

By: Representative Fleming

To: Juvenile Justice

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 645

1 AN ACT TO CREATE THE JUVENILE JUSTICE MANDATORY COMMUNICATION
2 ACT; TO PROVIDE A METHOD OF TRACKING JUVENILE OFFENDERS WHO ARE
3 ENROLLED IN PRIMARY OR SECONDARY SCHOOLS; TO PROVIDE NOTIFICATION
4 TO SCHOOLS; TO PROVIDE FOR CONFIDENTIALITY OF CERTAIN INFORMATION;
5 TO PROVIDE PENALTIES FOR DISCLOSURE OF CONFIDENTIAL INFORMATION;
6 TO REQUIRE THE DEPARTMENT OF HUMAN SERVICES, OFFICE OF YOUTH
7 SERVICES, AND THE YOUTH COURTS TO TRACK JUVENILE OFFENDERS NOT
8 ENROLLED IN SCHOOL; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** This act shall be known and maybe cited as the
11 Juvenile Justice Mandatory Communication Act.

12 **SECTION 2.** (1) A law enforcement agency that arrests any
13 child who the agency believes is enrolled as a student in a public
14 primary or secondary school, for an offense listed in subsection
15 (8), shall attempt to ascertain whether the person is so enrolled.
16 If the law enforcement agency ascertains that the individual is
17 enrolled as a student in a public primary or secondary school, the
18 agency shall orally notify the superintendent or a person
19 designated by the superintendent in the school district in which
20 the student is enrolled of that arrest or referral within
21 twenty-four (24) hours after the arrest or referral is made, or on
22 the next school day. If the law enforcement agency cannot
23 ascertain whether the individual is enrolled as a student, the
24 agency shall orally notify the superintendent or a person
25 designated by the superintendent in the school district in which
26 the student is believed to be enrolled of that arrest or detention
27 within twenty-four (24) hours after the arrest or detention, or on
28 the next school day. If the individual is a student, the
29 superintendent shall promptly notify all instructional and support
30 personnel who have responsibility for supervision of the student.



31 All personnel shall keep the information received in this
32 subsection confidential. The State Board of Education may revoke
33 or suspend the certification of personnel who intentionally
34 violate this subsection. Within seven (7) days after the date the
35 oral notice is given, the law enforcement agency shall mail
36 written notification, marked "PERSONAL AND CONFIDENTIAL" on the
37 mailing envelope, to the superintendent or the person designated
38 by the superintendent.

39 (2) On conviction or on an adjudication of delinquency of an
40 individual enrolled as a student in a public primary or secondary
41 school, for an offense or for any conduct listed in subsection (8)
42 of this section, the office of the prosecuting attorney acting in
43 the case shall orally notify the superintendent or a person
44 designated by the superintendent in the school district in which
45 the student is enrolled of the conviction or adjudication. Oral
46 notification must be given within twenty-four (24) hours of the
47 time of the determination of guilt, or on the next school day.
48 The superintendent shall promptly notify all instructional and
49 support personnel who have regular contact with the student.
50 Within seven (7) days after the date the oral notice is given, the
51 Office of the Prosecuting Attorney shall mail written notice,
52 which must contain a statement of the offense of which the
53 individual is convicted or on which the adjudication is grounded.

54 (3) A parole or probation office having jurisdiction over a
55 student described by subsection (1), (2) or (5) who transfers from
56 a school or is subsequently removed from a school and later
57 returned to a school or school district other than the one the
58 student was enrolled in when the arrest, referral to a youth
59 court, conviction or adjudication occurred shall notify the new
60 school officials of the arrest or referral in a manner similar to
61 that provided for by subsection (1)(a) or (5)(a), or of the
62 conviction or delinquent adjudication in a manner similar to that
63 provided for by subsection (2) or (5)(b). The new school



64 officials shall promptly notify all instructional and support
65 personnel who have regular contact with the student.

66 (4) The superintendent or a person designated by the
67 superintendent in the school district may send to a school
68 district employee having direct supervisory responsibility over
69 the student the information contained in the confidential notice
70 if the superintendent or the person designated by the
71 superintendent determines that the school district employee needs
72 the information for educational purposes or for the protection of
73 the person informed or others.

74 (5) (a) A law enforcement agency that arrests, or refers to
75 a youth court, an individual who the law enforcement agency knows
76 or believes is enrolled as a student in a private primary or
77 secondary school shall make the oral and written notifications
78 described by subsection (1) to the principal or a school employee
79 designated by the principal of the school in which the student is
80 enrolled.

81 (b) On conviction or an adjudication of delinquency of
82 an individual enrolled as a student in a private primary or
83 secondary school, the office of prosecuting attorney shall make
84 the oral and written notifications described by subsection (2) of
85 this section to the principal or a school employee designated by
86 the principal of the school in which the student is enrolled.

87 (c) The principal of a private school in which the
88 student is enrolled or a school employee designated by the
89 principal may send to a school employee having direct supervisory
90 responsibility over the student the information contained in the
91 confidential notice, for the same purposes as described by
92 subsection (4) of this section.

93 (6) A person who receives information under this section may
94 not disclose the information except as specifically authorized by
95 this section. A person who intentionally violates this section
96 commits a misdemeanor and, upon conviction, shall be fined not



97 more than One Thousand Dollars (\$1,000.00) or imprisoned in the
98 county jail for not more than six (6) months, or both.

99 (7) The office of the district attorney or the office or
100 official designated by the youth court shall, within two (2)
101 working days, notify the school district that removed a student to
102 an alternative school, if:

103 (a) Prosecution of the student's case was refused for
104 lack of prosecutorial merit or insufficient evidence and no formal
105 proceedings, deferred adjudication or deferred prosecution with
106 the initiated; or

107 (b) The court or jury found the student not guilty or
108 made a finding that the child did not engage in delinquent conduct
109 or conduct indicating a need for supervision and the case was
110 dismissed with prejudice.

111 (8) This section applies to any felony offense.

112 **SECTION 3.** The Department of Human Services, Office of Youth
113 Services, and the youth courts of this state shall compile and
114 regularly update a list of all juvenile offenders not identified
115 under Section 1 of this act. The Department of Human Services,
116 Office of Youth Services, shall utilize the same criteria provided
117 in Section 1 of this act for purposes of identifying juvenile
118 offenders. The information compiled by Sections 1 and 2 of this
119 act shall be available to every law enforcement agency of the
120 state, except that unauthorized disclosure of such information
121 shall be a misdemeanor and violation shall be punished as
122 provided in subsection (6) of Section 2 of this act.

123 **SECTION 4.** Nothing in this act shall supercede any provision
124 of Title 43, Chapter 21, Mississippi Code of 1972, which is the
125 Youth Court Law.

126 **SECTION 5.** This act shall take effect and be in force from
127 and after July 1, 2003.

