

By: Representative Bain

To: Judiciary B

HOUSE BILL NO. 531

1 AN ACT TO AMEND SECTION 43-21-151, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT NO CHILD WHO HAS NOT REACHED HIS OR HER TWELFTH
3 BIRTHDAY, RATHER THAN HIS OR HER THIRTEENTH BIRTHDAY, SHALL BE
4 HELD CRIMINALLY RESPONSIBLE OR CRIMINALLY PROSECUTED FOR A
5 MISDEMEANOR OR FELONY UNDER THE YOUTH COURT LAW; AND FOR RELATED
6 PURPOSES.

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

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

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

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

19 (b) Any act attempted or committed by a child with the
20 use of a deadly weapon, the carrying of which concealed is



21 prohibited by Section 97-37-1, or a shotgun or a rifle, which
22 would be a felony if committed by an adult, will be in the
23 original jurisdiction of the circuit court; and

24 (c) When a charge of abuse of a child first arises in
25 the course of a custody action between the parents of the child
26 already pending in the chancery court and no notice of such abuse
27 was provided prior to such chancery proceedings, the chancery
28 court may proceed with the investigation, hearing and
29 determination of such abuse charge as a part of its hearing and
30 determination of the custody issue as between the parents,
31 notwithstanding the other provisions of the Youth Court Law. The
32 proceedings in chancery court on the abuse charge shall be
33 confidential in the same manner as provided in youth court
34 proceedings.

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

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

44 (3) No child who has not reached his * * * twelfth birthday
45 shall be held criminally responsible or criminally prosecuted for



46 a misdemeanor or felony; however, the parent, guardian or
47 custodian of such child may be civilly liable for any criminal
48 acts of such child. No child under the jurisdiction of the youth
49 court shall be held criminally responsible or criminally
50 prosecuted by any court for any act designated as a delinquent
51 act, unless jurisdiction is transferred to another court under
52 Section 43-21-157.

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

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

59 (6) Nothing in this section shall prevent the circuit court
60 from assuming jurisdiction over a youth who has committed an act
61 of delinquency upon a youth court's ruling that a transfer is
62 appropriate pursuant to Section 43-21-157.

63 **SECTION 2.** This act shall take effect and be in force from
64 and after July 1, 2023.

