling, substance abuse treatment and other rehabilitative
273 services required by that child as determined by the court;

274 (h) Recommend to the child and the child's parents or
275 guardian that the child attend and participate in the Youth
276 Challenge Program under the Mississippi National Guard, as created
277 in Section 43-27-203, subject to the selection of the child for
278 the program by the National Guard; however, the child must
279 volunteer to participate in the program. The youth court shall
280 not order any child to apply for or attend the program;

281 (i) (i) Adjudicate the juvenile to the Statewide
282 Juvenile Work Program if the program is established in the court's
283 jurisdiction. The juvenile and his or her parents or guardians
284 must sign a waiver of liability in order to participate in the
285 work program. The judge will coordinate with the youth services
286 counselors as to placing participants in the work program;

287 (ii) The severity of the crime, whether or not the
288 juvenile is a repeat offender or is a felony offender will be
289 taken into consideration by the judge when adjudicating a juvenile
290 to the work program. The juveniles adjudicated to the work
291 program will be supervised by police officers or reserve officers.
292 The term of service will be from twenty-four (24) to one hundred



293 twenty (120) hours of community service. A juvenile will work the
294 hours to which he or she was adjudicated on the weekends during
295 school and weekdays during the summer. Parents are responsible
296 for a juvenile reporting for work. Noncompliance with an order to
297 perform community service will result in a heavier adjudication.
298 A juvenile may be adjudicated to the community service program
299 only two (2) times;

300 (iii) The judge shall assess an additional fine on
301 the juvenile which will be used to pay the costs of implementation
302 of the program and to pay for supervision by police officers and
303 reserve officers. The amount of the fine will be based on the
304 number of hours to which the juvenile has been adjudicated;

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

307 (k) Order the child into a juvenile detention center
308 operated by the county or into a juvenile detention center
309 operated by any county with which the county in which the court is
310 located has entered into a contract for the purpose of housing
311 delinquents. The time period for detention cannot exceed ninety
312 (90) days, and any detention exceeding forty-five (45) days shall
313 be administratively reviewed by the youth court no later than
314 forty-five (45) days after the entry of the order. At that time
315 the youth court counselor shall review the status of the youth in
316 detention and shall report any concerns to the court. The youth
317 court judge may order that the number of days specified in the
318 detention order be served either throughout the week or on
319 weekends only. No first-time nonviolent youth offender shall be
320 committed to a detention center for a period in excess of ninety
321 (90) days until all other options provided for in this section
322 have been considered and the court makes a specific finding of
323 fact by a preponderance of the evidence by assessing what is in
324 the best rehabilitative interest of the child and the public
325 safety of communities and that there is no reasonable alternative



326 to a nonsecure setting and therefore commitment to a detention
327 center is appropriate.

328 If a child is committed to a detention center for ninety (90)
329 days, the disposition order shall meet the following requirements:

330 (i) The disposition order is the least restrictive
331 alternative appropriate to the best interest of the child and the
332 community;

333 (ii) The disposition order allows the child to be
334 in reasonable proximity to the family home community of each child
335 given the dispositional alternatives available and the best
336 interest of the child and the state; and

337 (iii) The disposition order provides that the
338 court has considered the medical, educational, vocational, social
339 and psychological guidance, training, social education,
340 counseling, substance abuse treatment and other rehabilitative
341 services required by that child as determined by the court;

342 (l) The judge may consider house arrest in an intensive
343 supervision program as a reasonable prospect of rehabilitation
344 within the juvenile justice system. The Department of Human
345 Services shall promulgate rules regarding the supervision of
346 juveniles placed in the intensive supervision program; or

347 (m) Referral to A-team provided system of care
348 services.

349 (2) If a disposition order requires that a child miss school
350 due to other placement, the youth court shall notify a child's
351 school while maintaining the confidentiality of the youth court
352 process. If a disposition order requires placement of a child in
353 a juvenile detention facility, the facility shall comply with the
354 educational services and notification requirements of Section
355 43-21-321.

356 (3) In addition to any of the disposition alternatives
357 authorized under subsection (1) of this section, the disposition
358 order in any case in which the child is adjudicated delinquent for



359 an offense under Section 63-11-30 shall include an order denying
360 the driver's license and driving privileges of the child as
361 required under Section 63-11-30(9).

