

By: Representatives Flaggs, Hines

To: Juvenile Justice;  
Appropriations

## HOUSE BILL NO. 1003

1 AN ACT TO CREATE THE DEPARTMENT OF JUVENILE CORRECTIONAL  
2 FACILITIES, WHICH SHALL BE VESTED WITH THE EXCLUSIVE  
3 RESPONSIBILITY FOR MANAGEMENT AND CONTROL OF ALL JUVENILE  
4 CORRECTIONAL FACILITIES AUTHORIZED BY LAW; TO PROVIDE THAT THE  
5 DEPARTMENT SHALL BE HEADED BY THE COMMISSIONER OF JUVENILE  
6 CORRECTIONAL FACILITIES, WHO SHALL BE APPOINTED BY THE GOVERNOR;  
7 TO PROVIDE THAT ALL RECORDS, PROPERTY, FUNDS, OTHER ASSETS AND  
8 PERSONNEL OF THE JUVENILE CORRECTIONAL FACILITIES UNDER THE  
9 JURISDICTION OF THE OFFICE OF YOUTH SERVICES OF THE DEPARTMENT OF  
10 HUMAN SERVICES SHALL BE TRANSFERRED TO THE DEPARTMENT OF JUVENILE  
11 CORRECTIONAL FACILITIES; TO CHANGE THE NAME OF THE OAKLEY TRAINING  
12 SCHOOL TO THE BOYS JUVENILE TRAINING SCHOOL, AND CHANGE THE NAME  
13 OF THE COLUMBIA TRAINING SCHOOL TO THE GIRLS JUVENILE TRAINING  
14 SCHOOL; TO AMEND SECTIONS 31-11-3, 37-31-65, 37-113-21, 37-143-15,  
15 43-21-159, 43-21-605, 43-27-8, 43-27-20, 43-27-201, 43-27-401,  
16 47-5-151, 47-7-45, 65-1-37 AND 99-43-3, MISSISSIPPI CODE OF 1972,  
17 TO CONFORM TO THE PRECEDING PROVISIONS; TO REPEAL SECTIONS  
18 43-27-10, 43-27-11, 43-27-12, 43-27-22, 43-27-23, 43-27-25,  
19 43-27-27, 43-27-29 AND 43-27-35, MISSISSIPPI CODE OF 1972, WHICH  
20 PROVIDE THAT THE DEPARTMENT OF HUMAN SERVICES HAS JURISDICTION  
21 OVER THE JUVENILE CORRECTIONAL FACILITIES; AND FOR RELATED  
22 PURPOSES.

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

24 **SECTION 1.** (1) There is created the Department of Juvenile  
25 Correctional Facilities, which shall be under the policy direction  
26 of the Governor.

27 (2) The chief executive, administrative and fiscal officer  
28 of the department shall be the Commissioner of Juvenile  
29 Correctional Facilities. The Governor shall appoint the  
30 commissioner, with the advice and consent of the Senate, and the  
31 commissioner may be removed by the Governor. The commissioner  
32 shall possess the minimum qualifications prescribed for the  
33 position by the State Personnel Board.

34 (2) The commissioner shall receive an annual salary fixed by  
35 the Governor, not to exceed the maximum authorized by the State  
36 Personnel Board, in addition to all actual, necessary expenses

37 incurred in the discharge of official duties, including mileage as  
38 authorized by law.

39 (4) The commissioner shall be required, upon assuming the  
40 duties of his office, to execute a good and sufficient bond  
41 payable to the State of Mississippi in the sum of Two Hundred  
42 Fifty Thousand Dollars (\$250,000.00), conditioned upon an accurate  
43 accounting for all monies and property coming into his hands. The  
44 commissioner, upon approval by the Governor, may require of other  
45 officers, employees and agents of the department a good and  
46 sufficient bond in such sum as he may determine, subject to the  
47 minimum requirements set forth in this subsection, payable to the  
48 State of Mississippi upon the same condition. The bonds shall be  
49 approved by the Governor and filed with the Secretary of State,  
50 and shall be executed by a surety company authorized to do  
51 business under the laws of this state. The premium on any such  
52 bond shall be paid by the state out of the support and maintenance  
53 fund of the department.

54 (5) The department shall be vested with the exclusive  
55 responsibility for management and control of all juvenile  
56 correctional facilities authorized by law, and all property  
57 belonging to the juvenile correctional facilities, and shall be  
58 responsible for the proper care, treatment, feeding, clothing and  
59 management of the juveniles in the juvenile correctional  
60 facilities.

61 (6) All records, property, funds, other assets and personnel  
62 of the juvenile correctional facilities under the jurisdiction of  
63 the Office of Youth Services of the Department of Human Services  
64 on June 30, 2004, shall be transferred to the Department of  
65 Juvenile Correctional Facilities.

66 **SECTION 2.** (1) The Department of Juvenile Correctional  
67 Facilities shall exercise executive and administrative supervision  
68 over all state-owned facilities used for the detention, training,  
69 care and treatment of delinquent children properly committed to or

70 confined in those facilities by a court on account of that  
71 delinquency. However, executive and administrative supervision  
72 under state-owned facilities shall not extend to any institutions  
73 and facilities for which executive and administrative supervision  
74 has been provided otherwise by law through other agencies.

75 (2) The department shall have exclusive supervisory care,  
76 custody and active control of all children properly committed to  
77 or confined in its facilities and included in its programs and  
78 shall have control of the grounds, buildings and other facilities  
79 and properties of those facilities and programs. Any child  
80 committed to a facility under the jurisdiction of the department  
81 may be transferred by the commissioner, in his discretion, to any  
82 of the other facilities under the jurisdiction of the department.

83 (3) The juvenile correctional facilities under the  
84 jurisdiction of the department shall include, but not be limited  
85 to, the Columbia Training School created by Chapter 111, Laws of  
86 1916, the Oakley Training School created by Chapter 205, Laws of  
87 1942, and those facilities authorized by Sections 43-27-201  
88 through 43-27-233. From and after July 1, 2004, the name of the  
89 Oakley Training School is changed to the Boys Juvenile Training  
90 School, and the name of the Columbia Training School is changed to  
91 the Girls Juvenile Training School.

92 (4) The department may receive, hold and use personal, real  
93 and mixed property donated to or otherwise acquired by the  
94 department, and shall have such other authority as is necessary  
95 for the operation of any juvenile correctional facility. The  
96 department shall be responsible for the planning, development and  
97 coordination of a statewide, comprehensive youth services program  
98 designed to train and rehabilitate children in order to prevent,  
99 control and retard juvenile delinquency.

100 (5) The department may develop and implement diversified  
101 programs and facilities to promote, enhance, provide and assure  
102 the opportunities for the successful care, training and treatment

103 of delinquent children properly committed to or confined in any  
104 facility under its control. Those programs and facilities may  
105 include, but not be limited to, training schools, foster homes,  
106 halfway houses, forestry camps, regional diagnostic centers,  
107 detention centers and other state and local community-based  
108 programs and facilities.

109 (6) The department may acquire whatever hazard, casualty or  
110 workers' compensation insurance is necessary for any property,  
111 real or personal, owned, leased or rented by the department or for  
112 any employees or personnel hired by the department and may acquire  
113 professional liability insurance on all employees as deemed  
114 necessary and proper by the department. All premiums due and  
115 payable on account thereof shall be paid out of the funds of the  
116 department.

117 **SECTION 3.** (1) The Department of Juvenile Correctional  
118 Facilities shall succeed to the exclusive control of all records,  
119 books, papers, equipment and supplies, and all lands, buildings  
120 and other real and personal property now or hereafter belonging to  
121 or assigned to the use and benefit or under the control of the  
122 Girls Juvenile Training School and the Boys Juvenile Training  
123 School, and shall have the exercise and control of the use,  
124 distribution and disbursement of all funds, appropriations and  
125 taxes now or hereafter in possession, levied, collected or  
126 received or appropriated for the use, benefit, support and  
127 maintenance of those training schools. The department shall have  
128 general supervision of all the affairs of those training schools,  
129 and the care and conduct of all buildings and grounds, business  
130 methods and arrangements of accounts and records, the organization  
131 of the administrative plans of each training school, and all other  
132 matters incident to the proper functioning of the training  
133 schools.

