

By: Senator(s) Farris, Turner

To: Juvenile Justice;  
Appropriations

## SENATE BILL NO. 2991

1 AN ACT TO ABOLISH ALL FAMILY COURTS AND PROVIDE FOR THE  
2 TRANSFER OF CASES TO THE APPROPRIATE COUNTY COURT; TO REPEAL  
3 SECTIONS 43-23-1 THROUGH 43-23-55, MISSISSIPPI CODE OF 1972, WHICH  
4 PROVIDE FOR THE ESTABLISHMENT AND OPERATION OF FAMILY COURTS; TO  
5 PROVIDE THAT THE JUDGE OF THE FAMILY COURT OF HARRISON COUNTY  
6 SHALL BE THE THIRD JUDGE OF THE COUNTY COURT OF HARRISON COUNTY;  
7 TO AMEND SECTION 9-9-14, MISSISSIPPI CODE OF 1972, IN CONFORMITY  
8 THERETO; TO AMEND SECTION 9-9-11, MISSISSIPPI CODE OF 1972, TO  
9 REVISE THE SALARIES OF COUNTY COURT JUDGES; TO CODIFY SECTION  
10 9-9-12, MISSISSIPPI CODE OF 1972, TO PROVIDE STATE-FUNDED SUPPORT  
11 TO THE COUNTY COURTS; TO AMEND SECTIONS 23-15-975 AND 23-15-977,  
12 MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO AMEND SECTION 9-1-19,  
13 MISSISSIPPI CODE OF 1972, TO REVISE THE AUTHORITY OF JUDGES TO  
14 GRANT REMEDIAL WRITS; TO AMEND SECTION 9-1-23, MISSISSIPPI CODE OF  
15 1972, TO REVISE THE JUDGES WHO ARE CONSERVATORS OF THE PEACE; TO  
16 AMEND SECTION 9-1-35, MISSISSIPPI CODE OF 1972, TO REQUIRE THE  
17 COUNTY COURT AND YOUTH COURT TO OBTAIN A SEAL; TO AMEND SECTION  
18 9-1-36, MISSISSIPPI CODE OF 1972, TO REVISE THE SUPPORT GIVEN  
19 CIRCUIT AND CHANCERY JUDGES IN CONFORMITY; TO AMEND SECTION  
20 43-21-157, MISSISSIPPI CODE OF 1972, TO CORRECT AN ERROR IN THE  
21 INTERNAL CODAL REFERENCES; TO AMEND SECTION 43-21-107, MISSISSIPPI  
22 CODE OF 1972, TO REVISE THE COURTS WHICH EXERCISE YOUTH COURT  
23 JURISDICTION AND TO CREATE A DISTRICT YOUTH COURT SYSTEM; TO AMEND  
24 SECTION 43-21-111, MISSISSIPPI CODE OF 1972, TO REVISE THE  
25 CHANCERY COURT YOUTH COURT REFEREES IN CONFORMITY; TO AMEND  
26 SECTION 43-21-123, MISSISSIPPI CODE OF 1972, TO PROVIDE  
27 STATE-FUNDED SUPPORT OF THE YOUTH COURT DIVISIONS OF THE CHANCERY  
28 AND MUNICIPAL COURTS; TO REVISE SECTION 43-21-115, MISSISSIPPI  
29 CODE OF 1972, AND SECTION 43-21-119, MISSISSIPPI CODE OF 1972, IN  
30 CONFORMITY; TO PRESCRIBE THE QUALIFICATIONS, TERM, ELECTION AND  
31 SALARY OF A JUDGE OF A DISTRICT YOUTH COURT; TO PROVIDE FOR  
32 STATE-FUNDED SUPPORT OF THE DISTRICT YOUTH COURTS; AND FOR RELATED  
33 PURPOSES. BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF  
34 MISSISSIPPI:

35  
36 SECTION 1. All family courts are abolished. All matters  
37 pending in any family court abolished shall be transferred to the  
38 county court of the county wherein the family court was located  
39 without the necessity for any motion or order of court for such  
40 transfer.

41 SECTION 2. Sections 43-23-1, 43-23-3, 43-23-5, 43-23-7,  
42 43-23-9, 43-23-11, 43-23-13, 43-23-15, 43-23-17, 43-23-19,  
43 43-23-21, 43-23-23, 43-23-25, 43-23-27, 43-23-29, 43-23-31,

44 43-23-33, 43-23-35, 43-23-37, 43-23-39, 43-23-41, 43-23-43,  
45 43-23-45, 43-23-47, 43-23-49, 43-23-51, 43-23-53 and 43-23-55,  
46 Mississippi Code of 1972, which provide for the establishment and  
47 operation of family courts, are repealed.

48 SECTION 3. Section 9-9-14, Mississippi Code of 1972, is  
49 amended as follows:

50 9-9-14. (1) In order to relieve the crowded condition of  
51 the docket in the county court of Harrison County and particularly  
52 to facilitate and make possible the trial and disposition of the  
53 large number of causes on said docket, \* \* \* there shall be three  
54 (3) county judges for Harrison County \* \* \*, provided for and  
55 elected as herein set out except that the judge elected or  
56 appointed judge of the family court of Harrison County for a term  
57 expiring December 1, 2002, shall be a judge of the county court of  
58 Harrison County for a term expiring December 31, 2002.

