

By: Representatives Hines, Clarke

To: Juvenile Justice

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 420

1 AN ACT TO AMEND SECTION 43-21-605, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT JUVENILE OFFENDERS MAY BE SENTENCED TO THE
3 INTENSIVE SUPERVISION PROGRAM ADMINISTERED BY THE DEPARTMENT OF
4 HUMAN SERVICES; TO PROVIDE THAT THE MINIMUM SENTENCE UNDER THIS
5 PROGRAM SHALL BE SIX MONTHS FOR JUVENILE OFFENDERS; TO REQUIRE
6 JUVENILE OFFENDERS TO PAY \$10.00 FOR THE TEST; TO AMEND SECTION
7 47-5-1003, MISSISSIPPI CODE OF 1972, TO ALLOW JUVENILE OFFENDERS
8 TO PARTICIPATE IN THE INTENSIVE SUPERVISION PROGRAM; TO AMEND
9 SECTION 47-5-1007, MISSISSIPPI CODE OF 1972, TO REQUIRE JUVENILE
10 OFFENDERS TO PAY A MONTHLY FEE FOR PARTICIPATION IN SUCH PROGRAM;
11 TO AMEND SECTION 47-5-1013, MISSISSIPPI CODE OF 1972, IN
12 CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

14 **SECTION 1.** Section 43-21-605, Mississippi Code of 1972, is
15 amended as follows:

16 **[Until July 1, 2010, through June 30, 2011, this section**
17 **shall read as follows:]**

18 43-21-605. (1) In delinquency cases, the disposition order
19 may include any of the following alternatives:

20 (a) Release the child without further action;

21 (b) Place the child in the custody of the parents, a
22 relative or other persons subject to any conditions and
23 limitations, including restitution, as the youth court may
24 prescribe;

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

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



31 (e) Order terms of supervision which may include
32 participation in a constructive program of service or education or
33 civil fines not in excess of Five Hundred Dollars (\$500.00), or
34 restitution not in excess of actual damages caused by the child to
35 be paid out of his own assets or by performance of services
36 acceptable to the victims and approved by the youth court and
37 reasonably capable of performance within one (1) year;

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

40 (g) Give legal custody of the child to any of the
41 following:

42 (i) The Department of Human Services for
43 appropriate placement; or

44 (ii) Any public or private organization,
45 preferably community-based, able to assume the education, care and
46 maintenance of the child, which has been found suitable by the
47 court; or

48 (iii) The Division of Youth Services for placement
49 in the least restrictive environment, except that no child under
50 the age of ten (10) years shall be committed to the state training
51 school. Only a child who has been adjudicated delinquent for a
52 felony or who has been adjudicated delinquent three (3) or more
53 times for a misdemeanor offense may be committed to the training
54 school. For the purposes of this section, a misdemeanor offense
55 does not include contempt of court for a probation violation,
56 unless the probation violation constitutes a charge that would be
57 a crime if committed by an adult. In the event a child is
58 committed to the Oakley Training School by the court, the child
59 shall be deemed to be committed to the custody of the Department
60 of Human Services which may place the child in the Oakley Training
61 School or another appropriate facility.

62 The training school may retain custody of the child until the
63 child's twentieth birthday but for no longer. When the child is