134 (2) The department shall have full authority over the  
135 operation of any and all farms at each of the training schools and

136 over the distribution of agricultural, dairy, livestock and any  
137 and all other products therefrom and over all funds received from  
138 the sale of hogs and livestock. All sums realized from the sale  
139 of products manufactured and fabricated in the shops of the  
140 vocational departments of the training schools shall be placed in  
141 the revolving fund of the respective training school in which the  
142 products were manufactured, fabricated and sold.

143 (3) The department shall be authorized to lease the lands  
144 for oil, gas and mineral exploration, and for such other purposes  
145 as the department deems to be appropriate, on such terms and  
146 conditions as the department and lessee agree. The granting of  
147 any leases for oil, gas and mineral exploration shall be on a  
148 public bid basis as prescribed by law. The department may  
149 contract with the State Forestry Commission for the proper  
150 management of forest lands and the sale of timber, and the  
151 department may sell timber and forestry products. The department  
152 may expend the net proceeds from incomes from all leases and  
153 timber sales exclusively for the instructional purposes or  
154 operational expenses, or both, at the training schools under its  
155 jurisdiction.

156 **SECTION 4.** (1) The Commissioner of Juvenile Correctional  
157 Facilities shall appoint the individual administrators of the  
158 facilities under the jurisdiction of the department who, in turn,  
159 shall have full power to select and employ personnel necessary to  
160 operate the facility that they direct, subject to the approval of  
161 the commissioner.

162 (2) In administering the juvenile correctional facilities  
163 under its jurisdiction, the department and the commissioner shall  
164 have the following duties:

165 (a) To operate and maintain training schools and other  
166 facilities as may be needed to properly diagnose, care for, train,  
167 educate and rehabilitate children and youths who have been

168 committed to or confined in the facilities or who are included in  
169 the programs of the facilities.

170 (b) To fulfill the objectives of rehabilitation and  
171 reformation of the youths confined in the facilities, being  
172 careful to employ no discipline, training or utilization of time  
173 and efforts of the youth that under any condition or in any way  
174 interferes with those objectives.

175 (c) To group the youths in the facilities according to  
176 age, sex and disciplinary needs with respect to their housing,  
177 schooling, training, recreation and work, being careful to prevent  
178 injury to the morals or interference with the training and  
179 rehabilitation of the younger or correctable youths by those  
180 considered to be less amenable to discipline and rehabilitation.

181 **SECTION 5.** The administrators of the juvenile training  
182 schools under the jurisdiction of the Department of Juvenile  
183 Correctional Facilities each may receive free lodging in his  
184 respective facility for himself and his family, but not free board  
185 nor free supplies from the institution. Upon each administrator's  
186 election to receive board for himself and family from the  
187 facility, the department shall enter on its records in advance the  
188 names and ages of the members of the family and fix the charges  
189 for their board at the average cost of table board in that  
190 community, but in no event at an amount less than the cost of the  
191 board to the facility. The amount of the board so fixed shall be  
192 paid by the administrator into the State Treasury before his  
193 salary for the next succeeding month will be paid. The department  
194 shall make a detailed and itemized statement thereof to the  
195 Legislature. The same restrictions shall apply to all members of  
196 the clerical force of the facilities.

197 **SECTION 6.** Academic and vocational training at all  
198 facilities under the jurisdiction of the Department of Juvenile  
199 Correctional Institutions shall meet standards prescribed by the  
200 State Department of Education based upon standards required for

201 public schools. The department may prescribe such additional  
202 requirements as it may from time to time deem necessary. The  
203 State Superintendent of Public Education will administer the  
204 standards related to the high school and elementary school  
205 programs. Reports from the State Department of Education  
206 evaluating the educational program at all juvenile correctional  
207 facilities and indicating whether or not the program meets the  
208 standards as prescribed shall be made directly to the Commissioner  
209 of Juvenile Correctional Institutions at regularly scheduled  
210 meetings. Such State Department of Education supervisory  
211 personnel as deemed appropriate shall be utilized for evaluating  
212 the programs and for reporting to the commissioner.

213 **SECTION 7.** No person shall be committed to a facility under  
214 the control of the Department of Juvenile Correctional Facilities  
215 who is seriously handicapped by mental illness or retardation.  
216 If, after a person is referred to a facility of the department, it  
217 is determined that he is mentally ill or mentally retarded to an  
218 extent that he could not be properly cared for in its custody, the  
219 administrator of the facility may institute necessary legal action  
220 to accomplish the transfer of that person to such other state  
221 facility or institution as, in his judgment, is best qualified to  
222 care for him in accordance with the laws of this state. The  
223 department shall establish standards with regard to the physical  
224 and mental health of persons that it can accept for commitment.

225 **SECTION 8.** (1) The Department of Finance and  
226 Administration, for and on behalf of the Department of Juvenile  
227 Correctional Facilities and the State of Mississippi, may enter  
228 into a purchase contract, a lease-purchase agreement or other  
229 similar contract for the acquisition of land, buildings or  
230 equipment that would be suitable for use by the Department of  
231 Juvenile Correctional Facilities in providing housing and  
232 facilities for youth under its jurisdiction regardless of the ages  
233 of those youths and that would assist the Department of Juvenile

234 Correctional Facilities in the performance of its duties under  
235 Sections 1 through 7 of this act. Before entering into any such  
236 contract or agreement, the Department of Finance and  
237 Administration must first demonstrate to the Public Procurement  
238 Review Board satisfactory evidence that the contract or agreement  
239 would be economically advantageous to the Department of Juvenile  
240 Correctional Facilities.

241 (2) Acquisition of the property described in subsection (1)  
242 of this section shall be made only upon legislative approval or  
243 upon approval of the State Bond Commission in accordance with the  
244 manner and procedure prescribed in Section 27-104-107.

245 **SECTION 9.** Section 31-11-3, Mississippi Code of 1972, is  
246 amended as follows:

247 31-11-3. (1) The Department of Finance and Administration,  
248 for the purposes of carrying out the provisions of this chapter,  
249 in addition to all other rights and powers granted by law, shall  
250 have full power and authority to employ and compensate architects  
251 or other employees necessary for the purpose of making  
252 inspections, preparing plans and specifications, supervising the  
253 erection of any buildings, and making any repairs or additions as  
254 may be determined by the Department of Finance and Administration  
255 to be necessary, pursuant to the rules and regulations of the  
256 State Personnel Board. The department shall have entire control  
257 and supervision of, and determine what, if any, buildings,  
258 additions, repairs or improvements are to be made under the  
259 provisions of this chapter, subject to the approval of the Public  
260 Procurement Review Board.