59 (2) For the purposes of nomination and election, the three  
60 (3) judgeships shall be separate and distinct, \* \* \* to be  
61 denominated for purposes of appointment, nomination and election  
62 only as "Place One," \* \* \* "Place Two" and "Place Three". There  
63 shall be no distinction whatsoever in the powers, duties and  
64 emoluments of the three (3) offices of county judge, except that  
65 the county judge of Harrison County who has been for the longest  
66 time continuously a county judge of said county shall have the  
67 power to assign causes, terms and dockets.

68 (3) While there shall be no limitation whatsoever upon the  
69 powers and duties of the said county judges other than as cast  
70 upon them by the constitution and laws of this state, the county  
71 court of Harrison County may, in the discretion of the county  
72 judge who has been for the longest time continuously a judge of  
73 said court, be divided into civil, equity and criminal divisions  
74 as a matter of convenience, by the entry of an order upon the  
75 minutes of the court.

76 \* \* \*

77 (4) Each county judge shall appoint his own court reporter  
78 in accordance with Section 9-13-61, Mississippi Code of 1972, for  
79 the purpose of doing the necessary stenographic work of the court.

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

82           9-9-11. (1) Except as otherwise provided in subsections (2)  
83 and (3), the county court judge shall receive an annual salary  
84 payable monthly out of the county treasury in an amount equal to  
85 the salary which is now or shall hereafter be provided for circuit  
86 and chancery judges of this state \* \* \*. Provided further, that  
87 the office of county court judge \* \* \* shall be a full-time  
88 position, and the holder thereof shall not otherwise engage in the  
89 practice of law.

90           (2) In the event of the establishment of a county court by  
91 agreement between two (2) or more counties as provided in Section  
92 9-9-3, the county judge of the court so established shall be paid  
93 a salary as provided in subsection (1) of this section.

94           \* \* \*

95           (3) The salary of a sheriff shall not be reduced during his  
96 term of office as a result of a population decrease based upon the  
97 1990 federal decennial census.

98           \* \* \*

99           SECTION 5. The following shall be codified as Section  
100 9-9-12, Mississippi Code of 1972:

101           9-9-12. (1) Each county court judge shall receive an office  
102 operating allowance for the expenses of operating the office of  
103 such judge, including retaining a law clerk, legal research,  
104 stenographic help, stationery, stamps, furniture, office  
105 equipment, telephone, office rent and other items and expenditures  
106 necessary and incident to maintaining the office of county judge.

107           Such allowance shall be paid only to the extent of actual  
108 expenses incurred by any such judge as itemized and certified by  
109 such judge to the Supreme Court and then in an amount of not more  
110 than Four Thousand Dollars (\$4,000.00) per annum; however, such  
111 judge may expend sums in excess thereof from the compensation  
112 otherwise provided for his office. No part of this expense or  
113 allowance shall be used to pay an official court reporter for  
114 services rendered to said court. Each county having a county  
115 court shall receive Eight Thousand Dollars (\$8,000.00) per annum

116 per judge to defray the expense of providing office space to the  
117 county judges.

118 (2) In addition to the amounts provided for in subsection  
119 (1), there is hereby created a separate office allowance fund for  
120 the purpose of providing support staff to county court judges.  
121 This fund shall be managed by the Administrative Office of Courts.

122 (3) Each county judge who desires to employ support  
123 staff shall make application to the Administrative Office of  
124 Courts by submitting to the Administrative Office of Courts a  
125 proposed personnel plan setting forth what support staff is deemed  
126 necessary. A plan may be submitted by any combination of circuit,  
127 county or youth court judges or chancellors. In the process of  
128 the preparation of the plan, the judges, at their request, may  
129 receive advice, suggestions, recommendations and other assistance  
130 from the Administrative Office of Courts. The Administrative  
131 Office of Courts must approve the positions, job descriptions and  
132 salaries before the positions may be filled. The Administrative  
133 Office of Courts shall not approve any plan which does not first  
134 require the expenditure of the funds in the support staff fund for  
135 compensation of any of the support staff before expenditure is  
136 authorized of county funds for that purpose. Upon approval by the  
137 Administrative Office of Courts, the judge may appoint the  
138 employees to the position or positions, and each employee so  
139 appointed will work at the will and pleasure of the judge who  
140 appointed him but will be an employee of the Administrative Office  
141 of Courts. Upon approval by the Administrative Office of Courts,  
142 the appointment of any support staff shall be evidenced by the  
143 entry of an order on the minutes of the court.

144 (4) Support staff shall receive compensation pursuant to  
145 personnel policies established by the Administrative Office of  
146 Courts; however, the Administrative Office of Courts shall  
147 allocate from the support staff fund an amount not to exceed Forty  
148 Thousand Dollars (\$40,000.00) per fiscal year (July 1 through June  
149 30) per judge for whom support staff is approved for the funding

150 of support staff assigned to a judge. Any employment pursuant to  
151 this subsection shall be subject to the provisions of Section  
152 25-1-53, Mississippi Code of 1972.

153 The Administrative Office of Courts may approve expenditure  
154 from the fund for additional equipment for support staff appointed  
155 pursuant to this section in any year in which the allocation per  
156 judge is sufficient to meet the equipment expense after provision  
157 for the compensation of the support staff.