64 committed to the training school, the child shall remain in the
65 legal custody of the training school until the child has made
66 sufficient progress in treatment and rehabilitation and it is in
67 the best interest of the child to release the child. However, the
68 superintendent of the state training school, in consultation with
69 the treatment team, may parole a child at any time he or she may
70 deem it in the best interest and welfare of such child. Ten (10)
71 business days prior to such parole, the training school shall
72 notify the committing court of the pending release. The youth
73 court may then arrange subsequent placement after a reconvened
74 disposition hearing, except that the youth court may not recommit
75 the child to the training school or any other secure facility
76 without an adjudication of a new offense or probation or parole
77 violation. The Department of Human Services shall ensure that
78 staffs create transition planning for youth leaving the
79 facilities. Plans shall include providing the youth and his or
80 her parents or guardian with copies of the youth's training school
81 education and health records, information regarding the youth's
82 home community, referrals to mental and counseling services when
83 appropriate, and providing assistance in making initial
84 appointments with community service providers. Prior to assigning
85 the custody of any child to any private institution or agency, the
86 youth court through its designee shall first inspect the physical
87 facilities to determine that they provide a reasonable standard of
88 health and safety for the child. No child shall be placed in the
89 custody of the state training school for a status offense or for
90 contempt of or revocation of a status offense adjudication unless
91 the child is contemporaneously adjudicated for having committed an
92 act of delinquency that is not a status offense. A disposition
93 order rendered under this subparagraph shall meet the following
94 requirements:



95 1. The disposition is the least restrictive
96 alternative appropriate to the best interest of the child and the
97 community;

98 2. The disposition allows the child to be in
99 reasonable proximity to the family home community of each child
100 given the dispositional alternatives available and the best
101 interest of the child and the state; and

102 3. The disposition order provides that the
103 court has considered the medical, educational, vocational, social
104 and psychological guidance, training, social education,
105 counseling, substance abuse treatment and other rehabilitative
106 services required by that child as determined by the court;

107 (h) Recommend to the child and the child's parents or
108 guardian that the child attend and participate in the Youth
109 Challenge Program under the Mississippi National Guard, as created
110 in Section 43-27-203, subject to the selection of the child for
111 the program by the National Guard; however, the child must
112 volunteer to participate in the program. The youth court shall
113 not order any child to apply for or attend the program;

114 (i) (i) Adjudicate the juvenile to the Statewide
115 Juvenile Work Program if the program is established in the court's
116 jurisdiction. The juvenile and his or her parents or guardians
117 must sign a waiver of liability in order to participate in the
118 work program. The judge will coordinate with the youth services
119 counselors as to placing participants in the work program;

120 (ii) The severity of the crime, whether or not the
121 juvenile is a repeat offender or is a felony offender will be
122 taken into consideration by the judge when adjudicating a juvenile
123 to the work program. The juveniles adjudicated to the work
124 program will be supervised by police officers or reserve officers.
125 The term of service will be from twenty-four (24) to one hundred
126 twenty (120) hours of community service. A juvenile will work the
127 hours to which he or she was adjudicated on the weekends during



128 school and weekdays during the summer. Parents are responsible
129 for a juvenile reporting for work. Noncompliance with an order to
130 perform community service will result in a heavier adjudication.
131 A juvenile may be adjudicated to the community service program
132 only two (2) times;

133 (iii) The judge shall assess an additional fine on
134 the juvenile which will be used to pay the costs of implementation
135 of the program and to pay for supervision by police officers and
136 reserve officers. The amount of the fine will be based on the
137 number of hours to which the juvenile has been adjudicated;

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

140 (k) Order the child into a juvenile detention center
141 operated by the county or into a juvenile detention center
142 operated by any county with which the county in which the court is
143 located has entered into a contract for the purpose of housing
144 delinquents. The time period for detention cannot exceed ninety
145 (90) days, and any detention exceeding forty-five (45) days shall
146 be administratively reviewed by the youth court no later than
147 forty-five (45) days after the entry of the order. At that time
148 the youth court counselor shall review the status of the youth in
149 detention and shall report any concerns to the court. The youth
150 court judge may order that the number of days specified in the
151 detention order be served either throughout the week or on
152 weekends only. No first-time nonviolent youth offender shall be
153 committed to a detention center for a period in excess of ninety
154 (90) days until all other options provided for in this section
155 have been considered and the court makes a specific finding of
156 fact by a preponderance of the evidence by assessing what is in
157 the best rehabilitative interest of the child and the public
158 safety of communities and that there is no reasonable alternative
159 to a nonsecure setting and therefore commitment to a detention
160 center is appropriate.



