

**Adopted  
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

**House Bill No. 897**

**BY: Committee**

**Amend by striking all after the enacting clause and inserting  
in lieu thereof the following:**

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.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

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.