158 (5) For the purposes of this section, the following terms  
159 shall have the meaning ascribed herein unless the context clearly  
160 requires otherwise:

161 (a) "Judge" means county court judges;

162 (b) "Support staff" means court administrators, law  
163 clerks, legal research assistants or secretaries, or any  
164 combination thereof, but shall not mean school attendance  
165 officers;

166 (c) "Compensation" means the gross salary plus all  
167 amounts paid for benefits or otherwise as a result of employment  
168 or as required by employment; provided, however, that only salary  
169 earned for services rendered shall be reported and credited for  
170 Public Employees' Retirement System purposes. Amounts paid for  
171 benefits or otherwise, including reimbursement for travel  
172 expenses, shall not be reported or credited for retirement  
173 purposes.

174 (6) Title to all tangible property, excepting stamps,  
175 stationery and minor expendable office supplies, procured with  
176 funds authorized by this section, shall be and forever remain in  
177 the State of Mississippi to be used by the county court judge  
178 during the term of his office and thereafter by his successors.

179 (7) The Supreme Court, through the Administrative Office of  
180 Courts, shall submit to the Department of Finance and  
181 Administration the itemized and certified expenses for office  
182 operating allowances that are directed to the court pursuant to  
183 this section.

184 (8) The Supreme Court, through the Administrative Office of  
185 Courts, shall have the power to adopt rules and regulations  
186 regarding the administration of the office operating allowance  
187 authorized pursuant to this section.

188 (9) Each of the youth courts of Harrison, Hinds, Rankin and  
189 Bolivar Counties which actually operates a teen court shall  
190 receive an operating allowance for the expenses of operating a  
191 teen court up to but not to exceed Forty Thousand Dollars  
192 (\$40,000.00). Such allowance shall be paid only to the extent of  
193 actual expenses incurred by any such teen court. The  
194 Administrative Office of Courts shall approve all such allowances.

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

197 23-15-975. As used in Sections 23-15-974 through 23-15-985  
198 of this subarticle, the term "judicial office" includes the office  
199 of justice of the Supreme Court, judge of the Court of Appeals,  
200 circuit judge, chancellor, youth court magistrate and county court  
201 judge \* \* \*. All such justices, magistrates and judges shall be  
202 full-time positions and such justices, magistrates and judges  
203 shall not engage in the practice of law before any court,  
204 administrative agency or other judicial or quasi-judicial forum  
205 except as provided by law for finalizing pending cases after  
206 election to judicial office.

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

209 23-15-977. \* \* \* All candidates for judicial office as  
210 defined in Section 23-15-975 of this subarticle shall file their  
211 intent to be a candidate with the State Board of Election  
212 Commissioners not later than the first Friday after the first  
213 Monday in May prior to the general election for judicial office  
214 and shall pay \* \* \* the following amounts:

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

217 (b) Candidates for circuit judge, county judge and

218 chancellor, the sum of One Hundred Dollars (\$100.00).

219 (c) Candidates for youth court magistrate \* \* \*, the  
220 sum of Fifty Dollars (\$50.00).

221 \* \* \*

222 SECTION 8. Section 9-1-19, Mississippi Code of 1972, is  
223 amended as follows:

224 9-1-19. The judges of the Supreme, \* \* \* circuit, county and  
225 youth courts, and chancellors and judges of the Court of Appeals,  
226 in termtime and in vacation, may severally order the issuance of  
227 writs of habeas corpus, mandamus, certiorari, supersedeas and  
228 attachments, and grant injunctions and all other remedial writs,  
229 in all cases where the same may properly be granted according to  
230 right and justice, returnable to any court, whether the suit or  
231 proceedings be pending in the district of the judge or chancellor  
232 granting the same or not. The fiat of such judge or chancellor  
233 shall authorize the issuance of the process for a writ returnable  
234 to the proper court or before the proper officer; and all such  
235 process or writs may be granted, issued and executed on Sunday.

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

238 9-1-23. The judges of the Supreme, circuit, youth and county  
239 courts and chancellors and judges of the Court of Appeals shall be  
240 conservators of the peace for the state, each with full power to  
241 do all acts which conservators of the peace may lawfully do; and  
242 the circuit judges, \* \* \* chancellors and youth court magistrates  
243 shall reside within their respective districts and the county  
244 judges shall reside in their respective counties.

245 SECTION 10. Section 9-1-35, Mississippi Code of 1972, is  
246 amended as follows:

247 9-1-35. The clerk of the Supreme Court and of the Court of  
248 Appeals, at the expense of the state, and the clerk of every  
249 circuit, county, youth and chancery court, at the expense of the  
250 county, shall keep a seal, with the style of the court around the  
251 margin and the image of an eagle in the center.

252 SECTION 11. Section 9-1-36, Mississippi Code of 1972, is  
253 amended as follows:

254 9-1-36. (1) Each circuit judge and chancellor shall receive  
255 an office operating allowance for the expenses of operating the  
256 office of such judge, including retaining a law clerk, legal  
257 research, stenographic help, stationery, stamps, furniture, office  
258 equipment, telephone, office rent and other items and expenditures  
259 necessary and incident to maintaining the office of judge. Such  
260 allowance shall be paid only to the extent of actual expenses  
261 incurred by any such judge as itemized and certified by such judge  
262 to the Supreme Court and then in an amount of not more than Eight  
263 Thousand Dollars (\$8,000.00) per annum; however, such judge may  
264 expend sums in excess thereof from the compensation otherwise  
265 provided for his office. No part of this expense or allowance  
266 shall be used to pay an official court reporter for services  
267 rendered to said court.

