

By: Representative Blackmon

To: Juvenile Justice;
Appropriations

HOUSE BILL NO. 113

1 AN ACT TO AMEND SECTION 9-9-1, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE CONTINUATION OR ESTABLISHMENT OF COUNTY COURTS IN
3 CERTAIN COUNTIES; TO AMEND SECTION 9-9-5, MISSISSIPPI CODE OF
4 1972, TO REVISE THE QUALIFICATION, ELECTION, TERM OF OFFICE AND
5 FILLING OF VACANCIES OF THE OFFICE OF COUNTY COURT JUDGE; TO
6 CODIFY SECTION 9-9-6, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE
7 ELECTION OF JUDGES IN NEWLY CREATED COUNTY COURT DISTRICTS; TO
8 AMEND SECTION 9-9-11, MISSISSIPPI CODE OF 1972, TO REVISE THE
9 COMPENSATION OF THE OFFICE OF COUNTY COURT JUDGE; TO AMEND
10 SECTIONS 23-15-975, 23-15-977 AND 25-3-25, MISSISSIPPI CODE OF
11 1972, IN CONFORMITY; TO AMEND SECTION 9-1-19, MISSISSIPPI CODE OF
12 1972, TO REVISE THE AUTHORITY OF JUDGES TO GRANT REMEDIAL WRITS;
13 TO AMEND SECTION 9-1-23, MISSISSIPPI CODE OF 1972, TO INCLUDE
14 COUNTY COURT JUDGES AS THOSE WHO ARE CONSERVATORS OF THE PEACE; TO
15 AMEND SECTION 9-1-25, MISSISSIPPI CODE OF 1972, TO INCLUDE COUNTY
16 COURT JUDGES AMONG THOSE WHO ARE NOT TO PRACTICE LAW; TO AMEND
17 SECTION 9-1-35, MISSISSIPPI CODE OF 1972, TO REQUIRE THE COUNTY
18 COURT TO OBTAIN A SEAL; TO AMEND SECTION 9-1-36, MISSISSIPPI CODE
19 OF 1972, TO INCLUDE COUNTY COURT JUDGES AMONG THOSE FOR WHOM AN
20 OFFICE ALLOWANCE IS APPROPRIATED; TO AMEND SECTION 9-9-19,
21 MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE HOLDING OF COUNTY
22 COURT IN CERTAIN COUNTIES; TO AMEND SECTIONS 9-9-21, 9-9-23,
23 43-21-107, 43-21-117, 43-21-123, 9-13-17 AND 9-13-61, MISSISSIPPI
24 CODE OF 1972, IN CONFORMITY; TO AMEND SECTION 43-21-111,
25 MISSISSIPPI CODE OF 1972, TO PROVIDE FOR CERTAIN STATE FUNDING OF
26 YOUTH COURT REFEREES IN COUNTIES NOT HAVING A COUNTY COURT; TO
27 PROVIDE FOR THE ABOLITION OF ALL FAMILY COURTS AND PROVIDE FOR THE
28 AUTOMATIC TRANSFER OF CASES THEREFROM; TO REPEAL SECTION 9-9-3,
29 MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE ESTABLISHMENT OF
30 A COUNTY COURT BY AGREEMENT BETWEEN TWO OR MORE COUNTIES; TO
31 REPEAL SECTION 9-9-13, MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES
32 CERTAIN MUNICIPALITIES TO SUPPLEMENT THE SALARIES OF COUNTY
33 JUDGES; TO REPEAL SECTION 9-9-14, MISSISSIPPI CODE OF 1972, WHICH
34 AUTHORIZES TWO COUNTY JUDGESHIPS FOR HARRISON COUNTY; TO REPEAL
35 SECTION 9-9-15, MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES THREE
36 COUNTY JUDGESHIPS FOR HINDS COUNTY; TO REPEAL SECTION 9-9-16,
37 MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES TWO COUNTY JUDGESHIPS
38 FOR WASHINGTON COUNTY; TO REPEAL SECTION 9-9-17, MISSISSIPPI CODE
39 OF 1972, WHICH AUTHORIZES TWO COUNTY JUDGESHIPS FOR JACKSON
40 COUNTY; TO REPEAL SECTION 9-9-9, MISSISSIPPI CODE OF 1972, WHICH
41 RESTRICTS THE PRACTICE OF LAW BY A COUNTY COURT JUDGE; TO REPEAL
42 SECTION 9-9-37, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE
43 ESTABLISHMENT OR ABOLITION OF COUNTY COURTS; TO REPEAL SECTION
44 9-9-39, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR TRANSFER OF
45 PENDING MATTERS IN ANY COUNTY COURT THAT MAY BE ABOLISHED; TO
46 REPEAL SECTION 9-9-41, MISSISSIPPI CODE OF 1972, WHICH PROVIDES
47 FOR THE ABOLITION OF COUNTY COURTS IN CERTAIN COUNTIES; TO REPEAL
48 SECTION 9-9-43, MISSISSIPPI CODE OF 1972, WHICH REQUIRES
49 LEGISLATIVE ACTION OR ELECTION FOR ABOLITION OF COUNTY COURTS IN
50 CERTAIN COUNTIES; TO REPEAL SECTION 9-9-45, MISSISSIPPI CODE OF
51 1972, WHICH REQUIRES THE ESTABLISHMENT OR ABOLITION OF COUNTY
52 COURTS UNDER CERTAIN CIRCUMSTANCES; TO REPEAL SECTIONS 43-23-1

53 THROUGH 43-23-55, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE
54 ESTABLISHMENT AND OPERATION OF FAMILY COURTS; TO AMEND SECTION
55 43-21-157, MISSISSIPPI CODE OF 1972, TO CORRECT AN ERROR IN THE
56 INTERNAL CODAL REFERENCES; TO AMEND SECTION 43-21-159, MISSISSIPPI
57 CODE OF 1972, TO REVISE YOUTH COURT JURISDICTION; AND FOR RELATED
58 PURPOSES.

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

60 SECTION 1. Section 9-9-1, Mississippi Code of 1972, is
61 amended as follows:

62 9-9-1. (1) There shall be an inferior court to be known as
63 the county court in and for each of the following single county
64 districts:

65 Adams County;
66 Bolivar County;
67 DeSoto County;
68 Forrest County;
69 Hancock County;
70 Harrison County;
71 Hinds County;
72 Jackson County;
73 Jones County;
74 Lauderdale County;
75 Lee County;
76 Leflore County;
77 Lowndes County;
78 Madison County;
79 Pike County;
80 Rankin County;
81 Warren County;
82 Washington County; and
83 Yazoo County.

84 (2) There shall be an inferior court to be known as the
85 county court in and for each of the following multicounty
86 districts:

87 Alcorn and Prentiss Counties;
88 Coahoma and Tunica Counties;

89 Marshall, Benton and Tippah Counties;
90 Lafayette and Union Counties;
91 Holmes and Humphreys Counties;
92 Copiah, Claiborne and Jefferson Counties;
93 Lamar and Pearl River Counties;
94 Simpson, Smith and Covington Counties;
95 Jefferson Davis, Lawrence and Marion Counties;
96 Itawamba and Monroe Counties;
97 Tate and Panola Counties;
98 Grenada and Montgomery Counties; and
99 Oktibbeha and Winston Counties.

100 (3) (a) Except as provided in paragraph (b) of this
101 subsection, there shall be one (1) county court judge for each
102 county court district.

