

By: Representative Hines

To: Juvenile Justice;  
AppropriationsHOUSE BILL NO. 244  
(As Sent to Governor)

1 AN ACT TO DISCONTINUE THE USE OF COLUMBIA TRAINING SCHOOL AS  
2 A SECURE TRAINING SCHOOL FOR ALL JUVENILE DELINQUENTS; TO PROVIDE  
3 THAT ALL YOUTH COMMITTED TO TRAINING SCHOOL SHALL BE HOUSED AT  
4 OAKLEY TRAINING SCHOOL; TO REQUIRE OAKLEY TRAINING SCHOOL TO  
5 PROVIDE GENDER SPECIFIC TREATMENT FOR YOUTH ADJUDICATED  
6 DELINQUENT; TO PROVIDE THAT THE COLUMBIA TRAINING SCHOOL PROPERTY  
7 SHALL BE USED AS A SHORT-TERM PRERELEASE CENTER FOR CERTAIN  
8 NONVIOLENT MALE OFFENDERS WHO ARE COMMITTED TO THE DEPARTMENT OF  
9 CORRECTIONS; TO PROVIDE THAT OTHER PARTS OF SUCH PROPERTY MAY BE  
10 LEASED OR TRANSFERRED TO ANY POLITICAL SUBDIVISION; TO AMEND  
11 SECTION 43-21-605, MISSISSIPPI CODE OF 1972, AS AMENDED BY HOUSE  
12 BILL NO. 348, 2008 REGULAR SESSION, TO REQUIRE THAT DISPOSITION  
13 ORDERS MEET A CERTAIN STANDARD REGARDLESS OF HOW LONG A CHILD IS  
14 COMMITTED TO A DETENTION CENTER; TO REQUIRE THAT OAKLEY TRAINING  
15 SCHOOL USE EVIDENCED-BASED PRACTICES AND GENDER SPECIFIC  
16 PROGRAMMING; AND FOR RELATED PURPOSES.

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

18 **SECTION 1.** (1) The purpose of this section is to ensure  
19 that Mississippi's juvenile justice system is cost-efficient and  
20 effective at reducing juvenile crime and to create a continuum of  
21 options for Mississippi's youth court judges so that they are  
22 better equipped to protect our communities and to care for our  
23 children.

24 (2) The Columbia Training School shall no longer operate as  
25 a secure training school for juvenile delinquents. All youth,  
26 both male and female, committed to the custody of the Department  
27 of Human Services and adjudicated to training school shall be  
28 housed at the Oakley Training School. The Oakley Training School  
29 shall provide gender-specific treatment for youth who are  
30 adjudicated delinquent.

31 (3) A portion of the Columbia Training School property and  
32 facilities may be used as a short-term prerelease center or  
33 half-way house for nonviolent male offenders committed to the



34 Department of Corrections who are within one (1) year of their  
35 release dates for the purpose of assisting them to prepare for  
36 release and reentering their communities. A portion of the  
37 Columbia Training School property and facilities also may be used  
38 as or leased to a private entity for use as a substance treatment  
39 and rehabilitation center for nonviolent male offenders.

40 (4) Any portion of Columbia Training School property and  
41 facilities that are not used as a prerelease center, a half-way  
42 house or is not leased to a private entity as provided in  
43 subsection (3) of this section may be transferred or leased to any  
44 political subdivision of this state.

45 **SECTION 2.** Section 43-21-605, Mississippi Code of 1972, as  
46 amended by House Bill No. 348, 2008 Regular Session, is amended as  
47 follows:

48 43-21-605. (1) In delinquency cases, the disposition order  
49 may include any of the following alternatives:

50 (a) Release the child without further action;

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

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

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

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



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

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

70 (g) Give legal custody of the child to any of the  
71 following:

72 (i) The Department of Human Services for  
73 appropriate placement; or

74 (ii) Any public or private organization,  
75 preferably community-based, able to assume the education, care and  
76 maintenance of the child, which has been found suitable by the  
77 court; or

78 (iii) \* \* \* The Division of Youth Services for  
79 placement in a state-supported training school, except that no  
80 child under the age of ten (10) years shall be committed to a  
81 state training school, and no first-time nonviolent youth  
82 offenders shall be committed to a state training school until all  
83 other options provided for in this section have been considered  
84 and the court makes a specific finding of fact that commitment is  
85 appropriate.