362 (4) If the youth court places a child in a state-supported
363 training school, the court may order the parents or guardians of
364 the child and other persons living in the child's household to
365 receive counseling and parenting classes for rehabilitative
366 purposes while the child is in the legal custody of the training
367 school. A youth court entering an order under this subsection (4)
368 shall utilize appropriate services offered either at no cost or
369 for a fee calculated on a sliding scale according to income unless
370 the person ordered to participate elects to receive other
371 counseling and classes acceptable to the court at the person's
372 sole expense.

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

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

380 (7) The youth court shall not place a child in another
381 school district who has been expelled from a school district for
382 the commission of a violent act. For the purpose of this
383 subsection, "violent act" means any action which results in death
384 or physical harm to another or an attempt to cause death or
385 physical harm to another.

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



392 (9) The Mississippi Department of Human Services, Division
393 of Youth Services, shall operate and maintain services for youth
394 adjudicated delinquent at Oakley Training School. The program
395 shall be designed for children committed to the training schools
396 by the youth courts. The purpose of the program is to promote
397 good citizenship, self-reliance, leadership and respect for
398 constituted authority, teamwork, cognitive abilities and
399 appreciation of our national heritage. The program must use
400 evidenced-based practices and gender-specific programming and must
401 develop an individualized and specific treatment plan for each
402 female youth. The Division of Youth Services shall issue credit
403 towards academic promotions and high school completion. The
404 Division of Youth Services may award credits to each student who
405 meets the requirements for a general education development
406 certification. The Division of Youth Services must also provide
407 to each special education eligible youth the services required by
408 that youth's individualized education plan.

409 **[From and after July 1, 2011, this section shall read as**
410 **follows:]**

411 43-21-605. (1) In delinquency cases, the disposition order
412 may include any of the following alternatives:

413 (a) Release the child without further action;

414 (b) Place the child in the custody of the parents, a
415 relative or other persons subject to any conditions and
416 limitations, including restitution, as the youth court may
417 prescribe;

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

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



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

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

433 (g) Give legal custody of the child to any of the
434 following:

435 (i) The Department of Human Services for
436 appropriate placement; or

437 (ii) Any public or private organization,
438 preferably community-based, able to assume the education, care and
439 maintenance of the child, which has been found suitable by the
440 court; or

441 (iii) The Division of Youth Services for placement
442 in the least restrictive environment, except that no child under
443 the age of ten (10) years shall be committed to the state training
444 school. Only a child who has been adjudicated delinquent for a
445 felony or who has been adjudicated delinquent three (3) or more
446 times for a misdemeanor offense may be committed to the training
447 school. For the purposes of this section, a misdemeanor offense
448 does not include contempt of court for a probation violation,
449 unless the probation violation constitutes a charge that would be
450 a crime if committed by an adult. In the event a child is
451 committed to the Oakley Youth Development Center by the court, the
452 child shall be deemed to be committed to the custody of the
453 Department of Human Services which may place the child in the
454 Oakley Youth Development Center or another appropriate facility.

455 The training school may retain custody of the child until the
456 child's twentieth birthday but for no longer. When the child is



457 committed to the training school, the child shall remain in the
458 legal custody of the training school until the child has made
459 sufficient progress in treatment and rehabilitation and it is in
460 the best interest of the child to release the child. However, the
461 superintendent of the state training school, in consultation with
462 the treatment team, may parole a child at any time he or she may
463 deem it in the best interest and welfare of such child. Ten (10)
464 business days prior to such parole, the training school shall
465 notify the committing court of the pending release. The youth
466 court may then arrange subsequent placement after a reconvened
467 disposition hearing, except that the youth court may not recommit
468 the child to the training school or any other secure facility
469 without an adjudication of a new offense or probation or parole
470 violation. The Department of Human Services shall ensure that
471 staffs create transition planning for youth leaving the
472 facilities. Plans shall include providing the youth and his or
473 her parents or guardian with copies of the youth's training school
474 education and health records, information regarding the youth's
475 home community, referrals to mental and counseling services when
476 appropriate, and providing assistance in making initial
477 appointments with community service providers. Prior to assigning
478 the custody of any child to any private institution or agency, the
479 youth court through its designee shall first inspect the physical
480 facilities to determine that they provide a reasonable standard of
481 health and safety for the child. No child shall be placed in the
482 custody of the state training school for a status offense or for
483 contempt of or revocation of a status offense adjudication unless
484 the child is contemporaneously adjudicated for having committed an
485 act of delinquency that is not a status offense. A disposition
486 order rendered under this subparagraph shall meet the following
487 requirements:



488 1. The disposition is the least restrictive
489 alternative appropriate to the best interest of the child and the
490 community;

491 2. The disposition allows the child to be in
492 reasonable proximity to the family home community of each child
493 given the dispositional alternatives available and the best
494 interest of the child and the state; and

495 3. The disposition order provides that the
496 court has considered the medical, educational, vocational, social
497 and psychological guidance, training, social education,
498 counseling, substance abuse treatment and other rehabilitative
499 services required by that child as determined by the court;

500 (h) Recommend to the child and the child's parents or
501 guardian that the child attend and participate in the Youth
502 Challenge Program under the Mississippi National Guard, as created
503 in Section 43-27-203, subject to the selection of the child for
504 the program by the National Guard; however, the child must
505 volunteer to participate in the program. The youth court shall
506 not order any child to apply for or attend the program;

507 (i) (i) Adjudicate the juvenile to the Statewide
508 Juvenile Work Program if the program is established in the court's
509 jurisdiction. The juvenile and his or her parents or guardians
510 must sign a waiver of liability in order to participate in the
511 work program. The judge will coordinate with the youth services
512 counselors as to placing participants in the work program;

513 (ii) The severity of the crime, whether or not the
514 juvenile is a repeat offender or is a felony offender will be
515 taken into consideration by the judge when adjudicating a juvenile
516 to the work program. The juveniles adjudicated to the work
517 program will be supervised by police officers or reserve officers.
518 The term of service will be from twenty-four (24) to one hundred
519 twenty (120) hours of community service. A juvenile will work the
520 hours to which he or she was adjudicated on the weekends during



521 school and weekdays during the summer. Parents are responsible
522 for a juvenile reporting for work. Noncompliance with an order to
523 perform community service will result in a heavier adjudication.
524 A juvenile may be adjudicated to the community service program
525 only two (2) times;

526 (iii) The judge shall assess an additional fine on
527 the juvenile which will be used to pay the costs of implementation
528 of the program and to pay for supervision by police officers and
529 reserve officers. The amount of the fine will be based on the
530 number of hours to which the juvenile has been adjudicated;

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

533 (k) Order the child into a juvenile detention center
534 operated by the county or into a juvenile detention center
535 operated by any county with which the county in which the court is
536 located has entered into a contract for the purpose of housing
537 delinquents. The time period for detention cannot exceed ninety
538 (90) days, and any detention exceeding forty-five (45) days shall
539 be administratively reviewed by the youth court no later than
540 forty-five (45) days after the entry of the order. At that time
541 the youth court counselor shall review the status of the youth in
542 detention and shall report any concerns to the court. The youth
543 court judge may order that the number of days specified in the
544 detention order be served either throughout the week or on
545 weekends only. No first-time nonviolent youth offender shall be
546 committed to a detention center for a period in excess of ninety
547 (90) days until all other options provided for in this section
548 have been considered and the court makes a specific finding of
549 fact by a preponderance of the evidence by assessing what is in
550 the best rehabilitative interest of the child and the public
551 safety of communities and that there is no reasonable alternative
552 to a nonsecure setting and therefore commitment to a detention
553 center is appropriate.



554 If a child is committed to a detention center for ninety (90)
555 days, the disposition order shall meet the following requirements:

556 (i) The disposition order is the least restrictive
557 alternative appropriate to the best interest of the child and the
558 community;

559 (ii) The disposition order allows the child to be
560 in reasonable proximity to the family home community of each child
561 given the dispositional alternatives available and the best
562 interest of the child and the state; and

563 (iii) The disposition order provides that the
564 court has considered the medical, educational, vocational, social
565 and psychological guidance, training, social education,
566 counseling, substance abuse treatment and other rehabilitative
567 services required by that child as determined by the court;

568 (1) The judge may consider house arrest in an intensive
569 supervision program as a reasonable prospect of rehabilitation
570 within the juvenile justice system. The Department of Human
571 Services shall promulgate rules regarding the supervision of
572 juveniles placed in the intensive supervision program; or

573 (m) Referral to A-team provided system of care
574 services.