161 If a child is committed to a detention center for ninety (90)
162 days, the disposition order shall meet the following requirements:

163 (i) The disposition order is the least restrictive
164 alternative appropriate to the best interest of the child and the
165 community;

166 (ii) The disposition order allows the child to be
167 in reasonable proximity to the family home community of each child
168 given the dispositional alternatives available and the best
169 interest of the child and the state; and

170 (iii) The disposition order provides that the
171 court has considered the medical, educational, vocational, social
172 and psychological guidance, training, social education,
173 counseling, substance abuse treatment and other rehabilitative
174 services required by that child as determined by the court;

175 (1) The judge may consider house arrest in an intensive
176 supervision program as a reasonable prospect of rehabilitation
177 within the juvenile justice system. The Department of Human
178 Services shall promulgate rules regarding the supervision of
179 juveniles placed in the intensive supervision program; or

180 (m) Referral to A-team provided system of care
181 services.

182 (2) If a disposition order requires that a child miss school
183 due to other placement, the youth court shall notify a child's
184 school while maintaining the confidentiality of the youth court
185 process. If a disposition order requires placement of a child in
186 a juvenile detention facility, the facility shall comply with the
187 educational services and notification requirements of Section
188 43-21-321.

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



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

195 (4) If the youth court places a child in a state-supported
196 training school, the court may order the parents or guardians of
197 the child and other persons living in the child's household to
198 receive counseling and parenting classes for rehabilitative
199 purposes while the child is in the legal custody of the training
200 school. A youth court entering an order under this subsection (4)
201 shall utilize appropriate services offered either at no cost or
202 for a fee calculated on a sliding scale according to income unless
203 the person ordered to participate elects to receive other
204 counseling and classes acceptable to the court at the person's
205 sole expense.

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

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

213 (7) The youth court shall not place a child in another
214 school district who has been expelled from a school district for
215 the commission of a violent act. For the purpose of this
216 subsection, "violent act" means any action which results in death
217 or physical harm to another or an attempt to cause death or
218 physical harm to another.

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



225 (9) The Mississippi Department of Human Services, Division
226 of Youth Services, shall operate and maintain services for youth
227 adjudicated delinquent at Oakley Training School. The program
228 shall be designed for children committed to the training school by
229 the youth courts. The purpose of the program is to promote good
230 citizenship, self-reliance, leadership and respect for constituted
231 authority, teamwork, cognitive abilities and appreciation of our
232 national heritage. The program must use evidenced-based practices
233 and gender-specific programming and must develop an individualized
234 and specific treatment plan for each * * * youth. The Division of
235 Youth Services shall issue credit towards academic promotions and
236 high school completion. The Division of Youth Services may award
237 credits to each student who meets the requirements for a general
238 education development certification. The Division of Youth
239 Services must also provide to each special education eligible
240 youth the services required by that youth's individualized
241 education plan.

242 **[From and after July 1, 2011, this section shall read as**
243 **follows:]**

244 43-21-605. (1) In delinquency cases, the disposition order
245 may include any of the following alternatives:

246 (a) Release the child without further action;

247 (b) Place the child in the custody of the parents, a
248 relative or other persons subject to any conditions and
249 limitations, including restitution, as the youth court may
250 prescribe;

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

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



257 (e) Order terms of supervision which may include
258 participation in a constructive program of service or education or
259 civil fines not in excess of Five Hundred Dollars (\$500.00), or
260 restitution not in excess of actual damages caused by the child to
261 be paid out of his own assets or by performance of services
262 acceptable to the victims and approved by the youth court and
263 reasonably capable of performance within one (1) year;

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

266 (g) Give legal custody of the child to any of the
267 following:

268 (i) The Department of Human Services for
269 appropriate placement; or

270 (ii) Any public or private organization,
271 preferably community-based, able to assume the education, care and
272 maintenance of the child, which has been found suitable by the
273 court; or