103 (b) There shall be two (2) county court judges for the
104 county court of Jackson County, two (2) county court judges for
105 the county court of Washington County, two (2) county court judges
106 for the county court of Madison County, three (3) county court
107 judges for the county court of Harrison County, and three (3)
108 county court judges for the county court of Hinds County.

109 SECTION 2. Section 9-9-5, Mississippi Code of 1972, is
110 amended as follows:

111 9-9-5. (1) The county judge shall possess all of the
112 qualifications of a circuit judge as prescribed by the Mississippi
113 Constitution. The county judge of a single county district must
114 be a qualified elector of the county. The county judge of a
115 multicounty district must be a qualified elector of any one (1) of
116 the counties comprising the district. Except as provided in
117 subsection (2) of this section, the county judge shall be elected
118 by the qualified electors of the county court district at the time
119 and in the manner as circuit judges are elected and * * * shall
120 hold office for the same term. Vacancies in the office of county
121 judge shall be filled in the same manner as vacancies in the
122 office of circuit judge.

123 (2) In a district having more than one (1) office of county
124 court judge, there shall be no distinction whatsoever in the
125 powers, duties and emoluments of those offices except that the
126 judge who has been for the longest time continuously a judge of
127 that court or, should no judge have served longer in office than
128 the others, the judge who has been for the longest time a member
129 of The Mississippi Bar shall be the senior judge. The senior
130 judge shall have the right to assign causes and dockets and, in
131 districts consisting of more than one (1) county, to set terms.

132 SECTION 3. The following shall be codified as Section 9-9-6,
133 Mississippi Code of 1972:

134 9-9-6. (1) Those county court judges elected to a term
135 beginning January 1, 1995, or appointed to fill a vacancy in such
136 a judgeship shall continue to serve in those positions until the
137 holder's death, resignation or disqualification, or upon
138 expiration of term.

139 (2) Candidates for the initial terms in the multicounty
140 districts shall have the qualifications prescribed in Section
141 9-9-5, and, notwithstanding the provisions of Section 23-15-977,
142 Mississippi Code of 1972, shall file their intent to be a
143 candidate and pay a fee of One Hundred Dollars (\$100.00) with the
144 State Board of Election Commissioners no later than September 1,
145 1997.

146 SECTION 4. Section 9-9-11, Mississippi Code of 1972, is
147 amended as follows:

148 9-9-11. * * * The county court judge shall receive an annual
149 salary payable monthly out of the State General Fund in the amount
150 of One Thousand Dollars (\$1,000.00) less than the annual salary
151 which is now or shall hereafter be provided for circuit and
152 chancery judges of this state * * *. The office of county court
153 judge * * * shall be a full-time position, and the holder thereof
154 shall not otherwise engage in the practice of law.

155 * * *

156 SECTION 5. Section 25-3-25, Mississippi Code of 1972, is

157 amended as follows:

158 25-3-25. (1) Except as otherwise provided in subsections
159 (2) through (9), the salaries of sheriffs of the various counties
160 are hereby fixed as full compensation for their services.

161 From and after October 1, 1997, the annual salary for each
162 sheriff shall be based upon the total population of his county
163 according to the latest federal decennial census in the following
164 categories and for the following amounts; however, no sheriff
165 shall be paid less than the salary authorized under this section
166 to be paid the sheriff based upon the population of the county
167 according to the 1990 federal decennial census:

168 (a) For counties with a total population of more than
169 two hundred thousand (200,000), a salary of Seventy-five Thousand
170 Dollars (\$75,000.00).

171 (b) For counties with a total population of more than
172 one hundred thousand (100,000) and not more than two hundred
173 thousand (200,000), a salary of Seventy Thousand Dollars
174 (\$70,000.00).

175 (c) For counties with a total population of more than
176 forty-five thousand (45,000) and not more than one hundred
177 thousand (100,000), a salary of Sixty-five Thousand Dollars
178 (\$65,000.00).

179 (d) For counties with a total population of more than
180 thirty-four thousand (34,000) and not more than forty-five
181 thousand (45,000), a salary of Sixty Thousand Dollars
182 (\$60,000.00).

183 (e) For counties with a total population of more than
184 twenty-five thousand (25,000) and not more than thirty-four
185 thousand (34,000), a salary of Fifty-two Thousand Dollars
186 (\$52,000.00).

187 (f) For counties with a total population of more than
188 fifteen thousand (15,000) and not more than twenty-five thousand
189 (25,000), a salary of Fifty Thousand Dollars (\$50,000.00).

190 (g) For counties with a total population of more than

191 nine thousand five hundred (9,500) and not more than fifteen
192 thousand (15,000), a salary of Forty-seven Thousand Dollars
193 (\$47,000.00).

194 (h) For counties with a total population of more than
195 seven thousand five hundred (7,500) and not more than nine
196 thousand five hundred (9,500), a salary of Forty-five Thousand
197 Dollars (\$45,000.00).

198 (i) For counties with a total population of not more
199 than seven thousand five hundred (7,500), a salary of Forty-two
200 Thousand Dollars (\$42,000.00).

201 (2) In addition to the salary provided for in subsection (1)
202 of this section, the Board of Supervisors of Leflore County may,
203 in its discretion, pay an annual supplement to the sheriff of the
204 county in an amount not to exceed Ten Thousand Dollars
205 (\$10,000.00). The Legislature finds and declares that the annual
206 supplement authorized by this subsection is justified in such
207 county for the following reasons:

208 (a) The Mississippi Department of Corrections operates
209 and maintains a restitution center within the county;

210 (b) The Mississippi Department of Corrections operates
211 and maintains a community work center within the county;

212 (c) There is a resident circuit court judge in the
213 county whose office is located at the Leflore County Courthouse;

214 (d) There is a resident chancery court judge in the
215 county whose office is located at the Leflore County Courthouse;

216 (e) The Magistrate for the Fourth Circuit Court
217 District is located in the county and maintains his office at the
218 Leflore County Courthouse;

219 (f) The Region VI Mental Health-Mental Retardation
220 Center, which serves a multicounty area, calls upon the sheriff to
221 provide security for out-of-town mental patients, as well as
222 patients from within the county;

223 (g) The increased activity of the Child Support
224 Division of the Department of Human Services in enforcing in the

225 courts parental obligations has imposed additional duties on the
226 sheriff; and

227 (h) The dispatchers of the enhanced E-911 system in
228 place in Leflore County has been placed under the direction and
229 control of the sheriff.

230 (3) In addition to the salary provided for in subsection (1)
231 of this section, the Board of Supervisors of Rankin County may, in
232 its discretion, pay an annual supplement to the sheriff of the
233 county in an amount not to exceed Ten Thousand Dollars
234 (\$10,000.00). The Legislature finds and declares that the annual
235 supplement authorized by this subsection is justified in such
236 county for the following reasons:

237 (a) The Mississippi Department of Corrections operates
238 and maintains the Central Mississippi Correctional Facility within
239 the county;

240 (b) The State Hospital is operated and maintained
241 within the county at Whitfield;

242 (c) Hudspeth Regional Center, a facility maintained for
243 the care and treatment of the mentally retarded, is located within
244 the county;

245 (d) The Mississippi Law Enforcement Officers Training
246 Academy is operated and maintained within the county;

247 (e) The State Fire Academy is operated and maintained
248 within the county;

249 (f) The Pearl River Valley Water Supply District,
250 ordinarily known as the "Reservoir District," is located within
251 the county;

252 (g) The Jackson International Airport is located within
253 the county;

254 (h) The patrolling of the state properties located
255 within the county has imposed additional duties on the sheriff;
256 and

257 (i) The sheriff, in addition to providing security to
258 the nearly one hundred thousand (100,000) residents of the county,

259 has the duty to investigate, solve and assist in the prosecution
260 of any misdemeanor or felony committed upon any state property
261 located in Rankin County.

