

By: Senator(s) Witherspoon, Barnett,
Frazier, Norwood

To: Judiciary, Division A

SENATE BILL NO. 2677

1 AN ACT TO AMEND SECTION 43-21-159, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE JURISDICTION OF YOUTH COURTS WITH RESPECT TO CERTAIN
3 CASES INVOLVING POSSESSION OF A FIREARM BY A JUVENILE; AND FOR
4 RELATED PURPOSES.

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

6 **SECTION 1.** Section 43-21-159, Mississippi Code of 1972, is
7 amended as follows:

8 43-21-159. (1) When a person appears before a court other
9 than the youth court, and it is determined that the person is a
10 child under jurisdiction of the youth court, such court shall,
11 unless the jurisdiction of the offense has been transferred to
12 such court as provided in this chapter, or unless the child has
13 previously been the subject of a transfer from the youth court to
14 the circuit court for trial as an adult and was convicted,
15 immediately dismiss the proceeding without prejudice and forward
16 all documents pertaining to the cause to the youth court; and all
17 entries in permanent records shall be expunged. The youth court
18 shall have the power to order and supervise the expunction or the
19 destruction of such records in accordance with Section 43-21-265.



20 Upon petition therefor, the youth court shall expunge the record
21 of any case within its jurisdiction in which an arrest was made,
22 the person arrested was released and the case was dismissed or the
23 charges were dropped or there was no disposition of such case.

24 In cases where the child is charged with a hunting or fishing
25 violation or a traffic violation, whether it be any state or
26 federal law, a violation of the Mississippi Implied Consent Law,
27 or municipal ordinance or county resolution, or where the child is
28 charged with a violation of Section 67-3-70, the appropriate
29 criminal court shall proceed to dispose of the same in the same
30 manner as for other adult offenders and it shall not be necessary
31 to transfer the case to the youth court of the county. However,
32 unless the cause has been transferred, or unless the child has
33 previously been the subject of a transfer from the youth court to
34 the circuit court for trial as an adult and was convicted, the
35 youth court shall have power on its own motion to remove
36 jurisdiction from any criminal court of any offense including a
37 hunting or fishing violation, a traffic violation, a violation of
38 the Mississippi Implied Consent Law, or a violation of Section
39 67-3-70, committed by a child in a matter under the jurisdiction
40 of the youth court and proceed therewith in accordance with the
41 provisions of this chapter.

42 (2) After conviction and sentence of any child by any other
43 court having original jurisdiction on a misdemeanor charge, and
44 within the time allowed for an appeal of such conviction and



45 sentence, the youth court of the county shall have the full power
46 to stay the execution of the sentence and to release the child on
47 good behavior or on other order as the youth court may see fit to
48 make unless the child has previously been the subject of a
49 transfer from the youth court to the circuit court for trial as an
50 adult and was convicted. When a child is convicted of a
51 misdemeanor and is committed to, incarcerated in or imprisoned in
52 a jail or other place of detention by a criminal court having
53 proper jurisdiction of such charge, such court shall notify the
54 youth court judge or the judge's designee of the conviction and
55 sentence prior to the commencement of such incarceration. The
56 youth court shall have the power to order and supervise the
57 destruction of any records involving children maintained by the
58 criminal court in accordance with Section 43-21-265. However, the
59 youth court shall have the power to set aside a judgment of any
60 other court rendered in any matter over which the youth court has
61 exclusive original jurisdiction, to expunge or destroy the records
62 thereof in accordance with Section 43-21-265, and to order a
63 refund of fines and costs.

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

67 (4) In any case wherein the defendant is a child as defined
68 in this chapter and of which the circuit court has original
69 jurisdiction, the circuit judge, upon a finding that it would be



70 in the best interest of such child and in the interest of justice,
71 may at any stage of the proceedings prior to the attachment of
72 jeopardy transfer such proceedings to the youth court for further
73 proceedings unless the child has previously been the subject of a
74 transfer from the youth court to the circuit court for trial as an
75 adult and was convicted or has previously been convicted of a
76 crime which was in original circuit court jurisdiction, and the
77 youth court shall, upon acquiring jurisdiction, proceed as
78 provided in this chapter for the adjudication and disposition of
79 delinquent child proceeding proceedings. If the case is not
80 transferred to the youth court and the youth is convicted of a
81 crime by any circuit court, the trial judge shall sentence the
82 youth as though such youth was an adult. The circuit court shall
83 not have the authority to commit such child to the custody of the
84 Department of Youth Services for placement in a state-supported
85 training school.

86 (5) In no event shall a court sentence an offender over the
87 age of eighteen (18) to the custody of the Division of Youth
88 Services for placement in a state-supported training school.

89 (6) When a child's driver's license is suspended by the
90 youth court for any reason, the clerk of the youth court shall
91 report the suspension, without a court order under Section
92 43-21-261, to the Commissioner of Public Safety in the same manner
93 as such suspensions are reported in cases involving adults.

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95 **SECTION 2.** This act shall take effect and be in force from
96 and after July 1, 2017.

