

By: Representatives Carlton, Clarke, Hines,
Masterson

To: Juvenile Justice

HOUSE BILL NO. 897
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 43-21-605, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE YOUTH COURT JUDGES TO ORDER PARENTING CLASSES AND
3 COUNSELING FOR PARENTS OR GUARDIANS OF DELINQUENT YOUTH WHO ARE
4 SENTENCED TO TRAINING SCHOOLS; TO PROVIDE THAT YOUTH COURTS SHALL
5 USE LOW COST OR NO COST SERVICES UNLESS THE PERSON ORDERED TO
6 ATTEND ELECTS TO PAY THE COST; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 43-21-605, Mississippi Code of 1972, is
9 amended as follows:

10 43-21-605. (1) In delinquency cases, the disposition order
11 may include any of the following alternatives:

12 (a) Release the child without further action;

13 (b) Place the child in the custody of the parents, a
14 relative or other persons subject to any conditions and
15 limitations, including restitution, as the youth court may
16 prescribe;

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

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

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

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

32 (g) Give legal custody of the child to any of the
33 following:

34 (i) The Department of Human Services for
35 appropriate placement; or

36 (ii) Any public or private organization,
37 preferably community-based, able to assume the education, care and
38 maintenance of the child, which has been found suitable by the
39 court; or

40 (iii) The Department of Human Services for
41 placement in a wilderness training program or a state-supported
42 training school, except that no child under the age of ten (10)
43 years shall be committed to a state training school. The training
44 school may retain custody of the child until the child's twentieth
45 birthday but for no longer. The superintendent of a state
46 training school may parole a child at any time he may deem it in
47 the best interest and welfare of such child. Twenty (20) days
48 prior to such parole, the training school shall notify the
49 committing court of the pending release. The youth court may then
50 arrange subsequent placement after a reconvened disposition
51 hearing except that the youth court may not recommit the child to
52 the training school or any other secure facility without an
53 adjudication of a new offense or probation or parole violation.
54 Prior to assigning the custody of any child to any private
55 institution or agency, the youth court through its designee shall
56 first inspect the physical facilities to determine that they
57 provide a reasonable standard of health and safety for the child.
58 The youth court shall not place a child in the custody of a state
59 training school for truancy, unless such child has been
60 adjudicated to have committed an act of delinquency in addition to
61 truancy;

62 (h) Recommend to the child and the child's parents or
63 guardian that the child attend and participate in the Youth
64 Challenge Program under the Mississippi National Guard, as created
65 in Section 43-27-203, subject to the selection of the child for
66 the program by the National Guard; however, the child must
67 volunteer to participate in the program. The youth court may not
68 order any child to apply or attend the program;

69 (i) (i) Adjudicate the juvenile to the Statewide
70 Juvenile Work Program if the program is established in the court's
71 jurisdiction. The juvenile and his parents or guardians must sign
72 a waiver of liability in order to participate in the work program.
73 The judge will coordinate with the youth services counselors as to
74 placing participants in the work program;

75 (ii) The severity of the crime, whether or not the
76 juvenile is a repeat offender or is a felony offender will be
77 taken into consideration by the judge when adjudicating a juvenile
78 to the work program. The juveniles adjudicated to the work
79 program will be supervised by police officers or reserve officers.
80 The term of service will be from twenty-four (24) to one hundred
81 twenty (120) hours of community service. A juvenile will work the
82 hours to which he was adjudicated on the weekends during school
83 and week days during the summer. Parents are responsible for a
84 juvenile reporting for work. Noncompliance with an order to
85 perform community service will result in a heavier adjudication.
86 A juvenile may be adjudicated to the community service program
87 only two (2) times;

88 (iii) The judge shall assess an additional fine on
89 the juvenile which will be used to pay the costs of implementation
90 of the program and to pay for supervision by police officers and
91 reserve officers. The amount of the fine will be based on the
92 number of hours to which the juvenile has been adjudicated;

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

95 (k) Order the child into a juvenile detention center
96 operated by the county or into a juvenile detention center
97 operated by any county with which the county in which the court is
98 located has entered into a contract for the purpose of housing
99 delinquents. The time period for such detention cannot exceed
100 ninety (90) days. The youth court judge may order that the number
101 of days specified in the detention order be served either
102 throughout the week or on weekends only.

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

109 (3) If the youth court places a child in a state-supported
110 training school, the court may order the parents or guardians of
111 the child and other persons living in the child's household to
112 receive counseling and parenting classes for rehabilitative
113 purposes while the child is in the legal custody of the training
114 school. A youth court entering an order under this subsection (3)
115 shall utilize appropriate services offered either at no cost or
116 for a fee calculated on a sliding scale according to income unless
117 the person ordered to participate elects to receive other
118 counseling and classes acceptable to the court at the person's
119 sole expense.

120 (4) Fines levied under this chapter shall be paid into the
121 general fund of the county but, in those counties wherein the
122 youth court is a branch of the municipal government, it shall be
123 paid into the municipal treasury.

124 (5) Any institution or agency to which a child has been
125 committed shall give to the youth court any information concerning
126 the child as the youth court may at any time require.

127 (6) The youth court shall not place a child in another
128 school district who has been expelled from a school district for
129 the commission of a violent act. For the purpose of this
130 subsection, "violent act" means any action which results in death
131 or physical harm to another or an attempt to cause death or
132 physical harm to another.

133 (7) The youth court may require drug testing as part of a
134 disposition order. If a child tests positive, the court may
135 require treatment, counseling and random testing, as it deems
136 appropriate. The costs of such tests shall be paid by the parent,
137 guardian or custodian of the child unless the court specifically
138 finds that the parent, guardian or custodian is unable to pay.

139 **SECTION 2.** This act shall take effect and be in force from
140 and after July 1, 2004.