262 (4) In addition to the salary provided for in subsection (1)
263 of this section, the Board of Supervisors of Neshoba County shall
264 pay an annual supplement to the sheriff of the county an amount
265 equal to Ten Thousand Dollars (\$10,000.00).

266 (5) In addition to the salary provided for in subsection (1)
267 of this section, the Board of Supervisors of Tunica County may, in
268 their discretion, pay an annual supplement to the sheriff of the
269 county an amount equal to Ten Thousand Dollars (\$10,000.00),
270 payable beginning April 1, 1997.

271 (6) In addition to the salary provided for in subsection (1)
272 of this section, the Board of Supervisors of Hinds County shall
273 pay an annual supplement to the sheriff of the county in an amount
274 equal to Fifteen Thousand Dollars (\$15,000.00). The Legislature
275 finds and declares that the annual supplement authorized by this
276 subsection is justified in such county for the following reasons:

277 (a) Hinds County has the greatest population of any
278 county, two hundred fifty-four thousand four hundred forty-one
279 (254,441) by the 1990 census, being almost one hundred thousand
280 (100,000) more than the next most populous county;

281 (b) Hinds County is home to the state capitol and the
282 seat of all state government offices;

283 (c) Hinds County is the third largest county in
284 geographic area, containing eight hundred seventy-five (875)
285 square miles;

286 (d) Hinds County is comprised of two (2) judicial
287 districts, each having a courthouse and county office buildings;

288 (e) There are four (4) resident circuit judges, four
289 (4) resident chancery judges, and three (3) resident county judges
290 in Hinds County, the most of any county, with the sheriff acting
291 as chief executive officer and provider of bailiff services for
292 all;

293 (f) The main offices for the clerk and most of the
294 judges and magistrates for the United States District Court for
295 the Southern District of Mississippi are located within the
296 county;

297 (g) The state's only urban university, Jackson State
298 University, is located within the county;

299 (h) The University of Mississippi Medical Center,
300 combining the medical school, dental school, nursing school and
301 hospital, is located within the county;

302 (i) Mississippi Veterans Memorial Stadium, the state's
303 largest sports arena, is located within the county;

304 (j) The Mississippi State Fairgrounds, including the
305 Coliseum and Trade Mart, are located within the county;

306 (k) Hinds County has the largest criminal population in
307 the state, such that the Hinds County Sheriff's Department
308 operates the largest county jail system in the state, housing
309 almost one thousand (1,000) inmates in three (3) separate
310 detention facilities;

311 (l) The Hinds County Sheriff's Department handles more
312 mental and drug and alcohol commitments cases than any other
313 sheriff's department in the state;

314 (m) The Mississippi Department of Corrections maintains
315 a restitution center within the county;

316 (n) The Mississippi Department of Corrections regularly
317 houses as many as one hundred (100) state convicts within the
318 Hinds County jail system; and

319 (o) The Hinds County Sheriff's Department is regularly
320 asked to provide security services not only at the Fairgrounds and
321 Memorial Stadium, but also for events at the Mississippi Museum of
322 Art and Jackson City Auditorium.

323 (7) In addition to the salary provided for in subsection (1)
324 of this section, the Board of Supervisors of Wilkinson County, in
325 its discretion, may pay an annual supplement to the sheriff of the
326 county in an amount not to exceed Ten Thousand Dollars

327 (\$10,000.00). The Legislature finds and declares that the annual
328 supplement authorized by this subsection is justified in such
329 county because the Mississippi Department of Corrections contracts
330 for the private incarceration of state inmates at a private
331 correctional facility within the county.

332 (8) In addition to the salary provided for in subsection (1)
333 of this section, the Board of Supervisors of Marshall County, in
334 its discretion, may pay an annual supplement to the sheriff of the
335 county in an amount not to exceed Ten Thousand Dollars
336 (\$10,000.00). The Legislature finds and declares that the annual
337 supplement authorized by this subsection is justified in such
338 county because the Mississippi Department of Corrections contracts
339 for the private incarceration of state inmates at a private
340 correctional facility within the county.

341 (9) In addition to the salary provided in subsection (1) of
342 this section, the Board of Supervisors of Greene County, in its
343 discretion, may pay an annual supplement to the sheriff of the
344 county in an amount not to exceed Ten Thousand Dollars
345 (\$10,000.00). The Legislature finds and declares that the annual
346 supplement authorized by this subsection is justified in such
347 county for the following reasons:

348 (a) The Mississippi Department of Corrections operates
349 and maintains the South Mississippi Correctional Facility within
350 the county;

351 (b) In 1996, additional facilities to house another one
352 thousand four hundred sixteen (1,416) male offenders were
353 constructed at the South Mississippi Correctional Facility within
354 the county; and

355 (c) The patrolling of the state properties located
356 within the county has imposed additional duties on the sheriff
357 justifying additional compensation.

358 (10) The salaries herein provided shall be payable monthly
359 on the first day of each calendar month by chancery clerk's
360 warrant drawn on the general fund of the county; however, the

361 board of supervisors, by resolution duly adopted and entered on
362 its minutes, may provide that such salaries shall be paid
363 semimonthly on the first and fifteenth day of each month. If a
364 pay date falls on a weekend or legal holiday, salary payments
365 shall be made on the workday immediately preceding the weekend or
366 legal holiday.

367 (11) The salary of a sheriff shall not be reduced during his
368 term of office as a result of a population decrease based upon the
369 1990 federal decennial census.

370 SECTION 6. Section 23-15-975, Mississippi Code of 1972, is
371 amended as follows:

372 23-15-975. As used in Sections 23-15-974 through 23-15-985
373 of this subarticle, the term "judicial office" includes the office
374 of justice of the Supreme Court, judge of the Court of Appeals,
375 circuit judge, chancellor and county court judge * * *. All such
376 justices and judges shall be full-time positions and such justices
377 and judges shall not engage in the practice of law before any
378 court, administrative agency or other judicial or quasi-judicial
379 forum except as provided by law for finalizing pending cases after
380 election to judicial office.

381 SECTION 7. Section 23-15-977, Mississippi Code of 1972, is
382 amended as follows:

383 23-15-977. * * * All candidates for judicial office as
384 defined in Section 23-15-975 of this subarticle shall file their
385 intent to be a candidate with the State Board of Election
386 Commissioners not later than the first Friday after the first
387 Monday in May prior to the general election for judicial office
388 and shall pay * * * the following amounts:

389 (a) Candidates for Supreme Court judge and Court of
390 Appeals, the sum of Two Hundred Dollars (\$200.00).

391 (b) Candidates for circuit judge, county judge and
392 chancellor, the sum of One Hundred Dollars (\$100.00).

