

By: Senator(s) Smith

To: Juvenile Justice;  
Appropriations

## SENATE BILL NO. 2985

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 AMEND  
6 SECTION 9-9-11, MISSISSIPPI CODE OF 1972, TO REVISE THE  
7 COMPENSATION OF THE OFFICE OF COUNTY COURT JUDGE; TO AMEND  
8 SECTIONS 23-15-975 AND 23-15-977, MISSISSIPPI CODE OF 1972, IN  
9 CONFORMITY; TO AMEND SECTION 9-1-19, MISSISSIPPI CODE OF 1972, TO  
10 REVISE THE AUTHORITY OF JUDGES TO GRANT REMEDIAL WRITS; TO AMEND  
11 SECTION 9-1-23, MISSISSIPPI CODE OF 1972, TO INCLUDE COUNTY COURT  
12 JUDGES AS THOSE WHO ARE CONSERVATORS OF THE PEACE; TO AMEND  
13 SECTION 9-1-25, MISSISSIPPI CODE OF 1972, TO INCLUDE COUNTY COURT  
14 JUDGES AMONG THOSE WHO ARE NOT TO PRACTICE LAW; TO AMEND SECTION  
15 9-1-35, MISSISSIPPI CODE OF 1972, TO REQUIRE THE COUNTY COURT TO  
16 OBTAIN A SEAL; TO AMEND SECTION 9-1-36, MISSISSIPPI CODE OF 1972,  
17 TO INCLUDE COUNTY COURT JUDGES AMONG THOSE FOR WHOM AN OFFICE  
18 ALLOWANCE IS APPROPRIATED; TO AMEND SECTION 9-9-19, MISSISSIPPI  
19 CODE OF 1972, TO PROVIDE FOR THE HOLDING OF COUNTY COURT IN  
20 CERTAIN COUNTIES; TO AMEND SECTIONS 9-9-21, 9-9-23, 43-21-107,  
21 43-21-117, 43-21-123, 9-13-17 AND 9-13-61, MISSISSIPPI CODE OF  
22 1972, IN CONFORMITY; TO AMEND SECTION 43-21-111, MISSISSIPPI CODE  
23 OF 1972, TO PROVIDE FOR CERTAIN STATE FUNDING OF YOUTH COURT  
24 REFEREES IN COUNTIES NOT HAVING A COUNTY COURT; TO PROVIDE FOR THE  
25 ABOLITION OF ALL FAMILY COURTS AND PROVIDE FOR THE AUTOMATIC  
26 TRANSFER OF CASES THEREFROM; TO REPEAL SECTION 9-9-3, MISSISSIPPI  
27 CODE OF 1972, WHICH PROVIDES FOR THE ESTABLISHMENT OF A COUNTY  
28 COURT BY AGREEMENT BETWEEN TWO OR MORE COUNTIES; TO REPEAL SECTION  
29 9-9-9, MISSISSIPPI CODE OF 1972, WHICH RESTRICTS THE PRACTICE OF  
30 LAW BY A COUNTY COURT JUDGE; TO REPEAL SECTION 9-9-13, MISSISSIPPI  
31 CODE OF 1972, WHICH AUTHORIZES CERTAIN MUNICIPALITIES TO  
32 SUPPLEMENT THE SALARIES OF COUNTY JUDGES; TO REPEAL SECTION  
33 9-9-14, MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES TWO COUNTY  
34 JUDGESHIPS FOR HARRISON COUNTY; TO REPEAL SECTION 9-9-15,  
35 MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES THREE COUNTY JUDGESHIPS  
36 FOR HINDS COUNTY; TO REPEAL SECTION 9-9-16, MISSISSIPPI CODE OF  
37 1972, WHICH AUTHORIZES TWO COUNTY JUDGESHIPS FOR WASHINGTON  
38 COUNTY; TO REPEAL SECTION 9-9-17, MISSISSIPPI CODE OF 1972, WHICH  
39 AUTHORIZES TWO COUNTY JUDGESHIPS FOR JACKSON COUNTY; TO REPEAL  
40 SECTION 9-9-37, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE  
41 ESTABLISHMENT OR ABOLITION OF COUNTY COURTS; TO REPEAL SECTION  
42 9-9-39, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR TRANSFER OF  
43 PENDING MATTERS IN ANY COUNTY COURT THAT MAY BE ABOLISHED; TO  
44 REPEAL SECTION 9-9-41, MISSISSIPPI CODE OF 1972, WHICH PROVIDES  
45 FOR THE ABOLITION OF COUNTY COURTS IN CERTAIN COUNTIES; TO REPEAL  
46 SECTION 9-9-43, MISSISSIPPI CODE OF 1972, WHICH REQUIRES  
47 LEGISLATIVE ACTION OR ELECTION FOR ABOLITION OF COUNTY COURTS IN  
48 CERTAIN COUNTIES; TO REPEAL SECTION 9-9-45, MISSISSIPPI CODE OF  
49 1972, WHICH REQUIRES THE ESTABLISHMENT OR ABOLITION OF COUNTY  
50 COURTS UNDER CERTAIN CIRCUMSTANCES; TO REPEAL SECTIONS 43-23-1  
51 THROUGH 43-23-55, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE  
52 ESTABLISHMENT AND OPERATION OF FAMILY COURTS; TO AMEND SECTION

53 43-21-157, MISSISSIPPI CODE OF 1972, TO CORRECT AN ERROR IN THE  
54 INTERNAL CODAL REFERENCES; TO AMEND SECTION 43-21-159, MISSISSIPPI  
55 CODE OF 1972, TO REVISE YOUTH COURT JURISDICTION; AND FOR RELATED  
56 PURPOSES.

