

## REPORT OF CONFERENCE COMMITTEE

**MR. PRESIDENT AND MR. SPEAKER:**

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

S. B. No. 2969: Youth Court Hearing Act; revise.

We, therefore, respectfully submit the following report and recommendation:

1. That the House recede from its Amendment No. 1.
2. That the Senate and House adopt the following amendment:

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

7           **SECTION 1.** Section 43-21-151, Mississippi Code of 1972, is  
8 amended as follows:

9           43-21-151. (1) The youth court shall have exclusive  
10 original jurisdiction in all proceedings concerning a delinquent  
11 child, a child in need of supervision, a neglected child, an  
12 abused child or a dependent child except in the following  
13 circumstances:

14           (a) Any act attempted or committed by a child, which if  
15 committed by an adult would be punishable under state or federal  
16 law by life imprisonment or death, will be in the original  
17 jurisdiction of the circuit court;

18           (b) Any act attempted or committed by a child with the  
19 use of a deadly weapon, the carrying of which concealed is  
20 prohibited by Section 97-37-1, or a shotgun or a rifle, which  
21 would be a felony if committed by an adult, will be in the  
22 original jurisdiction of the circuit court; and

23           (c) When a charge of abuse of a child first arises in  
24 the course of a custody action between the parents of the child  
25 already pending in the chancery court and no notice of such abuse  
26 was provided prior to such chancery proceedings, the chancery  
27 court may proceed with the investigation, hearing and  
28 determination of such abuse charge as a part of its hearing and



29 determination of the custody issue as between the parents,  
30 notwithstanding the other provisions of the Youth Court Law. The  
31 proceedings in chancery court on the abuse charge shall be  
32 confidential in the same manner as provided in youth court  
33 proceedings.

34 When a child is expelled from the public schools, the youth  
35 court shall be notified of the act of expulsion and the act or  
36 acts constituting the basis for expulsion.

37 (2) Jurisdiction of the child in the cause shall attach at  
38 the time of the offense and shall continue thereafter for that  
39 offense until the child's twentieth birthday, unless sooner  
40 terminated by order of the youth court. The youth court shall not  
41 have jurisdiction over offenses committed by a child on or after  
42 his eighteenth birthday \* \* \*.

43 (3) No child who has not reached his thirteenth birthday  
44 shall be held criminally responsible or criminally prosecuted for  
45 a misdemeanor or felony; however, the parent, guardian or  
46 custodian of such child may be civilly liable for any criminal  
47 acts of such child. No child under the jurisdiction of the youth  
48 court shall be held criminally responsible or criminally  
49 prosecuted by any court for any act designated as a delinquent  
50 act, unless jurisdiction is transferred to another court under  
51 Section 43-21-157.

52 (4) The youth court shall also have jurisdiction of offenses  
53 committed by a child which have been transferred to the youth  
54 court by an order of a circuit court of this state having original  
55 jurisdiction of the offense, as provided by Section 43-21-159.

56 (5) The youth court shall regulate and approve the use of  
57 teen court as provided in Section 43-21-753.

58 (6) Nothing in this section shall prevent the circuit court  
59 from assuming jurisdiction over a youth who has committed an act



60 of delinquency upon a youth court's ruling that a transfer is  
61 appropriate pursuant to Section 43-21-157.

62 **SECTION 2.** This act shall take effect and be in force from  
63 and after July 1, 2011.

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

1 AN ACT TO AMEND SECTION 43-21-151, MISSISSIPPI CODE OF 1972,  
2 TO REVISE THE JURISDICTION OF THE YOUTH COURT; TO PROVIDE THAT  
3 SUCH JURISDICTION SHALL NOT APPLY IF THE YOUTH COURT DEEMS THAT A  
4 TRANSFER TO A CIRCUIT COURT IS APPROPRIATE; AND FOR RELATED  
5 PURPOSES.

CONFEREES FOR THE SENATE

CONFEREES FOR THE HOUSE

X (SIGNED)  
Tollison

X (SIGNED)  
Blackmon

X (SIGNED)  
Walls

X (SIGNED)  
Cockerham

X (SIGNED)  
Wilemon

X (SIGNED)  
Banks

