

By: Senator(s) Smith (By Request)

To: Corrections

SENATE BILL NO. 3028
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 47-5-99, MISSISSIPPI CODE OF 1972, TO
2 ABOLISH CLASSIFICATION COMMITTEES AND TO CREATE CLASSIFICATION
3 HEARING OFFICERS AND DISCIPLINARY HEARING OFFICERS; TO AMEND
4 SECTIONS 47-5-101, 47-5-103, 47-5-104, 47-5-138, 47-5-138.1,
5 47-5-181, 47-5-401, 47-5-451, 47-5-1003, 47-7-3 AND 43-21-261,
6 MISSISSIPPI CODE OF 1972, TO CONFORM; FURTHER AMEND SECTION
7 47-7-3, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT CERTAIN
8 NONVIOLENT FIRST OFFENDERS MAY BE CONSIDERED FOR PAROLE; AND FOR
9 RELATED PURPOSES.

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

11 SECTION 1. Section 47-5-99, Mississippi Code of 1972, is
12 amended as follows:

13 47-5-99. There are hereby created classification hearing
14 officers and disciplinary hearing officers of the correctional
15 system to be appointed by the commissioner. * * *

16 SECTION 2. Section 47-5-101, Mississippi Code of 1972, is
17 amended as follows:

18 47-5-101. The classification and disciplinary hearing
19 officers shall maintain a record of all actions and orders by
20 minutes * * *. The hearing officers shall meet on a regular
21 basis. * * *

22 SECTION 3. Section 47-5-103, Mississippi Code of 1972, is
23 amended as follows:

24 47-5-103. (1) The classification hearing officer shall be
25 responsible for assigning a classification to each offender within
26 forty (40) days after the offender's commitment to the custody of
27 the department. The classification shall determine the offender's
28 work duties, living quarters, educational, vocational or other
29 rehabilitation programs, and privileges to be accorded the

30 offender while in custody of the department. The classification
31 hearing officer, in assigning classifications, shall consider the
32 offender's age, offense and surrounding circumstances, the
33 complete record of the offender's criminal history including
34 records of law enforcement agencies or of a youth court regarding
35 that offender's juvenile criminal history, family background,
36 education, practical or employment experience, interests and
37 abilities as evidenced by mental and psychological examination and
38 knowledge obtained by the classification hearing officer in
39 personal interview with the offender. The classification hearing
40 officer shall use the above criteria to assign each offender a
41 classification which will serve and enhance the best interests and
42 general welfare of the offender. The director or assistant
43 director of offender services shall approve or disapprove each
44 classification. The classification hearing officer shall provide
45 the State Parole Board with a copy of the classification assigned
46 to each offender in the custody of the department who is eligible
47 for parole.

48 (2) * * * The classification board, consisting of the
49 commissioner, or his designee, deputy commissioner of institutions
50 and the director of offender services may change an action of the
51 classification or disciplinary hearing officer if the board makes
52 a determination that the action of the hearing officer was not
53 supported by sufficient factual information. The commissioner, in
54 emergency situations, may suspend the classification of an
55 offender or offenders for a period of not exceeding fifteen (15)
56 days to relieve the emergency situation. The classification of
57 each offender may be reviewed by a classification hearing officer
58 at least once each year. In no case shall an offender serve as a
59 servant in the home of any employee other than authorized by the
60 commissioner.

61 (3) The classification board shall establish substantive and
62 procedural rules and regulations governing the assignment and

63 alteration of inmate classifications, and shall make such rules
64 and regulations available to any offender upon request.

65 SECTION 4. Section 47-5-104, Mississippi Code of 1972, is
66 amended as follows:

67 47-5-104. * * * The commissioner shall designate a
68 disciplinary hearing officer to hear evidence and to make
69 decisions in all cases when an offender has been issued a rule
70 violation report and is subject to be demoted or having earned
71 time taken from him. All proceedings of a disciplinary hearing
72 officer shall be taped and retained for at least three (3) years.
73 The commissioner shall not attend any hearings whereby an offender
74 is subject to be demoted or having earned time taken away.

75 SECTION 5. Section 47-5-138, Mississippi Code of 1972, is
76 amended as follows:

77 47-5-138. (1) The department may promulgate rules and
78 regulations to carry out an earned time allowance program based on
79 the good conduct and performance of an inmate. An inmate is
80 eligible to receive an earned time allowance of one-half (1/2) of
81 the period of confinement imposed by the court except those
82 inmates excluded by law. When an inmate is committed to the
83 custody of the department, the department shall determine a
84 conditional earned time release date by subtracting the earned
85 time allowance from an inmate's term of sentence. This subsection
86 does not apply to any sentence imposed after June 30, 1995.