86 The training school may retain custody of the child until the  
87 child's twentieth birthday but for no longer. When the child is  
88 committed to a training school, the child shall remain in the  
89 legal custody of the training school until the child has made  
90 sufficient progress in treatment and rehabilitation and it is in  
91 the best interest of the child to release the child. However, the  
92 superintendent of a state training school, in consultation with  
93 the treatment team, may parole a child at any time he may deem it  
94 in the best interest and welfare of such child. Twenty (20) days  
95 prior to such parole, the training school shall notify the  
96 committing court of the pending release. The youth court may then  
97 arrange subsequent placement after a reconvened disposition  
98 hearing, except that the youth court may not recommit the child to



99 the training school or any other secure facility without an  
100 adjudication of a new offense or probation or parole violation.  
101 The Department of Human Services shall ensure that staffs create  
102 transition planning for youth leaving the facilities. Plans shall  
103 include providing the youth and his or her parents or guardian  
104 with copies of the youth's training school education and health  
105 records, information regarding the youth's home community,  
106 referrals to mental and counseling services when appropriate, and  
107 providing assistance in making initial appointments with community  
108 service providers. Prior to assigning the custody of any child to  
109 any private institution or agency, the youth court through its  
110 designee shall first inspect the physical facilities to determine  
111 that they provide a reasonable standard of health and safety for  
112 the child. No child shall be placed in the custody of a state  
113 training school for a status offense or for contempt of or  
114 revocation of a status offense adjudication unless the child is  
115 contemporaneously adjudicated for having committed an act of  
116 delinquency that is not a status offense. A disposition order  
117 rendered under this subparagraph shall meet the following  
118 requirements:

119                   1. The disposition is the least restrictive  
120 alternative appropriate to the best interest of the child and the  
121 community;

122                   2. The disposition allows the child to be in  
123 reasonable proximity to the family home community of each child  
124 given the dispositional alternatives available and the best  
125 interest of the child and the state; and

126                   3. The disposition order provides that the  
127 court has considered the medical, educational, vocational, social  
128 and psychological guidance, training, social education,  
129 counseling, substance abuse treatment and other rehabilitative  
130 services required by that child as determined by the court;



131           (h) Recommend to the child and the child's parents or  
132 guardian that the child attend and participate in the Youth  
133 Challenge Program under the Mississippi National Guard, as created  
134 in Section 43-27-203, subject to the selection of the child for  
135 the program by the National Guard; however, the child must  
136 volunteer to participate in the program. The youth court shall  
137 not order any child to apply for or attend the program;

138           (i) (i) Adjudicate the juvenile to the Statewide  
139 Juvenile Work Program if the program is established in the court's  
140 jurisdiction. The juvenile and his parents or guardians must sign  
141 a waiver of liability in order to participate in the work program.  
142 The judge will coordinate with the youth services counselors as to  
143 placing participants in the work program;

144           (ii) The severity of the crime, whether or not the  
145 juvenile is a repeat offender or is a felony offender will be  
146 taken into consideration by the judge when adjudicating a juvenile  
147 to the work program. The juveniles adjudicated to the work  
148 program will be supervised by police officers or reserve officers.  
149 The term of service will be from twenty-four (24) to one hundred  
150 twenty (120) hours of community service. A juvenile will work the  
151 hours to which he was adjudicated on the weekends during school  
152 and weekdays during the summer. Parents are responsible for a  
153 juvenile reporting for work. Noncompliance with an order to  
154 perform community service will result in a heavier adjudication.  
155 A juvenile may be adjudicated to the community service program  
156 only two (2) times;

157           (iii) The judge shall assess an additional fine on  
158 the juvenile which will be used to pay the costs of implementation  
159 of the program and to pay for supervision by police officers and  
160 reserve officers. The amount of the fine will be based on the  
161 number of hours to which the juvenile has been adjudicated;