274 (iii) The Division of Youth Services for placement
275 in the least restrictive environment, except that no child under
276 the age of ten (10) years shall be committed to the state training
277 school. Only a child who has been adjudicated delinquent for a
278 felony or who has been adjudicated delinquent three (3) or more
279 times for a misdemeanor offense may be committed to the training
280 school. For the purposes of this section, a misdemeanor offense
281 does not include contempt of court for a probation violation,
282 unless the probation violation constitutes a charge that would be
283 a crime if committed by an adult. In the event a child is
284 committed to the Oakley Youth Development Center by the court, the
285 child shall be deemed to be committed to the custody of the
286 Department of Human Services which may place the child in the
287 Oakley Youth Development Center or another appropriate facility.

288 The training school may retain custody of the child until the
289 child's twentieth birthday but for no longer. When the child is



290 committed to the training school, the child shall remain in the
291 legal custody of the training school until the child has made
292 sufficient progress in treatment and rehabilitation and it is in
293 the best interest of the child to release the child. However, the
294 superintendent of the state training school, in consultation with
295 the treatment team, may parole a child at any time he or she may
296 deem it in the best interest and welfare of such child. Ten (10)
297 business days before the parole, the training school shall notify
298 the committing court of the pending release. The youth court may
299 then arrange subsequent placement after a reconvened disposition
300 hearing, except that the youth court may not recommit the child to
301 the training school or any other secure facility without an
302 adjudication of a new offense or probation or parole violation.
303 The Department of Human Services shall ensure that staffs create
304 transition planning for youth leaving the facilities. Plans shall
305 include providing the youth and his or her parents or guardian
306 with copies of the youth's training school education and health
307 records, information regarding the youth's home community,
308 referrals to mental and counseling services when appropriate, and
309 providing assistance in making initial appointments with community
310 service providers. Before assigning the custody of any child to
311 any private institution or agency, the youth court through its
312 designee shall first inspect the physical facilities to determine
313 that they provide a reasonable standard of health and safety for
314 the child. No child shall be placed in the custody of the state
315 training school for a status offense or for contempt of or
316 revocation of a status offense adjudication unless the child is
317 contemporaneously adjudicated for having committed an act of
318 delinquency that is not a status offense. A disposition order
319 rendered under this subparagraph shall meet the following
320 requirements:



321 1. The disposition is the least restrictive
322 alternative appropriate to the best interest of the child and the
323 community;

324 2. The disposition allows the child to be in
325 reasonable proximity to the family home community of each child
326 given the dispositional alternatives available and the best
327 interest of the child and the state; and

328 3. The disposition order provides that the
329 court has considered the medical, educational, vocational, social
330 and psychological guidance, training, social education,
331 counseling, substance abuse treatment and other rehabilitative
332 services required by that child as determined by the court;

333 (h) Recommend to the child and the child's parents or
334 guardian that the child attend and participate in the Youth
335 Challenge Program under the Mississippi National Guard, as created
336 in Section 43-27-203, subject to the selection of the child for
337 the program by the National Guard; however, the child must
338 volunteer to participate in the program. The youth court shall
339 not order any child to apply for or attend the program;

340 (i) (i) Adjudicate the juvenile to the Statewide
341 Juvenile Work Program if the program is established in the court's
342 jurisdiction. The juvenile and his or her parents or guardians
343 must sign a waiver of liability in order to participate in the
344 work program. The judge will coordinate with the youth services
345 counselors as to placing participants in the work program;

346 (ii) The severity of the crime, whether or not the
347 juvenile is a repeat offender or is a felony offender will be
348 taken into consideration by the judge when adjudicating a juvenile
349 to the work program. The juveniles adjudicated to the work
350 program will be supervised by police officers or reserve officers.
351 The term of service will be from twenty-four (24) to one hundred
352 twenty (120) hours of community service. A juvenile will work the
353 hours to which he or she was adjudicated on the weekends during



