

By: Representative Scott (80th)

To: Juvenile Justice; Public Health and Welfare

HOUSE BILL NO. 1466

1 AN ACT TO CREATE AN INTENSIVE SUPERVISION PROGRAM TO BE KNOWN  
2 AS THE "HOME DETENTION FOR JUVENILES PROGRAM" FOR THE PLACEMENT OF  
3 JUVENILES UNDER HOUSE ARREST; TO REQUIRE THE DEPARTMENT OF HUMAN  
4 SERVICES TO ESTABLISH THE PROGRAM AS A DISPOSITIONAL ALTERNATIVE  
5 IN DELINQUENCY CASES AND TO PROMULGATE RULES FOR PARTICIPATION IN  
6 THE PROGRAM; TO REQUIRE PARTICIPANTS TO PAY A MONTHLY FEE TO HELP  
7 DEFRAY THE COSTS OF THE PROGRAM; TO AMEND SECTION 43-21-605,  
8 MISSISSIPPI CODE OF 1972, TO ESTABLISH PLACEMENT IN THE INTENSIVE  
9 SUPERVISION PROGRAM AS A DISPOSITIONAL ALTERNATIVE IN DELINQUENCY  
10 CASES; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** (1) For purposes of this section, the following  
13 words and phrases shall have the meaning ascribed in this  
14 subsection unless the context requires otherwise:

15 (a) "Approved electronic monitoring device" means a  
16 device approved by the department which is primarily intended to  
17 record and transmit information regarding the child's presence or  
18 nonpresence in the home.

19 (b) "Court" means any court of this state having  
20 jurisdiction to place a juvenile offender in the Home Detention  
21 for Juveniles Program.

22 (c) "Department" means the Department of Human  
23 Services.

24 (d) "Home Detention for Juveniles Program" means the  
25 intensive supervision program operated by the department for the  
26 placement of certain juveniles under house arrest.

27 (e) "House arrest" means the confinement of a juvenile,  
28 as a dispositional alternative in a delinquency case, to his place  
29 of residence under the terms and conditions established by the  
30 department or court.



31 (f) "Participant" means a juvenile placed into the Home  
32 Detention for Juveniles Program.

33 (2) The Department of Human Services, Division of Youth  
34 Services, shall establish an intensive supervision program that  
35 may be used as a dispositional alternative in delinquency cases  
36 for children who are low risk and nonviolent as selected by the  
37 department or court. The program shall accommodate no less than  
38 one thousand five hundred (1,500) children. Any child convicted  
39 of a sex crime may not be placed in the program.

40 (3) The department shall promulgate rules that participants  
41 enrolled in the intensive supervision program shall be required to  
42 follow. The rules shall include, but not be limited to, the  
43 following:

44 (a) Each child referred to the program must take an  
45 alcohol and drug test before being placed in the program. The  
46 department shall assess the child or the child's legal guardian a  
47 fee of Ten Dollars (\$10.00) to apply toward the cost of the test.  
48 If the test results are positive, the child must receive alcohol  
49 and drug treatment during his participation in the program.

50 (b) A participant must remain within the interior  
51 premises or within the property boundaries of his or her residence  
52 at all time during the hours designated by the department.

53 (c) Approved absences from the home shall include, but  
54 are not limited to:

55 (i) Attendance on a full-time basis at an approved  
56 school or in an alternative school program;

57 (ii) Attendance at an inpatient or outpatient  
58 treatment facility for alcohol and drug dependence; and

59 (iii) Attendance at an educational facility for  
60 the purpose of preparing to take the General Educational  
61 Development (GED) test.

62 (d) No child shall be placed in the program for a  
63 period of less than six (6) months.



64 (e) A participant must meet any other condition imposed  
65 by the court to meet the needs of the participant and to limit the  
66 risks to the community.

67 (4) The department shall select and approve all electronic  
68 monitoring devices used under this section. The department may  
69 lease the equipment necessary to implement the intensive  
70 supervision program and may contract for the monitoring of such  
71 devices. The department shall select the best source and price in  
72 contracting for such services.