87 (2) An inmate may forfeit all or part of his earned time
88 allowance for a serious violation of rules. No forfeiture of the
89 earned time allowance shall be effective except upon approval of
90 the commissioner or his designee, and forfeited earned time may
91 not be restored.

92 (3) (a) For the purposes of this subsection, "final order"
93 means an order of a state or federal court that dismisses a
94 lawsuit brought by an inmate while the inmate was in the custody

95 of the Department of Corrections as frivolous, malicious or for
96 failure to state a claim upon which relief could be granted.

97 (b) On receipt of a final order, the department shall
98 forfeit:

99 (i) Sixty (60) days of an inmate's accrued earned
100 time if the department has received one (1) final order as defined
101 herein;

102 (ii) One hundred twenty (120) days of an inmate's
103 accrued earned time if the department has received two (2) final
104 orders as defined herein;

105 (iii) One hundred eighty (180) days of an inmate's
106 accrued earned time if the department has received three (3) or
107 more final orders as defined herein.

108 (c) The department may not restore earned time
109 forfeited under this subsection.

110 (4) An inmate who meets the good conduct and performance
111 requirements of the earned time allowance program may be released
112 on his conditional earned time release date.

113 (5) For any sentence imposed after June 30, 1995, an inmate
114 may receive an earned time allowance of four and one-half (4-1/2)
115 days for each thirty (30) days served if the department determines
116 that the inmate has complied with the good conduct and performance
117 requirements of the earned time allowance program. The earned
118 time allowance under this subsection shall not exceed fifteen
119 percent (15%) of an inmate's term of sentence.

120 (6) Any inmate, who is released before the expiration of his
121 term of sentence under this section, shall be placed under
122 earned-release supervision until the expiration of the term of
123 sentence. The inmate shall retain inmate status and remain under
124 the jurisdiction of the department. The period of earned-release
125 supervision shall be conducted in the same manner as a period of
126 supervised parole. The department shall develop rules, terms and
127 conditions for the earned-release supervision program. The

128 commissioner shall designate the appropriate hearing officer
129 within the department to conduct revocation hearings for inmates
130 violating the conditions of earned-release supervision.

131 (7) If the earned-release supervision is revoked, the inmate
132 shall serve the remainder of the sentence and the time the inmate
133 was on earned-release supervision, shall not be applied to and
134 shall not reduce his sentence.

135 SECTION 6. Section 47-5-138.1, Mississippi Code of 1972, is
136 amended as follows:

137 47-5-138.1. In addition to any other administrative
138 reduction of sentence, an offender in trusty status as defined
139 by * * * the Department of Corrections may be awarded a trusty
140 time allowance of ten (10) days' reduction of sentence for each
141 thirty (30) days of participation in approved work programs while
142 in trusty status.

143 SECTION 7. Section 47-5-181, Mississippi Code of 1972, is
144 amended as follows:

145 47-5-181. (1) The Department of Corrections is authorized
146 to convert four (4) community work centers to pre-release centers.
147 The department shall convert the community work centers as
148 follows: one (1) center in the northern part of the state, two
149 (2) centers in the central part of the state, and one (1) center
150 in the southern part of the state.

151 (2) The department may place any inmate in a pre-release
152 center if: (a) the inmate is within one (1) year of his release
153 date, and (b) the inmate is approved for placement by the
154 classification hearing officer and the commissioner.

155 (3) The department shall notify, by certified mail, each
156 member of the board of supervisors of the county in which the
157 center is located of the department's intent to convert the
158 community work center to a pre-release center. The board of
159 supervisors shall have thirty (30) days after the date of the
160 mailing to disapprove the conversion of the center. If the board

161 of supervisors disapproves of the pre-release center, the
162 department shall not convert the community work center.

163 SECTION 8. Section 47-5-401, Mississippi Code of 1972, is
164 amended as follows:

165 47-5-401. (1) There is hereby authorized, in each county of
166 the state, a public service work program for state inmates in
167 custody of the county. Such a program may be established at the
168 option of the county in accordance with the provisions of Sections
169 47-5-401 through 47-5-421. The department shall also recommend
170 rules and regulations concerning the participation of state
171 inmates in the program.