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

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

60 9-9-1. (1) There shall be an inferior court to be known as  
61 the county court in and for each of the following single county  
62 districts:

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

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

85 Alcorn and Prentiss Counties;  
86 Coahoma and Tunica Counties;  
87 Marshall, Benton and Tippah Counties;

88           Lafayette and Union Counties;  
89           Sunflower and Humphreys Counties;  
90           Copiah and Lincoln Counties;  
91           Lamar and Pearl River Counties;  
92           Simpson, Smith and Covington Counties;  
93           Jefferson Davis, Lawrence and Marion Counties;  
94           Itawamba and Monroe Counties;  
95           Tate and Panola Counties;  
96           Grenada and Montgomery Counties; and  
97           Oktibbeha and Winston Counties.

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

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

106           (4) The initial holder of the county judgeships first  
107 created by Senate Bill No. 2985, 1999 Regular Session, shall be  
108 elected at the general election to be held in November 1999, and  
109 the terms of the judges so elected shall end at the same as for  
110 county judges generally.

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

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

122 hold office for the same term. Vacancies in the office of county  
123 judge shall be filled in the same manner as vacancies in the  
124 office of circuit judge.

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

134 SECTION 3. Section 9-9-11, Mississippi Code of 1972, is  
135 amended as follows:

136 9-9-11. \* \* \* The county court judge shall receive an annual  
137 salary payable monthly out of the State General Fund in the amount  
138 of One Thousand Dollars (\$1,000.00) less than the annual salary  
139 which is now or shall hereafter be provided for circuit and  
140 chancery judges of this state \* \* \*. \* \* \* The office of county  
141 court judge \* \* \* shall be a full-time position, and the holder  
142 thereof shall not otherwise engage in the practice of law.

143 \* \* \*

144 SECTION 4. Section 23-15-975, Mississippi Code of 1972, is  
145 amended as follows:

146 23-15-975. As used in Sections 23-15-974 through 23-15-985  
147 of this subarticle, the term "judicial office" includes the office  
148 of justice of the Supreme Court, judge of the Court of Appeals,  
149 circuit judge, chancellor and county court judge \* \* \*. All such  
150 justices and judges shall be full-time positions and such justices  
151 and judges shall not engage in the practice of law before any  
152 court, administrative agency or other judicial or quasi-judicial  
153 forum except as provided by law for finalizing pending cases after  
154 election to judicial office.

155 SECTION 5. Section 23-15-977, Mississippi Code of 1972, is

156 amended as follows:

157           23-15-977. (1) All candidates for judicial office as  
158 defined in Section 23-15-975 of this subarticle shall file their  
159 intent to be a candidate with the State Board of Election  
160 Commissioners not later than the first Friday after the first  
161 Monday in May prior to the general election for judicial office  
162 and shall pay \* \* \* the following amounts:

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

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

167           \* \* \*

168           (2) For the 1999 general election only, candidates for the  
169 initial terms in the county court districts created by Senate Bill  
170 No. 2985, 1999 Regular Session, shall file their intent to be a  
171 candidate and pay a fee of One Hundred Dollars (\$100.00) with the  
172 State Board of Election Commissioners no later than October 1,  
173 1999. The elections shall otherwise be as provided by law.

174           SECTION 6. Section 9-1-19, Mississippi Code of 1972, is  
175 amended as follows:

176           9-1-19. The judges of the Supreme, \* \* \* circuit and county  
177 courts, and chancellors and judges of the Court of Appeals, in  
178 termtime and in vacation, may severally order the issuance of  
179 writs of habeas corpus, mandamus, certiorari, supersedeas and  
180 attachments, and grant injunctions and all other remedial writs,  
181 in all cases where the same may properly be granted according to  
182 right and justice, returnable to any court, whether the suit or  
183 proceedings be pending in the district of the judge or chancellor  
184 granting the same or not. The fiat of such judge or chancellor  
185 shall authorize the issuance of the process for a writ returnable  
186 to the proper court or before the proper officer; and all such  
187 process or writs may be granted, issued and executed on Sunday.

188           SECTION 7. Section 9-1-23, Mississippi Code of 1972, is  
189 amended as follows:

190 9-1-23. The judges of the Supreme, circuit and county courts  
191 and chancellors and judges of the Court of Appeals shall be  
192 conservators of the peace for the state, each with full power to  
193 do all acts which conservators of the peace may lawfully do; and  
194 the circuit judges, \* \* \* chancellors and county judges shall  
195 reside within their respective districts \* \* \*.

196 SECTION 8. Section 9-1-25, Mississippi Code of 1972, is  
197 amended as follows:

198 9-1-25. It shall not be lawful for any judge of the Supreme  
199 Court, Court of Appeals or a judge of the circuit or county court,  
200 or a chancellor to exercise the profession or employment of an  
201 attorney or counsellor at law, or to be engaged in the practice of  
202 law; and any person offending against this prohibition shall be  
203 guilty of a high misdemeanor and be removed from office; but this  
204 shall not prohibit a chancellor, \* \* \* circuit judge, county judge  
205 or a judge of the Court of Appeals from practicing in any of the  
206 courts for a period of six (6) months from the time such judges or  
207 chancellors assume office so far as to enable them to bring to a  
208 conclusion cases actually pending when they were appointed or  
209 elected in which such chancellor or judge was then employed, nor  
210 shall a judge of the Supreme Court be hindered from appearing in  
211 the courts of the United States in any case in which he was  
212 engaged when he was appointed or elected judge.

213 SECTION 9. Section 9-1-35, Mississippi Code of 1972, is  
214 amended as follows:

215 9-1-35. The clerk of the Supreme Court and of the Court of  
216 Appeals, at the expense of the state, and the clerk of every  
217 circuit, county and chancery court, at the expense of the county,  
218 shall keep a seal, with the style of the court around the margin  
219 and the image of an eagle in the center.

