

*****Adopted*****

AMENDMENT No. 1 PROPOSED TO

House Bill NO. 1276

By Senator(s) Committee

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

5 SECTION 1. Section 43-21-605, Mississippi Code of 1972, is
6 amended as follows:

7 43-21-605. (1) In delinquency cases, the disposition order
8 may include any of the following alternatives:

9 (a) Release the child without further action;

10 (b) Place the child in the custody of the parents, a
11 relative or other persons subject to any conditions and
12 limitations, including restitution, as the youth court may
13 prescribe;

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

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

20 (e) Order terms of supervision which may include
21 participation in a constructive program of service or education or

civil fines not in excess of Five Hundred Dollars (\$500.00), or
restitution not in excess of actual damages caused by the child to
be paid out of his own assets or by performance of services
acceptable to the victims and approved by the youth court and
reasonably capable of performance within one (1) year;

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

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

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

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

(iii) The Department of Human Services for
placement in a wilderness training program or a state-supported
training school, except that no child under the age of ten (10)
years shall be committed to a state training school. The training
school may retain custody of the child until the child's twentieth
birthday but for no longer. The superintendent of a state
training school may parole a child at any time he may deem it in
the best interest and welfare of such child. Twenty (20) days
prior to such parole, the training school shall notify the
committing court of the pending release. The youth court may then
arrange subsequent placement after a reconvened disposition
hearing except that the youth court may not recommit the child to
the training school or any other secure facility without an
adjudication of a new offense or probation or parole violation.
Prior to assigning the custody of any child to any private

institution or agency, the youth court through its designee shall first inspect the physical facilities to determine that they provide a reasonable standard of health and safety for the child.

The youth court shall not place a child in the custody of a state training school for truancy, unless such child has been adjudicated to have committed an act of delinquency in addition to truancy;

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

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

(ii) The severity of the crime, whether or not the juvenile is a repeat offender or is a felony offender will be taken into consideration by the judge when adjudicating a juvenile to the work program. The juveniles adjudicated to the work program will be supervised by police officers or reserve officers. The term of service will be from twenty-four (24) to one hundred twenty (120) hours of community service. A juvenile will work the hours to which he was adjudicated on the weekends during school and week days during the summer. Parents are responsible for a juvenile reporting for work. Noncompliance with an order to

perform community service will result in a heavier adjudication.

A juvenile may be adjudicated to the community service program only two (2) times;

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

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

(k) Order the child into a juvenile detention center operated by the county or into a juvenile detention center operated by any county with which the county in which the court is located has entered into a contract for the purpose of housing delinquents. The time period for such detention cannot exceed ninety (90) days. The youth court judge may order that the number of days specified in the detention order be served either throughout the week or on weekends only.

(2) In addition to any of the disposition alternatives authorized under subsection (1) of this section, the disposition order in any case in which the child is adjudicated delinquent for an offense under Section 63-11-30 shall include an order denying the driver's license and driving privileges of the child as required under subsection (8) of Section 63-11-30.

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

(4) Any institution or agency to which a child has been committed shall give to the youth court any information concerning

the child as the youth court may at any time require.

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

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

SECTION 2. Section 43-21-607, Mississippi Code of 1972, is amended as follows:

43-21-607. (1) In children in need of supervision cases, the disposition order may include any of the following alternatives or combination of the following alternatives, giving precedence in the following sequence:

(a) Release the child without further action;

(b) Place the child in the custody of the parent, a relative or other person subject to any conditions and limitations as the youth court may prescribe;

(c) Place the child under youth court supervision subject to any conditions and limitations the youth court may prescribe;

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

(e) Order terms of supervision which may include participation in a constructive program of service or education or restitution not in excess of actual damages caused by the child to be paid out of his own assets or by performance of services acceptable to the parties and reasonably capable of performance within one (1) year;

(f) Give legal custody of the child to any of the following but in no event to any state training school;

(i) The Department of Human Services for appropriate placement which may include a wilderness training program; or

(ii) Any private or public organization, preferably community-based, able to assume the education, care and maintenance of the child, which has been found suitable by the court. Prior to assigning the custody of any child to any private institution or agency, the youth court through its designee shall first inspect the physical facilities to determine that they provide a reasonable standard of health and safety for the child; or

(g) Order the child to participate in a youth court work program as provided in Section 43-21-627.

(2) The court may order drug testing as provided in Section 43-21-605(6).

SECTION 3. This act shall take effect and be in force from and after July 1, 2001.

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

AN ACT TO AMEND SECTIONS 43-21-605 AND 43-21-607, MISSISSIPPI CODE OF 1972, TO AUTHORIZE DRUG TESTING IN CERTAIN YOUTH COURT DISPOSITIONS; AND FOR RELATED PURPOSES.