354 school and weekdays during the summer. Parents are responsible
355 for a juvenile reporting for work. Noncompliance with an order to
356 perform community service will result in a heavier adjudication.
357 A juvenile may be adjudicated to the community service program
358 only two (2) times;

359 (iii) The judge shall assess an additional fine on
360 the juvenile which will be used to pay the costs of implementation
361 of the program and to pay for supervision by police officers and
362 reserve officers. The amount of the fine will be based on the
363 number of hours to which the juvenile has been adjudicated;

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

366 (k) Order terms of house arrest under the intensive
367 supervision program as created in Sections 47-5-1001 through
368 47-5-1015. The Department of Human Services shall take bids for
369 the placement of juveniles in the intensive supervision program.
370 The Department of Human Services shall promulgate rules regarding
371 the supervision of juveniles placed in the intensive supervision
372 program. For each county there shall be seventy-five (75) slots
373 created in the intensive supervision program for juveniles. Any
374 youth ordered into the intensive home-based supervision program
375 shall receive comprehensive strength-based needs assessments and
376 individualized treatment plans. Based on the assessment, an
377 individualized treatment plan shall be developed that defines the
378 supervision and programming that is needed by a youth. The
379 treatment plan shall be developed by a multi-disciplinary team
380 that includes the family of the youth whenever possible. The
381 juvenile shall pay Ten Dollars (\$10.00) to offset the cost of
382 administering the alcohol and drug test. The juvenile must attend
383 school, alternative school or be in the process of working toward
384 a general educational development (GED) certificate;

385 (l) Order the child into a juvenile detention center
386 operated by the county or into a juvenile detention center



387 operated by any county with which the county in which the court is
388 located has entered into a contract for the purpose of housing
389 delinquents. The time period for detention cannot exceed ninety
390 (90) days, and any detention exceeding forty-five (45) days shall
391 be administratively reviewed by the youth court no later than
392 forty-five (45) days after the entry of the order. At that time
393 the youth court counselor shall review the status of the youth in
394 detention and shall report any concerns to the court. The youth
395 court judge may order that the number of days specified in the
396 detention order be served either throughout the week or on
397 weekends only. No first-time nonviolent youth offender shall be
398 committed to a detention center for a period in excess of ninety
399 (90) days until all other options provided for in this section
400 have been considered and the court makes a specific finding of
401 fact by a preponderance of the evidence by assessing what is in
402 the best rehabilitative interest of the child and the public
403 safety of communities and that there is no reasonable alternative
404 to a nonsecure setting and therefore commitment to a detention
405 center is appropriate.

406 If a child is committed to a detention center for ninety (90)
407 days, the disposition order shall meet the following requirements:

408 (i) The disposition order is the least restrictive
409 alternative appropriate to the best interest of the child and the
410 community;

411 (ii) The disposition order allows the child to be
412 in reasonable proximity to the family home community of each child
413 given the dispositional alternatives available and the best
414 interest of the child and the state; and

415 (iii) The disposition order provides that the
416 court has considered the medical, educational, vocational, social
417 and psychological guidance, training, social education,
418 counseling, substance abuse treatment and other rehabilitative
419 services required by that child as determined by the court;



420 (m) The judge may consider house arrest in an intensive
421 supervision program as a reasonable prospect of rehabilitation
422 within the juvenile justice system. The Department of Human
423 Services shall promulgate rules regarding the supervision of
424 juveniles placed in the intensive supervision program; or

425 (n) Referral to A-team provided system of care
426 services.

427 (2) If a disposition order requires that a child miss school
428 due to other placement, the youth court shall notify a child's
429 school while maintaining the confidentiality of the youth court
430 process. If a disposition order requires placement of a child in
431 a juvenile detention facility, the facility shall comply with the
432 educational services and notification requirements of Section
433 43-21-321.

