

By: Senator(s) Barnett

To: Judiciary, Division B

SENATE BILL NO. 2544

1 AN ACT TO AMEND SECTION 43-21-153, MISSISSIPPI CODE OF 1972,
 2 TO CLARIFY THE DISPOSITION OF FINES COLLECTED BY THE YOUTH COURT;
 3 TO AMEND SECTION 43-21-205, MISSISSIPPI CODE OF 1972, TO CLARIFY
 4 PAYMENT OF COURT COSTS, FINES AND FEES IN YOUTH COURT PROCEEDINGS;
 5 TO AMEND SECTION 43-21-605, MISSISSIPPI CODE OF 1972, TO CLARIFY
 6 PAYMENT OF COURT COSTS, FINES AND FEES IN DELINQUENCY CASES; TO
 7 AMEND SECTION 43-21-607, MISSISSIPPI CODE OF 1972, TO CLARIFY
 8 PAYMENT OF COURT COSTS, FINES AND FEES IN
 9 CHILD-IN-NEED-OF-SUPERVISION CASES; TO AMEND SECTION 43-21-615,
 10 MISSISSIPPI CODE OF 1972, TO CLARIFY COSTS OF TREATMENT ORDERED IN
 11 YOUTH COURT CASES; TO AMEND SECTION 43-21-619, MISSISSIPPI CODE OF
 12 1972, TO REVISE THE RESPONSIBILITY OF THE CHILD OR A PARENT,
 13 GUARDIAN OR CUSTODIAN OF THE CHILD TO PAY FOR TREATMENT; TO AMEND
 14 SECTION 43-21-753, MISSISSIPPI CODE OF 1972, TO REVISE THE FEE A
 15 CHILD MIGHT BE ASSESSED FOR PARTICIPATION IN TEEN COURT; AND FOR
 16 RELATED PURPOSES.

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

18 **SECTION 1.** Section 43-21-153, Mississippi Code of 1972, is
 19 amended as follows:

20 43-21-153. (1) The youth court shall have full power and
 21 authority to issue all writs and processes including injunctions
 22 necessary to the exercise of jurisdiction and to carrying out the
 23 purpose of this chapter.

24 (2) Any * * * adult who * * * willfully violates, neglects
 25 or refuses to obey, perform or comply with any order of the youth



26 court shall be in contempt of court and punished by a fine not to
27 exceed five hundred dollars (\$500.00) or by imprisonment in jail
28 not to exceed ninety (90) days, or by both such fine and
29 imprisonment. All collected fines associated with this subsection
30 (2) shall be paid into the general fund of the county as required
31 in Section 261 of the Mississippi Constitution of 1890.

32 **SECTION 2.** Section 43-21-205, Mississippi Code of 1972, is
33 amended as follows:

34 43-21-205. In proceedings under this chapter, except as
35 authorized in Sections 43-21-153 and 43-21-651(1), no court costs,
36 finances or fees shall be charged against any party to a petition,
37 and no salaried officer of the state, county or any municipality,
38 nor any youth court counselor, nor any witness other than an
39 expert witness shall be entitled to receive any fee for any
40 service rendered to the youth court or for attendance in the youth
41 court in any proceedings under this chapter; but the fees of the
42 circuit and chancery clerks in youth court cases originating by
43 petition shall be paid as is provided by law for like services in
44 other cases and shall be paid by the county on allowance of the
45 board of supervisors on an itemized cost bill approved by the
46 judge. These costs shall be paid out of the general fund. No
47 clerk shall be allowed compensation for attendance in youth court.

48 **SECTION 3.** Section 43-21-605, Mississippi Code of 1972, is
49 amended as follows:



50 43-21-605. (1) In delinquency cases, the disposition order
51 may include any of the following alternatives:

52 (a) Release the child without further action;

53 (b) Place the child in the custody of the parents, a
54 relative or other persons subject to any conditions and
55 limitations, including restitution, as the youth court may
56 prescribe;

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

60 (d) Order terms of treatment calculated to assist the
61 child and the child's parents or guardian which are within the
62 ability of the parent or guardian to perform and which are not in
63 conflict with a provider's determination of medical necessity;

64 (e) Order terms of supervision which may include
65 participation in a constructive program of service or
66 education * * * at no cost to the child or a parent, guardian or
67 custodian of the child, or restitution not in excess of actual
68 damages caused by the child to be paid out of his own assets or by
69 performance of services acceptable to the victims and approved by
70 the youth court and reasonably capable of performance within one
71 (1) year;