220 SECTION 10. Section 9-1-36, Mississippi Code of 1972, is  
221 amended as follows:

222 9-1-36. (1) Each circuit judge, county judge and chancellor  
223 shall receive an office operating allowance for the expenses of

224 operating the office of such judge, including retaining a law  
225 clerk, legal research, stenographic help, stationery, stamps,  
226 furniture, office equipment, telephone, office rent and other  
227 items and expenditures necessary and incident to maintaining the  
228 office of judge. Such allowance shall be paid only to the extent  
229 of actual expenses incurred by any such judge as itemized and  
230 certified by such judge to the Supreme Court and then in an amount  
231 of not more than Four Thousand Dollars (\$4,000.00) per annum;  
232 however, such judge may expend sums in excess thereof from the  
233 compensation otherwise provided for his office. No part of this  
234 expense or allowance shall be used to pay an official court  
235 reporter for services rendered to said court.

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

240 (3) Each judge who desires to employ or continue to employ  
241 support staff after July 1, 1994, shall make application to the  
242 Administrative Office of Courts by submitting to the  
243 Administrative Office of Courts a proposed personnel plan setting  
244 forth what support staff is deemed necessary. Such plan may be  
245 submitted by a single judge or by any combination of judges  
246 desiring to share support staff. In the process of the  
247 preparation of the plan, the judges, at their request, may receive  
248 advice, suggestions, recommendations and other assistance from the  
249 Administrative Office of Courts. The Administrative Office of  
250 Courts must approve the positions, job descriptions and salaries  
251 before the positions may be filled. The Administrative Office of  
252 Courts shall not approve any plan which does not first require the  
253 expenditure of the funds in the support staff fund for  
254 compensation of any of the support staff before expenditure is  
255 authorized of county funds for that purpose. Upon approval by the  
256 Administrative Office of Courts, the judge or judges may appoint  
257 the employees to the position or positions, and each employee so

258 appointed will work at the will and pleasure of the judge or  
259 judges who appointed him but will be employees of the  
260 Administrative Office of Courts. Upon approval by the  
261 Administrative Office of Courts, the appointment of any support  
262 staff shall be evidenced by the entry of an order on the minutes  
263 of the court. When support staff is appointed jointly by two (2)  
264 or more judges, the order setting forth any appointment shall be  
265 entered on the minutes of each participating court.

266 (4) The Administrative Office of Courts shall develop and  
267 promulgate minimum qualifications for the certification of court  
268 administrators. Any court administrator appointed on or after  
269 October 1, 1996, shall be required to be certified by the  
270 Administrative Office of Courts.

271 (5) Support staff shall receive compensation pursuant to  
272 personnel policies established by the Administrative Office of  
273 Courts; however, from and after July 1, 1994, the Administrative  
274 Office of Courts shall allocate from the support staff fund an  
275 amount not to exceed Forty Thousand Dollars (\$40,000.00) per  
276 fiscal year (July 1 through June 30) per judge for whom support  
277 staff is approved for the funding of support staff assigned to a  
278 judge or judges. Any employment pursuant to this subsection shall  
279 be subject to the provisions of Section 25-1-53.

280 The Administrative Office of Courts may approve expenditure  
281 from the fund for additional equipment for support staff appointed  
282 pursuant to this section in any year in which the allocation per  
283 judge is sufficient to meet the equipment expense after provision  
284 for the compensation of the support staff.

285 (6) For the purposes of this section, the following terms  
286 shall have the meaning ascribed herein unless the context clearly  
287 requires otherwise:

288 (a) "Judges" means circuit judges and chancellors, or  
289 any combination thereof;

290 (b) "Support staff" means court administrators, law  
291 clerks, legal research assistants or secretaries, or any



292 combination thereof, but shall not mean school attendance  
293 officers;

294 (c) "Compensation" means the gross salary plus all  
295 amounts paid for benefits or otherwise as a result of employment  
296 or as required by employment; provided, however, that only salary  
297 earned for services rendered shall be reported and credited for  
298 Public Employees' Retirement System purposes. Amounts paid for  
299 benefits or otherwise, including reimbursement for travel  
300 expenses, shall not be reported or credited for retirement  
301 purposes.

302 (7) Title to all tangible property, excepting stamps,  
303 stationery and minor expendable office supplies, procured with  
304 funds authorized by this section, shall be and forever remain in  
305 the State of Mississippi to be used by the \* \* \* judge \* \* \*  
306 during the term of his office and thereafter by his successors.

307 (8) Any \* \* \* judge \* \* \* who did not have a primary office  
308 provided by the county on March 1, 1988, shall be allowed an  
309 additional Four Thousand Dollars (\$4,000.00) per annum to defray  
310 the actual expenses incurred by such judge \* \* \* in maintaining an  
311 office; however, any \* \* \* judge \* \* \* who had a primary office  
312 provided by the county on March 1, 1988, and who vacated the  
313 office space after such date for a legitimate reason, as  
314 determined by the Department of Finance and Administration, shall  
315 be allowed the additional office expense allowance provided under  
316 this subsection.

317 (9) The Supreme Court, through the Administrative Office of  
318 Courts, shall submit to the Department of Finance and  
319 Administration the itemized and certified expenses for office  
320 operating allowances that are directed to the court pursuant to  
321 this section.

322 (10) The Supreme Court, through the Administrative Office of  
323 Courts, shall have the power to adopt rules and regulations  
324 regarding the administration of the office operating allowance  
325 authorized pursuant to this section.