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

440 (4) If the youth court places a child in a state-supported
441 training school, the court may order the parents or guardians of
442 the child and other persons living in the child's household to
443 receive counseling and parenting classes for rehabilitative
444 purposes while the child is in the legal custody of the training
445 school. A youth court entering an order under this subsection (4)
446 shall utilize appropriate services offered either at no cost or
447 for a fee calculated on a sliding scale according to income unless
448 the person ordered to participate elects to receive other
449 counseling and classes acceptable to the court at the person's
450 sole expense.

451 (5) Fines levied under this chapter shall be paid into the
452 general fund of the county but, in those counties wherein the



453 youth court is a branch of the municipal government, it shall be
454 paid into the municipal treasury.

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

458 (7) The youth court shall not place a child in another
459 school district who has been expelled from a school district for
460 the commission of a violent act. For the purpose of this
461 subsection, "violent act" means any action which results in death
462 or physical harm to another or an attempt to cause death or
463 physical harm to another.

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

470 (9) The Mississippi Department of Human Services, Division
471 of Youth Services, shall operate and maintain services for youth
472 adjudicated delinquent at the Oakley Youth Development Center.
473 The program shall be designed for children committed to the
474 training schools by the youth courts. The purpose of the program
475 is to promote good citizenship, self-reliance, leadership and
476 respect for constituted authority, teamwork, cognitive abilities
477 and appreciation of our national heritage. The program must use
478 evidenced-based practices and gender-specific programming and must
479 develop an individualized and specific treatment plan for
480 each * * * youth. The Division of Youth Services shall issue
481 credit towards academic promotions and high school completion.
482 The Division of Youth Services may award credits to each student
483 who meets the requirements for a general education development
484 certification. The Division of Youth Services must also provide



485 to each special education eligible youth the services required by
486 that youth's individualized education plan.

487 **SECTION 2.** Section 47-5-1003, Mississippi Code of 1972, is
488 amended as follows:

489 47-5-1003. (1) An intensive supervision program may be used
490 as an alternative to incarceration for offenders who are low risk
491 and nonviolent as selected by the department or court and for
492 juvenile offenders as provided in Section 43-21-605. Any offender
493 convicted of a sex crime shall not be placed in the program.

494 (2) The court or the department may place the defendant on
495 intensive supervision, except when a death sentence or life
496 imprisonment is the maximum penalty which may be imposed or if the
497 defendant has been convicted of a felony committed after having
498 been confined for the conviction of a felony on a previous
499 occasion in any court or courts of the United States and of any
500 state or territories thereof or has been convicted of a felony
501 involving the use of a deadly weapon.

502 (3) To protect and to ensure the safety of the state's
503 citizens, any offender who violates an order or condition of the
504 intensive supervision program may be arrested by the correctional
505 field officer and placed in the actual custody of the Department
506 of Corrections. Such offender is under the full and complete
507 jurisdiction of the department and subject to removal from the
508 program by the classification hearing officer.

509 (4) When any circuit or county court places an offender in
510 an intensive supervision program, the court shall give notice to
511 the Mississippi Department of Corrections within fifteen (15) days
512 of the court's decision to place the offender in an intensive
513 supervision program. Notice shall be delivered to the central
514 office of the Mississippi Department of Corrections and to the
515 regional office of the department which will be providing
516 supervision to the offender in an intensive supervision program.



517 The courts may not require an offender to participate in the
518 intensive supervision program during a term of probation or
519 post-release supervision.

520 (5) The Department of Corrections shall submit a report to
521 the chairperson of the House Corrections Committee and the
522 chairperson of the Senate Corrections Committee on the
523 effectiveness of the intensive supervision program before January
524 1, 2010.