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

272 (3) Each judge who desires to employ or continue to employ  
273 support staff after July 1, 1994, shall make application to the  
274 Administrative Office of Courts by submitting to the  
275 Administrative Office of Courts before July 1 each year a proposed  
276 personnel plan setting forth what support staff is deemed  
277 necessary. Such plan may be submitted by a single judge or by any  
278 combination of judges, including county and youth court judges,  
279 desiring to share support staff. In the process of the  
280 preparation of the plan, the judges, at their request, may receive  
281 advice, suggestions, recommendations and other assistance from the  
282 Administrative Office of Courts. The Administrative Office of  
283 Courts must approve the positions, job descriptions and salaries  
284 before the positions may be filled. The Administrative Office of  
285 Courts shall not approve any plan which does not first require the



286 expenditure of the funds in the support staff fund for  
287 compensation of any of the support staff before expenditure is  
288 authorized of county funds for that purpose. Upon approval by the  
289 Administrative Office of Courts, the judge or judges may appoint  
290 the employees to the position or positions, and each employee so  
291 appointed will work at the will and pleasure of the judge or  
292 judges who appointed him but will be an employee of the  
293 Administrative Office of Courts. Upon approval by the  
294 Administrative Office of Courts, the appointment of any support  
295 staff shall be evidenced by the entry of an order on the minutes  
296 of the court. When support staff is appointed jointly by two (2)  
297 or more judges, the order setting forth any appointment shall be  
298 entered on the minutes of each participating court.

299 (4) The Administrative Office of Courts shall develop and  
300 promulgate minimum qualifications for the certification of court  
301 administrators. Any court administrator appointed on or after  
302 October 1, 1996, shall be required to be certified by the  
303 Administrative Office of Courts.

304 (5) Support staff shall receive compensation pursuant to  
305 personnel policies established by the Administrative Office of  
306 Courts; however, from and after July 1, 1994, the Administrative  
307 Office of Courts shall allocate from the support staff fund an  
308 amount not to exceed Forty Thousand Dollars (\$40,000.00) per  
309 fiscal year (July 1 through June 30) per judge for whom support  
310 staff is approved for the funding of support staff assigned to a  
311 judge or judges. Any employment pursuant to this subsection shall  
312 be subject to the provisions of Section 25-1-53.

313 The Administrative Office of Courts may approve expenditure  
314 from the fund for additional equipment for support staff appointed  
315 pursuant to this section in any year in which the allocation per  
316 judge is sufficient to meet the equipment expense after provision  
317 for the compensation of the support staff.

318 (6) For the purposes of this section, the following terms  
319 shall have the meaning ascribed herein unless the context clearly

320 requires otherwise:

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

323 (b) "Support staff" means court administrators, law  
324 clerks, legal research assistants or secretaries, or any  
325 combination thereof, but shall not mean school attendance  
326 officers;

327 (c) "Compensation" means the gross salary plus all  
328 amounts paid for benefits or otherwise as a result of employment  
329 or as required by employment; provided, however, that only salary  
330 earned for services rendered shall be reported and credited for  
331 Public Employees' Retirement System purposes. Amounts paid for  
332 benefits or otherwise, including reimbursement for travel  
333 expenses, shall not be reported or credited for retirement  
334 purposes.

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

340 (8) Any \* \* \* judge \* \* \* who did not have a primary office  
341 provided by the county on March 1, 1988, shall be allowed an  
342 additional Eight Thousand Dollars (\$8,000.00) per annum to defray  
343 the actual expenses incurred by such judge \* \* \* in maintaining an  
344 office; however, any \* \* \* judge \* \* \* who had a primary office  
345 provided by the county on March 1, 1988, and who vacated the  
346 office space after such date for a legitimate reason, as  
347 determined by the Department of Finance and Administration, shall  
348 be allowed the additional office expense allowance provided under  
349 this subsection.

350 (9) The Supreme Court, through the Administrative Office of  
351 Courts, shall submit to the Department of Finance and  
352 Administration the itemized and certified expenses for office  
353 operating allowances that are directed to the court pursuant to

354 this section.

355 (10) The Supreme Court, through the Administrative Office of  
356 Courts, shall have the power to adopt rules and regulations  
357 regarding the administration of the office operating allowance  
358 authorized pursuant to this section.

359 SECTION 12. Section 43-21-157, Mississippi Code of 1972, is  
360 amended as follows:

361 43-21-157. (1) If a child who has reached his thirteenth  
362 birthday is charged by petition to be a delinquent child, the  
363 youth court, either on motion of the youth court prosecutor or on  
364 the youth court's own motion, after a hearing as hereinafter  
365 provided, may, in its discretion, transfer jurisdiction of the  
366 alleged offense described in the petition or a lesser included  
367 offense to the criminal court which would have trial jurisdiction  
368 of such offense if committed by an adult. The child shall be  
369 represented by counsel in transfer proceedings.