261 (2) The department shall have full power to erect buildings,  
262 make repairs, additions or improvements, and buy materials,  
263 supplies and equipment for any of the institutions or departments  
264 of the state subject to the approval of the Public Procurement  
265 Review Board. In addition to other powers conferred, the  
266 department shall have full power and authority as directed by the



267 Legislature, or when funds have been appropriated for its use for  
268 these purposes, to:

269 (a) Build a state office building;

270 (b) Build suitable plants or buildings for the use and  
271 housing of any state schools or institutions, including the  
272 building of plants or buildings for new state schools or  
273 institutions, as provided for by the Legislature;

274 (c) Provide state aid for the construction of school  
275 buildings;

276 (d) Promote and develop the training of returned  
277 veterans of the United States in all sorts of educational and  
278 vocational learning to be supplied by the proper educational  
279 institution of the State of Mississippi, and in so doing allocate  
280 monies appropriated to it for these purposes to the Governor for  
281 use by him in setting up, maintaining and operating an office and  
282 employing a state director of on-the-job training for veterans and  
283 the personnel necessary in carrying out Public Law No. 346 of the  
284 United States;

285 (e) Build and equip a hospital and administration  
286 building at the Mississippi State Penitentiary;

287 (f) Build and equip additional buildings and wards at  
288 the Boswell Retardation Center;

289 (g) Construct a sewage disposal and treatment plant at  
290 the state insane hospital, and in so doing acquire additional land  
291 as may be necessary, and to exercise the right of eminent domain  
292 in the acquisition of this land;

293 (h) Build and equip the Mississippi central market and  
294 purchase or acquire by eminent domain, if necessary, any lands  
295 needed for this purpose;

296 (i) Build and equip suitable facilities for a training  
297 and employing center for the blind;

298 (j) Build and equip a gymnasium at Girls Juvenile  
299 Training School;

300 (k) Approve or disapprove the expenditure of any money  
301 appropriated by the Legislature when authorized by the bill making  
302 the appropriation;

303 (l) Expend monies appropriated to it in paying the  
304 state's part of the cost of any street paving;

305 (m) Sell and convey state lands when authorized by the  
306 Legislature, cause the lands to be properly surveyed and platted,  
307 execute all deeds or other legal instruments, and do any and all  
308 other things required to effectively carry out the purpose and  
309 intent of the Legislature. Any transaction which involves state  
310 lands under the provisions of this paragraph shall be done in a  
311 manner consistent with the provisions of Section 29-1-1;

312 (n) Collect and receive from educational institutions  
313 of the State of Mississippi monies required to be paid by these  
314 institutions to the state in carrying out any veterans'  
315 educational programs; and

316 (o) Purchase lands for building sites, or as additions  
317 to building sites, for the erection of buildings and other  
318 facilities which the department is authorized to erect, and  
319 demolish and dispose of old buildings, when necessary for the  
320 proper construction of new buildings. Any transaction which  
321 involves state lands under the provisions of this paragraph shall  
322 be done in a manner consistent with the provisions of Section  
323 29-1-1.

324 (3) The department shall survey state-owned and  
325 state-utilized buildings to establish an estimate of the costs of  
326 architectural alterations, pursuant to the Americans with  
327 Disabilities Act of 1990, 42 USCS Section 12111 et seq. The  
328 department shall establish priorities for making the identified  
329 architectural alterations and shall make known to the Legislative  
330 Budget Office and to the Legislature the required cost to  
331 effectuate such alterations. To meet the requirements of this  
332 section, the department shall use standards of accessibility that

333 are at least as stringent as any applicable federal requirements  
334 and may consider:

335 (a) Federal minimum guidelines and requirements issued  
336 by the United States Architectural and Transportation Barriers  
337 Compliance Board and standards issued by other federal agencies;

338 (b) The criteria contained in the American Standard  
339 Specifications for Making Buildings Accessible and Usable by the  
340 Physically Handicapped and any amendments thereto as approved by  
341 the American Standards Association, Incorporated (ANSI Standards);

342 (c) Design manuals;

343 (d) Applicable federal guidelines;

344 (e) Current literature in the field;

345 (f) Applicable safety standards; and

346 (g) Any applicable environmental impact statements.

347 (4) The department shall observe the provisions of Section  
348 31-5-23, in letting contracts and shall use Mississippi products,  
349 including paint, varnish and lacquer which contain as vehicles  
350 tung oil and either ester gum or modified resin (with rosin as the  
351 principal base of constituents), and turpentine shall be used as a  
352 solvent or thinner, where these products are available at a cost  
353 not to exceed the cost of products grown, produced, prepared, made  
354 or manufactured outside of the State of Mississippi.

355 (5) The department shall have authority to accept grants,  
356 loans or donations from the United States government or from any  
357 other sources for the purpose of matching funds in carrying out  
358 the provisions of this chapter.

359 (6) The department shall build a wheelchair ramp at the War  
360 Memorial Building which complies with all applicable federal laws,  
361 regulations and specifications regarding wheelchair ramps.

362 (7) The department shall review and preapprove all  
363 architectural or engineering service contracts entered into by any  
364 state agency, institution, commission, board or authority  
365 regardless of the source of funding used to defray the costs of

366 the construction or renovation project for which services are to  
367 be obtained. The provisions of this subsection (7) shall not  
368 apply to any architectural or engineering contract paid for by  
369 self-generated funds of any of the state institutions of higher  
370 learning, nor shall they apply to community college projects that  
371 are funded from local funds or other nonstate sources which are  
372 outside the Department of Finance and Administration's  
373 appropriations or as directed by the Legislature. The provisions  
374 of this subsection (7) shall not apply to any construction or  
375 design projects of the State Military Department that are funded  
376 from federal funds or other nonstate sources.

377 (8) The department shall have the authority to obtain  
378 annually from the state institutions of higher learning  
379 information on all building, construction and renovation projects  
380 including duties, responsibilities and costs of any architect or  
381 engineer hired by any such institutions.

382 \* \* \*

383 **SECTION 10.** Section 37-31-65, Mississippi Code of 1972, is  
384 amended as follows:

385 37-31-65. The funds derived from any sources for any trade  
386 school, such as the Mississippi School for the Deaf, Mississippi  
387 School for the Blind, Boys Juvenile Training School or Parchman  
388 Vocational School or other agencies or institutions receiving  
389 funds for the purposes of this chapter, which are not operated in  
390 connection with any public school, agricultural high school or  
391 community/junior college, or by virtue of any tuition,  
392 registration fees, or payment for services rendered or commodities  
393 produced, shall be the property of the State Board of Education.  
394 In the event any public school, agricultural high school or  
395 community/junior college establishes any trade school, classes or  
396 courses under Section 37-31-61, such funds shall be the property  
397 of such public school, agricultural high school or  
398 community/junior college, to be expended by the trustees thereof,

399 and shall be expended solely for the expense of operating and  
400 conducting the trade school, classes or courses in connection with  
401 such public school, agricultural high school or community/junior  
402 college. None of such funds shall be commingled with the funds of  
403 any other of such schools, and none of such funds shall be  
404 commingled with any of the other funds of any of the public  
405 schools, agricultural high schools or community/junior colleges.  
406 All of such funds so created shall be and are \* \* \* declared to be  
407 public funds, as defined by law.

408       **SECTION 11.** Section 37-113-21, Mississippi Code of 1972, is  
409 amended as follows:

410       37-113-21. (1) Agriculture is the primary industry of  
411 Mississippi and it is to the interest of \* \* \* state agriculture  
412 that research in the fields of livestock products, pastures and  
413 forage crops, poultry, herd and flock management, horticulture,  
414 farm mechanization, soil conservation, forestry, disease and  
415 insect and parasite control, the testing of plants and livestock  
416 under different conditions, farm enterprises for different sized  
417 farms under different soil and climatic conditions and market  
418 locations, and other important phases of Mississippi's  
419 agricultural economy, be expanded in the manner provided for in  
420 this section.

421       (2) There is \* \* \* authorized a branch experiment station  
422 to be known as the Brown Loam Branch Experiment Station, which is  
423 to be located on a part of that tract of land owned by the State  
424 of Mississippi and formerly operated as the Oakley Penitentiary  
425 and known as the Boys Juvenile Training School, same to be  
426 selected in accordance with Laws, 1954, ch. 159, §3, and used as  
427 an agricultural experiment station. This property is to be  
428 supplied with necessary buildings, equipment, and other  
429 facilities; and title to such Oakley Penitentiary Farm, now known  
430 as the Boys Juvenile Training School, is to be transferred to the  
431 Board of Trustees of State Institutions of Higher Learning for the

432 use of the Mississippi Agricultural and Forestry Experimental  
433 Station as the site of, and to be used for the Brown Loam Branch  
434 Experiment Station in accordance with Laws, 1954, Chapter 159,  
435 Section 3.

