

By: Representative Flaggs

To: Juvenile Justice;
Appropriations

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 789

1 AN ACT TO CREATE THE MISSISSIPPI JUVENILE JUSTICE TASK FORCE
2 AND AD HOC JUVENILE JUSTICE ADVISORY BOARD TO ASSIST IN REACHING A
3 SETTLEMENT IN THE FEDERAL LAWSUIT FILED BY THE UNITED STATES
4 AGAINST THE STATE OF MISSISSIPPI PERTAINING TO OAKLEY AND COLUMBIA
5 TRAINING SCHOOLS; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** (1) There is established the Mississippi
8 Juvenile Justice Task Force, the duties of which shall be to study
9 and make nonbinding recommendations on the Mississippi juvenile
10 justice system in order to assist in reaching a settlement in the
11 federal lawsuit of *The United States of America v. The State of*
12 *Mississippi, et al., CA 3:03-CV-1354BN*, which alleges that the
13 state deprived youth of their rights, privileges or immunities
14 that are secured or protected by the Constitution and laws of the
15 United States while housed at Oakley and Columbia Training
16 Schools.

17 (2) The task force shall consist of thirty-five (35) members
18 as follows:

19 (a) The Chairman of the House of Representatives
20 Juvenile Justice Committee and the Chairman of the Senate
21 Judiciary B Committee;

22 (b) The Chairman of the Appropriations Committees of
23 the House of Representatives and Senate;

24 (c) Five (5) members of the House of Representatives to
25 be named by the Speaker of the House of Representatives;

26 (d) Five (5) members of the Senate to be named by the
27 Lieutenant Governor;

28 (e) One (1) representative from the Juvenile Detention
29 Facilities Task Force;

30 (f) The Governor or his designee;

31 (g) The Attorney General;

32 (h) The Commissioner of Corrections of the Mississippi
33 Department of Corrections;

34 (i) The Executive Director of the Department of Human
35 Services;

36 (j) The Executive Director of the Division of Medicaid;

37 (k) The Executive Director of the State Department of
38 Health;

39 (l) The Executive Director of the Department of Mental
40 Health;

41 (m) The Executive Director of the Department of Public
42 Safety;

43 (n) The State Superintendent of Public Education;

44 (o) One (1) youth court judge who is a representative
45 of the Mississippi Council of Youth Court Judges;

46 (p) One (1) youth court counselor appointed by the
47 Mississippi Council of Youth Court Judges;

48 (q) One (1) attorney experienced in prosecuting youth
49 in youth court matters;

50 (r) One (1) attorney experienced in defending youth in
51 youth court matters;

52 (s) Three (3) representatives from the Mississippi
53 Schoolhouse to Jailhouse Coalition; and

54 (t) One (1) person from each congressional district who
55 is appointed by the Governor.

56 (3) At its first meeting, the task force shall elect a
57 chairman and vice chairman from its membership, and shall adopt
58 rules for transacting its business and keeping records. If
59 sufficient funds are available to the task force for that purpose,
60 members of the task force may receive a per diem in the amount

61 provided in Section 25-3-69 for each day engaged in the business
62 of the task force, and members of the task force other than the
63 legislative members may receive reimbursement for travel expenses
64 incurred while engaged in official business of the task force in
65 accordance with Section 25-3-41.

66 (4) The task force shall be assigned to the Office of Youth
67 Services of the Department of Human Services for administrative
68 purposes only, and the Office of Youth Services shall designate
69 staff to assist the task force. The task force may solicit
70 grants, donations and other funds, and may accept and expend any
71 funds that are made available to the task force to carry out its
72 purpose. However, no state general funds may be used to pay any
73 expenses of the task force.

74 (5) Before December 31, 2004, the task force shall make a
75 report of its work and recommendations, and it shall submit a copy
76 of the report to the Legislature and the Governor.

77 (6) All agencies, departments, offices and institutions of
78 the state, including the state universities and the community and
79 junior colleges, shall cooperate with the task force with such
80 assistance as requested by the task force.

81 (7) The task force shall be dissolved one (1) year after a
82 settlement has been reached in the suit of *The United States of*
83 *America v. The State of Mississippi, et al., CA 3:03-CV-1354BN,*
84 which pertains to Oakley and Columbia Training Schools.

85 (8) This section shall stand repealed on July 1, 2005.

86 **SECTION 2.** (1) There is established the Ad Hoc Juvenile
87 Justice Advisory Board, the duties of which shall be to provide
88 advice and counsel to the Mississippi Juvenile Justice Task Force
89 on all matters relating to the mission of the task force. The Ad
90 Hoc Juvenile Justice Advisory Board shall consist of
91 representatives from the Mississippi Schoolhouse to Jailhouse
92 Coalition, including, but not limited to, former training school

93 students and their families and local and national juvenile
94 justice experts.

95 (2) The Advisory Board shall examine and make
96 recommendations relating to the following:

97 (a) The operating and capital needs of the youth
98 courts;

99 (b) The sources and adequacy of funding for the youth
100 courts;

101 (c) The manner in which youth are referred to the youth
102 court system;

103 (d) The quality of the secure care facilities, which
104 include detention centers and training schools;

105 (e) The availability and quality of delinquency
106 prevention, assessment, early intervention, representation,
107 advocacy and treatment services for at-risk youth; and

108 (f) The alternatives to incarceration available to
109 youth courts for delinquent youth who do not pose a threat to
110 public safety.

111 (3) At its first meeting, the advisory board shall elect a
112 chairman and vice chairman from its membership, and shall adopt
113 rules for transacting its business and keeping its records.

114 (4) Before November 1, 2004, the advisory board shall make a
115 report of its work and recommendations, and it shall submit a copy
116 of the report to the Mississippi Juvenile Justice Task Force and
117 the Governor.

118 (5) The advisory board shall be dissolved one (1) year after
119 a settlement has been reached in the suit of *The United States of*
120 *America v. The State of Mississippi, et al.*, CA 3:03-CV-1354BN,
121 which pertains to Oakley and Columbia Training Schools.

122 (6) This section shall stand repealed on July 1, 2005.

123 **SECTION 3.** This act shall take effect and be in force from
124 and after its passage.