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



74 (g) Give legal custody of the child to any of the
75 following:

76 (i) The Department of Human Services for
77 appropriate placement; or

78 (ii) Any public or private organization,
79 preferably community-based, able to assume the education, care and
80 maintenance of the child, which has been found suitable by the
81 court; or

82 (iii) The Division of Youth Services for placement
83 in the least restrictive environment, except that no child under
84 the age of twelve (12) years shall be committed to the state
85 training school. Only a child who has been adjudicated delinquent
86 for a felony may be committed to the training school. In the
87 event a child is committed to the Oakley Youth Development Center
88 by the court, the child shall be deemed to be committed to the
89 custody of the Department of Human Services which may place the
90 child in the Oakley Youth Development Center or another
91 appropriate facility.

92 The training school may retain custody of the child until the
93 child's twentieth birthday but for no longer. When the child is
94 committed to the training school, the child shall remain in the
95 legal custody of the training school until the child has made
96 sufficient progress in treatment and rehabilitation and it is in
97 the best interest of the child to release the child. However, the
98 superintendent of the state training school, in consultation with



99 the treatment team, may parole a child at any time he or she may
100 deem it in the best interest and welfare of such child. Ten (10)
101 business days before the parole, the training school shall notify
102 the committing court of the pending release. This notice may be
103 made in less than ten (10) days if Oakley Youth Development Center
104 needs to manage population limitations. The youth court may then
105 arrange subsequent placement after a reconvened disposition
106 hearing, except that the youth court may not recommit the child to
107 the training school or any other secure facility without an
108 adjudication of a new offense or probation or parole violation.
109 The Department of Human Services shall ensure that staffs create
110 transition planning for youth leaving the facilities. Plans shall
111 include providing the youth and his or her parents or guardian
112 with copies of the youth's training school education and health
113 records, information regarding the youth's home community,
114 referrals to mental and counseling services when appropriate, and
115 providing assistance in making initial appointments with community
116 service providers. Before assigning the custody of any child to
117 any private institution or agency, the youth court through its
118 designee shall first inspect the physical facilities to determine
119 that they provide a reasonable standard of health and safety for
120 the child. No child shall be placed in the custody of the state
121 training school for a status offense or for contempt of or
122 revocation of a status offense adjudication unless the child is
123 contemporaneously adjudicated for having committed an act of



124 delinquency that is not a status offense. A disposition order
125 rendered under this subparagraph shall meet the following
126 requirements:

127 1. The disposition is the least restrictive
128 alternative appropriate to the best interest of the child and the
129 community;

130 2. The disposition allows the child to be in
131 reasonable proximity to the family home community of each child
132 given the dispositional alternatives available and the best
133 interest of the child and the state; and

134 3. The disposition order provides that the
135 court has considered the medical, educational, vocational, social
136 and psychological guidance, training, social education,
137 counseling, substance abuse treatment and other rehabilitative
138 services required by that child as determined by the court;

139 (h) Recommend to the child and the child's parents or
140 guardian that the child attend and participate in the Youth
141 Challenge Program under the Mississippi National Guard, as created
142 in Section 43-27-203, subject to the selection of the child for
143 the program by the National Guard; however, the child must
144 volunteer to participate in the program. The youth court shall
145 not order any child to apply for or attend the program;

146 (i) Adjudicate the juvenile to the Statewide Juvenile
147 Work Program if the program is established in the court's
148 jurisdiction. The juvenile and his or her parents or guardians



149 must sign a waiver of liability in order to participate in the
150 work program. The judge will coordinate with the youth services
151 counselors as to placing participants in the work program * * *.
152 The severity of the crime, whether or not the juvenile is a repeat
153 offender or is a felony offender will be taken into consideration
154 by the judge when adjudicating a juvenile to the work program.
155 The juveniles adjudicated to the work program will be supervised
156 by police officers or reserve officers. The term of service will
157 be from twenty-four (24) to one hundred twenty (120) hours of
158 community service. A juvenile will work the hours to which he or
159 she was adjudicated on the weekends during school and weekdays
160 during the summer. Parents are responsible for a juvenile
161 reporting for work. Noncompliance with an order to perform
162 community service will result in a heavier adjudication. A
163 juvenile may be adjudicated to the community service program only
164 two (2) times;

165 * * *

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

168 (k) Order terms of house arrest under the intensive
169 supervision program as created in Sections 47-5-1001 through
170 47-5-1015. The Department of Human Services shall take bids for
171 the placement of juveniles in the intensive supervision program.
172 The Department of Human Services shall promulgate rules regarding
173 the supervision of juveniles placed in the intensive supervision