436 There is \* \* \* authorized a branch experiment station to be  
437 known as the Coastal Plain Branch Experiment Station to be located  
438 on a suitable tract of approximately 900 acres to be purchased in  
439 the upper coastal plain or short leaf pine area of east central  
440 Mississippi and to be supplied with necessary buildings,  
441 equipment, and other facilities.

442 The enlargement of the Holly Springs Branch Experiment  
443 Station, hereafter to be known as the North Mississippi Branch  
444 Experiment Station, is \* \* \* authorized, by the purchase of  
445 approximately 500 acres of additional land adjacent to or in the  
446 vicinity of either of the two farms now operated by the branch  
447 stations, and by the provision of the necessary buildings,  
448 equipment, and other facilities, and the sale as, hereinafter  
449 provided, of that farm of the branch station which is not adjacent  
450 to the additional land to be purchased.

451 There is \* \* \* authorized the reactivation of the former  
452 McNeil Branch Experiment Station to be operated as a part of the  
453 South Mississippi Branch Experiment Station at Poplarville, and to  
454 be supplied with necessary buildings, equipment, and other  
455 facilities.

456 There is \* \* \* authorized a branch experiment station to be  
457 known as the Black Belt Branch Experiment Station to be located on  
458 a suitable tract of approximately 640 acres of land to be  
459 purchased in Noxubee County, Mississippi, and to be supplied with  
460 the necessary buildings, equipment, and other facilities.

461 There is \* \* \* authorized a branch experiment station to be  
462 known as the Northeast Mississippi Branch Experiment Station to be  
463 located on a suitable tract of approximately 200 acres of land to  
464 be purchased in Lee County, Mississippi. The station shall be

465 primarily devoted to the development of the dairy industry and  
466 shall be supplied with necessary buildings, equipment, and other  
467 facilities.

468         There is \* \* \* authorized the expansion of the office and  
469 laboratory building at the Delta Branch Experiment Station at  
470 Stoneville and of the office and laboratory and dwellings for  
471 station workers at the Truck Crops Branch Experiment Station at  
472 Crystal Springs.

473         (3) The governing authorities of any municipality, town, or  
474 county in the state may, in their discretion, donate land, money  
475 or other property to the board of trustees of state institutions  
476 of higher learning in furtherance of the purposes of this section.

477         For the purpose of securing funds to carry out this  
478 subsection, the governing authorities of such municipality, town,  
479 or county are \* \* \* authorized and empowered, in their discretion,  
480 to issue bonds or negotiate notes for the purpose of acquiring by  
481 purchase, gift, or lease real estate for the purpose herein  
482 authorized. Such issuance of bonds or notes shall be issued in an  
483 amount not to exceed the limitation now or hereafter imposed by  
484 law on counties, municipalities and towns, and shall be issued in  
485 all respects including interest rate, maturities and other details  
486 as is now or may hereafter be provided by general law regulating  
487 the issuance of bond or notes by the governing authorities of such  
488 municipality, town, or county.

489         (4) Any person, firm or corporation may contribute or donate  
490 real or other property to the Board of Trustees of State  
491 Institutions of Higher Learning in furtherance of the purpose of  
492 this section.

493         (5) The Board of Trustees of State Institutions of Higher  
494 Learning is \* \* \* authorized, upon recommendation of the Director  
495 of the Agricultural and Forestry Experimental Station at the  
496 Mississippi State University of Agriculture and Applied Science,  
497 which recommendation is approved by and transmitted to the board

498 by the president of the university, to carry out the provisions of  
499 this section with particular reference to the establishment,  
500 reactivation, expansion, and the discontinuance of branch stations  
501 as herein provided, to receive and accept title to any land or  
502 property or money herein authorized, to buy or sell and dispose of  
503 any real or personal property herein authorized, to make available  
504 for carrying into effect the provisions of this section all money  
505 received from such sale or sales, and to do any and all things  
506 necessary to effectuate the purposes of this section. One-half  
507 interest in and to all oil, gas and other minerals shall be  
508 retained under any lands sold hereunder.

509 (6) A gift of One Hundred Thousand Dollars (\$100,000.00),  
510 authorized by the general education board of the Rockefeller  
511 Foundation for the development of agricultural research, with  
512 particular reference to expanding the branch experiment stations  
513 and conditioned upon a general program of expansion substantially,  
514 as herein provided, is \* \* \* accepted. The Director of the  
515 Agricultural and Forestry Experimental Station at the Mississippi  
516 State University of Agriculture and Applied Science is authorized  
517 and instructed to control and expend such fund in the same manner  
518 as other funds appropriated to carry out the provisions of this  
519 section.

520 (7) The experiment station in Clay County, Mississippi,  
521 shall not be affected by this section.

522 **SECTION 12.** Section 37-143-15, Mississippi Code of 1972, is  
523 amended as follows:

524 37-143-15. The Board of Trustees of State Institutions of  
525 Higher Learning is authorized and empowered to establish loan or  
526 scholarship programs of like character, operation and purpose to  
527 the foregoing enumerated programs to encourage the participation  
528 of eligible worthy persons in courses of instruction in its  
529 institutions, and in furtherance of such power and authority is  
530 authorized: to adopt and implement rules and regulations



531 declaring and describing the goals and objectives of such loan or  
532 scholarship programs; to establish the eligibility requirements  
533 for entry into such program and required for continuing  
534 participation for succeeding years; to determine the maximum  
535 amount to be made available to recipients; to delineate the terms  
536 and conditions of contracts with recipients and establish the  
537 service requirements for such contracts, if any; to enter into  
538 contracts pertaining to such programs with recipients; to enter  
539 into loan agreements and other contracts with financial  
540 institutions or other providers of loan monies for scholarship or  
541 loan participants; and to allocate and utilize such funds as may  
542 be necessary for the operation of such loan or scholarship  
543 programs from the annual appropriation for student financial aid.  
544 In issuing rules and regulations governing the administration of  
545 the Graduate Teacher Summer Scholarship (GTS) Program, the Board  
546 of Trustees of State Institutions of Higher Learning shall provide  
547 that certified teachers at the Girls Juvenile Training School and  
548 the Boys Juvenile Training School under the jurisdiction of the  
549 Department of Juvenile Correctional Facilities shall be fully  
550 eligible to participate in the program.

551       **SECTION 13.** Section 43-21-159, Mississippi Code of 1972, is  
552 amended as follows:

553       43-21-159. (1) When a person appears before a court other  
554 than the youth court, and it is determined that the person is a  
555 child under jurisdiction of the youth court, such court shall,  
556 unless the jurisdiction of the offense has been transferred to  
557 such court as provided in this chapter, or unless the child has  
558 previously been the subject of a transfer from the youth court to  
559 the circuit court for trial as an adult and was convicted,  
560 immediately dismiss the proceeding without prejudice and forward  
561 all documents pertaining to the cause to the youth court; and all  
562 entries in permanent records shall be expunged. The youth court  
563 shall have the power to order and supervise the expunction or the

564 destruction of such records in accordance with Section 43-21-265.  
565 Upon petition therefor, the youth court shall expunge the record  
566 of any case within its jurisdiction in which an arrest was made,  
567 the person arrested was released and the case was dismissed or the  
568 charges were dropped or there was no disposition of such case. In  
569 cases where the child is charged with a hunting or fishing  
570 violation or a traffic violation whether it be any state or  
571 federal law, a violation of the Mississippi Implied Consent Law,  
572 or municipal ordinance or county resolution or where the child is  
573 charged with a violation of Section 67-3-70, the appropriate  
574 criminal court shall proceed to dispose of the same in the same  
575 manner as for other adult offenders and it shall not be necessary  
576 to transfer the case to the youth court of the county. Unless the  
577 cause has been transferred, or unless the child has previously  
578 been the subject of a transfer from the youth court to the circuit  
579 court for trial as an adult, except for violations under the  
580 Implied Consent Law, and was convicted, the youth court shall have  
581 power on its own motion to remove jurisdiction from any criminal  
582 court of any offense including a hunting or fishing violation, a  
583 traffic violation, or a violation of Section 67-3-70, committed by  
584 a child in a matter under the jurisdiction of the youth court and  
585 proceed therewith in accordance with the provisions of this  
586 chapter.