370 (2) A motion to transfer shall be filed on a day prior to  
371 the date set for the adjudicatory hearing but not more than ten  
372 (10) days after the filing of the petition. The youth court may  
373 order a transfer study at any time after the motion to transfer is  
374 filed. The transfer study and any other social record which the  
375 youth court will consider at the transfer hearing shall be made  
376 available to the child's counsel prior to the hearing. Summons  
377 shall be served in the same manner as other summons under this  
378 chapter with a copy of the motion to transfer and the petition  
379 attached thereto.

380 (3) The transfer hearing shall be bifurcated. At the  
381 transfer hearing, the youth court shall first determine whether  
382 probable cause exists to believe that the child committed the  
383 alleged offense. For the purpose of the transfer hearing only,  
384 the child may, with the assistance of counsel, waive the  
385 determination of probable cause.

386 (4) Upon such a finding of probable cause, the youth court  
387 may transfer jurisdiction of the alleged offense and the youth if

388 the youth court finds by clear and convincing evidence that there  
389 are no reasonable prospects of rehabilitation within the juvenile  
390 justice system.

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

394 (a) Whether or not the alleged offense constituted a  
395 substantial danger to the public;

396 (b) The seriousness of the alleged offense;

397 (c) Whether or not the transfer is required to protect  
398 the community;

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

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

404 (f) The sophistication, maturity and educational  
405 background of the child;

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

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

411 (i) Whether or not the child can be retained in the  
412 juvenile justice system long enough for effective treatment or  
413 rehabilitation;

414 (j) The dispositional resources available to the  
415 juvenile justice system;

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

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

421 (m) Any other factors deemed relevant by the youth

422 court; and

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

427           (6) If the youth court transfers jurisdiction of the alleged  
428 offense to a criminal court, the youth court shall enter a  
429 transfer order containing:

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

432           (b) Facts showing that the child was represented by  
433 counsel;

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

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

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

443           (f) A designation of the alleged offense transferred  
444 and of the court to which the transfer is made and a direction to  
445 the clerk to forward for filing in such court a certified copy of  
446 the transfer order of the youth court.

447           (7) The testimony of the child respondent at a transfer  
448 hearing conducted pursuant to this chapter shall not be admissible  
449 against the child in any proceeding other than the transfer  
450 hearing.

451           (8) When jurisdiction of an offense is transferred to the  
452 circuit court, or when a youth has committed an act which is in  
453 original circuit court jurisdiction pursuant to Section  
454 43-21-151 \* \* \*, the jurisdiction of the youth court over the  
455 youth is forever terminated, except that such jurisdiction is not

456 forever terminated if the circuit court transfers or remands the  
457 transferred case to the youth court or if a child who has been  
458 transferred to the circuit court or is in the original  
459 jurisdiction of the circuit court is not convicted. However, when  
460 jurisdiction of an offense is transferred to the circuit court  
461 pursuant to this section or when an offense committed by a youth  
462 is in original circuit court jurisdiction pursuant to Section  
463 43-21-151 \* \* \*, the circuit court shall thereafter assume and  
464 retain jurisdiction of any felony offenses committed by such youth  
465 without any additional transfer proceedings. Any misdemeanor  
466 offenses committed by youth who are in circuit court jurisdiction  
467 pursuant to this section or Section 43-21-151 \* \* \* shall be  
468 prosecuted in the court which would have jurisdiction over that  
469 offense if committed by an adult without any additional transfer  
470 proceedings. The circuit court may review the transfer  
471 proceedings on motion of the transferred child. Such review shall  
472 be on the record of the hearing in the youth court. The circuit  
473 court shall remand the offense to the youth court if there is no  
474 substantial evidence to support the order of the youth court. The  
475 circuit court may also review the conditions of custody or release  
476 pending criminal court proceedings.

477 (9) When any youth has been the subject of a transfer to  
478 circuit court for an offense committed in any county of the state  
479 or has committed any act which is in the original jurisdiction of  
480 the circuit court pursuant to Section 43-21-151(1), that transfer  
481 or original jurisdiction shall be recognized by all other courts  
482 of the state and no subsequent offense committed by such youth in  
483 any county of the state shall be in the jurisdiction of the youth  
484 court unless transferred to the youth court pursuant to Section  
485 43-21-159(3). Transfers from youth courts of other states shall  
486 be recognized by the courts of this state and no youth who has a  
487 pending charge or a conviction in the adult court system of any  
488 other state shall be in the jurisdiction of the youth courts of  
489 this state, but such youths shall be in the jurisdiction of the

490 circuit court for any felony committed in this state or in the  
491 jurisdiction of the court of competent jurisdiction for any  
492 misdemeanor committed in this state.

493 SECTION 13. Section 43-21-107, Mississippi Code of 1972, is  
494 amended as follows:

495 43-21-107.

496 \* \* \*

497 (1) Except as otherwise provided in this section, a youth  
498 court division shall exist as a division of the county court of  
499 each county now or hereafter having a county court \* \* \*, and the  
500 county judge shall be the judge of the youth court unless another  
501 judge is named by the county judge as provided by this chapter.

502 (2) A youth court division shall exist as a division of the  
503 chancery court of each county in which no county court or district  
504 youth court is maintained and any chancellor within a chancery  
505 court district shall be the judge of the youth court of that  
506 county within such chancery court district unless another judge is  
507 named by the senior chancellor of the county or chancery court  
508 district as provided by this chapter.