326 SECTION 11. Section 9-9-19, Mississippi Code of 1972, is  
327 amended as follows:

328 9-9-19. (1) There shall be a \* \* \* court to be styled "The  
329 County Court of the County of \_\_\_\_\_" \* \* \* in each county  
330 of a county court district as determined to be necessary by the  
331 senior county court judge; but in counties where there are two (2)  
332 judicial districts and in multicounty county court districts, the  
333 county court shall be convened in each judicial district and in  
334 each county not less than four (4) times each year. \* \* \*

335 \* \* \*

336 SECTION 12. Section 9-9-21, Mississippi Code of 1972, is  
337 amended as follows:

338 9-9-21. (1) The jurisdiction of the county court shall be  
339 as follows: It shall have jurisdiction concurrent with the  
340 justice court in all matters, civil and criminal of which the  
341 justice court has jurisdiction; and it shall have jurisdiction  
342 concurrent with the circuit and chancery courts in all matters of  
343 law and equity wherein the amount of value of the thing in  
344 controversy shall not exceed, exclusive of costs and interest, the  
345 sum of Seventy-five Thousand Dollars (\$75,000.00), and the  
346 jurisdiction of the county court shall not be affected by any  
347 setoff, counterclaim or cross-bill in such actions where the  
348 amount sought to be recovered in such setoff, counterclaim or  
349 cross-bill exceeds Seventy-five Thousand Dollars (\$75,000.00).  
350 Provided, however, the party filing such setoff, counterclaim or  
351 cross-bill which exceeds Seventy-five Thousand Dollars  
352 (\$75,000.00) shall give notice to the opposite party or parties as  
353 provided in Section 13-3-83, and on motion of all parties filed  
354 within twenty (20) days after the filing of such setoff,  
355 counterclaim or cross-bill, the county court shall transfer the  
356 case to the circuit or chancery court wherein the county court is  
357 situated and which would otherwise have jurisdiction. It shall  
358 have exclusively the jurisdiction heretofore exercised by the  
359 justice court in the following matters and causes: namely,

360 eminent domain, the partition of personal property, and actions of  
361 unlawful entry and detainer, provided that the actions of eminent  
362 domain and unlawful entry and detainer may be returnable and  
363 triable before the judge of said court in vacation.

364 (2) In \* \* \* multicounty county court districts \* \* \*, it  
365 shall be lawful for such court sitting in one (1) county to act  
366 upon any and all matters of which it has jurisdiction as provided  
367 by law arising in the other county under the jurisdiction of said  
368 court.

369 SECTION 13. Section 9-9-23, Mississippi Code of 1972, is  
370 amended as follows:

371 9-9-23. The county judge shall have power to issue writs,  
372 and to try matters, of habeas corpus on application to him  
373 therefor, or when made returnable before him by a superior judge.  
374 He shall also have the power to order the issuance of writs of  
375 certiorari, supersedeas, attachments, and other remedial writs in  
376 all cases pending in, or within the jurisdiction of, his court.  
377 He shall have the authority to issue search warrants in his  
378 district returnable to his own court or to any court of a justice  
379 court judge within his district in the same manner as is provided  
380 by law for the issuance of search warrants by justice court  
381 judges. In all cases pending in, or within the jurisdiction of,  
382 his court, he shall have, in termtime, and in vacation, the power  
383 to order, do or determine to the same extent and in the same  
384 manner as a justice court judge or a circuit judge or a chancellor  
385 could do in termtime or in vacation in such cases. But he shall  
386 not have original power to issue writs of injunction, or other  
387 remedial writs in equity or in law except in those cases  
388 hereinabove specified as being within his jurisdiction. Provided,  
389 however, that when any judge or chancellor authorized to issue  
390 such writs of injunction, or any other equitable or legal remedial  
391 writs hereinabove reserved, shall so direct in writing the hearing  
392 of application therefor may be by him referred to the county  
393 judge, in which event the said direction of the superior judge

394 shall vest in the said county judge all authority to take such  
395 action on said application as the said superior judge could have  
396 taken under the right and the law, had the said application been  
397 at all times before the said superior judge. The jurisdiction  
398 authorized under the foregoing proviso shall cease upon the  
399 denying or granting of the application.

400 SECTION 14. Section 43-21-107, Mississippi Code of 1972, is  
401 amended as follows:

402 43-21-107.

403 \* \* \*

404 (1) A youth court division is hereby created as a division  
405 of the county court of each county now or hereafter having a  
406 county court \* \* \*, and the county judge shall be the judge of the  
407 youth court unless another judge is named by the county judge as  
408 provided by this chapter.

409 (2) A youth court division is hereby created as a division  
410 of the chancery court of each county in which no county  
411 court \* \* \* is maintained and any chancellor within a chancery  
412 court district shall be the judge of the youth court of that  
413 county within such chancery court district unless another judge is  
414 named by the senior chancellor of the county or chancery court  
415 district as provided by this chapter.

416 \* \* \*

417 SECTION 15. Section 43-21-117, Mississippi Code of 1972, is  
418 amended as follows:

419 43-21-117. (1) The youth court prosecutor shall represent  
420 the petitioner in all proceedings in the youth court.

421 (2) The county prosecuting attorney shall serve as the youth  
422 court prosecutor; however, if funds are available pursuant to  
423 Section 43-21-123, the court may designate, as provided in  
424 subsection (3) of this section, a prosecutor or prosecutors in  
425 lieu of or in addition to the county prosecuting attorney. \* \* \*  
426 The district attorney may participate in transfer proceedings.

427 (3) The judge may designate as provided in Section 43-21-123

428 some suitable attorney or attorneys to serve as youth court  
429 prosecutor or prosecutors in lieu of or in conjunction with the  
430 youth court prosecutor provided in subsection (2) of this section.

431 The designated youth court prosecutor or prosecutors shall be  
432 paid a fee or salary fixed on order of the judge as provided in  
433 Section 43-21-123 and shall be paid by the county out of any  
434 available funds budgeted for the youth court by the board of  
435 supervisors \* \* \*.

436 (4) All youth court prosecutors and county prosecuting  
437 attorneys who serve as youth court prosecutors shall be required  
438 to receive juvenile justice training approved by the Mississippi  
439 Attorney General's office and regular annual continuing education  
440 in the field of juvenile justice. The Mississippi Attorney  
441 General's office shall determine the amount of juvenile justice  
442 training and annual continuing education which shall be  
443 satisfactory to fulfill the requirements of this subsection. The  
444 Administrative Office of Courts shall maintain a roll of youth  
445 court prosecutors, shall enforce the provisions of this subsection  
446 and shall maintain records on all such youth court prosecutors  
447 regarding such training. Should a youth court prosecutor miss two  
448 (2) consecutive training sessions sponsored by the Mississippi  
449 Attorney General's office as required by this subsection or fail  
450 to attend one (1) such training session within six (6) months of  
451 their designation as youth court prosecutor, the youth court  
452 prosecutor shall be disqualified to serve and be immediately  
453 removed from the office of youth court prosecutor and another  
454 youth court prosecutor shall be designated.