172 (2) An inmate shall not be eligible to participate in a work
173 program established in accordance with the provisions of Sections
174 47-5-401 through 47-5-421 if he has been convicted of any crime of
175 violence, including but not limited to murder, aggravated assault,
176 rape, robbery or armed robbery.

177 (3) The inmates participating in the work program
178 established in accordance with the provisions of Sections 47-5-401
179 through 47-5-421 are restricted to the performance of public
180 service work for counties, municipalities, the state or nonprofit
181 charitable organizations, as defined by Section 501(c)(3) of the
182 Internal Revenue Code of 1986, except that * * * the Department of
183 Corrections must approve all requests by nonprofit charitable
184 organizations to use offenders to perform any public service work.
185 Upon request of the Board of Trustees of State Institutions of
186 Higher Learning, or the board of trustees of a county school
187 district, municipal school district or junior college district,
188 the inmates may be permitted to perform work for such boards.

189 SECTION 9. Section 47-5-451, Mississippi Code of 1972, is
190 amended as follows:

191 47-5-451. (1) There is hereby authorized, in each county of
192 the state, a public service work program for state inmates in
193 custody of the county. Such a program may be established at the

194 option of the county in accordance with the provisions of Sections
195 47-5-401 through 47-5-421. The department shall also recommend
196 rules and regulations concerning the participation of state
197 inmates in the program.

198 (2) An inmate shall not be eligible to participate in a work
199 program established in accordance with the provisions of Sections
200 47-5-401 through 47-5-421, if he has been convicted of any crime
201 of violence, including but not limited to murder, aggravated
202 assault, rape, robbery or armed robbery.

203 (3) The inmates participating in the work program
204 established in accordance with the provisions of Sections 47-5-401
205 through 47-5-421, are restricted to the performance of public
206 service work for counties, municipalities, the state or nonprofit
207 charitable organizations, as defined by Section 501(c)(3) of the
208 Internal Revenue Code of 1986, except that the * * * Department of
209 Corrections must approve all requests by nonprofit charitable
210 organizations to use offenders to perform any public service work.
211 Upon request of the Board of Trustees of State Institutions of
212 Higher Learning, or the board of trustees of a county school
213 district, municipal school district or junior college district,
214 the inmates may be permitted to perform work for such boards.

215 SECTION 10. Section 47-5-1003, Mississippi Code of 1972, is
216 amended as follows:

217 47-5-1003. (1) An intensive supervision program may be used
218 as an alternative to incarceration for offenders who are low risk
219 and nonviolent as selected by the department or court. Any
220 offender convicted of a sex crime or a felony for the sale or
221 manufacture of a controlled substance under the uniform controlled
222 substances law shall not be placed in the program.

223 (2) The court placing an offender in the intensive
224 supervision program may, acting upon the advice and consent of the
225 commissioner at the time of the initial sentencing only, and not
226 later than one (1) year after the defendant has been delivered to

227 the custody of the department, suspend the further execution of
228 the sentence and place the defendant on intensive supervision,
229 except when a death sentence or life imprisonment is the maximum
230 penalty which may be imposed or if the defendant has been confined
231 for the conviction of a felony on a previous occasion in any court
232 or courts of the United States and of any state or territories
233 thereof or has been convicted of a felony involving the use of a
234 deadly weapon.

235 (3) To protect and to ensure the safety of the state's
236 citizens, any offender who violates an order or condition of the
237 intensive supervision program shall be arrested by the
238 correctional field officer and placed in the actual custody of the
239 Department of Corrections. Such offender is under the full and
240 complete jurisdiction of the department and subject to removal
241 from the program by the classification hearing officer.

242 (4) When any circuit or county court places an offender in
243 an intensive supervision program, the court shall give notice to
244 the Mississippi Department of Corrections within fifteen (15) days
245 of the court's decision to place the offender in an intensive
246 supervision program. Notice shall be delivered to the central
247 office of the Mississippi Department of Corrections and to the
248 regional office of the department which will be providing
249 supervision to the offender in an intensive supervision program.

250 The courts may not require an offender to complete the
251 intensive supervision program as a condition of probation or
252 post-release supervision.

