

By: Senator(s) Tollison, Jackson (11th),
Dearing, Simmons

To: Public Health and
Welfare; Corrections

SENATE BILL NO. 2950
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 43-21-323, MISSISSIPPI CODE OF 1972,
2 TO EXPAND THE DUTIES OF THE JUVENILE DETENTION FACILITIES
3 MONITORING UNIT AND TO PROVIDE THAT ALL MONITORS OF THE UNIT SHALL
4 BE EMPLOYEES OF THE DEPARTMENT OF PUBLIC SAFETY; TO REQUIRE THE
5 UNIT TO INVESTIGATE AND INSPECT GROUP HOMES, WHICH ARE IN ADDITION
6 TO THE DETENTION FACILITIES AND THE TRAINING SCHOOL THAT THE UNIT
7 CURRENTLY INSPECTS; TO PROVIDE CERTAIN DUTIES OF THE UNIT, WHICH
8 INCLUDE SUBMITTING QUARTERLY REPORTS TO CERTAIN ELECTED OFFICIALS;
9 AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** Section 43-21-323, Mississippi Code of 1972, is
12 amended as follows:

13 43-21-323. (1) There is established the Juvenile Detention
14 Facilities Monitoring Unit within the Department of Public Safety
15 to work in cooperation with the Juvenile Justice Advisory
16 Committee described in Section 45-1-33. The unit shall be
17 responsible for investigating, evaluating and securing the rights
18 of children held in juvenile justice facilities, including
19 detention centers, training schools and group homes throughout the
20 state to ensure that the facilities operate in compliance with
21 national best practices and state and federal law. The monitoring
22 unit shall only monitor group homes that serve as a dispositional
23 placement for delinquent youth pursuant to Section 41-21-605.
24 Nothing in this section shall be construed as giving the
25 monitoring unit authority to monitor foster care or shelter care
26 placements. All monitors shall be employees of the Department of
27 Public Safety. The inspections by the unit shall encompass the
28 following:

29 (a) To review and evaluate (i) all procedures set by
30 detention centers, training schools and group homes and (ii) all



31 records containing * * * information related to the operations of
32 the detention centers, training schools and group homes;

33 (b) To review and investigate all complaints filed with
34 the monitoring unit concerning children's treatment in detention
35 centers, training schools and group homes;

36 (c) To conduct quarterly monitoring visits of all
37 detention centers, training schools and group homes. The monitor
38 shall have access to an entire facility and shall conduct
39 confidential interviews with youth and facility staff;

40 (d) To advise a facility on how to meet the needs of
41 children who require immediate attention;

42 (e) To provide technical assistance and advice to
43 juvenile detention facilities, which will assist the facilities in
44 complying with state and federal law.

45 To carry out the duties in this subsection (1) a monitor may
46 consult with an administrator, employee, child, parent, expert or
47 other individual in the course of monitoring or investigating. In
48 addition, the monitor may review court documents and other
49 confidential records as necessary to fulfill these duties.

50 (2) Additional duties of the monitoring unit are as follows:

51 (a) To make available on a quarterly basis to the
52 Governor, Lieutenant Governor and each member of the Legislature
53 and each member of a county board of supervisors, a report that
54 describes:

55 (i) The work of the monitoring unit;

56 (ii) The results of any review or investigation
57 undertaken by the monitoring unit;

58 (iii) Any allegations of abuse or injury of a
59 child; and

60 (iv) Any problems concerning the administration of
61 a detention center.

62 The reports described in this subsection shall keep the names
63 of all children, parents and employees confidential.



64 (b) To promote awareness among the public and the
65 children held in detention by providing the following:

66 (i) How the monitoring unit may be contacted;

67 (ii) The purpose of the monitoring unit; and

68 (iii) The services that the monitoring unit
69 provides.

70 (3) The records of a monitor shall be confidential. Any
71 child, staff member, parent or other interested individual may
72 communicate to a monitor in person, by mail, by phone, or any
73 other means. All communications shall be kept confidential and
74 privileged, except that the youth court and the facility shall
75 have access to such records, but the identity of reporters shall
76 remain confidential.

77 **SECTION 2.** This act shall take effect and be in force from
78 and after July 1, 2010.