393 * * *

394 SECTION 8. Section 9-1-19, Mississippi Code of 1972, is

395 amended as follows:

396 9-1-19. The judges of the Supreme, * * * circuit and county
397 courts, and chancellors and judges of the Court of Appeals, in
398 termtime and in vacation, may severally order the issuance of
399 writs of habeas corpus, mandamus, certiorari, supersedeas and
400 attachments, and grant injunctions and all other remedial writs,
401 in all cases where the same may properly be granted according to
402 right and justice, returnable to any court, whether the suit or
403 proceedings be pending in the district of the judge or chancellor
404 granting the same or not. The fiat of such judge or chancellor
405 shall authorize the issuance of the process for a writ returnable
406 to the proper court or before the proper officer; and all such
407 process or writs may be granted, issued and executed on Sunday.

408 SECTION 9. Section 9-1-23, Mississippi Code of 1972, is
409 amended as follows:

410 9-1-23. The judges of the Supreme, circuit and county courts
411 and chancellors and judges of the Court of Appeals shall be
412 conservators of the peace for the state, each with full power to
413 do all acts which conservators of the peace may lawfully do; and
414 the circuit judges, * * * chancellors and county judges shall
415 reside within their respective districts * * *.

416 SECTION 10. Section 9-1-25, Mississippi Code of 1972, is
417 amended as follows:

418 9-1-25. It shall not be lawful for any judge of the Supreme
419 Court, Court of Appeals or a judge of the circuit or county court,
420 or a chancellor to exercise the profession or employment of an
421 attorney or counsellor at law, or to be engaged in the practice of
422 law; and any person offending against this prohibition shall be
423 guilty of a high misdemeanor and be removed from office; but this
424 shall not prohibit a chancellor, * * * circuit judge, county judge
425 or a judge of the Court of Appeals from practicing in any of the
426 courts for a period of six (6) months from the time such judges or
427 chancellors assume office so far as to enable them to bring to a
428 conclusion cases actually pending when they were appointed or

429 elected in which such chancellor or judge was then employed, nor
430 shall a judge of the Supreme Court be hindered from appearing in
431 the courts of the United States in any case in which he was
432 engaged when he was appointed or elected judge.

433 SECTION 11. Section 9-1-35, Mississippi Code of 1972, is
434 amended as follows:

435 9-1-35. The clerk of the Supreme Court and of the Court of
436 Appeals, at the expense of the state, and the clerk of every
437 circuit, county and chancery court, at the expense of the county,
438 shall keep a seal, with the style of the court around the margin
439 and the image of an eagle in the center.

440 SECTION 12. Section 9-1-36, Mississippi Code of 1972, is
441 amended as follows:

442 9-1-36. (1) Each circuit judge, county judge and chancellor
443 shall receive an office operating allowance for the expenses of
444 operating the office of such judge, including retaining a law
445 clerk, legal research, stenographic help, stationery, stamps,
446 furniture, office equipment, telephone, office rent and other
447 items and expenditures necessary and incident to maintaining the
448 office of judge. Such allowance shall be paid only to the extent
449 of actual expenses incurred by any such judge as itemized and
450 certified by such judge to the Supreme Court and then in an amount
451 of not more than Four Thousand Dollars (\$4,000.00) per annum;
452 however, such judge may expend sums in excess thereof from the
453 compensation otherwise provided for his office. No part of this
454 expense or allowance shall be used to pay an official court
455 reporter for services rendered to said court.

456 (2) In addition to the amounts provided for in subsection
457 (1), there is hereby created a separate office allowance fund for
458 the purpose of providing support staff to judges. This fund shall
459 be managed by the Administrative Office of Courts.

460 (3) Each judge who desires to employ or continue to employ
461 support staff after July 1, 1994, shall make application to the
462 Administrative Office of Courts by submitting to the

463 Administrative Office of Courts before July 1 each year a proposed
464 personnel plan setting forth what support staff is deemed
465 necessary. Such plan may be submitted by a single judge or by any
466 combination of judges desiring to share support staff. In the
467 process of the preparation of the plan, the judges, at their
468 request, may receive advice, suggestions, recommendations and
469 other assistance from the Administrative Office of Courts. The
470 Administrative Office of Courts must approve the positions, job
471 descriptions and salaries before the positions may be filled. The
472 Administrative Office of Courts shall not approve any plan which
473 does not first require the expenditure of the funds in the support
474 staff fund for compensation of any of the support staff before
475 expenditure is authorized of county funds for that purpose. Upon
476 approval by the Administrative Office of Courts, the judge or
477 judges may appoint the employees to the position or positions, and
478 each employee so appointed will work at the will and pleasure of
479 the judge or judges who appointed him but will be employees of the
480 Administrative Office of Courts. Upon approval by the
481 Administrative Office of Courts, the appointment of any support
482 staff shall be evidenced by the entry of an order on the minutes
483 of the court. When support staff is appointed jointly by two (2)
484 or more judges, the order setting forth any appointment shall be
485 entered on the minutes of each participating court.

486 (4) The Administrative Office of Courts shall develop and
487 promulgate minimum qualifications for the certification of court
488 administrators. Any court administrator appointed on or after
489 October 1, 1996, shall be required to be certified by the
490 Administrative Office of Courts.

491 (5) Support staff shall receive compensation pursuant to
492 personnel policies established by the Administrative Office of
493 Courts; however, from and after July 1, 1994, the Administrative
494 Office of Courts shall allocate from the support staff fund an
495 amount not to exceed Forty Thousand Dollars (\$40,000.00) per
496 fiscal year (July 1 through June 30) per judge for whom support

497 staff is approved for the funding of support staff assigned to a
498 judge or judges. Any employment pursuant to this subsection shall
499 be subject to the provisions of Section 25-1-53.

500 The Administrative Office of Courts may approve expenditure
501 from the fund for additional equipment for support staff appointed
502 pursuant to this section in any year in which the allocation per
503 judge is sufficient to meet the equipment expense after provision
504 for the compensation of the support staff.

505 (6) For the purposes of this section, the following terms
506 shall have the meaning ascribed herein unless the context clearly
507 requires otherwise:

508 (a) "Judges" means circuit judges, county judges and
509 chancellors, or any combination thereof;

510 (b) "Support staff" means court administrators, law
511 clerks, legal research assistants or secretaries, or any
512 combination thereof, but shall not mean school attendance
513 officers;

514 (c) "Compensation" means the gross salary plus all
515 amounts paid for benefits or otherwise as a result of employment
516 or as required by employment; provided, however, that only salary
517 earned for services rendered shall be reported and credited for
518 Public Employees' Retirement System purposes. Amounts paid for
519 benefits or otherwise, including reimbursement for travel
520 expenses, shall not be reported or credited for retirement
521 purposes.

522 (7) Title to all tangible property, excepting stamps,
523 stationery and minor expendable office supplies, procured with
524 funds authorized by this section, shall be and forever remain in
525 the State of Mississippi to be used by the * * * judge * * *
526 during the term of his office and thereafter by his successors.

527 (8) Any * * * judge * * * who did not have a primary office
528 provided by the county on March 1, 1988, shall be allowed an
529 additional Four Thousand Dollars (\$4,000.00) per annum to defray
530 the actual expenses incurred by such judge * * * in maintaining an

531 office; however, any * * * judge * * * who had a primary office
532 provided by the county on March 1, 1988, and who vacated the
533 office space after such date for a legitimate reason, as
534 determined by the Department of Finance and Administration, shall
535 be allowed the additional office expense allowance provided under
536 this subsection.