253 SECTION 11. Section 47-7-3, Mississippi Code of 1972, is
254 amended as follows:

255 47-7-3. (1) Every prisoner who has been convicted of any
256 offense against the State of Mississippi, and is confined in the
257 execution of a judgment of such conviction in the Mississippi
258 State Penitentiary for a definite term or terms of one (1) year or
259 over, or for the term of his or her natural life, whose record of

260 conduct shows that such prisoner has observed the rules of the
261 penitentiary, and who has served not less than one-fourth (1/4) of
262 the total of such term or terms for which such prisoner was
263 sentenced, or, if sentenced to serve a term or terms of thirty
264 (30) years or more, or, if sentenced for the term of the natural
265 life of such prisoner, has served not less than ten (10) years of
266 such life sentence, may be released on parole as hereinafter
267 provided, except that:

268 (a) No prisoner convicted as a confirmed and habitual
269 criminal under the provisions of Sections 99-19-81 through
270 99-19-87 shall be eligible for parole;

271 (b) Any person who shall have been convicted of a sex
272 crime shall not be released on parole except for a person under
273 the age of nineteen (19) who has been convicted under Section
274 97-3-67;

275 (c) No one shall be eligible for parole until he shall
276 have served one (1) year of his sentence, unless such person has
277 accrued any meritorious earned time allowances, in which case he
278 shall be eligible for parole if he has served (i) nine (9) months
279 of his sentence or sentences, when his sentence or sentences is
280 two (2) years or less; (ii) ten (10) months of his sentence or
281 sentences when his sentence or sentences is more than two (2)
282 years but no more than five (5) years; and (iii) one (1) year of
283 his sentence or sentences when his sentence or sentences is more
284 than five (5) years;

285 (d) (i) No person shall be eligible for parole who
286 shall, on or after January 1, 1977, be convicted of robbery or
287 attempted robbery through the display of a firearm until he shall
288 have served ten (10) years if sentenced to a term or terms of more
289 than ten (10) years or if sentenced for the term of the natural
290 life of such person. If such person is sentenced to a term or
291 terms of ten (10) years or less, then such person shall not be
292 eligible for parole. The provisions of this paragraph (d) shall

293 also apply to any person who shall commit robbery or attempted
294 robbery on or after July 1, 1982, through the display of a deadly
295 weapon. This subparagraph (d)(i) shall not apply to persons
296 convicted after September 30, 1994;

297 (ii) No person shall be eligible for parole who
298 shall, on or after October 1, 1994, be convicted of robbery,
299 attempted robbery or carjacking as provided in Section 97-3-115 et
300 seq., through the display of a firearm or drive-by shooting as
301 provided in Section 97-3-109. The provisions of this subparagraph
302 (d)(ii) shall also apply to any person who shall commit robbery,
303 attempted robbery, carjacking or a drive-by shooting on or after
304 October 1, 1994, through the display of a deadly weapon;

305 (e) No person shall be eligible for parole who, on or
306 after July 1, 1994, is charged, tried, convicted and sentenced to
307 life imprisonment without eligibility for parole under the
308 provisions of Section 99-19-101;

309 (f) No person shall be eligible for parole who is
310 charged, tried, convicted and sentenced to life imprisonment under
311 the provisions of Section 99-19-101;

312 (g) No person shall be eligible for parole who is
313 convicted or whose suspended sentence is revoked after June 30,
314 1995, except as provided in paragraph (i);

315 (h) An offender may be eligible for medical release
316 under Section 47-7-4;

317 (i) A first offender convicted of a nonviolent crime
318 after January 1, 2000, may be eligible for parole if the offender
319 meets the requirements in subsection (1) and this paragraph. In
320 addition to other requirements, if a first offender is convicted
321 of a drug or driving under the influence felony, the offender must
322 complete a drug and alcohol rehabilitation program prior to parole
323 or the offender may be required to complete a post-release drug
324 and alcohol program as a condition of parole. For purposes of
325 this paragraph, "nonviolent crime" means a felony other than

326 homicide, robbery, manslaughter, sex crimes, arson, burglary of an
327 occupied dwelling, aggravated assault, kidnapping, felonious abuse
328 of vulnerable adults, felonies with enhanced penalties, and the
329 sale or manufacture of a controlled substance under the Uniform
330 Controlled Substances Law.

331 (2) Notwithstanding any other provision of law, an inmate
332 shall not be eligible to receive earned time, good time or any
333 other administrative reduction of time which shall reduce the time
334 necessary to be served for parole eligibility as provided in
335 subsection (1) of this section; however, this subsection shall not
336 apply to the advancement of parole eligibility dates pursuant to
337 the Prison Overcrowding Emergency Powers Act. Moreover,
338 meritorious earned time allowances may be used to reduce the time
339 necessary to be served for parole eligibility as provided in
340 paragraph (c) of subsection (1) of this section.

