

By: Senator(s) Smith

To: Juvenile Justice;
Appropriations

SENATE BILL NO. 2922

1 AN ACT TO AMEND SECTIONS 43-21-117 AND 25-31-5, MISSISSIPPI
2 CODE OF 1972, TO PROVIDE THAT THE DISTRICT ATTORNEY SHALL SERVE AS
3 THE YOUTH COURT PROSECUTOR IN CERTAIN COUNTIES; TO PROVIDE THAT
4 LEGAL ASSISTANTS SHALL BE PROVIDED FOR PROSECUTING YOUTH COURT
5 CASES; AND FOR RELATED PURPOSES.

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

7 SECTION 1. Section 43-21-117, Mississippi Code of 1972, is
8 amended as follows:

9 43-21-117. (1) The youth court prosecutor shall represent
10 the petitioner in all proceedings in the youth court.

11 (2) Except as provided in subsection (5) of this section,
12 the county prosecuting attorney shall serve as the youth court
13 prosecutor; however, if funds are available pursuant to Section
14 43-21-123, the court may designate, as provided in subsection (3)
15 of this section, a prosecutor or prosecutors in lieu of or in
16 addition to the county prosecuting attorney. Where there is a
17 municipal youth court division, the city prosecutor shall serve as
18 youth court prosecutor except in those counties designated by
19 subsection (5) of this section; provided that the district
20 attorney may participate in transfer proceedings.

21 (3) Except as provided in subsection (5) of this section,
22 the judge may designate as provided in Section 43-21-123 some
23 suitable attorney or attorneys to serve as youth court prosecutor
24 or prosecutors in lieu of or in conjunction with the youth court
25 prosecutor provided in subsection (2) of this section. The
26 designated youth court prosecutor or prosecutors shall be paid a
27 fee or salary fixed on order of the judge as provided in Section
28 43-21-123 and shall be paid by the county out of any available

29 funds budgeted for the youth court by the board of supervisors,
30 unless the designated youth court prosecutor or prosecutors serves
31 in a municipal youth court division, in which case he shall be
32 paid a fee or salary fixed on order of the judge from the funds
33 available to the municipality.

34 (4) All youth court prosecutors and county prosecuting
35 attorneys who serve as youth court prosecutors shall be required
36 to receive juvenile justice training approved by the Mississippi
37 Attorney General's office and regular annual continuing education
38 in the field of juvenile justice. The Mississippi Attorney
39 General's office shall determine the amount of juvenile justice
40 training and annual continuing education which shall be
41 satisfactory to fulfill the requirements of this subsection. The
42 Administrative Office of Courts shall maintain a roll of youth
43 court prosecutors, shall enforce the provisions of this subsection
44 and shall maintain records on all such youth court prosecutors
45 regarding such training. Should a youth court prosecutor miss two
46 (2) consecutive training sessions sponsored by the Mississippi
47 Attorney General's office as required by this subsection or fail
48 to attend one (1) such training session within six (6) months of
49 their designation as youth court prosecutor, the youth court
50 prosecutor shall be disqualified to serve and be immediately
51 removed from the office of youth court prosecutor and another
52 youth court prosecutor shall be designated.

53 (5) The district attorney shall serve as the youth court
54 prosecutor in three (3) districts designated as follows: the
55 Second Circuit Court District, the Fifteenth Circuit Court
56 District and the Seventeenth Circuit Court District. The district
57 attorneys of the Second, Fifteenth and Seventeenth Circuit Court
58 Districts shall each be authorized two (2) additional legal
59 assistants by Section 2 of Senate Bill No. 2922, 1999 Regular
60 Session. The additional legal assistants authorized by Section 2
61 of Senate Bill No. 2922, 1999 Regular Session, shall receive the
62 same compensation and be paid from the same source as other
63 full-time legal assistants. This subsection shall stand repealed
64 from and after July 1, 2002.

65 SECTION 2. Section 25-31-5, Mississippi Code of 1972, is
66 amended as follows:

67 25-31-5. (1) The following number of full-time legal
68 assistants are authorized in the following circuit court
69 districts:

70 (a) First Circuit Court
71 District.....seven (7) legal assistants.

72 (b) Second Circuit Court
73 District.....eight (8) legal assistants.

74 (c) Third Circuit Court
75 District.....four (4) legal assistants.

76 (d) Fourth Circuit Court
77 District.....five (5) legal assistants.

78 (e) Fifth Circuit Court
79 District.....four (4) legal assistants.

80 (f) Sixth Circuit Court
81 District.....two (2) legal assistants.