587       (2) After conviction and sentence of any child by any other  
588 court having original jurisdiction on a misdemeanor charge, and  
589 within the time allowed for an appeal of such conviction and  
590 sentence, the youth court of the county shall have the full power  
591 to stay the execution of the sentence and to release the child on  
592 good behavior or on other order as the youth court may see fit to  
593 make unless the child has previously been the subject of a  
594 transfer from the youth court to the circuit court for trial as an  
595 adult and was convicted. When a child is convicted of a  
596 misdemeanor and is committed to, incarcerated in or imprisoned in

597 a jail or other place of detention by a criminal court having  
598 proper jurisdiction of such charge, such court shall notify the  
599 youth court judge or the judge's designee of the conviction and  
600 sentence prior to the commencement of such incarceration. The  
601 youth court shall have the power to order and supervise the  
602 destruction of any records involving children maintained by the  
603 criminal court in accordance with Section 43-21-265. However, the  
604 youth court shall have the power to set aside a judgment of any  
605 other court rendered in any matter over which the youth court has  
606 exclusive original jurisdiction, to expunge or destroy the records  
607 thereof in accordance with Section 43-21-265, and to order a  
608 refund of fines and costs.

609 (3) Nothing in subsection (1) or (2) shall apply to a youth  
610 who has a pending charge or a conviction for any crime over which  
611 circuit court has original jurisdiction.

612 (4) In any case wherein the defendant is a child as defined  
613 in this chapter and of which the circuit court has original  
614 jurisdiction, the circuit judge, upon a finding that it would be  
615 in the best interest of such child and in the interest of justice,  
616 may at any stage of the proceedings prior to the attachment of  
617 jeopardy transfer such proceedings to the youth court for further  
618 proceedings unless the child has previously been the subject of a  
619 transfer from the youth court to the circuit court for trial as an  
620 adult and was convicted or has previously been convicted of a  
621 crime which was in original circuit court jurisdiction, and the  
622 youth court shall, upon acquiring jurisdiction, proceed as  
623 provided in this chapter for the adjudication and disposition of  
624 delinquent child proceeding proceedings. If the case is not  
625 transferred to the youth court and the youth is convicted of a  
626 crime by any circuit court, the trial judge shall sentence the  
627 youth as though such youth was an adult. The circuit court shall  
628 not have the authority to commit such child to the custody of the

629 Department of Juvenile Correctional Facilities for placement in a  
630 state-supported training school.

631 (5) In no event shall a court sentence an offender over the  
632 age of eighteen (18) to the custody of the Department of Juvenile  
633 Correctional Facilities for placement in a state-supported  
634 training school.

635 (6) When a child's driver's license is suspended by the  
636 youth court for any reason, the clerk of the youth court shall  
637 report the suspension, without a court order under Section  
638 43-21-261, to the Commissioner of Public Safety in the same manner  
639 as such suspensions are reported in cases involving adults.

640 (7) No offense involving the use or possession of a firearm  
641 by a child who has reached his fifteenth birthday and which, if  
642 committed by an adult would be a felony, shall be transferred to  
643 the youth court.

644 **SECTION 14.** Section 43-21-605, Mississippi Code of 1972, is  
645 amended as follows:

646 43-21-605. (1) In delinquency cases, the disposition order  
647 may include any of the following alternatives:

648 (a) Release the child without further action;

649 (b) Place the child in the custody of the parents, a  
650 relative or other persons subject to any conditions and  
651 limitations, including restitution, as the youth court may  
652 prescribe;

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

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

659 (e) Order terms of supervision which may include  
660 participation in a constructive program of service or education or  
661 civil fines not in excess of Five Hundred Dollars (\$500.00), or

662 restitution not in excess of actual damages caused by the child to  
663 be paid out of his own assets or by performance of services  
664 acceptable to the victims and approved by the youth court and  
665 reasonably capable of performance within one (1) year;

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

668 (g) Give legal custody of the child to any of the  
669 following:

670 (i) The Department of Human Services for  
671 appropriate placement; or

672 (ii) Any public or private organization,  
673 preferably community-based, able to assume the education, care and  
674 maintenance of the child, which has been found suitable by the  
675 court; or

676 (iii) The Department of Human Services for  
677 placement in a wilderness training program; or

678 (iv) The Department of Juvenile Correctional  
679 Facilities for placement in a state-supported training school,  
680 except that no child under the age of ten (10) years shall be  
681 committed to a state training school. The training school may  
682 retain custody of the child until the child's twentieth birthday  
683 but for no longer. The superintendent of a state training school  
684 may parole a child at any time he may deem it in the best interest  
685 and welfare of such child. Twenty (20) days prior to such parole,  
686 the training school shall notify the committing court of the  
687 pending release. The youth court may then arrange subsequent  
688 placement after a reconvened disposition hearing, except that the  
689 youth court may not recommit the child to the training school or  
690 any other secure facility without an adjudication of a new offense  
691 or probation or parole violation. Prior to assigning the custody  
692 of any child to any private institution or agency, the youth court  
693 through its designee shall first inspect the physical facilities  
694 to determine that they provide a reasonable standard of health and

695 safety for the child. The youth court shall not place a child in  
696 the custody of a state training school for truancy, unless such  
697 child has been adjudicated to have committed an act of delinquency  
698 in addition to truancy;

699 (h) Recommend to the child and the child's parents or  
700 guardian that the child attend and participate in the Youth  
701 Challenge Program under the Mississippi National Guard, as created  
702 in Section 43-27-203, subject to the selection of the child for  
703 the program by the National Guard; however, the child must  
704 volunteer to participate in the program. The youth court may not  
705 order any child to apply or attend the program;

706 (i) (i) Adjudicate the juvenile to the Statewide  
707 Juvenile Work Program if the program is established in the court's  
708 jurisdiction. The juvenile and his parents or guardians must sign  
709 a waiver of liability in order to participate in the work program.  
710 The judge will coordinate with the youth services counselors as to  
711 placing participants in the work program;

712 (ii) The severity of the crime, whether or not the  
713 juvenile is a repeat offender or is a felony offender will be  
714 taken into consideration by the judge when adjudicating a juvenile  
715 to the work program. The juveniles adjudicated to the work  
716 program will be supervised by police officers or reserve officers.  
717 The term of service will be from twenty-four (24) to one hundred  
718 twenty (120) hours of community service. A juvenile will work the  
719 hours to which he was adjudicated on the weekends during school  
720 and week days during the summer. Parents are responsible for a  
721 juvenile reporting for work. Noncompliance with an order to  
722 perform community service will result in a heavier adjudication.  
723 A juvenile may be adjudicated to the community service program  
724 only two (2) times;

725 (iii) The judge shall assess an additional fine on  
726 the juvenile which will be used to pay the costs of implementation  
727 of the program and to pay for supervision by police officers and

728 reserve officers. The amount of the fine will be based on the  
729 number of hours to which the juvenile has been adjudicated;

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

732 (k) Order the child into a juvenile detention center  
733 operated by the county or into a juvenile detention center  
734 operated by any county with which the county in which the court is  
735 located has entered into a contract for the purpose of housing  
736 delinquents. The time period for such detention cannot exceed  
737 ninety (90) days. The youth court judge may order that the number  
738 of days specified in the detention order be served either  
739 throughout the week or on weekends only.