575 (2) If a disposition order requires that a child miss school
576 due to other placement, the youth court shall notify a child's
577 school while maintaining the confidentiality of the youth court
578 process. If a disposition order requires placement of a child in
579 a juvenile detention facility, the facility shall comply with the
580 educational services and notification requirements of Section
581 43-21-321.

582 (3) In addition to any of the disposition alternatives
583 authorized under subsection (1) of this section, the disposition
584 order in any case in which the child is adjudicated delinquent for
585 an offense under Section 63-11-30 shall include an order denying



586 the driver's license and driving privileges of the child as
587 required under Section 63-11-30(9).

588 (4) If the youth court places a child in a state-supported
589 training school, the court may order the parents or guardians of
590 the child and other persons living in the child's household to
591 receive counseling and parenting classes for rehabilitative
592 purposes while the child is in the legal custody of the training
593 school. A youth court entering an order under this subsection (4)
594 shall utilize appropriate services offered either at no cost or
595 for a fee calculated on a sliding scale according to income unless
596 the person ordered to participate elects to receive other
597 counseling and classes acceptable to the court at the person's
598 sole expense.

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

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

606 (7) The youth court shall not place a child in another
607 school district who has been expelled from a school district for
608 the commission of a violent act. For the purpose of this
609 subsection, "violent act" means any action which results in death
610 or physical harm to another or an attempt to cause death or
611 physical harm to another.

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



618 (9) The Mississippi Department of Human Services, Division
619 of Youth Services, shall operate and maintain services for youth
620 adjudicated delinquent at the Oakley Youth Development Center.
621 The program shall be designed for children committed to the
622 training schools by the youth courts. The purpose of the program
623 is to promote good citizenship, self-reliance, leadership and
624 respect for constituted authority, teamwork, cognitive abilities
625 and appreciation of our national heritage. The program must use
626 evidenced-based practices and gender-specific programming and must
627 develop an individualized and specific treatment plan for each
628 female youth. The Division of Youth Services shall issue credit
629 towards academic promotions and high school completion. The
630 Division of Youth Services may award credits to each student who
631 meets the requirements for a general education development
632 certification. The Division of Youth Services must also provide
633 to each special education eligible youth the services required by
634 that youth's individualized education plan.

635 **SECTION 5.** Section 43-27-10, Mississippi Code of 1972, is
636 amended as follows:

637 43-27-10. (1) The Mississippi Department of Human Services
638 shall exercise executive and administrative supervision over all
639 state-owned facilities used for the detention, training, care,
640 treatment and aftercare supervision of delinquent children
641 properly committed to or confined in said facilities by a court on
642 account of such delinquency; provided, however, such executive and
643 administrative supervision under state-owned facilities shall not
644 extend to any institutions and facilities for which executive and
645 administrative supervision has been provided otherwise by law
646 through other agencies.

647 (2) Such facilities shall include, but not be limited to,
648 the Oakley Training School, which is now the Oakley Youth
649 Development Center, created by Chapter 205, Laws of 1942, and
650 those facilities authorized by Chapter 652, Laws of 1994.



651 (3) The department shall have the power as a corporate body
652 to receive, hold and use personal, real and mixed property donated
653 to them or property acquired under Section 43-27-35, and shall
654 have such other corporate authority as shall now or hereafter be
655 necessary for the operation of any such facility. The department
656 shall be responsible for the planning, development and
657 coordination of a statewide, comprehensive youth services program
658 designed to train and rehabilitate children in order to prevent,
659 control and retard juvenile delinquency.

660 (4) The department is authorized to develop and implement
661 diversified public, private, or contractual programs and
662 facilities to promote, enhance, provide and assure the
663 opportunities for the successful care, training and treatment of
664 delinquent children properly committed to or confined in any
665 facility under its control. Such programs and facilities may
666 include, but not be limited to, training schools, foster homes,
667 halfway houses, forestry camps, regional assessment,
668 classification and diagnostic centers, detention centers, group
669 homes, regional and community-based juvenile intensive residential
670 treatment facilities, specialized and therapeutic programs and
671 facilities, and other state and local community-based programs and
672 facilities.