537 (9) The Supreme Court, through the Administrative Office of
538 Courts, shall submit to the Department of Finance and
539 Administration the itemized and certified expenses for office
540 operating allowances that are directed to the court pursuant to
541 this section.

542 (10) The Supreme Court, through the Administrative Office of
543 Courts, shall have the power to adopt rules and regulations
544 regarding the administration of the office operating allowance
545 authorized pursuant to this section.

546 SECTION 13. Section 9-9-19, Mississippi Code of 1972, is
547 amended as follows:

548 9-9-19. There shall be a * * * court to be styled "The
549 County Court of the County of _____" * * * in each county of
550 a county court district as determined to be necessary by the
551 senior county court judge; but in counties where there are two (2)
552 judicial districts and in multicounty county court districts, the
553 county court shall be convened in each judicial district and in
554 each county not less than four (4) times each year.

555 * * *

556 SECTION 14. Section 9-9-21, Mississippi Code of 1972, is
557 amended as follows:

558 9-9-21. (1) The jurisdiction of the county court shall be
559 as follows: It shall have jurisdiction concurrent with the
560 justice court in all matters, civil and criminal of which the
561 justice court has jurisdiction; and it shall have jurisdiction
562 concurrent with the circuit and chancery courts in all matters of
563 law and equity wherein the amount of value of the thing in
564 controversy shall not exceed, exclusive of costs and interest, the

565 sum of Seventy-five Thousand Dollars (\$75,000.00), and the
566 jurisdiction of the county court shall not be affected by any
567 setoff, counterclaim or cross-bill in such actions where the
568 amount sought to be recovered in such setoff, counterclaim or
569 cross-bill exceeds Seventy-five Thousand Dollars (\$75,000.00).
570 Provided, however, the party filing such setoff, counterclaim or
571 cross-bill which exceeds Seventy-five Thousand Dollars
572 (\$75,000.00) shall give notice to the opposite party or parties as
573 provided in Section 13-3-83, and on motion of all parties filed
574 within twenty (20) days after the filing of such setoff,
575 counterclaim or cross-bill, the county court shall transfer the
576 case to the circuit or chancery court wherein the county court is
577 situated and which would otherwise have jurisdiction. It shall
578 have exclusively the jurisdiction heretofore exercised by the
579 justice court in the following matters and causes: namely,
580 eminent domain, the partition of personal property, and actions of
581 unlawful entry and detainer, provided that the actions of eminent
582 domain and unlawful entry and detainer may be returnable and
583 triable before the judge of said court in vacation.

584 (2) In multicounty court districts, it shall be lawful for
585 such court sitting in one (1) county to act upon any and all
586 matters of which it has jurisdiction as provided by law arising in
587 the other county under the jurisdiction of said court.

588 SECTION 15. Section 9-9-23, Mississippi Code of 1972, is
589 amended as follows:

590 9-9-23. The county judge shall have power to issue writs,
591 and to try matters, of habeas corpus on application to him
592 therefor, or when made returnable before him by a superior judge.

593 He shall also have the power to order the issuance of writs of
594 certiorari, supersedeas, attachments, and other remedial writs in
595 all cases pending in, or within the jurisdiction of, his court.

596 He shall have the authority to issue search warrants in his
597 district returnable to his own court or to any court of a justice
598 court judge within his district in the same manner as is provided

599 by law for the issuance of search warrants by justice court
600 judges. In all cases pending in, or within the jurisdiction of,
601 his court, he shall have, in term time, and in vacation, the power
602 to order, do or determine to the same extent and in the same
603 manner as a justice court judge or a circuit judge or a chancellor
604 could do in term time or in vacation in such cases. But he shall
605 not have original power to issue writs of injunction, or other
606 remedial writs in equity or in law except in those cases
607 hereinabove specified as being within his jurisdiction. Provided,
608 however, that when any judge or chancellor authorized to issue
609 such writs of injunction, or any other equitable or legal remedial
610 writs hereinabove reserved, shall so direct in writing the hearing
611 of application therefor may be by him referred to the county
612 judge, in which event the said direction of the superior judge
613 shall vest in the said county judge all authority to take such
614 action on said application as the said superior judge could have
615 taken under the right and the law, had the said application been
616 at all times before the said superior judge. The jurisdiction
617 authorized under the foregoing proviso shall cease upon the
618 denying or granting of the application.

619 SECTION 16. Section 43-21-107, Mississippi Code of 1972, is
620 amended as follows:

621 43-21-107. (1) A youth court division is hereby created as
622 a division of the county court of each county now or hereafter
623 having a county court, and the county judge shall be the judge of
624 the youth court, unless another judge is named by the county judge
625 as provided by this chapter.

626 * * *

627 (2) A youth court division is hereby created as a division
628 of the chancery court of each county in which no county
629 court * * * is maintained and any chancellor within a chancery
630 court district shall be the judge of the youth court of that
631 county within such chancery court district unless another judge is
632 named by the senior chancellor of the county or chancery court

633 district as provided by this chapter.

634 * * *

635 SECTION 17. Section 43-21-111, Mississippi Code of 1972, is
636 amended as follows:

637 43-21-111. (1) In any county not having a county court or
638 family court the judge may appoint as provided in Section
639 43-21-123 youth court referees who shall be attorneys at law and
640 members of the bar in good standing to act in cases concerning
641 children within the jurisdiction of the youth court, and a youth
642 court referee shall hold office until removed by the judge. The
643 requirement that youth court referees appointed pursuant to this
644 subsection be attorneys shall apply only to youth court referees
645 who were not first appointed regular or special referees prior to
646 July 1, 1991.

647 (2) Any referee appointed pursuant to subsection (1) of this
648 section shall be required to receive judicial training approved by
649 the Mississippi Judicial College and shall be required to receive
650 regular annual continuing education in the field of juvenile
651 justice. The amount of judicial training and annual continuing
652 education which shall be satisfactory to fulfill the requirements
653 of this section shall conform with the amount prescribed by the
654 Rules and Regulations for Mandatory Continuing Judicial Education
655 promulgated by the Supreme Court. The Administrative Office of
656 Courts shall maintain a roll of referees appointed under this
657 section, shall enforce the provisions of this subsection and shall
658 maintain records on all such referees regarding such training.
659 Should a referee miss two (2) consecutive training sessions
660 sponsored or approved by the Mississippi Judicial College as
661 required by this subsection or fail to attend one (1) such
662 training session within six (6) months of their initial
663 appointment as a referee, the referee shall be disqualified to
664 serve and be immediately removed as a referee and another member
665 of the bar shall be appointed as provided in this section.

666 (3) The judge may direct that hearings in any case or class

667 of cases be conducted in the first instance by the referee. The
668 judge may also delegate his own administrative responsibilities to
669 the referee.

670 (4) All hearings authorized to be heard by a referee shall
671 proceed in the same manner as hearings before the youth court
672 judge. A referee shall possess all powers and perform all the
673 duties of the youth court judge in the hearings authorized to be
674 heard by the referee.

675 (5) An order entered by the referee shall be mailed
676 immediately to all parties and their counsel. A rehearing by the
677 judge shall be allowed if any party files a written motion for a
678 rehearing or on the court's own motion within three (3) days after
679 notice of referee's order. The youth court may enlarge the time
680 for filing a motion for a rehearing for good cause shown. Any
681 rehearing shall be upon the record of the hearing before the
682 referee, but additional evidence may be admitted in the discretion
683 of the judge. A motion for a rehearing shall not act as a
684 supersedeas of the referee's order, unless the judge shall so
685 order.