455 SECTION 16. Section 43-21-123, Mississippi Code of 1972, is  
456 amended as follows:

457 43-21-123. Except for expenses provided by state funds  
458 and/or other monies, the board of supervisors \* \* \* shall  
459 adequately provide funds for the operation of the youth court  
460 division of the chancery court in conjunction with the regular  
461 chancery court budget, or the county \* \* \* courts where said

462 courts are constituted. In preparation for said funding, on an  
463 annual basis at the time requested, the youth court judge or  
464 administrator shall prepare and submit to the board of  
465 supervisors \* \* \* an annual budget which will identify the number,  
466 staff position, title and amount of annual or monthly compensation  
467 of each position as well as provide for other expenditures  
468 necessary to the functioning and operation of the youth court.  
469 When the budget of the youth court or youth court judge is  
470 approved by the board of supervisors \* \* \*, then the youth court  
471 or youth court judge may employ such persons as provided in the  
472 budget from time to time.

473 The board of supervisors of any county in which there is  
474 located a youth court \* \* \* is authorized to reimburse the youth  
475 court judges and other youth court employees or personnel for  
476 reasonable travel and expenses incurred in the performance of  
477 their duties and in attending educational meetings offering  
478 professional training to such persons as budgeted.

479 SECTION 17. Section 9-13-17, Mississippi Code of 1972, is  
480 amended as follows:

481 9-13-17. The circuit judge, chancellor \* \* \* or county judge  
482 may, by an order spread upon the minutes and made a part of the  
483 records of the court, appoint an additional court reporter for a  
484 term or part of a term whose duties, qualifications and  
485 compensation shall be the same as is now provided by law for  
486 official court reporters. The additional court reporter shall be  
487 subject to the control of the judge or chancellor, as is now  
488 provided by law for official court reporters, and the judge or  
489 chancellor shall have the additional power to terminate the  
490 appointment of such additional court reporter, whenever in his  
491 opinion the necessity for such an additional court reporter ceases  
492 to exist, by placing upon the minutes of the court an order to  
493 that effect. The regular court reporter shall not draw any  
494 compensation while the assistant court reporter alone is serving;  
495 however, in the event the assistant court reporter is serving

496 because of the illness of the regular court reporter, the court  
497 may authorize payment of said assistant court reporter from the  
498 Administrative Office of Courts without diminution of the salary  
499 of the regular court reporter, for a period not to exceed  
500 forty-five (45) days in any one (1) calendar year. However, in  
501 any circuit, chancery or county \* \* \* court district within the  
502 State of Mississippi, if the judge or chancellor shall determine  
503 that in order to relieve the continuously crowded docket in such  
504 district, or for other good cause shown, the appointment of an  
505 additional court reporter is necessary for the proper  
506 administration of justice, he may, with the advice and consent of  
507 the board of supervisors if the court district is composed of a  
508 single county and with the advice and consent of at least one-half  
509 (1/2) of the boards of supervisors if the court district is  
510 composed of more than one (1) county, by an order spread upon the  
511 minutes and made a part of the records of the court, appoint an  
512 additional court reporter. The additional court reporter shall  
513 serve at the will and pleasure of the judge or chancellor, may be  
514 a resident of any county of the state, and shall be paid a salary  
515 designated by the judge or chancellor not to exceed the salary  
516 authorized by Section 9-13-19. The salary of the additional court  
517 reporter shall be paid by the Administrative Office of Courts, as  
518 provided in Section 9-13-19; and mileage shall be paid to the  
519 additional court reporter by the county as provided in the same  
520 section. The office of such additional court reporter appointed  
521 under this section shall not be abolished or compensation reduced  
522 during the term of office of the appointing judge or chancellor  
523 without the consent and approval of the appointing judge or  
524 chancellor.

525 SECTION 18. Section 9-13-61, Mississippi Code of 1972, is  
526 amended as follows:

527 9-13-61. There shall be an official court reporter for each  
528 county \* \* \* judge in the State of Mississippi, to be appointed by  
529 such judge, for the purpose of performing the necessary and

530 required stenographic work of the court or division thereof over  
531 which the appointing judge is presiding, said work to be performed  
532 under the direction of such judge and in the same manner and to  
533 the same effect as is provided in the chapter on court reporting.

534 Except as hereinafter provided, the reporters of said courts  
535 shall receive an annual salary of not less than Twenty-four  
536 Thousand Dollars (\$24,000.00) and may, at the discretion of the  
537 board or boards of supervisors, receive a monthly salary equal to  
538 that of the reporter of the circuit court district wherein the  
539 county lies, the same to be paid monthly by the county out of its  
540 general fund, in a single-county county court district, or by the  
541 counties out of their general funds, in a multicounty county court  
542 district.

543 Provided, however, that in any Class 1 county having a  
544 population in excess of fifty-six thousand (56,000) persons  
545 according to the 1970 federal decennial census, the reporter shall  
546 receive a monthly salary equal to that of the reporter of the  
547 circuit court district wherein the county \* \* \* court lies, the  
548 same to be paid monthly by the county out of its general fund.

549 Provided further, that in any Class 1 county bordering on the  
550 Mississippi River and which has situated therein a national  
551 military park and national military cemetery, and having a  
552 population in excess of forty-four thousand (44,000) according to  
553 the 1970 federal decennial census, the reporter shall receive a  
554 monthly salary equal to that of the reporter of the circuit court  
555 district wherein the county lies, the same to be paid monthly by  
556 the county out of its general fund.

