

By: Representative Blackmon

To: Judiciary A;
Appropriations

HOUSE BILL NO. 1574

1 AN ACT TO CREATE DRUG COURT DISTRICTS THROUGHOUT THE STATE;
2 TO PROVIDE FOR JUDGES OF THE DRUG COURTS; TO PROVIDE FOR TERMS OF
3 COURT; TO PROVIDE FOR THE JURISDICTION OF THE DRUG COURTS; TO
4 BRING FORWARD SECTIONS 9-23-1, 9-23-3, 9-23-5, 9-23-7, 9-23-9,
5 9-23-11, 9-23-13, 9-23-15, 9-23-17, 9-23-19, 9-23-21 AND 9-23-23,
6 MISSISSIPPI CODE OF 1972, FOR PURPOSES OF AMENDMENT; TO AMEND
7 SECTIONS 23-15-973, 23-15-975 AND 23-15-977, MISSISSIPPI CODE OF
8 1972, TO PLACE THE DRUG COURT JUDGES IN THE NONPARTISAN JUDICIAL
9 ELECTION ACT; TO PROVIDE FILING FEES FOR CANDIDATES FOR THE
10 POSITION OF DRUG COURT JUDGE; TO AMEND SECTION 25-3-35,
11 MISSISSIPPI CODE OF 1972, TO PROVIDE A SALARY FOR DRUG COURT
12 JUDGES; AND FOR RELATED PURPOSES.

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

14 **SECTION 1.** A judge shall be elected for and from each of the
15 drug court districts as provided in this act and the listing of
16 individual precincts shall be those precincts as they existed on
17 October 1, 2000. He shall hold court in any other district with
18 the consent of the judge thereof when in their opinion the public
19 interest may be thereby promoted. The election of all judges
20 shall be conducted at the regular election for chancery and
21 circuit court judges after their election and their terms of
22 office shall continue for four (4) years. A judge shall be a
23 resident of the district in which he serves.

24 **SECTION 2.** (1) The state shall be divided into an
25 appropriate number of drug court districts, severally numbered and
26 comprised of the counties as set forth in the sections which
27 follow. A court to be styled "The Drug Court of the County of
28 _____" shall be held in each county. The dates upon which terms
29 shall commence and the number of days for which terms shall
30 continue in drug court districts shall be set by order of the
31 judge in accordance with the provisions of subsection (2) of this

32 section. A matter in court may extend past such terms if the
33 interest of justice so requires.

34 (2) An order establishing the commencement and continuation
35 of terms of court for each of the counties within a drug court
36 district consisting of shall be entered annually and not later
37 than October 1 of the year immediately preceding the calendar year
38 for which such terms of court are to become effective. Notice of
39 the dates upon which the terms of court shall commence and the
40 number of days for which such terms shall continue in each of the
41 counties within a drug court district shall be posted in the
42 office of the circuit clerk of each county within the district and
43 mailed to the office of the Secretary of State for publication and
44 distribution to all members of the Mississippi Bar. In the event
45 that an order is not timely entered as herein provided, the terms
46 of court for each of the counties within any such drug court
47 district shall remain unchanged for the next calendar year.

48 (3) The number of judges for each drug court district shall
49 be determined by the Legislature based upon the following
50 criteria:

- 51 (a) The population of the district;
- 52 (b) The number of cases filed in the district;
- 53 (c) The case load of each judge in the district;
- 54 (d) The geographic area of the district;
- 55 (e) An analysis of the needs of the district by the
56 court personnel of the district; and
- 57 (f) Any other appropriate criteria.

58 (4) The Judicial College of the University of Mississippi
59 Law Center and the Administrative Office of Courts shall determine
60 the appropriate:

- 61 (a) Specific data to be collected as a basis for
62 applying the above criteria;
- 63 (b) Method of collecting and maintaining the specified
64 data; and

65 (c) Method of assimilating the specified data.

66 (5) In a district having more than one (1) judge, there
67 shall be no distinction whatsoever in the powers, duties and
68 emoluments of those offices except that the judge who has been for
69 the longest time continuously a judge of that court or, should no
70 judge have served longer in office than the others, the judge who
71 has been for the longest time a member of the Mississippi Bar,
72 shall be the senior chancellor. The senior judge shall have the
73 right to assign causes and dockets and to set terms.