686 (6) The salary for the referee shall be based on a formula
687 established by the Administrative office of Courts which shall
688 take into account the youth court's case load. The salary for a
689 referee serving in one (1) county shall not exceed the salary of a
690 member of the board of supervisors of that county. The salary of
691 a referee serving two (2) or more counties shall not exceed an
692 amount equal to the combined salaries of any one (1) member of the
693 board of supervisors of the two (2) highest paid boards of
694 supervisors of the counties serviced by that referee.

695 (7) * * * The judge of the chancery court may appoint a
696 suitable person as referee to two (2) or more counties within his
697 district * * *.

698 SECTION 18. Section 43-21-117, Mississippi Code of 1972, is
699 amended as follows:

700 43-21-117. (1) The youth court prosecutor shall represent

701 the petitioner in all proceedings in the youth court.

702 (2) The county prosecuting attorney shall serve as the youth
703 court prosecutor; however, if funds are available pursuant to
704 Section 43-21-123, the court may designate, as provided in
705 subsection (3) of this section, a prosecutor or prosecutors in
706 lieu of or in addition to the county prosecuting attorney. * * *

707 The district attorney may participate in transfer proceedings.

708 (3) The judge may designate as provided in Section 43-21-123
709 some suitable attorney or attorneys to serve as youth court
710 prosecutor or prosecutors in lieu of or in conjunction with the
711 youth court prosecutor provided in subsection (2) of this section.
712 The designated youth court prosecutor or prosecutors shall be paid
713 a fee or salary fixed on order of the judge as provided in Section
714 43-21-123 and shall be paid by the county out of any available
715 funds budgeted for the youth court by the board of
716 supervisors * * *.

717 (4) All youth court prosecutors and county prosecuting
718 attorneys who serve as youth court prosecutors shall be required
719 to receive juvenile justice training from the Mississippi Attorney
720 General's office and regular annual continuing education in the
721 field of juvenile justice. The Mississippi Attorney General's
722 office shall determine the amount of juvenile justice training and
723 annual continuing education which shall be satisfactory to fulfill
724 the requirements of this subsection. The Administrative Office of
725 Courts shall maintain a roll of youth court prosecutors, shall
726 enforce the provisions of this subsection and shall maintain
727 records on all such youth court prosecutors regarding such
728 training. Should a youth court prosecutor miss two (2)
729 consecutive training sessions sponsored by the Mississippi
730 Attorney General's office as required by this subsection or fail
731 to attend one (1) such training session within six (6) months of
732 their designation as youth court prosecutor, the youth court
733 prosecutor shall be disqualified to serve and be immediately
734 removed from the office of youth court prosecutor and another

735 youth court prosecutor shall be designated.

736 SECTION 19. Section 43-21-123, Mississippi Code of 1972, is
737 amended as follows:

738 43-21-123. Except for expenses provided by state funds
739 and/or other monies, the board of supervisors * * * shall
740 adequately provide funds for the operation of the youth court
741 division of the chancery court in conjunction with the regular
742 chancery court budget, or the county * * * courts where said
743 courts are constituted. In preparation for said funding, on an
744 annual basis at the time requested, the youth court judge or
745 administrator shall prepare and submit to the board of
746 supervisors * * * an annual budget which will identify the number,
747 staff position, title and amount of annual or monthly compensation
748 of each position as well as provide for other expenditures
749 necessary to the functioning and operation of the youth court.
750 When the budget of the youth court or youth court judge is
751 approved by the board of supervisors * * *, then the youth court
752 or youth court judge may employ such persons as provided in the
753 budget from time to time.

754 The board of supervisors of any county in which there is
755 located a youth court * * * is authorized to reimburse the youth
756 court judges and other youth court employees or personnel for
757 reasonable travel and expenses incurred in the performance of
758 their duties and in attending educational meetings offering
759 professional training to such persons as budgeted.

760 SECTION 20. Section 9-13-17, Mississippi Code of 1972, is
761 amended as follows:

762 9-13-17. The circuit judge, chancellor * * * or county judge
763 may, by an order spread upon the minutes and made a part of the
764 records of the court, appoint an additional court reporter for a
765 term or part of a term whose duties, qualifications and
766 compensation shall be the same as is now provided by law for
767 official court reporters. The additional court reporter shall be
768 subject to the control of the judge or chancellor, as is now

769 provided by law for official court reporters, and the judge or
770 chancellor shall have the additional power to terminate the
771 appointment of such additional court reporter, whenever in his
772 opinion the necessity for such an additional court reporter ceases
773 to exist, by placing upon the minutes of the court an order to
774 that effect. The regular court reporter shall not draw any
775 compensation while the assistant court reporter alone is serving;
776 however, in the event the assistant court reporter is serving
777 because of the illness of the regular court reporter, the court
778 may authorize payment of said assistant court reporter from the
779 Administrative Office of Courts without diminution of the salary
780 of the regular court reporter, for a period not to exceed
781 forty-five (45) days in any one (1) calendar year. However, in
782 any circuit, chancery or county * * * court district within the
783 State of Mississippi, if the judge or chancellor shall determine
784 that in order to relieve the continuously crowded docket in such
785 district, or for other good cause shown, the appointment of an
786 additional court reporter is necessary for the proper
787 administration of justice, he may, with the advice and consent of
788 the board of supervisors if the court district is composed of a
789 single county and with the advice and consent of at least one-half
790 (1/2) of the boards of supervisors if the court district is
791 composed of more than one (1) county, by an order spread upon the
792 minutes and made a part of the records of the court, appoint an
793 additional court reporter. The additional court reporter shall
794 serve at the will and pleasure of the judge or chancellor, may be
795 a resident of any county of the state, and shall be paid a salary
796 designated by the judge or chancellor not to exceed the salary
797 authorized by Section 9-13-19. The salary of the additional court
798 reporter shall be paid by the Administrative Office of Courts, as
799 provided in Section 9-13-19; and mileage shall be paid to the
800 additional court reporter by the county as provided in the same
801 section. The office of such additional court reporter appointed
802 under this section shall not be abolished or compensation reduced

803 during the term of office of the appointing judge or chancellor
804 without the consent and approval of the appointing judge or
805 chancellor.

806 SECTION 21. Section 9-13-61, Mississippi Code of 1972, is
807 amended as follows:

808 9-13-61. There shall be an official court reporter for each
809 county * * * judge in the State of Mississippi, to be appointed by
810 such judge, for the purpose of performing the necessary and
811 required stenographic work of the court or division thereof over
812 which the appointing judge is presiding, said work to be performed
813 under the direction of such judge and in the same manner and to
814 the same effect as is provided in the chapter on court reporting.

815 * * * The reporters of said courts shall receive an annual
816 salary of not less than Twenty-four Thousand Dollars (\$24,000.00)
817 and may, at the discretion of the board or boards of supervisors,
818 receive a monthly salary equal to that of the reporter of the
819 circuit court district wherein the county lies, the same to be
820 paid monthly by the county out of its general fund, in a single
821 county court district, or by the counties out of their general
822 funds, in a multicounty court district.

823 * * *

824 SECTION 22. Section 9-9-3, Mississippi Code of 1972, which
825 provides for the establishment of a county court by agreement
826 between two (2) or more counties, is repealed.

827 SECTION 23. Section 9-9-9, Mississippi Code of 1972, which
828 restricts the practice of law by a county court judge, is
829 repealed.