557 Provided further, that in any Class 1 county bordering on the  
558 Mississippi River wherein U.S. Highways 61 and 84 intersect, and  
559 having a population in excess of thirty-seven thousand (37,000) in  
560 the 1960 federal decennial census, the reporter shall receive a  
561 monthly salary equal to that of the reporter of the circuit court  
562 district wherein the county lies, the same to be paid monthly by  
563 the county out of its general fund.



564            Provided further, that in addition to the foregoing  
565 compensation, all county \* \* \* court reporters shall be paid the  
566 same fees for transcript of the record on appeals as are now or  
567 hereafter paid circuit court reporters for like or similar work.

568            SECTION 19. Section 43-21-111, Mississippi Code of 1972, is  
569 amended as follows:

570            43-21-111. (1) In any county not having a county  
571 court \* \* \*, the judge may appoint as provided in Section  
572 43-21-123 youth court referees who shall be attorneys at law and  
573 members of the bar in good standing to act in cases concerning  
574 children within the jurisdiction of the youth court, and a youth  
575 court referee shall hold office until removed by the judge. The  
576 requirement that youth court referees appointed pursuant to this  
577 subsection be attorneys shall apply only to youth court referees  
578 who were not first appointed regular or special referees prior to  
579 July 1, 1991.

580            (2) Any referee appointed pursuant to subsection (1) of this  
581 section shall be required to receive judicial training approved by  
582 the Mississippi Judicial College and shall be required to receive  
583 regular annual continuing education in the field of juvenile  
584 justice. The amount of judicial training and annual continuing  
585 education which shall be satisfactory to fulfill the requirements  
586 of this section shall conform with the amount prescribed by the  
587 Rules and Regulation for Mandatory Continuing Judicial Education  
588 promulgated by the Supreme Court. The Administrative Office of  
589 Courts shall maintain a roll of referees appointed under this  
590 section, shall enforce the provisions of this subsection and shall  
591 maintain records on all such referees regarding such training.  
592 Should a referee miss two (2) consecutive training sessions  
593 sponsored or approved by the Mississippi Judicial College as  
594 required by this subsection or fail to attend one (1) such  
595 training session within six (6) months of their initial  
596 appointment as a referee, the referee shall be disqualified to  
597 serve and be immediately removed as a referee and another member

598 of the bar shall be appointed as provided in this section.

599 (3) The judge may direct that hearings in any case or class  
600 of cases be conducted in the first instance by the referee. The  
601 judge may also delegate his own administrative responsibilities to  
602 the referee.

603 (4) All hearings authorized to be heard by a referee shall  
604 proceed in the same manner as hearings before the youth court  
605 judge. A referee shall possess all powers and perform all the  
606 duties of the youth court judge in the hearings authorized to be  
607 heard by the referee.

608 (5) An order entered by the referee shall be mailed  
609 immediately to all parties and their counsel. A rehearing by the  
610 judge shall be allowed if any party files a written motion for a  
611 rehearing or on the court's own motion within three (3) days after  
612 notice of referee's order. The youth court may enlarge the time  
613 for filing a motion for a rehearing for good cause shown. Any  
614 rehearing shall be upon the record of the hearing before the  
615 referee, but additional evidence may be admitted in the discretion  
616 of the judge. A motion for a rehearing shall not act as a  
617 supersedeas of the referee's order, unless the judge shall so  
618 order.

619 (6) The salary for the referee shall be based on a formula  
620 established by the Administrative Office of Courts which shall  
621 take into account the youth court's caseload. The salary for a  
622 referee serving in one (1) county shall not exceed the salary of a  
623 member of the board of supervisors of that county. The salary of  
624 a referee serving two (2) or more counties shall not exceed an  
625 amount equal to the combined salaries of one (1) member of the  
626 board of supervisors of the two (2) highest paid boards of  
627 supervisors of the counties served by that referee.

628 (7) \* \* \* The judge of the chancery court may appoint a  
629 suitable person as referee to two (2) or more counties within his  
630 district \* \* \*.

631 SECTION 20. Section 9-9-3, Mississippi Code of 1972, which

632 provides for the establishment of a county court by agreement  
633 between two (2) or more counties, is repealed.

634 SECTION 21. Section 9-9-9, Mississippi Code of 1972, which  
635 restricts the practice of law by a county court judge, is  
636 repealed.

637 SECTION 22. Section 9-9-13, Mississippi Code of 1972, which  
638 authorizes the governing body of certain municipalities to  
639 supplement the salaries of county judicial officers, is repealed.

640 SECTION 23. Section 9-9-14, Mississippi Code of 1972, which  
641 authorizes two (2) county judgeships for Harrison County, is  
642 repealed.

643 SECTION 24. Section 9-9-15, Mississippi Code of 1972, which  
644 authorizes three (3) county judgeships for Hinds County, is  
645 repealed.

646 SECTION 25. Section 9-9-16, Mississippi Code of 1972, which  
647 authorizes two (2) county judgeships for Washington County, is  
648 repealed.

649 SECTION 26. Section 9-9-17, Mississippi Code of 1972, which  
650 authorizes two (2) county judgeships for Jackson County, is  
651 repealed.

652 SECTION 27. Section 9-9-37, Mississippi Code of 1972, which  
653 provides for the establishment or abolition of county courts, is  
654 repealed.

655 SECTION 28. Section 9-9-39, Mississippi Code of 1972, which  
656 provides for transfer of pending matters in any county court that  
657 may be abolished, is repealed.

658 SECTION 29. Section 9-9-41, Mississippi Code of 1972, which  
659 provides for the abolition of county courts in certain counties,  
660 is repealed.

661 SECTION 30. Section 9-9-43, Mississippi Code of 1972, which  
662 requires legislative action or election for abolition of county  
663 courts in certain counties, is repealed.

664 SECTION 31. Section 9-9-45, Mississippi Code of 1972, which  
665 requires the establishment or abolition of county courts under

666 certain circumstances, is repealed.