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

746 (3) Fines levied under this chapter shall be paid into the  
747 general fund of the county but, in those counties wherein the  
748 youth court is a branch of the municipal government, it shall be  
749 paid into the municipal treasury.

750 (4) Any institution or agency to which a child has been  
751 committed shall give to the youth court any information concerning  
752 the child as the youth court may at any time require.

753 (5) The youth court shall not place a child in another  
754 school district who has been expelled from a school district for  
755 the commission of a violent act. For the purpose of this  
756 subsection, "violent act" means any action which results in death  
757 or physical harm to another or an attempt to cause death or  
758 physical harm to another.

759 (6) The youth court may require drug testing as part of a  
760 disposition order. If a child tests positive, the court may

761 require treatment, counseling and random testing, as it deems  
762 appropriate. The costs of such tests shall be paid by the parent,  
763 guardian or custodian of the child unless the court specifically  
764 finds that the parent, guardian or custodian is unable to pay.

765 **SECTION 15.** Section 43-27-8, Mississippi Code of 1972, is  
766 amended as follows:

767 43-27-8. The Department of Human Services, shall administer  
768 the following duties and responsibilities through the Office of  
769 Youth Services:

770 (a) To implement and administer laws and policy  
771 relating to youth services and coordinate the efforts of the  
772 department with those of the federal government and other state  
773 departments and agencies, county governments, municipal  
774 governments and private agencies concerned with providing youth  
775 services.

776 \* \* \*

777 (b) To promulgate and publish such rules, regulations  
778 and policies of the department as are needed for the efficient  
779 government and maintenance of all \* \* \* programs in accord,  
780 insofar as possible, with currently accepted standards of juvenile  
781 care and treatment.

782 **SECTION 16.** Section 43-27-20, Mississippi Code of 1972, is  
783 amended as follows:

784 43-27-20. (1) Within the Office of Youth Services there  
785 shall be a Division of Community Services, which shall be headed  
786 by a director appointed by and responsible to the Director of the  
787 Office of Youth Services. He shall hold a master's degree in  
788 social work or a related field and shall have no less than three  
789 (3) years' experience in social services, or in lieu of that  
790 degree and experience, he shall have a minimum of eight (8) years'  
791 experience in social work or a related field. He shall employ and  
792 assign the community workers to serve in the various areas in the



793 state and any other supporting personnel necessary to carry out  
794 the duties of the Division of Community Services.

795       (2) The Director of the Division of Community Services shall  
796 assign probation and aftercare workers to the youth court or  
797 family court judges of the various court districts upon the  
798 request of the individual judge on the basis of case load and  
799 need, when funds are available. The probation and aftercare  
800 workers shall live in their respective districts except upon  
801 approval of the Director of the Division of Community Services.  
802 The Director of the Division of Community Services is authorized  
803 to assign a youth services counselor to a district other than the  
804 district in which the youth services counselor lives upon the  
805 approval of the youth court judge of the assigned district and the  
806 Director of the Division of Youth Services. Every placement shall  
807 be with the approval of the youth court or the family court judge,  
808 and a probation and aftercare worker may be removed for cause from  
809 a youth or family court district.

810       (3) Any counties or cities which, on July 1, 1973, have  
811 court counselors or similar personnel may continue using this  
812 personnel or may choose to come within the statewide framework.

813       (4) A probation and aftercare worker may be transferred by  
814 the division from one court to another after consultation with the  
815 judge or judges in the court to which the employee is currently  
816 assigned.

817       (5) The Division of Community Services shall have such  
818 duties as the Office of Youth Services \* \* \* assigns to it, which  
819 shall include, but not be limited to, the following:

820           (a) Preparing the social, educational and home-life  
821 history and other diagnostic reports on the child for the benefit  
822 of the court or a training school under the jurisdiction of the  
823 Department of Juvenile Correctional Facilities; however, this  
824 provision shall not abridge the power of the court to require  
825 similar services from other agencies, according to law.

826           (b) Serving in counseling capacities with the youth or  
827 family courts.

828           (c) Serving as probation agents for the youth or family  
829 courts.

830           (d) Serving, advising and counseling of children in the  
831 various facilities under the jurisdiction of the Department of  
832 Juvenile Correctional Facilities as may be necessary to the  
833 placement of the children in proper environment after release and  
834 the placement of children in suitable jobs where necessary and  
835 proper.

836           (e) Supervising and guiding of children released or  
837 conditionally released from facilities under the jurisdiction of  
838 the Department of Juvenile Correctional Facilities.

839           (f) Counseling in an aftercare program.

840           (g) Coordinating the activities of supporting community  
841 agencies which aid in the social adjustment of children released  
842 from the facility and in an aftercare program.

843           (h) Providing or arranging for necessary services  
844 leading to the rehabilitation of delinquents, either within the  
845 division or through cooperative arrangements with other  
846 appropriate agencies.

847           (i) Providing counseling and supervision for any child  
848 under ten (10) years of age who has been brought to the attention  
849 of the court when other suitable personnel is not available and  
850 upon request of the court concerned.

851           (j) Supervising the aftercare program and making  
852 revocation investigations at the request of the court.

853           (6) This section shall stand repealed on July 1, 2009.

854           **SECTION 17.** Section 43-27-201, Mississippi Code of 1972, is  
855 amended as follows:

856           43-27-201. (1) The purpose of this section is to outline  
857 and structure a long-range proposal in addition to certain  
858 immediate objectives for improvements in the juvenile correctional

859 facilities of the Department of Juvenile Correctional Facilities  
860 in order to provide modern and efficient correctional and  
861 rehabilitation facilities for juvenile offenders in Mississippi,  
862 who are committing an increasing percentage of serious and violent  
863 crimes.

864 (2) The Department of Finance and Administration, acting  
865 through the Bureau of Building, Grounds and Real Property  
866 Management, using funds from bonds issued under this chapter,  
867 monies appropriated by the Legislature for such purposes, federal  
868 matching or other federal funds, federal grants or other available  
869 funds from whatever source, shall provide for, by construction,  
870 lease, lease-purchase or otherwise, and equip the following  
871 juvenile correctional facilities under the jurisdiction and  
872 responsibility of the Department of Juvenile Correctional  
873 Facilities:

874 (a) Construct an additional one-hundred-fifty-bed,  
875 stand-alone, medium security juvenile correctional facility for  
876 habitual violent male offenders, which complies with American  
877 Correctional Association Accreditation standards and applicable  
878 building and fire safety codes. The medium security, male  
879 juvenile facility location shall be on property owned by the  
880 Office of Youth Services, or its successor, or at a site selected  
881 by the Bureau of Building, Grounds and Real Property Management on  
882 land which is hereafter donated to the state specifically for the  
883 location of such facility.

884 (b) Construct an additional one-hundred-bed minimum  
885 security juvenile correctional facility for female offenders, and  
886 an additional stand-alone, fifteen-bed maximum security juvenile  
887 correctional facility for female offenders, which complies with  
888 American Correctional Association Accreditation standards and  
889 applicable building and fire safety codes. The minimum security  
890 and maximum security female juvenile facilities location shall be  
891 on property owned by the Office of Youth Services, or its

892 successor, or at a site selected by the Bureau of Building,  
893 Grounds and Real Property Management on land which is hereafter  
894 donated to the state specifically for the location of such  
895 facility.