830 SECTION 24. Section 9-9-13, Mississippi Code of 1972, which
831 authorizes the governing body of certain municipalities to
832 supplement the salaries of county judicial officers, is repealed.

833 SECTION 25. Section 9-9-14, Mississippi Code of 1972, which
834 authorizes two (2) county judgeships for Harrison County, is
835 repealed.

836 SECTION 26. Section 9-9-15, Mississippi Code of 1972, which

837 authorizes three (3) county judgeships for Hinds County, is
838 repealed.

839 SECTION 27. Section 9-9-16, Mississippi Code of 1972, which
840 authorizes two (2) county judgeships for Washington County, is
841 repealed.

842 SECTION 28. Section 9-9-17, Mississippi Code of 1972, which
843 authorizes two (2) county judgeships for Jackson County, is
844 repealed.

845 SECTION 29. Section 9-9-37, Mississippi Code of 1972, which
846 provides for the establishment or abolition of county courts, is
847 repealed.

848 SECTION 30. Section 9-9-39, Mississippi Code of 1972, which
849 provides for transfer of pending matters in any county court that
850 may be abolished, is repealed.

851 SECTION 31. Section 9-9-41, Mississippi Code of 1972, which
852 provides for the abolition of county courts in certain counties,
853 is repealed.

854 SECTION 32. Section 9-9-43, Mississippi Code of 1972, which
855 requires legislation action or election for abolition of county
856 courts in certain counties, is repealed.

857 SECTION 33. Section 9-9-45, Mississippi Code of 1972, which
858 requires the establishment or abolition of county courts under
859 certain circumstances, is repealed.

860 SECTION 34. All family courts are abolished from and after
861 January 1, 1998. All matters pending in any family court
862 abolished shall be transferred to the county court of the county
863 wherein the family court was located without the necessity for any
864 motion or order of court for such transfer.

865 SECTION 35. Sections 43-23-1, 43-23-3, 43-23-5, 43-23-7,
866 43-23-9, 43-23-11, 43-23-13, 43-23-15, 43-23-17, 43-23-19,
867 43-23-21, 43-23-23, 43-23-25, 43-23-27, 43-23-29, 43-23-31,
868 43-23-33, 43-23-35, 43-23-37, 43-23-39, 43-23-41, 43-23-43,
869 43-23-45, 43-23-47, 43-23-49, 43-23-51, 43-23-53 and 43-23-55,
870 Mississippi Code of 1972, which provide for the establishment and

871 operation of family courts, are repealed from and after January 1,
872 1998.

873 SECTION 36. Section 43-21-157, Mississippi Code of 1972, is
874 amended as follows:

875 43-21-157. (1) If a child who has reached his thirteenth
876 birthday is charged by petition to be a delinquent child, the
877 youth court, either on motion of the youth court prosecutor or on
878 the youth court's own motion, after a hearing as hereinafter
879 provided, may, in its discretion, transfer jurisdiction of the
880 alleged offense described in the petition or a lesser included
881 offense to the criminal court which would have trial jurisdiction
882 of such offense if committed by an adult. The child shall be
883 represented by counsel in transfer proceedings.

884 (2) A motion to transfer shall be filed on a day prior to
885 the date set for the adjudicatory hearing but not more than ten
886 (10) days after the filing of the petition. The youth court may
887 order a transfer study at any time after the motion to transfer is
888 filed. The transfer study and any other social record which the
889 youth court will consider at the transfer hearing shall be made
890 available to the child's counsel prior to the hearing. Summons
891 shall be served in the same manner as other summons under this
892 chapter with a copy of the motion to transfer and the petition
893 attached thereto.

894 (3) The transfer hearing shall be bifurcated. At the
895 transfer hearing, the youth court shall first determine whether
896 probable cause exists to believe that the child committed the
897 alleged offense. For the purpose of the transfer hearing only,
898 the child may, with the assistance of counsel, waive the
899 determination of probable cause.

900 (4) Upon such a finding of probable cause, the youth court
901 may transfer jurisdiction of the alleged offense and the youth if
902 the youth court finds by clear and convincing evidence that there
903 are no reasonable prospects of rehabilitation within the juvenile
904 justice system.

905 (5) The factors which shall be considered by the youth court
906 in determining the reasonable prospects of rehabilitation within
907 the juvenile justice system are:

908 (a) Whether or not the alleged offense constituted a
909 substantial danger to the public;

910 (b) The seriousness of the alleged offense;

911 (c) Whether or not the transfer is required to protect
912 the community;

913 (d) Whether or not the alleged offense was committed in
914 an aggressive, violent, premeditated or willful manner;

915 (e) Whether the alleged offense was against persons or
916 against property, greater weight being given to the offense
917 against persons, especially if personal injury resulted;

918 (f) The sophistication, maturity and educational
919 background of the child;

920 (g) The child's home situation, emotional condition and
921 life style;

922 (h) The history of the child, including experience with
923 the juvenile justice system, other courts, probation, commitments
924 to juvenile institutions or other placements;

925 (i) Whether or not the child can be retained in the
926 juvenile justice system long enough for effective treatment or
927 rehabilitation;

928 (j) The dispositional resources available to the
929 juvenile justice system;

930 (k) Dispositional resources available to the adult
931 correctional system for the child if treated as an adult;

932 (l) Whether the alleged offense was committed on school
933 property, public or private, or at any school-sponsored event, and
934 constituted a substantial danger to other students;

935 (m) Any other factors deemed relevant by the youth
936 court; and

937 (n) Nothing in this subsection shall prohibit the
938 transfer of jurisdiction of an alleged offense and a child if that

939 child, at the time of the transfer hearing, previously has not
940 been placed in a juvenile institution.

941 (6) If the youth court transfers jurisdiction of the alleged
942 offense to a criminal court, the youth court shall enter a
943 transfer order containing:

944 (a) Facts showing that the youth court had jurisdiction
945 of the cause and of the parties;

946 (b) Facts showing that the child was represented by
947 counsel;

948 (c) Facts showing that the hearing was held in the
949 presence of the child and his counsel;

950 (d) A recital of the findings of probable cause and the
951 facts and reasons underlying the youth court's decision to
952 transfer jurisdiction of the alleged offense;

953 (e) The conditions of custody or release of the child
954 pending criminal court proceedings, including bail or recognizance
955 as the case may justify, as well as a designation of the custodian
956 for the time being; and

957 (f) A designation of the alleged offense transferred
958 and of the court to which the transfer is made and a direction to
959 the clerk to forward for filing in such court a certified copy of
960 the transfer order of the youth court.

961 (7) The testimony of the child respondent at a transfer
962 hearing conducted pursuant to this chapter shall not be admissible
963 against the child in any proceeding other than the transfer
964 hearing.

965 (8) When jurisdiction of an offense is transferred to the
966 circuit court, or when a youth has committed an act which is in
967 original circuit court jurisdiction pursuant to Section 43-21-151,
968 the jurisdiction of the youth court over the youth is forever
969 terminated, except that such jurisdiction is not forever
970 terminated if the circuit court transfers or remands the
971 transferred case to the youth court or if a child who has been
972 transferred to the circuit court or is in the original

973 jurisdiction of the circuit court is not convicted. However, when
974 jurisdiction of an offense is transferred to the circuit court
975 pursuant to this section or when an offense committed by a youth
976 is in original circuit court jurisdiction pursuant to Section
977 43-21-151, the circuit court shall thereafter assume and retain
978 jurisdiction of any felony offenses committed by such youth
979 without any additional transfer proceedings. Any misdemeanor
980 offenses committed by youth who are in circuit court jurisdiction
981 pursuant to this section or Section 43-21-151 shall be prosecuted
982 in the court which would have jurisdiction over that offense if
983 committed by an adult without any additional transfer proceedings.