525 **SECTION 3.** Section 47-5-1007, Mississippi Code of 1972, is
526 amended as follows:

527 47-5-1007. (1) Any participant in the intensive supervision
528 program who engages in employment shall pay a monthly fee to the
529 department for each month such person is enrolled in the program.
530 The department may waive the monthly fee if the offender is a
531 full-time student or is engaged in vocational training. Juvenile
532 offenders shall pay a monthly fee of not less than Ten Dollars
533 (\$10.00) but not more than Fifty Dollars (\$50.00) based on a
534 sliding scale using the standard of need for each family that is
535 used to calculate TANF benefits. Money received by the department
536 from participants in the program shall be deposited into a special
537 fund which is hereby created in the State Treasury. It shall be
538 used, upon appropriation by the Legislature, for the purpose of
539 helping to defray the costs involved in administering and
540 supervising such program. Unexpended amounts remaining in such
541 special fund at the end of a fiscal year shall not lapse into the
542 State General Fund, and any interest earned on amounts in such
543 special fund shall be deposited to the credit of the special fund.

544 (2) The participant shall admit any correctional officer
545 into his residence at any time for purposes of verifying the
546 participant's compliance with the conditions of his detention.

547 (3) The participant shall make the necessary arrangements to
548 allow for correctional officers to visit the participant's place
549 of education or employment at any time, based upon the approval of



550 the educational institution or employer, for the purpose of
551 verifying the participant's compliance with the conditions of his
552 detention.

553 (4) The participant shall acknowledge and participate with
554 the approved electronic monitoring device as designated by the
555 department at any time for the purpose of verifying the
556 participant's compliance with the conditions of his detention.

557 (5) The participant shall be responsible for and shall
558 maintain the following:

559 (a) A working telephone line in the participant's home;

560 (b) A monitoring device in the participant's home, or
561 on the participant's person, or both; and

562 (c) A monitoring device in the participant's home and
563 on the participant's person in the absence of a telephone.

564 (6) The participant shall obtain approval from the
565 correctional field officer before the participant changes
566 residence.

567 (7) The participant shall not commit another crime during
568 the period of home detention ordered by the court or department.

569 (8) Notice shall be given to the participant that violation
570 of the order of home detention shall subject the participant to
571 prosecution for the crime of escape as a felony.

572 (9) The participant shall abide by other conditions as set
573 by the department.

574 **SECTION 4.** Section 47-5-1013, Mississippi Code of 1972, is
575 amended as follows:

576 47-5-1013. Participants enrolled in an intensive supervision
577 program shall be required to:

578 (a) Maintain employment if physically able, or
579 full-time student status at an approved school or vocational
580 trade, and make progress deemed satisfactory to the correctional
581 field officer, or both, or be involved in supervised job searches.



582 (b) Pay restitution and program fees as directed by the
583 department. Program fees shall not be less than Eighty-eight
584 Dollars (\$88.00) per month. The sentencing judge may charge a
585 program fee of less than Eighty-eight Dollars (\$88.00) per month
586 in cases of extreme financial hardship, when such judge determines
587 that the offender's participation in the program would provide a
588 benefit to his community. Juvenile offenders shall not pay a
589 program fee but shall pay a monthly fee as provided in Section
590 47-5-1007. Program fees shall be deposited in the special fund
591 created in Section 47-5-1007.

592 (c) Establish a place of residence at a place approved
593 by the correctional field officer, and not change his residence
594 without the officer's approval. The correctional officer shall be
595 allowed to inspect the place of residence for alcoholic beverages,
596 controlled substances and drug paraphernalia.

597 (d) Remain at his place of residence at all times
598 except to go to work, to attend school, to perform community
599 service and as specifically allowed in each instance by the
600 correctional field officer.

601 (e) Allow administration of drug and alcohol tests as
602 requested by the field officer.

603 (f) Perform not less than ten (10) hours of community
604 service each month.

605 (g) Meet any other conditions imposed by the court to
606 meet the needs of the offender and limit the risks to the
607 community.

608 **SECTION 5.** This act shall take effect and be in force from
609 and after July 1, 2011.