509 (3) \* \* \* There shall exist a youth court division as a  
510 division of the municipal court in any city in which the governing  
511 authorities of such city have adopted, prior to January 1, 1999, a  
512 resolution to that effect. The cost of the youth court division  
513 of the municipal court shall be paid from any funds available to  
514 the municipality for such purposes, as well as any funds made  
515 available to the municipality for that purpose by the state, but  
516 excluding \* \* \* county funds.

517 (4) (a) There shall be a court inferior to the Supreme  
518 Court which will exercise the youth court jurisdiction, to be  
519 known as the youth court or district youth court, in and for each  
520 of the following youth court districts:

521 (i) The First Youth Court District shall be  
522 comprised of Tunica, Quitman and Tallahatchie Counties;

523 (ii) The Second Youth Court District shall be

524 comprised of Tate, Panola and Yalobusha Counties;

525 (iii) The Third Youth Court District shall consist  
526 of Lafayette, Union and Calhoun Counties;

527 (iv) The Fourth Youth Court District shall be  
528 comprised of Marshall, Benton and Tippah Counties;

529 (v) The Fifth Youth Court District shall be  
530 comprised of Grenada, Carroll and Montgomery Counties;

531 (vi) The Sixth Youth Court District shall be  
532 comprised of Sunflower, Humphreys, Holmes, Issaquena and Sharkey  
533 Counties;

534 (vii) The Seventh Youth Court District shall be  
535 comprised of Claiborne, Jefferson and Copiah Counties;

536 (viii) The Eighth Youth Court District shall be  
537 comprised of Simpson, Smith, Covington and Jefferson Davis  
538 Counties;

539 (ix) The Ninth Youth Court District shall be  
540 comprised of Franklin, Lincoln, Wilkinson and Amite Counties;

541 (x) The Tenth Youth Court District shall be  
542 comprised of Lawrence, Marion, Lamar and Pearl River Counties.

543 (b) There shall be one (1) youth court magistrate for  
544 each youth court district established in this section who shall be  
545 the judge of the youth court.

546 (c) The clerk of the chancery court shall be the clerk  
547 of the district youth court of that county.

548 (d) It shall be lawful for the youth court sitting in  
549 one (1) county to act upon any and all matters of which it has  
550 jurisdiction as provided by law arising in any other county under  
551 the jurisdiction of that court.

552 (e) The style of the court shall be "The Youth Court of  
553 the County of \_\_\_\_\_" in every county included within a youth court  
554 district under this section.

555 SECTION 14. Section 43-21-111, Mississippi Code of 1972, is  
556 amended as follows:

557 43-21-111. (1) In any county not having a county court or



558 district youth court, the judge may appoint as provided in Section  
559 43-21-123 regular or special referees who shall be attorneys at  
560 law and members of the bar in good standing to act in cases  
561 concerning children within the jurisdiction of the youth court,  
562 and a regular referee shall hold office until removed by the  
563 judge. The requirement that regular or special referees appointed  
564 pursuant to this subsection be attorneys shall apply only to  
565 regular or special referees who were not first appointed regular  
566 or special referees prior to July 1, 1991.

567 (2) Any referee appointed pursuant to subsection (1) of this  
568 section shall be required to receive judicial training approved by  
569 the Mississippi Judicial College and shall be required to receive  
570 regular annual continuing education in the field of juvenile  
571 justice. The amount of judicial training and annual continuing  
572 education which shall be satisfactory to fulfill the requirements  
573 of this section shall conform with the amount prescribed by the  
574 Rules and Regulation for Mandatory Continuing Judicial Education  
575 promulgated by the Supreme Court. The Administrative Office of  
576 Courts shall maintain a roll of referees appointed under this  
577 section, shall enforce the provisions of this subsection and shall  
578 maintain records on all such referees regarding such training.  
579 Should a referee miss two (2) consecutive training sessions  
580 sponsored or approved by the Mississippi Judicial College as  
581 required by this subsection or fail to attend one (1) such  
582 training session within six (6) months of their initial  
583 appointment as a referee, the referee shall be disqualified to  
584 serve and be immediately removed as a referee and another member  
585 of the bar shall be appointed as provided in this section.

586 (3) The judge may direct that hearings in any case or class  
587 of cases be conducted in the first instance by the referee. The  
588 judge may also delegate his own administrative responsibilities to  
589 the referee.

590 (4) All hearings authorized to be heard by a referee shall  
591 proceed in the same manner as hearings before the youth court

592 judge. A referee shall possess all powers and perform all the  
593 duties of the youth court judge in the hearings authorized to be  
594 heard by the referee.

595 (5) An order entered by the referee shall be mailed  
596 immediately to all parties and their counsel. A rehearing by the  
597 judge shall be allowed if any party files a written motion for a  
598 rehearing or on the court's own motion within three (3) days after  
599 notice of referee's order. The youth court may enlarge the time  
600 for filing a motion for a rehearing for good cause shown. Any  
601 rehearing shall be upon the record of the hearing before the  
602 referee, but additional evidence may be admitted in the discretion  
603 of the judge. A motion for a rehearing shall not act as a  
604 supersedeas of the referee's order, unless the judge shall so  
605 order.

