

By: Representative Fleming

To: Juvenile Justice

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 PUBLIC SAFETY, WITH THE COOPERATION
 7 OF THE DEPARTMENT OF HUMAN SERVICES AND THE YOUTH COURTS, TO TRACK
 8 JUVENILE OFFENDERS NOT ENROLLED IN SCHOOL; AND FOR RELATED
 9 PURPOSES.

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

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

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



31 personnel who have responsibility for supervision of the student.
32 All personnel shall keep the information received in this
33 subsection confidential. The State Board of Education may revoke
34 or suspend the certification of personnel who intentionally
35 violate this subsection. Within seven (7) days after the date the
36 oral notice is given, the law enforcement agency shall mail
37 written notification, marked "PERSONAL AND CONFIDENTIAL" on the
38 mailing envelope, to the superintendent or the person designated
39 by the superintendent. Both the oral and written notice shall
40 contain sufficient details of the arrest or referral and the acts
41 allegedly committed by the student to enable the superintendent or
42 the superintendent's designee to determine whether there is a
43 reasonable belief that the student has engaged in conduct defined
44 as a felony offense. The information contained in the notice may
45 be considered by the superintendent or the superintendent's
46 designee in making such a determination.

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

62 (3) A parole or probation office having jurisdiction over a
63 student described by subsection (1), (2) or (5) who transfers from



64 a school or is subsequently removed from a school and later
65 returned to a school or school district other than the one the
66 student was enrolled in when the arrest, referral to a youth
67 court, conviction or adjudication occurred shall notify the new
68 school officials of the arrest or referral in a manner similar to
69 that provided for by subsection (1) (a) or (5) (a), or of the
70 conviction or delinquent adjudication in a manner similar to that
71 provided for by subsection (2) or (5) (b). The new school
72 officials shall promptly notify all instructional and support
73 personnel who have regular contact with the student.

74 (4) The superintendent or a person designated by the
75 superintendent in the school district may send to a school
76 district employee having direct supervisory responsibility over
77 the student the information contained in the confidential notice
78 if the superintendent or the person designated by the
79 superintendent determines that the school district employee needs
80 the information for educational purposes or for the protection of
81 the person informed or others.

82 (5) (a) A law enforcement agency that arrests, or refers to
83 a youth court, an individual who the law enforcement agency knows
84 or believes is enrolled as a student in a private primary or
85 secondary school shall make the oral and written notifications
86 described by subsection (1) to the principal or a school employee
87 designated by the principal of the school in which the student is
88 enrolled.

89 (b) On conviction or an adjudication of delinquency of
90 an individual enrolled as a student in a private primary or
91 secondary school, the office of prosecuting attorney shall make
92 the oral and written notifications described by subsection (2) of
93 this section to the principal or a school employee designated by
94 the principal of the school in which the student is enrolled.

95 (c) The principal of a private school in which the
96 student is enrolled or a school employee designated by the



97 principal may send to a school employee having direct supervisory
98 responsibility over the student the information contained in the
99 confidential notice, for the same purposes as described by
100 subsection (4) of this section.

101 (6) A person who receives information under this section may
102 not disclose the information except as specifically authorized by
103 this section. A person who intentionally violates this section
104 commits a misdemeanor and, upon conviction, shall be fined not
105 more than One Thousand Dollars (\$1,000.00) or imprisoned in the
106 county jail for not more than six (6) months, or both.

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

111 (a) Prosecution of the student's case was refused for
112 lack of prosecutorial merit or insufficient evidence and no formal
113 proceedings, deferred adjudication or deferred prosecution with
114 the initiated; or

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

119 (8) This section applies to any felony offense and the
120 following misdemeanors:

121 (a) The unlawful use, sale or possession of a
122 controlled substance, drug paraphernalia or marihuana; or

123 (b) The unlawful possession of any weapon.

124 **SECTION 3.** The Department of Public Safety, with the
125 cooperation of the Department of Human Services and the youth
126 courts of this state, shall compile and regularly update a list of
127 all juvenile offenders not identified under Section 1 of this act.
128 The Department of Public Safety shall utilize the same criteria
129 provided in Section 1 of this act for purposes of identifying



130 juvenile offenders. The information compiled by Sections 1 and 2
131 of this act shall be available to every law enforcement agency of
132 the state, except that unauthorized disclosure of such information
133 shall be a misdemeanor and violation shall be punished as
134 provided in subsection (6) of Section 2 of this act.

135 **SECTION 4.** This act shall take effect and be in force from
136 and after July 1, 2003.