341 (3) The State Parole Board shall by rules and regulations
342 establish a method of determining a tentative parole hearing date
343 for each eligible offender taken into the custody of the
344 Department of Corrections. The tentative parole hearing date
345 shall be determined within ninety (90) days after the department
346 has assumed custody of the offender. Such tentative parole
347 hearing date shall be calculated by a formula taking into account
348 the offender's age upon first commitment, number of prior
349 incarcerations, prior probation or parole failures, the severity
350 and the violence of the offense committed, employment history and
351 other criteria which in the opinion of the board tend to validly
352 and reliably predict the length of incarceration necessary before
353 the offender can be successfully paroled.

354 (4) Any inmate within twenty-four (24) months of his parole
355 eligibility date and who meets the criteria established by the
356 classification board shall receive priority for placement in any
357 educational development and job training programs. Any inmate

358 refusing to participate in an educational development or job
359 training program may be ineligible for parole.

360 SECTION 12. Section 43-21-261, Mississippi Code of 1972, is
361 amended as follows:

362 43-21-261. (1) Except as otherwise provided in this
363 section, records involving children shall not be disclosed, other
364 than to necessary staff of the youth court, except pursuant to an
365 order of the youth court specifying the person or persons to whom
366 the records may be disclosed, the extent of the records which may
367 be disclosed and the purpose of the disclosure. Such court orders
368 for disclosure shall be limited to those instances in which the
369 youth court concludes, in its discretion, that disclosure is
370 required for the best interests of the child, the public safety or
371 the functioning of the youth court and then only to the following
372 persons:

373 (a) The judge of another youth court or member of
374 another youth court staff;

375 (b) The court of the parties in a child custody or
376 adoption cause in another court;

377 (c) A judge of any other court or members of another
378 court staff;

379 (d) Representatives of a public or private agency
380 providing supervision or having custody of the child under order
381 of the youth court;

382 (e) Any person engaged in a bona fide research purpose,
383 provided that no information identifying the subject of the
384 records shall be made available to the researcher unless it is
385 absolutely essential to the research purpose and the judge gives
386 prior written approval, and the child, through his or her
387 representative, gives permission to release the information;

388 (f) The Mississippi Employment Security Commission, or
389 its duly authorized representatives, for the purpose of a child's
390 enrollment into the Job Corps Training Program as authorized by

391 Title IV of the Comprehensive Employment Training Act of 1973 (29
392 USCS Section 923 et seq.). However, no records, reports,
393 investigations or information derived therefrom pertaining to
394 child abuse or neglect shall be disclosed; and

395 (g) To any person pursuant to a finding by a judge of
396 the youth court of compelling circumstances affecting the health
397 or safety of a child and that such disclosure is in the best
398 interests of the child.

399 Law enforcement agencies may disclose information to the
400 public concerning the taking of a child into custody for the
401 commission of a delinquent act without the necessity of an order
402 from the youth court. The information released shall not identify
403 the child or his address unless the information involves a child
404 convicted as an adult.

405 (2) Any records involving children which are disclosed under
406 an order of the youth court and the contents thereof shall be kept
407 confidential by the person or agency to whom the record is
408 disclosed except as provided in the order. Any further disclosure
409 of any records involving children shall be made only under an
410 order of the youth court as provided in this section.

411 (3) Upon request, the parent, guardian or custodian of the
412 child who is the subject of a youth court cause or any attorney
413 for such parent, guardian or custodian, shall have the right to
414 inspect any record, report or investigation which is to be
415 considered by the youth court at a hearing, except that the
416 identity of the reporter shall not be released, nor the name of
417 any other person where the person or agency making the information
418 available finds that disclosure of the information would be likely
419 to endanger the life or safety of such person.

420 (4) Upon request, the child who is the subject of a youth
421 court cause shall have the right to have his counsel inspect and
422 copy any record, report or investigation which is filed with the
423 youth court.

424 (5) (a) The youth court prosecutor or prosecutors, the
425 county attorney, the district attorney, the youth court defender
426 or defenders, or any attorney representing a child shall have the
427 right to inspect any law enforcement record involving children.

428 (b) The Department of Human Services shall disclose to
429 a county prosecuting attorney or district attorney any and all
430 records resulting from an investigation into suspected child abuse
431 or neglect when the case has been referred by the Department of
432 Human Services to the county prosecuting attorney or district
433 attorney for criminal prosecution.