606 (6) The salary for the referee shall be fixed on order of  
607 the judge as provided in Section 43-21-123 and shall be paid by  
608 the county out of any available funds budgeted for the youth court  
609 by the board of supervisors or provided to the youth court by the  
610 state for that purpose.

611 (7) Upon request of the boards of supervisors of two (2) or  
612 more counties, the judge of the chancery court may appoint a  
613 suitable person as referee to two (2) or more counties within his  
614 district, and the payment of salary may be divided in such ratio  
615 as may be agreed upon by the boards of supervisors.

616 SECTION 15. Section 43-21-123, Mississippi Code of 1972, is  
617 amended as follows:

618 43-21-123. Except for expenses provided by state funds  
619 and/or other monies, the board of supervisors, or the municipal  
620 governing board where there is a municipal youth court, shall  
621 adequately provide funds for the operation of the youth court  
622 division of the chancery court in conjunction with the regular  
623 chancery court budget, or the county \* \* \* courts where said  
624 courts are constituted. In preparation for said funding, on an  
625 annual basis at the time requested, the youth court judge or

626 administrator shall prepare and submit to the board of  
627 supervisors, or the municipal governing board of the youth court  
628 wherever the youth court is a municipal court, an annual budget  
629 which will identify the number, staff position, title and amount  
630 of annual or monthly compensation of each position as well as  
631 provide for other expenditures necessary to the functioning and  
632 operation of the youth court. When the budget of the youth court  
633 or youth court judge is approved by the board of supervisors or  
634 the governing authority of the municipality, then the youth court  
635 or youth court judge may employ such persons as provided in the  
636 budget from time to time. The Administrative Office of Courts  
637 shall allow to each county that neither has a county court nor is  
638 included in a district youth court, the sum of Twelve Thousand  
639 Dollars (\$12,000.00) per annum of state-funded allowances for the  
640 youth court divisions of the chancery courts thereof; the  
641 allowance shall be discontinued for counties subsequently included  
642 in a district youth court at the time of inclusion. The  
643 Administrative Office of Courts shall allow a like annual sum to  
644 each municipality having a youth court division of its municipal  
645 court as of January 1, 1999.

646 The board of supervisors of any county in which there is  
647 located a county court youth court, and the governing authority of  
648 any municipality in which there is located a municipal youth  
649 court, are each authorized to reimburse the youth court judges and  
650 other youth court employees or personnel for reasonable travel and  
651 expenses incurred in the performance of their duties and in  
652 attending educational meetings offering professional training to  
653 such persons as budgeted. The Administrative Office of Courts  
654 shall approve reimbursement to the county for expenditures for  
655 travel actually incurred by a county court youth court judge in  
656 the performance of his duties, but not to exceed Three Hundred  
657 Dollars (\$300.00) per annum per judge.

658 SECTION 16. Section 43-21-115, Mississippi Code of 1972, is  
659 amended as follows:

660 43-21-115. In every youth court division the judge shall  
661 appoint as provided in Section 43-21-123 one or more persons to  
662 function as the intake unit for the youth court division. The  
663 youth court intake unit shall perform all duties specified by this  
664 chapter. If the person serving as the youth court intake unit is  
665 not already a salaried public employee, the salary for such person  
666 shall be fixed on order of the judge as provided in Section  
667 43-21-123 and shall be paid by the county or municipality, as the  
668 case may be, out of any available funds budgeted for the youth  
669 court by the board of supervisors or provided to the youth court  
670 by the state for that purpose.

671 SECTION 17. Section 43-21-119, Mississippi Code of 1972, is  
672 amended as follows:

673 43-21-119. The judge or his designee shall appoint as  
674 provided in Section 43-21-123 sufficient personnel, responsible to  
675 and under the control of the youth court, to carry on the  
676 professional, clerical and other work of the youth court. The  
677 cost of these persons appointed by the youth court shall be paid  
678 as provided in Section 43-21-123 out of any available funds  
679 budgeted for the youth court by the board of supervisors or  
680 provided to the youth court by the state for that purpose.

681 SECTION 18. (1) The magistrate of a district youth court  
682 shall possess all of the qualifications of a circuit judge as  
683 prescribed by the Mississippi Constitution and must be a qualified  
684 elector of the youth court district. Except as provided in  
685 subsection (2) of this section, the youth court magistrate shall  
686 be elected by the qualified electors of the youth court district  
687 at the time and in the manner as circuit judges are elected  
688 and shall hold office for the same term. Vacancies in the office  
689 of youth court magistrate shall be filled in the same manner as  
690 vacancies in the office of circuit judge.

691 (2) The initial terms of the youth court judgeships created  
692 under this section shall be for seven (7) years, commencing  
693 January 1, 2000 and ending December 31, 2006, and the candidates

694 therefor shall run in the general election to be in November of  
695 1999, to be conducted, insofar as possible, in the same manner as  
696 other judicial elections.

697 (3) The youth court magistrate shall receive an annual  
698 salary payable monthly out of the State General Fund in the amount  
699 of Sixty-eight Thousand Dollars (\$68,000.00). The office of youth  
700 court magistrate shall be a full-time position, and the holder  
701 thereof shall not otherwise engage in the practice of law.