673 (5) The department is authorized to acquire whatever hazard,
674 casualty or workers' compensation insurance is necessary for any
675 property, real or personal, owned, leased or rented by the
676 department or for any employees or personnel hired by the
677 department and may acquire professional liability insurance on all
678 employees as deemed necessary and proper by the department. All
679 premiums due and payable on account thereof shall be paid out of
680 the funds of the department.

681 **SECTION 6.** Section 43-27-11, Mississippi Code of 1972, is
682 amended as follows:



683 43-27-11. The Mississippi Department of Human Services shall
684 succeed to the exclusive control of all records, books, papers,
685 equipment and supplies, and all lands, buildings and other real
686 and personal property now or hereafter belonging to or assigned to
687 the use and benefit or under the control of the Oakley Youth
688 Development Center, and shall have the exercise and control of the
689 use, distribution and disbursement of all funds, appropriations
690 and taxes now or hereafter in possession, levied, collected or
691 received or appropriated for the use, benefit, support and
692 maintenance of these two (2) institutions, and the department
693 shall have general supervision of all the affairs of the two (2)
694 institutions herein named, and the care and conduct of all
695 buildings and grounds, business methods and arrangements of
696 accounts and records, the organization of the administrative plans
697 of each institution, and all other matters incident to the proper
698 functioning of the institutions. The department shall have full
699 authority over the operation of any and all farms at each of said
700 institutions and over the distribution of agricultural, dairy,
701 livestock and any and all other products therefrom and over all
702 funds received from the sale of hogs and livestock. All sums
703 realized from the sale of products manufactured and fabricated in
704 the shops of the vocational departments of such institutions shall
705 be placed in the revolving fund of the respective institutions in
706 which said products were manufactured, fabricated and sold.

707 The department shall be authorized to lease the lands for
708 oil, gas and mineral exploration, and for such other purposes as
709 the department deems to be appropriate, on such terms and
710 conditions as the department and lessee agree. The department may
711 contract with the State Forestry Commission for the proper
712 management of forest lands and the sale of timber, and the
713 department is expressly authorized to sell timber and forestry
714 products. The department is further authorized to expend the net
715 proceeds from incomes from all leases and timber sales exclusively



716 for the instructional purposes or operational expenses, or both,
717 at the two (2) institutions under its jurisdiction.

718 The granting of any leases for oil, gas and mineral
719 exploration shall be on a public bid basis as prescribed by law.

720 **SECTION 7.** Section 43-27-39, Mississippi Code of 1972, as
721 amended by Senate Bill No. 2633, 2010 Regular Session, is amended
722 as follows:

723 **[Until July 1, 2010, through June 30, 2011, this section**
724 **shall read as follows:]**

725 43-27-39. (1) The purpose of this section is to ensure that
726 Mississippi's juvenile justice system is cost-efficient and
727 effective at reducing juvenile crime and to create a continuum of
728 options for Mississippi's youth court judges so that they are
729 better equipped to protect our communities and to care for our
730 children.

731 (2) The Columbia Training School shall no longer operate as
732 a secure training school for juvenile delinquents. All youth,
733 both male and female, committed to the custody of the Department
734 of Human Services and adjudicated to training school shall be
735 housed at the Oakley Training School. The Oakley Training School
736 shall provide gender-specific treatment for youth who are
737 adjudicated delinquent.

738 * * *

739 **[From and after July 1, 2011, this section shall read as**
740 **follows:]**

741 43-27-39. (1) The purpose of this section is to ensure that
742 Mississippi's juvenile justice system is cost-efficient and
743 effective at reducing juvenile crime and to create a continuum of
744 options for Mississippi's youth court judges so that they are
745 better equipped to protect our communities and to care for our
746 children.

747 (2) The Columbia Training School shall no longer operate as
748 a secure training school for juvenile delinquents. All youth,



749 both male and female, committed to the custody of the Department
750 of Human Services and adjudicated to training school shall be
751 housed at the Oakley Youth Development Center. The Oakley Youth
752 Development Center, shall provide gender-specific treatment for
753 youth who are adjudicated delinquent.