174 program. For each county there shall be seventy-five (75) slots
175 created in the intensive supervision program for juveniles. Any
176 youth ordered into the intensive home-based supervision program
177 shall receive comprehensive strength-based needs assessments and
178 individualized treatment plans. Based on the assessment, an
179 individualized treatment plan shall be developed that defines the
180 supervision and programming that is needed by a youth. The
181 treatment plan shall be developed by a multidisciplinary team that
182 includes the family of the youth whenever possible. * * * No
183 cost, fees or monetary assessments associated with programs under
184 this paragraph (k) shall be imposed on the child or a parent,
185 guardian or custodian of the child. The juvenile must attend
186 school, alternative school or be in the process of working toward
187 a High School Equivalency Diploma certificate;

188 (1) (i) Order the child into a juvenile detention
189 center operated by the county or into a juvenile detention center
190 operated by any county with which the county in which the court is
191 located has entered into a contract for the purpose of housing
192 delinquents, except that a child under the age of twelve (12)
193 years cannot be held in secure detention as a disposition. The
194 time period for detention cannot exceed ninety (90) days, and any
195 detention exceeding forty-five (45) days shall be administratively
196 reviewed by the youth court no later than forty-five (45) days
197 after the entry of the order. At that time the youth court
198 counselor shall review the status of the youth in detention and



199 shall report any concerns to the court. The youth court judge may
200 order that the number of days specified in the detention order be
201 served either throughout the week or on weekends only. No
202 first-time nonviolent youth offender shall be committed to a
203 detention center for a period in excess of ninety (90) days until
204 all other options provided for in this section have been
205 considered and the court makes a specific finding of fact by a
206 preponderance of the evidence by assessing what is in the best
207 rehabilitative interest of the child and the public safety of
208 communities and that there is no reasonable alternative to a
209 nonsecure setting and therefore commitment to a detention center
210 is appropriate.

211 (ii) If a child is committed to a detention center
212 for ninety (90) days, the disposition order shall meet the
213 following requirements:

214 1. The disposition order is the least
215 restrictive alternative appropriate to the best interest of the
216 child and the community;

217 2. The disposition order allows the child to
218 be in reasonable proximity to the family home community of each
219 child given the dispositional alternatives available and the best
220 interest of the child and the state; and

221 3. The disposition order provides that the
222 court has considered the medical, educational, vocational, social
223 and psychological guidance, training, social education,



224 counseling, substance abuse treatment and other rehabilitative
225 services required by that child as determined by the court;

226 (m) The judge may consider house arrest in an intensive
227 supervision program as a reasonable prospect of rehabilitation
228 within the juvenile justice system. The Department of Human
229 Services shall promulgate rules regarding the supervision of
230 juveniles placed in the intensive supervision program, but shall
231 not assess any fines, fees or costs against the child or a parent,
232 guardian or custodian of the child;

233 (n) Referral to A-team provided system of care services
234 at no cost to the child or a parent, guardian or custodian of the
235 child; or

236 (o) Place the child on electronic monitoring subject to
237 any conditions and limitations as the youth court may prescribe.

238 (2) If a disposition order requires that a child miss school
239 due to other placement, the youth court shall notify a child's
240 school while maintaining the confidentiality of the youth court
241 process. If a disposition order requires placement of a child in
242 a juvenile detention facility, the facility shall comply with the
243 educational services and notification requirements of Section
244 43-21-321.

245 (3) In addition to any of the disposition alternatives
246 authorized under subsection (1) of this section, the disposition
247 order in any case in which the child is adjudicated delinquent for
248 an offense under Section 63-11-30 shall include an order denying



249 the driver's license and driving privileges of the child as
250 required under Section 63-11-30(9).

251 (4) If the youth court places a child in a state-supported
252 training school, the court may order the parents or guardians of
253 the child and other persons living in the child's household to
254 receive counseling and parenting classes for rehabilitative
255 purposes while the child is in the legal custody of the training
256 school. A youth court entering an order under this subsection (4)
257 shall utilize appropriate services offered * * * at no cost * * *
258 to the child or a parent, guardian or custodian of a child unless
259 the person ordered to participate elects to receive other
260 counseling and classes acceptable to the court at the person's
261 sole expense.

262 (5) * * * Pursuant to Section 43-21-205, any disposition
263 orders or disposition alternatives outlined in this chapter shall
264 be ordered at no cost to the child or a parent, guardian or
265 custodian of the child.