702 SECTION 19. (1) Each youth court magistrate shall receive  
703 an office operating allowance for the expenses of operating the  
704 office of such magistrate, including retaining a law clerk, legal  
705 research, stenographic help, stationery, stamps, furniture, office  
706 equipment, telephone, office rent and other items and expenditures  
707 necessary and incident to maintaining the office of magistrate.  
708 Such allowance shall be paid only to the extent of actual expenses  
709 incurred by any such magistrate as itemized and certified by such  
710 magistrate to the Supreme Court and then in an amount of not more  
711 than Eight Thousand Dollars (\$8,000.00) per annum; however, such  
712 magistrate may expend sums in excess thereof from the compensation  
713 otherwise provided for his office. No part of this expense or  
714 allowance shall be used to pay an official court reporter for  
715 services rendered to said court.

716 (2) In addition to the amounts provided for in subsection  
717 (1), there is hereby created a separate office allowance fund for  
718 the purpose of providing support staff to magistrates. This fund  
719 shall be managed by the Administrative Office of Courts.

720 (3) Each magistrate who desires to employ support staff  
721 shall make application to the Administrative Office of Courts by  
722 submitting to the Administrative Office of Courts a proposed  
723 personnel plan setting forth what support staff is deemed  
724 necessary. A plan may be submitted by any combination of circuit  
725 judges, county judges, youth court magistrates or chancellors. In  
726 the process of the preparation of the plan, the judges, at their  
727 request, may receive advice, suggestions, recommendations and

728 other assistance from the Administrative Office of Courts. The  
729 Administrative Office of Courts must approve the positions, job  
730 descriptions and salaries before the positions may be filled. The  
731 Administrative Office of Courts shall not approve any plan which  
732 does not first require the expenditure of the funds in the support  
733 staff fund for compensation of any of the support staff before  
734 expenditure is authorized of county funds for that purpose. Upon  
735 approval by the Administrative Office of Courts, the judge may  
736 appoint the employees to the position or positions, and each  
737 employee so appointed will work at the will and pleasure of the  
738 judge who appointed him but will be an employee of the  
739 Administrative Office of Courts. Upon approval by the  
740 Administrative Office of Courts, the appointment of any support  
741 staff shall be evidenced by the entry of an order on the minutes  
742 of the court.

743 (4) Support staff shall receive compensation pursuant to  
744 personnel policies established by the Administrative Office of  
745 Courts; however, the Administrative Office of Courts shall  
746 allocate from the support staff fund an amount not to exceed  
747 Twenty Thousand Dollars (\$20,000.00) per fiscal year (July 1  
748 through June 30) per judge for whom support staff is approved for  
749 the funding of support staff assigned to a judge. Any employment  
750 pursuant to this subsection shall be subject to the provisions of  
751 Section 25-1-53, Mississippi Code of 1972.

752 The Administrative Office of Courts may approve expenditure  
753 from the fund for additional equipment for support staff appointed  
754 pursuant to this section in any year in which the allocation per  
755 judge is sufficient to meet the equipment expense after provision  
756 for the compensation of the support staff.

757 (5) For the purposes of this section, the following terms  
758 shall have the meaning ascribed herein unless the context clearly  
759 requires otherwise:

760 (a) "Judge" means youth court magistrates;

761 (b) "Support staff" means court administrators, law

762 clerks, legal research assistants or secretaries, or any  
763 combination thereof, but shall not mean school attendance  
764 officers;

765 (c) "Compensation" means the gross salary plus all  
766 amounts paid for benefits or otherwise as a result of employment  
767 or as required by employment; provided, however, that only salary  
768 earned for services rendered shall be reported and credited for  
769 Public Employees' Retirement System purposes. Amounts paid for  
770 benefits or otherwise, including reimbursement for travel  
771 expenses, shall not be reported or credited for retirement  
772 purposes.

773 (6) Title to all tangible property, excepting stamps,  
774 stationery and minor expendable office supplies, procured with  
775 funds authorized by this section, shall be and forever remain in  
776 the State of Mississippi to be used by the youth court magistrate  
777 during the term of his office and thereafter by his successors.

778 (7) District youth court magistrates shall be allowed an  
779 additional Eight Thousand Dollars (\$8,000.00) per annum to  
780 maintain an office, and may pool the various allowances with the  
781 approval of the Administrative Office of Courts.

782 (8) The Administrative Office of Courts shall reimburse  
783 travel expenses for district youth court judges on the same basis  
784 as for circuit judges and chancellors.

785 (9) The Supreme Court, through the Administrative Office of  
786 Courts, shall submit to the Department of Finance and  
787 Administration the itemized and certified expenses for office  
788 operating allowances that are directed to the court pursuant to  
789 this section.

790 (10) The Supreme Court, through the Administrative Office of  
791 Courts, shall have the power to adopt rules and regulations  
792 regarding the administration of the office operating allowance  
793 authorized pursuant to this section.

794 SECTION 20. The Attorney General of the State of Mississippi  
795 is hereby directed to submit this act, immediately upon approval

796 by the Governor, or upon approval by the Legislature subsequent to  
797 a veto, to the Attorney General of the United States or to the  
798 United States District Court for the District of Columbia in  
799 accordance with the provisions of the Voting Rights Act of 1965,  
800 as amended and extended.

801 SECTION 21. This act shall take effect and be in force from  
802 and after the date it is effectuated under Section 5 of the Voting  
803 Rights Act of 1965, as amended and extended.