754 * * *

755 **SECTION 8.** Section 43-27-401, Mississippi Code of 1972, is
756 amended as follows:

757 43-27-401. (1) The Department of Human Services, Division
758 of Youth Services, shall establish a pilot program to be known as
759 the "Amer-I-Can Program." The program is designed for youths who
760 have been committed to or are confined at the Oakley Youth
761 Development Center. The objectives of this program are:

762 (a) To develop greater self-esteem, assume responsible
763 attitudes and experience a restructuring of habits and
764 conditioning processes;

765 (b) To develop an appreciation of family members and an
766 understanding of the role family structure has in achieving
767 successful living;

768 (c) To develop an understanding of the concept of
769 community and collective responsibility;

770 (d) To develop a prowess in problem solving and
771 decision making that will eliminate many of the difficulties that
772 were encountered in past experiences;

773 (e) To develop skills in money management and financial
774 stability, thus relieving pressures that have contributed to
775 previous difficulties;

776 (f) To develop communication skills to better express
777 thoughts and ideas while acquiring an understanding of and respect
778 for the thoughts and ideas of others; and

779 (g) To acquire employment seeking and retention skills
780 to improve chances of long-term, gainful employment.



781 (2) The Division of Youth Services shall develop policies
782 and procedures to administer the program and shall choose which
783 youths are eligible to participate in the program.

784 (3) The department may accept any funds, public or private,
785 made available to it for the program.

786 **SECTION 9.** Section 47-5-151, Mississippi Code of 1972, is
787 amended as follows:

788 47-5-151. The superintendent (warden) or other person in
789 charge of prisoners, upon the death of any prisoner under his care
790 and control, shall at once notify the county medical examiner or
791 county medical examiner investigator (hereinafter "medical
792 examiner") of the county in which said prisoner died, of the death
793 of the prisoner, and it shall be the duty of such medical
794 examiner, when so notified of the death of such person, to obtain
795 a court order and notify the State Medical Examiner of the death
796 of such prisoner. It shall be mandatory that the State Medical
797 Examiner cause an autopsy to be performed upon the body of the
798 deceased prisoner. Furthermore, the State Medical Examiner shall
799 investigate any case where a person is found dead on the premises
800 of the correctional system, in accordance with Sections 41-61-51
801 through 41-61-79. The State Medical Examiner shall make a written
802 report of his investigation, and shall furnish a copy of the same,
803 including the autopsy report, to the superintendent (warden) and a
804 copy of the same to the district attorney of the county in which
805 said prisoner died. The copy so furnished to the district
806 attorney shall be turned over by the district attorney to the
807 grand jury, and it shall be the duty of the grand jury, if there
808 be any suspicion of wrongdoing shown by the inquest papers, to
809 thoroughly investigate the cause of such death.

810 It shall be the duty of the medical examiner of the county in
811 which said prisoner died to arrange for the remains to be
812 transported to the State Medical Examiner for said autopsy, and
813 accompanying the remains shall be the court order for autopsy and



814 any documents or records pertaining to the deceased prisoner,
815 institutional health records or other information relating to the
816 circumstances surrounding the prisoner's death. The State Medical
817 Examiner shall arrange for the remains to be transported to the
818 county in which said prisoner died following completion of the
819 autopsy. If the remains are not claimed for burial within
820 forty-eight (48) hours after autopsy, then said remains may be
821 delivered to the University of Mississippi Medical Center for use
822 in medical research or anatomical study.

823 The provisions herein set forth in the first paragraph shall
824 likewise apply to any case in which any person is found dead on
825 the premises of the Mississippi State Penitentiary except that the
826 autopsy to be performed on the body of such a person shall not be
827 mandatory upon a person who is not a prisoner unless the medical
828 examiner determines that the death resulted from circumstances
829 raising questions as to the cause of death, in which case the
830 medical examiner may cause an autopsy to be performed upon the
831 body of such deceased person in the same manner as authorized to
832 be performed upon the body of a deceased prisoner.

833 Provided further, that the provisions herein shall apply with
834 respect to any deceased prisoner who at the time of death is being
835 detained by duly constituted state authority such as the Oakley
836 Youth Development Center, Mississippi State Hospital at Whitfield,
837 East Mississippi State Hospital, or any other state institution.

838 The provisions of this section shall not apply to a prisoner
839 who was lawfully executed as provided in Sections 99-19-49 through
840 99-19-55.