896 (3) Upon the selection of a proposed site for a correctional  
897 facility for juveniles authorized under subsection (2), the Bureau  
898 of Building, Grounds and Real Property Management of the  
899 Department of Finance and Administration shall notify the board of  
900 supervisors of the county in which such facility is proposed to be  
901 located and shall publish a notice as hereinafter set forth in a  
902 newspaper having general circulation in such county. Such notice  
903 shall include a description of the tract of land in the county  
904 whereon the facility is proposed to be located, the nature and  
905 size of the facility and the date on which the determination of  
906 the Bureau of Building, Grounds and Real Property Management shall  
907 be final as to the location of such facility, which date shall not  
908 be less than forty-five (45) days following the first publication  
909 of such notice. Such notice shall include a brief summary of the  
910 provisions of this section pertaining to the petition for an  
911 election on the question of the location of the juvenile housing  
912 facility in such county. Such notice shall be published not less  
913 than one (1) time each week for at least three (3) consecutive  
914 weeks in at least one (1) newspaper published in such county.

915 If no petition requesting an election is filed before the  
916 date of final determination stated in such notice, then the bureau  
917 shall give final approval to the location of such facility.

918 If at any time before the aforesaid date a petition signed by  
919 twenty percent (20%), or fifteen hundred (1500), whichever is  
920 less, of the qualified electors of the county involved shall be  
921 filed with the board of supervisors requesting that an election be  
922 called on the question of locating such facility, then the board  
923 of supervisors shall adopt a resolution calling an election to be  
924 held within such county upon the question of the location of such

925 facility. Such election shall be held, as far as practicable, in  
926 the same manner as other elections are held in counties. At such  
927 election, all qualified electors of the county may vote, and the  
928 ballots used at such election shall have printed thereon a brief  
929 statement of the facility to be constructed and the words "For the  
930 construction of the facility in (here insert county name) County"  
931 and "Against the construction of the facility in (here insert  
932 county name) County." The voter shall vote by placing a cross (X)  
933 or check mark (✓) opposite his choice on the proposition. When  
934 the results of the election on the question of the construction of  
935 the facility shall have been canvassed by the election  
936 commissioners of the county and certified by them to the board of  
937 supervisors, it shall be the duty of the board of supervisors to  
938 determine and adjudicate whether or not a majority of the  
939 qualified electors who voted thereon in such election voted in  
940 favor of the construction of the facilities in such county.  
941 Unless a majority of the qualified electors who voted in such  
942 election shall have voted in favor of the construction of the  
943 facilities in such county, then such facility shall not be  
944 constructed in such county.

945 (4) The Department of Juvenile Correctional Facilities shall  
946 establish, maintain and operate an Adolescent Offender Program  
947 (AOP), which may include non-Medicaid assistance eligible  
948 juveniles. The department may establish at least twelve (12) AOP  
949 sites at various locations throughout the state based upon the  
950 needs of the population, as determined by the department. AOP  
951 professional services, salaries, facility offices, meeting rooms  
952 and related supplies and equipment may be provided through  
953 contract with local mental health or other nonprofit community  
954 organizations.

955 (5) The Department of Juvenile Correctional Facilities shall  
956 operate and maintain the Forestry Camp Number 43 at the Girls  
957 Juvenile Training School, originally authorized and constructed in

958 1973, to consist of a twenty-bed dormitory, four (4) offices, a  
959 classroom, kitchen, dining room, day room and apartment. The  
960 purpose of this camp shall be to train juvenile detention  
961 residents for community college and other forestry training  
962 programs.

963 (6) The Department of Juvenile Correctional Facilities shall  
964 establish a ten-bed transitional living facility for the temporary  
965 holding of training school adolescents who have reached their  
966 majority, have completed the GED requirement, and are willing to  
967 be rehabilitated until they are placed in jobs, job training or  
968 postsecondary programs. Such transitional living facility may be  
969 operated pursuant to contract with a nonprofit community support  
970 organization.

971 **SECTION 18.** Section 43-27-401, Mississippi Code of 1972, is  
972 amended as follows:

973 43-27-401. (1) The Department of Juvenile Correctional  
974 Facilities shall establish a pilot program to be known as the  
975 "Amer-I-Can Program." The program is designed for youths who have  
976 been committed to or are confined in the Girls Juvenile Training  
977 School or the Boys Juvenile Training School. The objectives of  
978 this program are:

979 (a) To develop greater self-esteem, assume responsible  
980 attitudes and experience a restructuring of habits and  
981 conditioning processes;

982 (b) To develop an appreciation of family members and an  
983 understanding of the role family structure has in achieving  
984 successful living;

985 (c) To develop an understanding of the concept of  
986 community and collective responsibility;

987 (d) To develop a prowess in problem solving and  
988 decision making that will eliminate many of the difficulties that  
989 were encountered in past experiences;

990 (e) To develop skills in money management and financial  
991 stability, thus relieving pressures that have contributed to  
992 previous difficulties;

993 (f) To develop communication skills to better express  
994 thoughts and ideas while acquiring an understanding of and respect  
995 for the thoughts and ideas of others; and

996 (g) To acquire employment seeking and retention skills  
997 to improve chances of long term, gainful employment.

998 (2) The department shall develop policies and procedures to  
999 administer the program and shall choose which youths are eligible  
1000 to participate in the program.

1001 (3) The department may accept any funds, public or private,  
1002 made available to it for the program.

1003 \* \* \*

1004 **SECTION 19.** Section 47-5-151, Mississippi Code of 1972, is  
1005 amended as follows:

1006 47-5-151. The superintendent (warden) or other person in  
1007 charge of prisoners, upon the death of any prisoner under his care  
1008 and control, shall at once notify the county medical examiner or  
1009 county medical examiner investigator (hereinafter "medical  
1010 examiner") of the county in which the prisoner died, of the death  
1011 of the prisoner, and it shall be the duty of such medical  
1012 examiner, when so notified of the death of such person, to obtain  
1013 a court order and notify the State Medical Examiner of the death  
1014 of such prisoner. It shall be mandatory that the State Medical  
1015 Examiner cause an autopsy to be performed upon the body of the  
1016 deceased prisoner. Furthermore, the State Medical Examiner shall  
1017 investigate any case where a person is found dead on the premises  
1018 of the correctional system, in accordance with Sections 41-61-51  
1019 through 41-61-79. The State Medical Examiner shall make a written  
1020 report of his investigation, and shall furnish a copy of the same,  
1021 including the autopsy report, to the superintendent (warden) and a  
1022 copy of the same to the district attorney of the county in which

1023 the prisoner died. The copy so furnished to the district attorney  
1024 shall be turned over by the district attorney to the grand jury,  
1025 and it shall be the duty of the grand jury, if there be any  
1026 suspicion of wrongdoing shown by the inquest papers, to thoroughly  
1027 investigate the cause of such death.

1028 It shall be the duty of the medical examiner of the county in  
1029 which the prisoner died to arrange for the remains to be  
1030 transported to the State Medical Examiner for the autopsy, and  
1031 accompanying the remains shall be the court order for autopsy and  
1032 any documents or records pertaining to the deceased prisoner,  
1033 institutional health records or other information relating to the  
1034 circumstances surrounding the prisoner's death. The State Medical  
1035 Examiner shall arrange for the remains to be transported to the  
1036 county in which the prisoner died following completion of the  
1037 autopsy. If the remains are not claimed for burial within  
1038 forty-eight (48) hours after autopsy, then the remains may be  
1039 delivered to the University of Mississippi Medical Center for use  
1040 in medical research or anatomical study.

1041 The provisions herein set forth in the first paragraph shall  
1042 likewise apply to any case in which any person is found dead on  
1043 the premises of the Mississippi State Penitentiary, except that  
1044 the autopsy to be performed on the body of such a person shall not  
1045 be mandatory upon a person who is not a prisoner unless the  
1046 medical examiner determines that the death resulted from  
1047 circumstances raising questions as to the cause of death, in which  
1048 case the medical examiner may cause an autopsy to be performed  
1049 upon the body of such deceased person in the same manner as  
1050 authorized to be performed upon the body of a deceased prisoner.