266 (6) Any institution or agency to which a child has been
267 committed shall give to the youth court any information concerning
268 the child as the youth court may at any time require.

269 (7) The youth court shall not place a child in another
270 school district who has been expelled from a school district for
271 the commission of a violent act. For the purpose of this
272 subsection, "violent act" means any action which results in death



273 or physical harm to another or an attempt to cause death or
274 physical harm to another.

275 (8) The youth court may require drug testing as part of a
276 disposition order. If a child tests positive, the court may
277 require treatment, counseling and random testing, as it deems
278 appropriate. The costs of such tests shall not be paid by the
279 child or a parent, guardian or custodian of the child * * *.

280 (9) The Mississippi Department of Human Services, Division
281 of Youth Services, shall operate and maintain services for youth
282 adjudicated delinquent at the Oakley Youth Development Center.
283 The program shall be designed for children committed to the
284 training schools by the youth courts. The purpose of the program
285 is to promote good citizenship, self-reliance, leadership and
286 respect for constituted authority, teamwork, cognitive abilities
287 and appreciation of our national heritage. The program must use
288 evidenced-based practices and gender-specific programming and must
289 develop an individualized and specific treatment plan for each
290 youth. The Division of Youth Services shall issue credit towards
291 academic promotions and high school completion. The Division of
292 Youth Services may award credits to each student who meets the
293 requirements for a general education development certification.
294 The Division of Youth Services must also provide to each special
295 education eligible youth the services required by that youth's
296 individualized education plan.



297 **SECTION 4.** Section 43-21-607, Mississippi Code of 1972, is
298 amended as follows:

299 43-21-607. (1) In children in need of supervision cases,
300 the disposition order may include any of the following
301 alternatives or combination of the following alternatives, giving
302 precedence in the following sequence:

303 (a) Release the child without further action;

304 (b) Place the child in the custody of the parent, a
305 relative or other person subject to any conditions and limitations
306 as the youth court may prescribe;

307 (c) Place the child under youth court supervision
308 subject to any conditions and limitations the youth court may
309 prescribe;

310 (d) Order terms of treatment calculated to assist the
311 child and the child's parent, guardian or custodian which are
312 within the ability of the parent, guardian or custodian to
313 perform;

314 (e) Order terms of supervision which may include
315 participation in a constructive program of service or education or
316 restitution not in excess of actual damages caused by the child to
317 be paid out of his own assets or by performance of services
318 acceptable to the parties and reasonably capable of performance
319 within one (1) year;

320 (f) Give legal custody of the child to any of the
321 following but in no event to any state training school;



322 (i) The Department of Human Services for
323 appropriate placement which may include a wilderness training
324 program at no cost to the child or a parent or guardian of the
325 child; or

326 (ii) Any private or public organization,
327 preferably community-based, able to assume the education, care and
328 maintenance of the child, which has been found suitable by the
329 court at no cost to the child or a parent, guardian or custodian
330 of the child. Prior to assigning the custody of any child to any
331 private institution or agency, the youth court through its
332 designee shall first inspect the physical facilities to determine
333 that they provide a reasonable standard of health and safety for
334 the child; or

335 (g) Order the child to participate in a youth court
336 work program as provided in Section 43-21-627.

337 (2) The court may order drug testing as provided in Section
338 43-21-605(* * *8) at no cost to the child or a parent, guardian
339 or custodian of the child.

340 **SECTION 5.** Section 43-21-615, Mississippi Code of 1972, is
341 amended as follows:

342 43-21-615. (1) The costs of conveying any child committed
343 to any institution or agency shall be paid by the county * * *
344 from which the child is committed out of the general treasury of
345 the county * * * upon approval of the court. No compensation
346 shall be allowed beyond the actual and necessary expenses of the



347 child and the person actually conveying the child. In the case of
348 a female child, the youth court shall designate some suitable
349 woman to accompany her to the institution or agency.

350 (2) Whenever a child is adjudicated delinquent and
351 committed by the youth court to the custody of any person or
352 agency other than the custody of a state training school, * * *
353 the cost, or any portion of the cost, of any medical or behavioral
354 treatment or counseling ordered under this chapter shall be billed
355 to any public or private insurance to which the child is enrolled.
356 If the child is eligible for public insurance, but is not
357 enrolled, the youth court's designee must assist the parent,
358 guardian or custodian in enrolling the child in the public
359 insurance. If an enrollment request is submitted for an uninsured
360 child, any nonurgent medical treatment, counseling or other
361 services eligible for coverage by the insurance shall be deferred
362 by the court for no longer than sixty (60) days after the
363 enrollment request is submitted.