984 The circuit court may review the transfer proceedings on motion
985 of the transferred child. Such review shall be on the record of
986 the hearing in the youth court. The circuit court shall remand
987 the offense to the youth court if there is no substantial evidence
988 to support the order of the youth court. The circuit court may
989 also review the conditions of custody or release pending criminal
990 court proceedings.

991 (9) When any youth has been the subject of a transfer to
992 circuit court for an offense committed in any county of the state
993 or has committed any act which is in the original jurisdiction of
994 the circuit court pursuant to Section 43-21-151(1), that transfer
995 or original jurisdiction shall be recognized by all other courts
996 of the state and no subsequent offense committed by such youth in
997 any county of the state shall be in the jurisdiction of the youth
998 court unless transferred to the youth court pursuant to Section
999 43-21-159(3). Transfers from youth courts of other states shall
1000 be recognized by the courts of this state and no youth who has a
1001 pending charge or a conviction in the adult court system of any
1002 other state shall be in the jurisdiction of the youth courts of
1003 this state, but such youths shall be in the jurisdiction of the
1004 circuit court for any felony committed in this state or in the
1005 jurisdiction of the court of competent jurisdiction for any
1006 misdemeanor committed in this state.

1007 SECTION 37. Section 43-21-159, Mississippi Code of 1972, is
1008 amended as follows:

1009 43-21-159. (1) When a person appears before a court other
1010 than the youth court, and it is determined that the person is a
1011 child under jurisdiction of the youth court, such court * * *,
1012 unless the jurisdiction of the offense has been transferred to
1013 such court as provided in this chapter, or unless the child has
1014 previously been the subject of a transfer from the youth court to
1015 the circuit court for trial as an adult and was convicted, shall
1016 immediately dismiss the proceeding without prejudice and forward
1017 all documents pertaining to the cause to the youth court; and all
1018 entries in permanent records shall be expunged. The youth court
1019 shall have the power to order and supervise the expunction or the
1020 destruction of such records in accordance with Section 43-21-265.

1021 The youth court is authorized to expunge the record of any case
1022 within its jurisdiction in which an arrest was made, the person
1023 arrested was released and the case was dismissed or the charges
1024 were dropped or there was no disposition of such case. In cases
1025 where the child is charged with a hunting or fishing violation or
1026 a traffic violation, except for driving offenses under the
1027 Mississippi Implied Consent Law, whether it be any state or
1028 federal law, * * * or municipal ordinance or county resolution or
1029 where the child is charged with a violation of Section 67-3-70,
1030 the appropriate criminal court may proceed to dispose of the same
1031 in the same manner as for other * * * offenders and it shall not
1032 be necessary to transfer the case to the youth court of the
1033 county. The youth court, in addition to other action, may suspend
1034 the driver's license of any child charged with an offense under
1035 the Mississippi Implied Consent Law. Unless the cause has been
1036 transferred, or unless the child has previously been the subject
1037 of a transfer from the youth court to the circuit court for trial
1038 as an adult * * * and was convicted, the youth court shall have
1039 power on its own motion to remove jurisdiction from any criminal
1040 court of any offense including a hunting or fishing violation, a

1041 traffic violation, or a violation of Section 67-3-70, committed by
1042 a child in a matter under the jurisdiction of the youth court and
1043 proceed therewith in accordance with the provisions of this
1044 chapter.

1045 (2) After conviction and sentence of any child by any other
1046 court having original jurisdiction on a misdemeanor charge, and
1047 within the time allowed for an appeal of such conviction and
1048 sentence, the youth court of the county shall have the full power
1049 to stay the execution of the sentence and to release the child on
1050 good behavior or on other order as the youth court may see fit to
1051 make unless the child has previously been the subject of a
1052 transfer from the youth court to the circuit court for trial as an
1053 adult and was convicted. When a child is convicted of a
1054 misdemeanor and is committed to, incarcerated in or imprisoned in
1055 a jail or other place of detention by a criminal court having
1056 proper jurisdiction of such charge, such court shall notify the
1057 youth court judge or the judge's designee of the conviction and
1058 sentence prior to the commencement of such incarceration. The
1059 youth court shall have the power to order and supervise the
1060 destruction of any records involving children maintained by the
1061 criminal court in accordance with Section 43-21-265. However, the
1062 youth court shall have the power to set aside a judgment of any
1063 other court rendered in any matter over which the youth court has
1064 exclusive original jurisdiction, to expunge or destroy the records
1065 thereof in accordance with Section 43-21-265, and to order a
1066 refund of fines and costs.

1067 (3) Nothing in subsection (1) or (2) shall apply to a youth
1068 who has a pending charge or a conviction for any crime over which
1069 circuit court has original jurisdiction.

1070 (4) In any case wherein the defendant is a child as defined
1071 in this chapter and of which the circuit court has original
1072 jurisdiction, the circuit judge, upon a finding that it would be
1073 in the best interest of such child and in the interest of justice,
1074 may at any stage of the proceedings prior to the attachment of

1075 jeopardy transfer such proceedings to the youth court for further
1076 proceedings unless the child has previously been the subject of a
1077 transfer from the youth court to the circuit court for trial as an
1078 adult and was convicted or has previously been convicted of a
1079 crime which was in original circuit court jurisdiction, and the
1080 youth court shall, upon acquiring jurisdiction, proceed as
1081 provided in this chapter for the adjudication and disposition of
1082 delinquent child proceeding proceedings. If the case is not
1083 transferred to the youth court and the youth is convicted of a
1084 crime by any circuit court, the trial judge shall sentence the
1085 youth as though such youth was an adult. The circuit court shall
1086 not have the authority to commit such child to the custody of the
1087 Department of Youth Services for placement in a state-supported
1088 training school.

1089 (5) In no event shall a court sentence an offender over the
1090 age of eighteen (18) to the custody of the Division of Youth
1091 Services for placement in a state-supported training school.

1092 (6) When a child's driver's license is suspended by the
1093 youth court for any reason, the clerk of the youth court shall
1094 report the suspension, without a court order under Section
1095 43-21-261, to the Commissioner of Public Safety in the same manner
1096 as such suspensions are reported in cases involving adults.

1097 (7) No offense involving the use or possession of a firearm
1098 by a child who has reached his fifteenth birthday and which, if
1099 committed by an adult would be a felony, shall be transferred to
1100 the youth court.

1101 SECTION 38. The Attorney General of the State of Mississippi
1102 is hereby directed to submit this act, immediately upon approval
1103 by the Governor, or upon approval by the Legislature subsequent to
1104 a veto, to the Attorney General of the United States or to the
1105 United States District Court for the District of Columbia in
1106 accordance with the provisions of the Voting Rights Act of 1965,
1107 as amended and extended.

1108 SECTION 39. Section 3 of this act shall take effect and be

1109 in force from and after the date it is effectuated under Section 5
1110 of the Voting Rights Act of 1965, as amended and extended, and the
1111 remainder of this act shall take effect on that date or on
1112 January 1, 1999, whichever is later.