73 (5) Each participant in the intensive supervision program  
74 shall pay a monthly fee to the department for each month such  
75 person is enrolled in the program. The fee shall be no less than  
76 Ten Dollars (\$10.00) and not more than Fifty Dollars (\$50.00) per  
77 month, as determined by the department on a sliding scale using  
78 the standard of need for each family that is used to calculate  
79 TANF benefits. The fee shall be in addition to any criminal or  
80 civil fines assessed against the offender. Money received by the  
81 department from participants shall be used for the purpose of  
82 helping to defray the costs involved in administering and  
83 supervising the program.

84 (6) If any participant violates the terms or conditions of  
85 his or her participation in the intensive supervision program, the  
86 court may amend the disposition order to impose any disposition  
87 alternative under Section 43-21-605 which the court could have  
88 originally ordered.

89 **SECTION 2.** Section 43-21-605, Mississippi Code of 1972, is  
90 amended as follows:

91 43-21-605. (1) In delinquency cases, the disposition order  
92 may include any of the following alternatives:

93 (a) Release the child without further action;

94 (b) Place the child in the custody of the parents, a  
95 relative or other persons subject to any conditions and



96 limitations, including restitution, as the youth court may  
97 prescribe;

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

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

104 (e) Order terms of supervision which may include  
105 participation in a constructive program of service or education or  
106 civil fines not in excess of Five Hundred Dollars (\$500.00), or  
107 restitution not in excess of actual damages caused by the child to  
108 be paid out of his own assets or by performance of services  
109 acceptable to the victims and approved by the youth court and  
110 reasonably capable of performance within one (1) year;

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

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

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

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

121 (iii) The Department of Human Services for  
122 placement in a wilderness training program or a state-supported  
123 training school, except that no child under the age of ten (10)  
124 years shall be committed to a state training school. The training  
125 school may retain custody of the child until the child's twentieth  
126 birthday but for no longer. The superintendent of a state  
127 training school may parole a child at any time he may deem it in  
128 the best interest and welfare of such child. Twenty (20) days



129 prior to such parole, the training school shall notify the  
130 committing court of the pending release. The youth court may then  
131 arrange subsequent placement after a reconvened disposition  
132 hearing except that the youth court may not recommit the child to  
133 the training school or any other secure facility without an  
134 adjudication of a new offense or probation or parole violation.  
135 Prior to assigning the custody of any child to any private  
136 institution or agency, the youth court through its designee shall  
137 first inspect the physical facilities to determine that they  
138 provide a reasonable standard of health and safety for the child.  
139 The youth court shall not place a child in the custody of a state  
140 training school for truancy, unless such child has been  
141 adjudicated to have committed an act of delinquency in addition to  
142 truancy; or

143 (iv) The Department of Human Services for  
144 placement in the Home Detention for Juveniles Program created  
145 under Section 1 of House Bill No. \_\_\_\_\_, 2002 Regular Session;

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

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

159 (ii) The severity of the crime, whether or not the  
160 juvenile is a repeat offender or is a felony offender will be  
161 taken into consideration by the judge when adjudicating a juvenile



162 to the work program. The juveniles adjudicated to the work  
163 program will be supervised by police officers or reserve officers.  
164 The term of service will be from twenty-four (24) to one hundred  
165 twenty (120) hours of community service. A juvenile will work the  
166 hours to which he was adjudicated on the weekends during school  
167 and week days during the summer. Parents are responsible for a  
168 juvenile reporting for work. Noncompliance with an order to  
169 perform community service will result in a heavier adjudication.  
170 A juvenile may be adjudicated to the community service program  
171 only two (2) times;

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

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

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

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

193 (3) Fines levied under this chapter shall be paid into the  
194 general fund of the county but, in those counties wherein the



195 youth court is a branch of the municipal government, it shall be  
196 paid into the municipal treasury.

197 (4) Any institution or agency to which a child has been  
198 committed shall give to the youth court any information concerning  
199 the child as the youth court may at any time require.

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

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

212 **SECTION 3.** This act shall take effect and be in force from  
213 and after July 1, 2002.

