

By: Representatives Scott, Clarke, Bailey, Banks, Blackmon, Broomfield, Clark, Coleman (65th), Flaggs, Fleming, Harrison, Middleton, Myers, Straughter, Thomas, West, Whittington, Young

To: Juvenile Justice

HOUSE BILL NO. 1549

1 AN ACT TO AMEND SECTION 43-21-753, MISSISSIPPI CODE OF 1972,  
2 TO EXPAND THE JURISDICTIONAL SUBJECT MATTER OF THE TEEN COURT  
3 PROGRAM; TO REQUIRE OFFENDERS TO TAKE A DRUG TEST IN ORDER TO BE  
4 ELIGIBLE FOR THE PROGRAM; AND FOR RELATED PURPOSES.

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

6 SECTION 1. Section 43-21-753, Mississippi Code of 1972, is  
7 amended as follows:

8 43-21-753. The youth court of any county in the state may  
9 establish a teen court program for the diversion of certain  
10 offenders who have waived all right of confidentiality and  
11 privilege against self-incrimination. The youth court of Rankin  
12 County may extend its teen court program within the city limits of  
13 Pearl. The offenders eligible to participate shall be those  
14 offenders who in the discretion of the youth court are suitable  
15 and compulsory-school-age children who have come into the  
16 jurisdiction of the youth court as a result of not attending  
17 school, alcohol use, tobacco use, ungovernable conduct exhibited  
18 towards family members and nonviolent first time misdemeanor  
19 offenses. Offenders must be tested for drugs in order to  
20 participate in the program; however, the results from the testing  
21 would not be made available to teen court participants, except the  
22 offenders that were tested. The teen court shall be a preventive  
23 program for juveniles comprised of youth who are not less than  
24 thirteen (13) nor more than seventeen (17) years of age, which  
25 students shall serve as prosecutor, defense counsel, bailiff,  
26 court clerk and jurors. The program is to administer the  
27 "sentencing" or disposition phase of the proceedings against  
28 offenders who elect to participate, shall be under the guidance of

29 the local youth court, and shall be approved by the local youth  
30 court. The youth court judge, or his designee who is a licensed  
31 attorney, shall preside. The teen court is authorized to require  
32 eligible offenders who choose to go to teen court in lieu of youth  
33 court to perform up to one hundred twelve (112) hours of community  
34 service, require offenders to make a personal apology to a victim,  
35 require offenders to submit a research paper on any relevant  
36 subject, attend counseling and make restitution or any other  
37 disposition authorized by the youth court. The youth court shall  
38 establish rules and regulations, including sentencing guidelines,  
39 for the operation of a teen court. The teen court is authorized  
40 to accept monies from any available public or private source,  
41 including public or private donations, grants, gifts and  
42 appropriated funds for funding expenses of operating the court.

43 Teen court may be held at whatever location the youth court  
44 selects at whatever time or times. Eligible offenders shall be  
45 only those children who agree to participate in the teen court and  
46 to abide by the teen court's rulings, whose parents or legal  
47 guardian shall also so agree, and who are otherwise qualified to  
48 participate.

49 The youth court judge may require an offender who elects to  
50 participate in the teen court to pay a fee not to exceed Five  
51 Dollars (\$5.00); any such fees shall be used in administering this  
52 article, and the fee shall not be refunded, regardless of whether  
53 the child successfully completes the teen court program.

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