364 The court may order urgent medical treatment that cannot be
365 deferred or other medical or behavioral treatment or counseling
366 deemed necessary by the court that is not covered by insurance
367 only after holding a mandatory hearing on the record to determine
368 that the child, parent, guardian or custodian has the ability to
369 pay for the services or treatment ordered. If the child, parent,
370 guardian or custodian is determined unable to pay for the services
371 or treatment ordered by the court after the hearing, the cost of



372 the ordered treatment or services must be paid by county from
373 which the child is committed out of the county's general fund.

374 **SECTION 6.** Section 43-21-619, Mississippi Code of 1972, is
375 amended as follows:

376 43-21-619. (1) The youth court * * * shall not order * * *
377 parents to pay for court ordered medical and other examinations
378 and treatment of a child; for reasonable attorney's fees and court
379 costs; and for other expenses found necessary or appropriate in
380 the best interest of the child as determined by the youth
381 court. * * *

382 (2) The youth court may order the parents, guardians or
383 custodians who exercise parental custody and control of a child
384 who is under the jurisdiction of the youth court and who has
385 willfully or maliciously caused personal injury or damaged or
386 destroyed property, to pay such damages or restitution through the
387 court to the victim in an amount not to exceed the actual loss and
388 to enforce payment thereof. Restitution ordered by the youth
389 court under this section shall not preclude recovery of damages by
390 the victim from such child or parent, guardian or custodian or
391 other person who would otherwise be liable. The youth court also
392 may order the parents, guardians or custodians of a child who is
393 under the jurisdiction of the youth court and who willfully or
394 maliciously has caused personal injury or damaged or destroyed
395 property to participate in a counseling program or other suitable
396 family treatment program for the purpose of preventing future



397 occurrences of malicious destruction of property or personal
398 injury. Whenever a child is adjudicated delinquent, the cost, or
399 any portion of the costs associated with a court's order to
400 participate in a counseling program or other suitable
401 family-treatment program for the purpose of preventing future
402 occurrence of malicious destruction of property or personal injury
403 may not be charged to the child or a parent, guardian or custodian
404 of the child.

405 (3) Such orders under this section shall constitute a civil
406 judgment and may be enrolled on the judgment rolls in the office
407 of the circuit clerk of the county where such order was entered,
408 and further, such order may be enforced in any manner provided by
409 law for civil judgments.

410 **SECTION 7.** Section 43-21-753, Mississippi Code of 1972, is
411 amended as follows:

412 43-21-753. The youth court of any county in the state may
413 establish a teen court program for the diversion of certain
414 offenders who have waived all right of confidentiality and
415 privilege against self-incrimination. The youth court of Rankin
416 County may extend its teen court program within the city limits of
417 Pearl. The offenders eligible to participate shall be those
418 offenders who in the discretion of the youth court are suitable
419 and compulsory-school-age children who have come into the
420 jurisdiction of the youth court as a result of not attending
421 school. The teen court shall be a preventive program for



422 juveniles comprised of youth who are not less than thirteen (13)
423 nor more than seventeen (17) years of age, which students shall
424 serve as prosecutor, defense counsel, bailiff, court clerk and
425 jurors. The program is to administer the "sentencing" or
426 disposition phase of the proceedings against offenders who elect
427 to participate, shall be under the guidance of the local youth
428 court, and shall be approved by the local youth court. The youth
429 court judge, or his designee who is a licensed attorney, shall
430 preside. The teen court is authorized to require eligible
431 offenders who choose to go to teen court in lieu of youth court to
432 perform up to one hundred twelve (112) hours of community service,
433 require offenders to make a personal apology to a victim, require
434 offenders to submit a research paper on any relevant subject,
435 attend counseling and make restitution or any other disposition
436 authorized by the youth court. The youth court shall establish
437 rules and regulations, including sentencing guidelines, for the
438 operation of a teen court. The teen court is authorized to accept
439 monies from any available public or private source, including
440 public or private donations, grants, gifts and appropriated funds
441 for funding expenses of operating the court.

442 Teen court may be held at whatever location the youth court
443 selects at whatever time or times. Eligible offenders shall be
444 only those children who agree to participate in the teen court and
445 to abide by the teen court's rulings, whose parents or legal



446 guardian shall also so agree, and who are otherwise qualified to
447 participate.

448 * * *

449 **SECTION 8.** This act shall take effect and be in force from
450 and after July 1, 2022.

