

By: Senator(s) Huggins

To: Judiciary

SENATE BILL NO. 2490

1 AN ACT TO AMEND SECTION 43-21-117, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT THE COUNTY PROSECUTING ATTORNEY SHALL REPRESENT
3 THE DEPARTMENT OF HUMAN SERVICES IN CHILD ABUSE AND NEGLECT CASES
4 IN YOUTH COURT; AND FOR RELATED PURPOSES.

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

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

8 43-21-117. (1) The youth court prosecutor shall represent
9 the petitioner in all proceedings in the youth court. The youth
10 court prosecutor shall represent the Mississippi Department of
11 Human Services in all child abuse and neglect proceedings in the
12 youth court.

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

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



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

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

52 **SECTION 2.** This act shall take effect and be in force from
53 and after July 1, 2002.