841 Any officer or employee of the prison system or any other
842 officer, employee or person having charge of any prisoner who
843 shall fail to immediately notify the medical examiner of the death
844 of such prisoner, shall be guilty of a misdemeanor and, upon
845 conviction thereof, shall be punished by a fine of not less than
846 One Hundred Dollars (\$100.00) nor more than Five Hundred dollars



847 (\$500.00) and by confinement in the county jail for not more than
848 one (1) year.

849 **SECTION 10.** Section 47-7-45, Mississippi Code of 1972, is
850 amended as follows:

851 47-7-45. The provisions of this chapter shall not apply to
852 probation under the Youth Court Law nor to parole from the Oakley
853 Youth Development Center.

854 **SECTION 11.** Section 65-1-37, Mississippi Code of 1972, is
855 amended as follows:

856 65-1-37. The Mississippi Transportation Commission is hereby
857 authorized and empowered to have the Mississippi Department of
858 Transportation construct, repair and maintain the driveways and
859 streets on the grounds of the universities and colleges under the
860 jurisdiction of the Board of Trustees of the State Institutions of
861 Higher Learning, state, and/or county supported junior colleges,
862 the state hospitals, and institutions under the jurisdiction of
863 the Board of Trustees of Mental Institutions, the Board of
864 Trustees of the Columbia Training School and the Oakley Youth
865 Development Center, the Mississippi Schools for the Deaf and
866 Blind, and the Mississippi Department of Wildlife, Fisheries and
867 Parks in the manner provided herein, including bypasses to connect
868 said driveways and streets with roads on the state highway system,
869 and the main thoroughfare running east and west through the
870 grounds of the Mississippi Penitentiary, provided said
871 institutions obtain the necessary rights-of-way, said institutions
872 being hereby authorized so to do.

873 The Transportation Commission and the governing boards of
874 said institutions shall enter into an agreement prior to
875 undertaking any of the work mentioned in the first paragraph of
876 this section, and said agreement shall be based on the
877 Transportation Department's furnishing equipment, equipment
878 operators, skilled labor, supervision, and engineering services,
879 and the governing bodies of the aforementioned institutions shall



880 furnish material, supplies and common labor. This agreement shall
881 further provide for reimbursement of the Mississippi Department of
882 Transportation, in full, for the expenditures incurred in the
883 construction, repair and maintenance of driveways and streets at
884 the institutions hereinabove mentioned, such reimbursement to be
885 made directly to the Mississippi Transportation Commission from
886 the institutions. Upon the execution of an agreement as set out
887 herein, the Mississippi Department of Transportation may provide
888 all the necessary engineering, supervision, skilled labor,
889 equipment, and equipment operators to perform such work.

890 **SECTION 12.** Section 97-37-17, Mississippi Code of 1972, is
891 amended as follows:

892 97-37-17. (1) The following definitions apply to this
893 section:

894 (a) "Educational property" shall mean any public or
895 private school building or bus, public or private school campus,
896 grounds, recreational area, athletic field, or other property
897 owned, used or operated by any local school board, school, college
898 or university board of trustees, or directors for the
899 administration of any public or private educational institution or
900 during a school-related activity, and shall include the facility
901 and property of the Oakley Youth Development Center, operated by
902 the Department of Human Services; provided, however, that the term
903 "educational property" shall not include any sixteenth section
904 school land or lieu land on which is not located a school
905 building, school campus, recreational area or athletic field.

906 (b) "Student" shall mean a person enrolled in a public
907 or private school, college or university, or a person who has been
908 suspended or expelled within the last five (5) years from a public
909 or private school, college or university, or a person in the
910 custody of the Oakley Youth Development Center, operated by the
911 Department of Human Services, whether the person is an adult or a
912 minor.



913 (c) "Switchblade knife" shall mean a knife containing a
914 blade or blades which open automatically by the release of a
915 spring or a similar contrivance.

916 (d) "Weapon" shall mean any device enumerated in
917 subsection (2) or (4) of this section.