667       SECTION 32. All family courts are abolished from and after  
668 January 1, 1999. All matters pending in any family court  
669 abolished shall be transferred to the county court of the county  
670 wherein the family court was located without the necessity for any  
671 motion or order of court for such transfer.

672       SECTION 33. Sections 43-23-1, 43-23-3, 43-23-5, 43-23-7,  
673 43-23-9, 43-23-11, 43-23-13, 43-23-15, 43-23-17, 43-23-19,  
674 43-23-21, 43-23-23, 43-23-25, 43-23-27, 43-23-29, 43-23-31,  
675 43-23-33, 43-23-35, 43-23-37, 43-23-39, 43-23-41, 43-23-43,  
676 43-23-45, 43-23-47, 43-23-49, 43-23-51, 43-23-53 and 43-23-55,  
677 Mississippi Code of 1972, which provide for the establishment and  
678 operation of family courts, are repealed from and after January 1,  
679 1999.

680       SECTION 34. Section 43-21-157, Mississippi Code of 1972, is  
681 amended as follows:

682       43-21-157. (1) If a child who has reached his thirteenth  
683 birthday is charged by petition to be a delinquent child, the  
684 youth court, either on motion of the youth court prosecutor or on  
685 the youth court's own motion, after a hearing as hereinafter  
686 provided, may, in its discretion, transfer jurisdiction of the  
687 alleged offense described in the petition or a lesser included  
688 offense to the criminal court which would have trial jurisdiction  
689 of such offense if committed by an adult. The child shall be  
690 represented by counsel in transfer proceedings.

691       (2) A motion to transfer shall be filed on a day prior to  
692 the date set for the adjudicatory hearing but not more than ten  
693 (10) days after the filing of the petition. The youth court may  
694 order a transfer study at any time after the motion to transfer is  
695 filed. The transfer study and any other social record which the  
696 youth court will consider at the transfer hearing shall be made  
697 available to the child's counsel prior to the hearing. Summons  
698 shall be served in the same manner as other summons under this  
699 chapter with a copy of the motion to transfer and the petition

700 attached thereto.

701 (3) The transfer hearing shall be bifurcated. At the  
702 transfer hearing, the youth court shall first determine whether  
703 probable cause exists to believe that the child committed the  
704 alleged offense. For the purpose of the transfer hearing only,  
705 the child may, with the assistance of counsel, waive the  
706 determination of probable cause.

707 (4) Upon such a finding of probable cause, the youth court  
708 may transfer jurisdiction of the alleged offense and the youth if  
709 the youth court finds by clear and convincing evidence that there  
710 are no reasonable prospects of rehabilitation within the juvenile  
711 justice system.

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

715 (a) Whether or not the alleged offense constituted a  
716 substantial danger to the public;

717 (b) The seriousness of the alleged offense;

718 (c) Whether or not the transfer is required to protect  
719 the community;

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

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

725 (f) The sophistication, maturity and educational  
726 background of the child;

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

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

732 (i) Whether or not the child can be retained in the  
733 juvenile justice system long enough for effective treatment or

734 rehabilitation;

735           (j) The dispositional resources available to the  
736 juvenile justice system;

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

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

742           (m) Any other factors deemed relevant by the youth  
743 court; and

744           (n) Nothing in this subsection shall prohibit the  
745 transfer of jurisdiction of an alleged offense and a child if that  
746 child, at the time of the transfer hearing, previously has not  
747 been placed in a juvenile institution.

748           (6) If the youth court transfers jurisdiction of the alleged  
749 offense to a criminal court, the youth court shall enter a  
750 transfer order containing:

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

753           (b) Facts showing that the child was represented by  
754 counsel;

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

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

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

764           (f) A designation of the alleged offense transferred  
765 and of the court to which the transfer is made and a direction to  
766 the clerk to forward for filing in such court a certified copy of  
767 the transfer order of the youth court.

768           (7) The testimony of the child respondent at a transfer  
769 hearing conducted pursuant to this chapter shall not be admissible  
770 against the child in any proceeding other than the transfer  
771 hearing.

772           (8) When jurisdiction of an offense is transferred to the  
773 circuit court, or when a youth has committed an act which is in  
774 original circuit court jurisdiction pursuant to Section  
775 43-21-151 \* \* \*, the jurisdiction of the youth court over the  
776 youth is forever terminated, except that such jurisdiction is not  
777 forever terminated if the circuit court transfers or remands the  
778 transferred case to the youth court or if a child who has been  
779 transferred to the circuit court or is in the original  
780 jurisdiction of the circuit court is not convicted. However, when  
781 jurisdiction of an offense is transferred to the circuit court  
782 pursuant to this section or when an offense committed by a youth  
783 is in original circuit court jurisdiction pursuant to Section  
784 43-21-151 \* \* \*, the circuit court shall thereafter assume and  
785 retain jurisdiction of any felony offenses committed by such youth  
786 without any additional transfer proceedings. Any misdemeanor  
787 offenses committed by youth who are in circuit court jurisdiction  
788 pursuant to this section or Section 43-21-151 \* \* \* shall be  
789 prosecuted in the court which would have jurisdiction over that  
790 offense if committed by an adult without any additional transfer  
791 proceedings. The circuit court may review the transfer  
792 proceedings on motion of the transferred child. Such review shall  
793 be on the record of the hearing in the youth court. The circuit  
794 court shall remand the offense to the youth court if there is no  
795 substantial evidence to support the order of the youth court. The  
796 circuit court may also review the conditions of custody or release  
797 pending criminal court proceedings.

