

Chapter No. 548
10/SS01/R1028SG
JN LH/TB

SENATE BILL NO. 2950

Originated in Senate *Demetrius* Secretary

SENATE BILL NO. 2950

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) The work of the monitoring unit;

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

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

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

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

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

- (i) How the monitoring unit may be contacted;
- (ii) The purpose of the monitoring unit; and
- (iii) The services that the monitoring unit

provides.

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

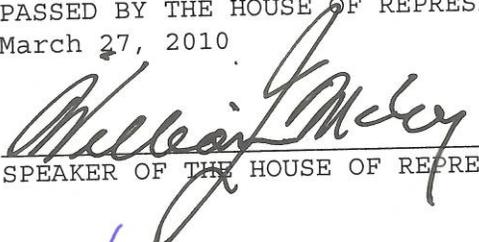
SECTION 2. This act shall take effect and be in force from and after July 1, 2010.

PASSED BY THE SENATE
March 26, 2010



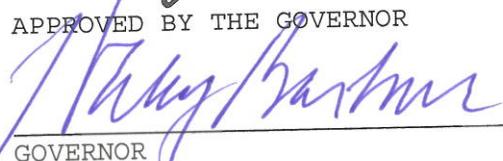
PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
March 27, 2010



SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR



GOVERNOR

4/27/10 9:15