918 (2) It shall be a felony for any person to possess or carry,
919 whether openly or concealed, any gun, rifle, pistol or other
920 firearm of any kind, or any dynamite cartridge, bomb, grenade,
921 mine or powerful explosive on educational property. However, this
922 subsection does not apply to a BB gun, air rifle or air pistol.
923 Any person violating this subsection shall be guilty of a felony
924 and, upon conviction thereof, shall be fined not more than Five
925 Thousand Dollars (\$5,000.00), or committed to the custody of the
926 State Department of Corrections for not more than three (3) years,
927 or both.

928 (3) It shall be a felony for any person to cause, encourage
929 or aid a minor who is less than eighteen (18) years old to possess
930 or carry, whether openly or concealed, any gun, rifle, pistol or
931 other firearm of any kind, or any dynamite cartridge, bomb,
932 grenade, mine or powerful explosive on educational property.
933 However, this subsection does not apply to a BB gun, air rifle or
934 air pistol. Any person violating this subsection shall be guilty
935 of a felony and, upon conviction thereof, shall be fined not more
936 than Five Thousand Dollars (\$5,000.00), or committed to the
937 custody of the State Department of Corrections for not more than
938 three (3) years, or both.

939 (4) It shall be a misdemeanor for any person to possess or
940 carry, whether openly or concealed, any BB gun, air rifle, air
941 pistol, bowie knife, dirk, dagger, slingshot, leaded cane,
942 switchblade knife, blackjack, metallic knuckles, razors and razor
943 blades (except solely for personal shaving), and any sharp-pointed
944 or edged instrument except instructional supplies, unaltered nail
945 files and clips and tools used solely for preparation of food,



946 instruction and maintenance on educational property. Any person
947 violating this subsection shall be guilty of a misdemeanor and,
948 upon conviction thereof, shall be fined not more than One Thousand
949 Dollars (\$1,000.00), or be imprisoned not exceeding six (6)
950 months, or both.

951 (5) It shall be a misdemeanor for any person to cause,
952 encourage or aid a minor who is less than eighteen (18) years old
953 to possess or carry, whether openly or concealed, any BB gun, air
954 rifle, air pistol, bowie knife, dirk, dagger, slingshot, leaded
955 cane, switchblade, knife, blackjack, metallic knuckles, razors and
956 razor blades (except solely for personal shaving) and any
957 sharp-pointed or edged instrument except instructional supplies,
958 unaltered nail files and clips and tools used solely for
959 preparation of food, instruction and maintenance on educational
960 property. Any person violating this subsection shall be guilty of
961 a misdemeanor and, upon conviction thereof, shall be fined not
962 more than One Thousand Dollars (\$1,000.00), or be imprisoned not
963 exceeding six (6) months, or both.

964 (6) It shall not be a violation of this section for any
965 person to possess or carry, whether openly or concealed, any gun,
966 rifle, pistol or other firearm of any kind on educational property
967 if:

968 (a) The person is not a student attending school on any
969 educational property;

970 (b) The firearm is within a motor vehicle; and

971 (c) The person does not brandish, exhibit or display
972 the firearm in any careless, angry or threatening manner.

973 (7) This section shall not apply to:

974 (a) A weapon used solely for educational or
975 school-sanctioned ceremonial purposes, or used in a
976 school-approved program conducted under the supervision of an
977 adult whose supervision has been approved by the school authority;



978 (b) Armed Forces personnel of the United States,
979 officers and soldiers of the militia and National Guard, law
980 enforcement personnel, any private police employed by an
981 educational institution, State Militia or Emergency Management
982 Corps and any guard or patrolman in a state or municipal
983 institution, and any law enforcement personnel or guard at a state
984 juvenile training school, when acting in the discharge of their
985 official duties;

986 (c) Home schools as defined in the compulsory school
987 attendance law, Section 37-13-91;

988 (d) Competitors while participating in organized
989 shooting events;

990 (e) Any person as authorized in Section 97-37-7 while
991 in the performance of his official duties;

992 (f) Any mail carrier while in the performance of his
993 official duties; or

994 (g) Any weapon not prescribed by Section 97-37-1 which
995 is in a motor vehicle under the control of a parent, guardian or
996 custodian, as defined in Section 43-21-105, which is used to bring
997 or pick up a student at a school building, school property or
998 school function.

999 (8) All schools shall post in public view a copy of the
1000 provisions of this section.

1001 **SECTION 13.** This act shall take effect and be in force from
1002 and after July 1, 2011.