82 (g) Seventh Circuit Court
83 District.....nine (9) legal assistants.

84 (h) Eighth Circuit Court
85 District.....two (2) legal assistants.

86 (i) Ninth Circuit Court
87 District.....two (2) legal assistants.

88 (j) Tenth Circuit Court
89 District.....four (4) legal assistants.

90 (k) Eleventh Circuit Court
91 District.....five (5) legal assistants.

92 (l) Twelfth Circuit Court
93 District.....three (3) legal assistants.

94 (m) Thirteenth Circuit Court
95 District.....two (2) legal assistants.

96 (n) Fourteenth Circuit Court
97 District.....three (3) legal assistants.

98 (o) Fifteenth Circuit Court
99 District.....four (4) legal assistants.

100 (p) Sixteenth Circuit Court

101 District.....four (4) legal assistants.
102 (q) Seventeenth Circuit Court
103 District.....five (5) legal assistants.
104 (r) Eighteenth Circuit Court
105 District.....two (2) legal assistants.
106 (s) Nineteenth Circuit Court
107 District.....four (4) legal assistants.
108 (t) Twentieth Circuit Court
109 District.....four (4) legal assistants.
110 (u) Twenty-first Circuit Court
111 District.....two (2) legal assistants.
112 (v) Twenty-second Circuit Court
113 District.....two (2) legal assistants.

114 (2) The following number of full-time legal assistants are
115 authorized in the following circuit court districts:

116 (a) Second Circuit Court
117 District..... two (2) legal assistants.
118 (b) Fifteenth Circuit Court
119 District..... two (2) legal assistants.
120 (c) Seventeenth Circuit Court
121 District..... two (2) legal assistants.

122 This subsection shall stand repealed from and after July
123 1, 2002.

124 (3) In addition to any legal assistants authorized pursuant
125 to subsections (1) and (2) of this section, the following number
126 of full-time legal assistants are authorized (i) in the following
127 circuit court districts if funds are appropriated by the
128 Legislature to adequately fund the salaries, expenses and fringe
129 benefits of such legal assistants, or (ii) in any of the following
130 circuit court districts in which the board of supervisors of one
131 or more of the counties in a circuit court district adopts a
132 resolution to pay all of the salaries, supplemental pay, expenses
133 and fringe benefits of legal assistants authorized in such
134 district pursuant to this subsection:

135 (a) First Circuit Court
136 District.....two (2) legal assistants.
137 (b) Second Circuit Court
138 District.....two (2) legal assistants.
139 (c) Third Circuit Court
140 District.....two (2) legal assistants.
141 (d) Fourth Circuit Court
142 District.....two (2) legal assistants.
143 (e) Fifth Circuit Court
144 District.....two (2) legal assistants.
145 (f) Sixth Circuit Court
146 District.....two (2) legal assistants.
147 (g) Seventh Circuit Court
148 District.....two (2) legal assistants.
149 (h) Eighth Circuit Court
150 District.....two (2) legal assistants.
151 (i) Ninth Circuit Court
152 District.....two (2) legal assistants.
153 (j) Tenth Circuit Court
154 District.....two (2) legal assistants.
155 (k) Eleventh Circuit Court
156 District.....two (2) legal assistants.
157 (l) Twelfth Circuit Court
158 District.....two (2) legal assistants.
159 (m) Thirteenth Circuit Court
160 District.....two (2) legal assistants.
161 (n) Fourteenth Circuit Court
162 District.....two (2) legal assistants.
163 (o) Fifteenth Circuit Court
164 District.....two (2) legal assistants.
165 (p) Sixteenth Circuit Court
166 District.....two (2) legal assistants.
167 (q) Seventeenth Circuit Court
168 District.....two (2) legal assistants.

- 169 (r) Eighteenth Circuit Court
170 District.....two (2) legal assistants.
171 (s) Nineteenth Circuit Court
172 District.....two (2) legal assistants.
173 (t) Twentieth Circuit Court
174 District.....two (2) legal assistants.
175 (u) Twenty-first Circuit Court
176 District.....two (2) legal assistants.
177 (v) Twenty-second Circuit Court
178 District.....two (2) legal assistants.

179 (4) The board of supervisors of any county is hereby
180 authorized and empowered, in its discretion, to pay all or a part
181 of the salary, supplemental pay, expenses and fringe benefits of
182 any district attorney or legal assistant authorized in the circuit
183 court district to which such county belongs pursuant to this
184 section.

185 SECTION 3. This act shall take effect and be in force from
186 and after July 1, 1999.