798           (9) When any youth has been the subject of a transfer to  
799 circuit court for an offense committed in any county of the state  
800 or has committed any act which is in the original jurisdiction of  
801 the circuit court pursuant to Section 43-21-151 \* \* \*, that

802 transfer or original jurisdiction shall be recognized by all other  
803 courts of the state and no subsequent offense committed by such  
804 youth in any county of the state shall be in the jurisdiction of  
805 the youth court unless transferred to the youth court pursuant to  
806 Section 43-21-159(3). Transfers from youth courts of other states  
807 shall be recognized by the courts of this state and no youth who  
808 has a pending charge or a conviction in the adult court system of  
809 any other state shall be in the jurisdiction of the youth courts  
810 of this state, but such youths shall be in the jurisdiction of the  
811 circuit court for any felony committed in this state or in the  
812 jurisdiction of the court of competent jurisdiction for any  
813 misdemeanor committed in this state.

814 SECTION 35. Section 43-21-159, Mississippi Code of 1972, is  
815 amended as follows:

816 43-21-159. (1) When a person appears before a court other  
817 than the youth court, and it is determined that the person is a  
818 child under jurisdiction of the youth court, such court \* \* \*,  
819 unless the jurisdiction of the offense has been transferred to  
820 such court as provided in this chapter, or unless the child has  
821 previously been the subject of a transfer from the youth court to  
822 the circuit court for trial as an adult and was convicted, shall  
823 immediately dismiss the proceeding without prejudice and forward  
824 all documents pertaining to the cause to the youth court; and all  
825 entries in permanent records shall be expunged. The youth court  
826 shall have the power to order and supervise the expunction or the  
827 destruction of such records in accordance with Section 43-21-265.

828 The youth court is authorized to expunge the record of any case  
829 within its jurisdiction in which an arrest was made, the person  
830 arrested was released and the case was dismissed or the charges  
831 were dropped or there was no disposition of such case. In cases  
832 where the child is charged with a hunting or fishing violation or  
833 a traffic violation, except for driving offenses under the  
834 Mississippi Implied Consent Law, whether it be any state or  
835 federal law, \* \* \* or municipal ordinance or county resolution or



836 where the child is charged with a violation of Section 67-3-70,  
837 the appropriate criminal court may proceed to dispose of the same  
838 in the same manner as for other \* \* \* offenders and it shall not  
839 be necessary to transfer the case to the youth court of the  
840 county. The youth court, in addition to other action, may suspend  
841 the driver's license of any child charged with an offense under  
842 the Mississippi Implied Consent Law. Unless the cause has been  
843 transferred, or unless the child has previously been the subject  
844 of a transfer from the youth court to the circuit court for trial  
845 as an adult \* \* \* and was convicted, the youth court shall have  
846 power on its own motion to remove jurisdiction from any criminal  
847 court of any offense including a hunting or fishing violation, a  
848 traffic violation, or a violation of Section 67-3-70, committed by  
849 a child in a matter under the jurisdiction of the youth court and  
850 proceed therewith in accordance with the provisions of this  
851 chapter.

852 (2) After conviction and sentence of any child by any other  
853 court having original jurisdiction on a misdemeanor charge, and  
854 within the time allowed for an appeal of such conviction and  
855 sentence, the youth court of the county shall have the full power  
856 to stay the execution of the sentence and to release the child on  
857 good behavior or on other order as the youth court may see fit to  
858 make unless the child has previously been the subject of a  
859 transfer from the youth court to the circuit court for trial as an  
860 adult and was convicted. When a child is convicted of a  
861 misdemeanor and is committed to, incarcerated in or imprisoned in  
862 a jail or other place of detention by a criminal court having  
863 proper jurisdiction of such charge, such court shall notify the  
864 youth court judge or the judge's designee of the conviction and  
865 sentence prior to the commencement of such incarceration. The  
866 youth court shall have the power to order and supervise the  
867 destruction of any records involving children maintained by the  
868 criminal court in accordance with Section 43-21-265. However, the  
869 youth court shall have the power to set aside a judgment of any

870 other court rendered in any matter over which the youth court has  
871 exclusive original jurisdiction, to expunge or destroy the records  
872 thereof in accordance with Section 43-21-265, and to order a  
873 refund of fines and costs.

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

877 (4) In any case wherein the defendant is a child as defined  
878 in this chapter and of which the circuit court has original  
879 jurisdiction, the circuit judge, upon a finding that it would be  
880 in the best interest of such child and in the interest of justice,  
881 may at any stage of the proceedings prior to the attachment of  
882 jeopardy transfer such proceedings to the youth court for further  
883 proceedings unless the child has previously been the subject of a  
884 transfer from the youth court to the circuit court for trial as an  
885 adult and was convicted or has previously been convicted of a  
886 crime which was in original circuit court jurisdiction, and the  
887 youth court shall, upon acquiring jurisdiction, proceed as  
888 provided in this chapter for the adjudication and disposition of  
889 delinquent child proceeding proceedings. If the case is not  
890 transferred to the youth court and the youth is convicted of a  
891 crime by any circuit court, the trial judge shall sentence the  
892 youth as though such youth was an adult. The circuit court shall  
893 not have the authority to commit such child to the custody of the  
894 Department of Youth Services for placement in a state-supported  
895 training school.

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

899 (6) When a child's driver's license is suspended by the  
900 youth court for any reason, the clerk of the youth court shall  
901 report the suspension, without a court order under Section  
902 43-21-261, to the Commissioner of Public Safety in the same manner  
903 as such suspensions are reported in cases involving adults.

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

908           SECTION 36. The Attorney General of the State of Mississippi  
909 is hereby directed to submit this act, immediately upon approval  
910 by the Governor, or upon approval by the Legislature subsequent to  
911 a veto, to the Attorney General of the United States or to the  
912 United States District Court for the District of Columbia in  
913 accordance with the provisions of the Voting Rights Act of 1965,  
914 as amended and extended.

915           SECTION 37. Section 6 of this act shall take effect and be  
916 in force from and after the date it is effectuated under Section 5  
917 of the Voting Rights Act of 1965, as amended and extended, and the  
918 remainder of this act shall take effect on that date or on January  
919 1, 2000, whichever is later.