1051 \* \* \* The provisions of this section shall apply with  
1052 respect to any deceased prisoner who at the time of death is being  
1053 detained by duly constituted state authority such as the Girls  
1054 Juvenile Training School, Boys Juvenile Training School,



1055 Mississippi State Hospital at Whitfield, East Mississippi State  
1056 Hospital, or any other state institution.

1057         The provisions of this section shall not apply to a prisoner  
1058 who was lawfully executed as provided in Sections 99-19-49 through  
1059 99-19-55.

1060         Any officer or employee of the prison system or any other  
1061 officer, employee or person having charge of any prisoner who  
1062 shall fail to immediately notify the medical examiner of the death  
1063 of such prisoner, shall be guilty of a misdemeanor and, upon  
1064 conviction thereof, shall be punished by a fine of not less than  
1065 One Hundred Dollars (\$100.00) nor more than Five Hundred dollars  
1066 (\$500.00) and by confinement in the county jail for not more than  
1067 one (1) year.

1068         **SECTION 20.** Section 47-7-45, Mississippi Code of 1972, is  
1069 amended as follows:

1070         47-7-45. The provisions of this chapter shall not apply to  
1071 probation under the Youth Court Law nor to parole from the Girls  
1072 Juvenile Training School and the Boys Juvenile Training School.

1073         **SECTION 21.** Section 65-1-37, Mississippi Code of 1972, is  
1074 amended as follows:

1075         65-1-37. The Mississippi Transportation Commission is \* \* \*  
1076 authorized and empowered to have the Mississippi Department of  
1077 Transportation construct, repair and maintain the driveways and  
1078 streets on the grounds of the universities and colleges under the  
1079 jurisdiction of the Board of Trustees of the State Institutions of  
1080 Higher Learning, state, and/or county supported junior colleges,  
1081 the state hospitals, and institutions under the jurisdiction of  
1082 the Department of \* \* \* Mental Health \* \* \* the Girls Juvenile  
1083 Training School, the Boys Juvenile Training School, the  
1084 Mississippi Schools for the Deaf and Blind, and the Mississippi  
1085 Department of Wildlife, Fisheries and Parks in the manner provided  
1086 herein, including bypasses to connect those driveways and streets  
1087 with roads on the state highway system, and the main thoroughfare

1088 running east and west through the grounds of the Mississippi  
1089 Penitentiary, provided that the institutions obtain the necessary  
1090 rights-of-way, those institutions being \* \* \* authorized so to do  
1091 by this section.

1092 The Transportation Commission and the governing boards of  
1093 the institutions shall enter into an agreement prior to  
1094 undertaking any of the work mentioned in the first paragraph of  
1095 this section, and the agreement shall be based on the  
1096 Transportation Department's furnishing equipment, equipment  
1097 operators, skilled labor, supervision, and engineering services,  
1098 and the governing bodies of the aforementioned institutions shall  
1099 furnish material, supplies and common labor. This agreement shall  
1100 further provide for reimbursement of the Mississippi Department of  
1101 Transportation, in full, for the expenditures incurred in the  
1102 construction, repair and maintenance of driveways and streets at  
1103 the institutions hereinabove mentioned, such reimbursement to be  
1104 made directly to the Mississippi Transportation Commission from  
1105 the institutions. Upon the execution of an agreement as set out  
1106 herein, the Mississippi Department of Transportation may provide  
1107 all the necessary engineering, supervision, skilled labor,  
1108 equipment, and equipment operators to perform such work.

1109 **SECTION 22.** Section 99-43-3, Mississippi Code of 1972, is  
1110 amended as follows:

1111 99-43-3. As used in this chapter, the following words shall  
1112 have the meanings ascribed to them, unless the context clearly  
1113 requires otherwise:

1114 (a) "Accused" means a person who has been arrested for  
1115 committing a criminal offense and who is held for an initial  
1116 appearance or other proceeding before trial or who is a target of  
1117 an investigation for committing a criminal offense.

1118 (b) "Appellate proceeding" means an oral argument held  
1119 in open court before the Mississippi Court of Appeals, the

1120 Mississippi Supreme Court, a federal court of appeals or the  
1121 United States Supreme Court.

1122 (c) "Arrest" means the actual custodial restraint of a  
1123 person or his submission to custody.

1124 (d) "Community status" means extension of the limits of  
1125 the places of confinement of a prisoner through work release,  
1126 intensive supervision, house arrest, and initial consideration of  
1127 pre-discretionary leave, passes and furloughs.

1128 (e) "Court" means all state courts including juvenile  
1129 courts.

1130 (f) "Victim assistance coordinator" means a person who  
1131 is employed or authorized by a public entity or a private entity  
1132 that receives public funding primarily to provide counseling,  
1133 treatment or other supportive assistance to crime victims.

1134 (g) "Criminal offense" means conduct that gives a law  
1135 enforcement officer or prosecutor probable cause to believe that a  
1136 felony involving physical injury, the threat of physical injury,  
1137 or a sexual offense, or any offense involving spousal abuse,  
1138 domestic violence or burglary of a dwelling house has been  
1139 committed.

1140 (h) "Criminal proceeding" means a hearing, argument or  
1141 other matter scheduled by and held before a trial court but does  
1142 not include a lineup, grand jury proceeding or other matter not  
1143 held in the presence of the court.

1144 (i) "Custodial agency" means a municipal or county  
1145 jail, the Department of Corrections, juvenile detention facility,  
1146 Department of Juvenile Correctional Facilities or a secure mental  
1147 health facility having custody of a person who is arrested or is  
1148 in custody for a criminal offense.

1149 (j) "Defendant" means a person or entity that is  
1150 formally charged by complaint, indictment or information of  
1151 committing a criminal offense.

1152           (k) "Final disposition" means the ultimate termination  
1153 of the criminal prosecution of a defendant by a trial court,  
1154 including dismissal, acquittal or imposition of a sentence.

1155           (l) "Immediate family" means the spouse, parent, child,  
1156 sibling, grandparent or guardian of the victim, unless that person  
1157 is in custody for an offense or is the accused.

1158           (m) "Lawful representative" means a person who is a  
1159 member of the immediate family or who is designated as provided in  
1160 Section 99-43-5; no person in custody for an offense or who is the  
1161 accused may serve as lawful representative.

1162           (n) "Post-arrest release" means the discharge of the  
1163 accused from confinement on recognizance, bond or other condition.

1164           (o) "Post-conviction release" means parole, or  
1165 discharge from confinement by an agency having custody of the  
1166 prisoner.

1167           (p) "Post-conviction relief proceeding" means a  
1168 hearing, argument or other matter that is held in any court and  
1169 that involves a request for relief from a conviction, sentence or  
1170 adjudication.

1171           (q) "Prisoner" means a person who has been convicted or  
1172 adjudicated of a criminal offense against a victim and who has  
1173 been sentenced to the custody of the sheriff, the Department of  
1174 Corrections, Department of Juvenile Correctional Facilities,  
1175 juvenile detention facility, a municipal jail or a secure mental  
1176 health facility.

1177           (r) "Prosecuting attorney" means the district attorney,  
1178 county prosecuting attorney, municipal prosecuting attorney, youth  
1179 court prosecuting attorney, special prosecuting attorney or  
1180 Attorney General.

1181           (s) "Right" means any right granted to the victim by  
1182 the laws of this state.

1183                   (t) "Victim" means a person against whom the criminal  
1184 offense has been committed, or if the person is deceased or  
1185 incapacitated, the lawful representative.

1186                   **SECTION 23.** Sections 43-27-10, 43-27-11, 43-27-12, 43-27-22,  
1187 43-27-23, 43-27-25, 43-27-27, 43-27-29 and 43-27-35, Mississippi  
1188 Code of 1972, which provide that the Department of Human Services  
1189 has jurisdiction over the juvenile correctional facilities, are  
1190 repealed.

1191                   **SECTION 24.** This act shall take effect and be in force from  
1192 and after July 1, 2004.