

By: Senator(s) Tollison

To: Judiciary, Division B

SENATE BILL NO. 2969
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 43-21-151, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE JURISDICTION OF THE YOUTH COURT; TO PROVIDE THAT
3 SUCH JURISDICTION SHALL NOT APPLY IF THE YOUTH COURT DEEMS THAT A
4 TRANSFER TO A CIRCUIT COURT IS APPROPRIATE; AND FOR RELATED
5 PURPOSES.

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

7 **SECTION 1.** Section 43-21-151, Mississippi Code of 1972, is
8 amended as follows:

9 43-21-151. (1) The youth court shall have exclusive
10 original jurisdiction in all proceedings concerning a delinquent
11 child, a child in need of supervision, a neglected child, an
12 abused child or a dependent child except in the following
13 circumstances:

14 (a) Any act attempted or committed by a child, which if
15 committed by an adult would be punishable under state or federal
16 law by life imprisonment or death, will be in the original
17 jurisdiction of the circuit court;

18 (b) Any act attempted or committed by a child with the
19 use of a deadly weapon, the carrying of which concealed is
20 prohibited by Section 97-37-1, or a shotgun or a rifle, which
21 would be a felony if committed by an adult, will be in the
22 original jurisdiction of the circuit court; and

23 (c) When a charge of abuse of a child first arises in
24 the course of a custody action between the parents of the child
25 already pending in the chancery court and no notice of such abuse
26 was provided prior to such chancery proceedings, the chancery
27 court may proceed with the investigation, hearing and
28 determination of such abuse charge as a part of its hearing and



29 determination of the custody issue as between the parents,
30 notwithstanding the other provisions of the Youth Court Law. The
31 proceedings in chancery court on the abuse charge shall be
32 confidential in the same manner as provided in youth court
33 proceedings.

34 When a child is expelled from the public schools, the youth
35 court shall be notified of the act of expulsion and the act or
36 acts constituting the basis for expulsion.

37 (2) Jurisdiction of the child in the cause shall attach at
38 the time of the offense and shall continue thereafter for that
39 offense until the child's twentieth birthday, unless sooner
40 terminated by order of the youth court. The youth court shall not
41 have jurisdiction over offenses committed by a child on or after
42 his eighteenth birthday * * *.

43 (3) No child who has not reached his thirteenth birthday
44 shall be held criminally responsible or criminally prosecuted for
45 a misdemeanor or felony; however, the parent, guardian or
46 custodian of such child may be civilly liable for any criminal
47 acts of such child. No child under the jurisdiction of the youth
48 court shall be held criminally responsible or criminally
49 prosecuted by any court for any act designated as a delinquent
50 act, unless jurisdiction is transferred to another court under
51 Section 43-21-157.

52 (4) The youth court shall also have jurisdiction of offenses
53 committed by a child which have been transferred to the youth
54 court by an order of a circuit court of this state having original
55 jurisdiction of the offense, as provided by Section 43-21-159.

56 (5) The youth court shall regulate and approve the use of
57 teen court as provided in Section 43-21-753.

58 (6) Nothing in this section shall prevent the circuit court
59 from assuming jurisdiction over a youth who has committed an act
60 of delinquency upon a youth court's ruling that a transfer is
61 appropriate pursuant to Section 43-21-157.



62 **SECTION 2.** This act shall take effect and be in force from
63 and after July 1, 2011.

