

By: Representative Wells-Smith

To: Juvenile Justice

HOUSE BILL NO. 1621

1 AN ACT TO AMEND SECTION 43-21-605, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT ANY CHILD WHO IS ORDERED TO A STATE-SUPPORTED
3 TRAINING SCHOOL MUST HAVE AN ADMISSION PACKET THAT CONTAINS
4 CERTAIN INFORMATION; TO PROVIDE THAT THE PACKET ARRIVE THIRTY-SIX
5 HOURS BEFORE A CHILD IS ADMITTED TO A TRAINING SCHOOL; TO PROVIDE
6 THE HOURS OF ADMISSION FOR A TRAINING SCHOOL; AND FOR RELATED
7 PURPOSES.

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

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

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

13 (a) Release the child without further action;

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

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

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

24 (e) Order terms of supervision which may include
25 participation in a constructive program of service or education or
26 civil fines not in excess of Five Hundred Dollars (\$500.00), or
27 restitution not in excess of actual damages caused by the child to
28 be paid out of his own assets or by performance of services

29 acceptable to the victims and approved by the youth court and
30 reasonably capable of performance within one (1) year;

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

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

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

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

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

61 adjudicated to have committed an act of delinquency in addition to
62 truancy;

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

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

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

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

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

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

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

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

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

117 (5) The youth court shall not place a child in another
118 school district who has been expelled from a school district for
119 the commission of a violent act. For the purpose of this
120 subsection, "violent act" means any action which results in death
121 or physical harm to another or an attempt to cause death or
122 physical harm to another.

123 (6) The youth court may require drug testing as part of a
124 disposition order. If a child tests positive, the court may
125 require treatment, counseling and random testing, as it deems
126 appropriate. The costs of such tests shall be paid by the parent,

127 guardian or custodian of the child unless the court specifically
128 finds that the parent, guardian or custodian is unable to pay.

129 (7) If a child is ordered to a state-supported training
130 school, as prescribed in subsection (1)(g) of this section, the
131 child must have an admission packet that contains the following
132 information before admission is allowed:

133 (a) The child's current medical history, including any
134 medications and diagnosis;

135 (b) The child's cumulative record from the last school
136 of record, including special education records, if applicable;

137 (c) The child's areas of remediation that may be needed
138 based on recommendations given by the child's school of record;

139 (d) The child's disciplinary records from his or her
140 school of record;

141 (e) The child's records of disciplinary actions outside
142 of the school setting; and

143 (f) The child's mental health history.

144 The admission packet must be provided to the appropriate
145 personnel at each training school thirty-six (36) hours before the
146 child is admitted. The admittance of any child to a training
147 school will take place between the hours of 8:00 a.m. and 3:00
148 p.m. on designated admission days.

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