434 (c) Agency records made confidential under the
435 provisions of this section may be disclosed to a court of
436 competent jurisdiction.

437 (6) Information concerning an investigation into a report of
438 child abuse or child neglect may be disclosed by the Department of
439 Human Services without order of the youth court to any attorney,
440 physician, dentist, intern, resident, nurse, psychologist, social
441 worker, child care giver, minister, law enforcement officer,
442 public or private school employee making that report pursuant to
443 Section 43-21-353(1) if the reporter has a continuing professional
444 relationship with the child and a need for such information in
445 order to protect or treat the child.

446 (7) Information concerning an investigation into a report of
447 child abuse or child neglect may be disclosed without further
448 order of the youth court to any interagency child abuse task force
449 established in any county or municipality by order of the youth
450 court of that county or municipality.

451 (8) Names and addresses of juveniles twice adjudicated as
452 delinquent for an act which would be a felony if committed by an
453 adult or for the unlawful possession of a firearm shall not be
454 held confidential and shall be made available to the public.

455 (9) Names and addresses of juveniles adjudicated as
456 delinquent for murder, manslaughter, burglary, arson, armed

457 robbery, aggravated assault, any sex offense as defined in Section
458 45-33-23, for any violation of Section 41-29-139(a)(1) or for any
459 violation of Section 63-11-30, shall not be held confidential and
460 shall be made available to the public.

461 (10) The judges of the circuit and county courts, and
462 presentence investigators for the circuit courts, as provided in
463 Section 47-7-9, shall have the right to inspect any youth court
464 records of a person convicted of a crime for sentencing purposes
465 only.

466 (11) The victim of an offense committed by a child who is
467 the subject of a youth court cause shall have the right to be
468 informed of the child's disposition by the youth court.

469 (12) A classification hearing officer of the State
470 Department of Corrections, as provided in Section 47-5-103, shall
471 have the right to inspect any youth court records, excluding abuse
472 and neglect records, of any offender in the custody of the
473 department who as a child or minor was a juvenile offender or was
474 the subject of a youth court cause of action, and the State Parole
475 Board, as provided in Section 47-7-17, shall have the right to
476 inspect such records when said offender becomes eligible for
477 parole.

478 (13) The youth court shall notify the Department of Public
479 Safety of the name, and any other identifying information such
480 department may require, of any child who is adjudicated delinquent
481 as a result of a violation of the Uniform Controlled Substances
482 Law.

483 (14) The Administrative Office of Courts shall have the
484 right to inspect any youth court records in order that the number
485 of youthful offenders, abused, neglected, truant and dependent
486 children, as well as children in need of special care and children
487 in need of supervision, may be tracked with specificity through
488 the youth court and adult justice system, and to utilize tracking
489 forms for such purpose.

490 (15) Upon a request by a youth court, the Administrative
491 Office of Courts shall disclose all information at its disposal
492 concerning any previous youth court intakes alleging that a child
493 was a delinquent child, child in need of supervision, child in
494 need of special care, truant child, abused child or neglected
495 child, as well as any previous youth court adjudications for the
496 same and all dispositional information concerning a child who at
497 the time of such request comes under the jurisdiction of the youth
498 court making such request.

499 (16) In every case where an abuse or neglect allegation has
500 been made, the confidentiality provisions of this section shall
501 not apply to prohibit access to a child's records by any state
502 regulatory agency, any state or local prosecutorial agency or law
503 enforcement agency; provided, however, that no identifying
504 information concerning the child in question may be released to
505 the public by such agency except as otherwise provided herein.

506 (17) In every case where there is any indication or
507 suggestion of either abuse or neglect and a child's physical
508 condition is medically labeled as medically "serious" or
509 "critical" or a child dies, the confidentiality provisions of this
510 section shall not apply.

511 (18) Any member of a foster care review board designated by
512 the Department of Human Services shall have the right to inspect
513 youth court records relating to the abuse, neglect or child in
514 need of supervision cases assigned to such member for review.

515 (19) Information concerning an investigation into a report
516 of child abuse or child neglect may be disclosed without further
517 order of the youth court in any administrative or due process
518 hearing held, pursuant to Section 43-21-257, by the Department of
519 Human Services for individuals whose names will be placed on the
520 central registry as substantiated perpetrators.

521 SECTION 13. This act shall take effect and be in force from
522 and after July 1, 2001.