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



164 (k) Order the child into a juvenile detention center  
165 operated by the county or into a juvenile detention center  
166 operated by any county with which the county in which the court is  
167 located has entered into a contract for the purpose of housing  
168 delinquents. The time period for detention cannot exceed ninety  
169 (90) days, and any detention exceeding forty-five (45) days shall  
170 be administratively reviewed by the youth court no later than  
171 forty-five (45) days after the entry of the order. The youth  
172 court judge may order that the number of days specified in the  
173 detention order be served either throughout the week or on  
174 weekends only. No first-time nonviolent youth offender shall be  
175 committed to a detention center for a period of ninety (90) days  
176 until all other options provided for in this section have been  
177 considered and the court makes a specific finding of fact that  
178 commitment to a detention center is appropriate. However, if a  
179 child is committed to a detention center for ninety (90) \* \* \*  
180 days, the disposition order shall meet the following requirements:

181 (i) The disposition order is the least restrictive  
182 alternative appropriate to the best interest of the child and the  
183 community;

184 (ii) The disposition order allows the child to be  
185 in reasonable proximity to the family home community of each child  
186 given the dispositional alternatives available and the best  
187 interest of the child and the state; and

188 (iii) The disposition order provides that the  
189 court has considered the medical, educational, vocational, social  
190 and psychological guidance, training, social education,  
191 counseling, substance abuse treatment and other rehabilitative  
192 services required by that child as determined by the court; or

193 (1) The judge may consider house arrest in an intensive  
194 supervision program as a reasonable prospect of rehabilitation  
195 within the juvenile justice system. The Department of Human



196 Services shall promulgate rules regarding the supervision of  
197 juveniles placed in the intensive supervision program.

198           (m) Referral to A-team provided system of care  
199 services.

200           (2) If a disposition order requires that a child miss school  
201 due to other placement, the youth court shall notify a child's  
202 school while maintaining the confidentiality of the youth court  
203 process. If a disposition order requires placement of a child in  
204 a juvenile detention facility, the facility shall comply with the  
205 educational services and notification requirements of Section  
206 43-21-321.

207           (3) In addition to any of the disposition alternatives  
208 authorized under subsection (1) of this section, the disposition  
209 order in any case in which the child is adjudicated delinquent for  
210 an offense under Section 63-11-30 shall include an order denying  
211 the driver's license and driving privileges of the child as  
212 required under Section 63-11-30(9).

213           (4) If the youth court places a child in a state-supported  
214 training school, the court may order the parents or guardians of  
215 the child and other persons living in the child's household to  
216 receive counseling and parenting classes for rehabilitative  
217 purposes while the child is in the legal custody of the training  
218 school. A youth court entering an order under this subsection (4)  
219 shall utilize appropriate services offered either at no cost or  
220 for a fee calculated on a sliding scale according to income unless  
221 the person ordered to participate elects to receive other  
222 counseling and classes acceptable to the court at the person's  
223 sole expense.

224           (5) Fines levied under this chapter shall be paid into the  
225 general fund of the county but, in those counties wherein the  
226 youth court is a branch of the municipal government, it shall be  
227 paid into the municipal treasury.



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

231           (7) The youth court shall not place a child in another  
232 school district who has been expelled from a school district for  
233 the commission of a violent act. For the purpose of this  
234 subsection, "violent act" means any action which results in death  
235 or physical harm to another or an attempt to cause death or  
236 physical harm to another.

237           (8) The youth court may require drug testing as part of a  
238 disposition order. If a child tests positive, the court may  
239 require treatment, counseling and random testing, as it deems  
240 appropriate. The costs of such tests shall be paid by the parent,  
241 guardian or custodian of the child unless the court specifically  
242 finds that the parent, guardian or custodian is unable to pay.

243           (9) The Mississippi Department of Human Services, Division  
244 of Youth Services, shall operate and maintain services for youth  
245 adjudicated delinquent at \* \* \* Oakley Training School. The  
246 program shall be designed for children committed to the training  
247 schools by the youth courts. The purpose of the program is to  
248 promote good citizenship, self-reliance, leadership and respect  
249 for constituted authority, teamwork, cognitive abilities and  
250 appreciation of our national heritage. The program must use  
251 evidenced-based practices and gender-specific programming and must  
252 develop an individualized and specific treatment plan for each  
253 female youth. The Division of Youth Services shall issue credit  
254 towards academic promotions and high school completion. The  
255 Division of Youth Services may award credits to each student who  
256 meets the requirements for a general education development  
257 certification. The Division of Youth Services must also provide  
258 to each special education eligible youth the services required by  
259 that youth's individualized education plan.





260           **SECTION 3.** This act shall take effect and be in force from  
261 and after July 1, 2008.

