

By: Representative Fleming

To: Juvenile Justice

HOUSE BILL NO. 27

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) of this section, shall attempt to ascertain whether the person  
16 is so enrolled. If the law enforcement agency ascertains that the  
17 individual is enrolled as a student in a public primary or  
18 secondary school, the agency shall orally notify the  
19 superintendent or a person designated by the superintendent in the  
20 school district in which the student is enrolled of that arrest or  
21 referral within twenty-four (24) hours after the arrest or  
22 referral is made, or on the next school day. If the law  
23 enforcement agency cannot ascertain whether the individual is  
24 enrolled as a student, the agency shall orally notify the  
25 superintendent or a person designated by the superintendent in the  
26 school district in which the student is believed to be enrolled of  
27 that arrest or detention within twenty-four (24) hours after the  
28 arrest or detention, or on the next school day. If the individual  
29 is a student, the superintendent shall promptly notify all  
30 instructional and support personnel who have responsibility for

31 supervision of the student. All personnel shall keep the  
32 information received in this subsection confidential. The State  
33 Board of Education may revoke or suspend the certification of  
34 personnel who intentionally violate this subsection. Within seven  
35 (7) days after the date the oral notice is given, the law  
36 enforcement agency shall mail written notification, marked  
37 "PERSONAL AND CONFIDENTIAL" on the mailing envelope, to the  
38 superintendent or the person designated 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) of this section  
56 who transfers from a school or is subsequently removed from a  
57 school and later returned to a school or school district other  
58 than the one the student was enrolled in when the arrest, referral  
59 to a youth court, conviction or adjudication occurred shall notify  
60 the new school officials of the arrest or referral in a manner  
61 similar to that provided for by subsection (1) or (5)(a) of this  
62 section, or of the conviction or delinquent adjudication in a  
63 manner similar to that provided for by subsection (2) or (5)(b) of

64 this section. The new school officials shall promptly notify all  
65 instructional and support personnel who have regular contact with  
66 the student.

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

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

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

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

94 (6) A person who receives information under this section may  
95 not disclose the information except as specifically authorized by  
96 this section. A person who intentionally violates this section is

97 guilty of a misdemeanor and, upon conviction, shall be fined not  
98 more than One Thousand Dollars (\$1,000.00) or imprisoned in the  
99 county jail for not more than six (6) months, or both.

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

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

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

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

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

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

127 **SECTION 5.** This act shall take effect and be in force from  
128 and after July 1, 2004.