74 **SECTION 3.** The First Drug Court District shall be comprised
75 of the following counties:

- 76 (a) Bolivar County;
- 77 (b) Coahoma County;
- 78 (c) DeSoto County;
- 79 (d) Panola County;
- 80 (e) Quitman County;
- 81 (f) Tallahatchie County;
- 82 (g) Tate County;
- 83 (h) Tunica County; and
- 84 (i) Yalobusha County.

85 **SECTION 4.** The Second Drug Court District shall be comprised
86 of the following counties:

- 87 (a) Alcorn County;
- 88 (b) Benton County;
- 89 (c) Calhoun County;
- 90 (d) Chickasaw County;
- 91 (e) Itawamba County;
- 92 (f) Lafayette County;
- 93 (g) Lee County;
- 94 (h) Marshall County;
- 95 (i) Monroe County;
- 96 (j) Pontotoc County;
- 97 (k) Prentiss County;

- 98 (1) Tippah County;
99 (m) Tishomingo County; and
100 (n) Union County.

101 **SECTION 5.** The Third Drug Court District shall be comprised
102 of the following counties:

- 103 (a) Humphreys County;
104 (b) Holmes County;
105 (c) Issaquena County;
106 (d) Leflore County;
107 (e) Sharkey County;
108 (f) Sunflower County;
109 (g) Warren County;
110 (h) Washington County; and
111 (i) Yazoo County.

112 **SECTION 6.** The Fourth Drug Court District shall be comprised
113 of the following counties:

- 114 (a) Attala County;
115 (b) Carroll County;
116 (c) Choctaw County;
117 (d) Clay County;
118 (e) Grenada County;
119 (f) Lowndes County;
120 (g) Montgomery County;
121 (h) Noxubee County;
122 (i) Oktibbeha County;
123 (j) Webster County; and
124 (k) Winston County.

125 **SECTION 7.** The Fifth Drug Court District shall be comprised
126 of the following counties:

- 127 (a) Hinds County;
128 (b) Madison County; and
129 (c) Rankin County.

130 **SECTION 8.** The Sixth Drug Court District shall be comprised
131 of the following counties:

- 132 (a) Clarke County;
- 133 (b) Kemper County;
- 134 (c) Lauderdale County;
- 135 (d) Leake County;
- 136 (e) Neshoba County;
- 137 (f) Newton County;
- 138 (g) Scott County; and
- 139 (h) Wayne County.

140 **SECTION 9.** The Seventh Drug Court District shall be
141 comprised of the following counties:

- 142 (a) Adams County;
- 143 (b) Amite County;
- 144 (c) Claiborne County;
- 145 (d) Covich County;
- 146 (e) Franklin County;
- 147 (f) Jefferson County;
- 148 (g) Lincoln County;
- 149 (h) Pike County;
- 150 (i) Walthall County; and
- 151 (j) Wilkinson County.

152 **SECTION 10.** The Eighth Drug Court District shall be
153 comprised of the following counties:

- 154 (a) Covington County;
- 155 (b) Forrest County;
- 156 (c) Jasper County;
- 157 (d) Jefferson Davis County;
- 158 (e) Jones County;
- 159 (f) Lamar County;
- 160 (g) Lawrence County;
- 161 (h) Marion County;
- 162 (i) Pearl River County;

- 163 (j) Perry County;
164 (k) Simpson County; and
165 (l) Smith County.

166 **SECTION 11.** The Ninth Drug Court District shall be comprised
167 of the following counties:

- 168 (a) George County;
169 (b) Green County;
170 (c) Hancock County;
171 (d) Harrison County;
172 (e) Jackson County; and
173 (f) Stone County.

174 **SECTION 12.** The drug courts shall hear cases involving
175 controlled substances and alcohol laws violations and shall
176 enforce the provisions of the Alyce Griffin Clarke Drug Court Act
177 (Section 9-23-1, et seq.)

178 **SECTION 13.** Section 9-23-1, Mississippi Code of 1972, is
179 brought forward as follows:

180 9-23-1. This chapter shall be known and may be cited as the
181 "Alyce Griffin Clarke Drug Court Act."

182 **SECTION 14.** Section 9-23-3, Mississippi Code of 1972, is
183 brought forward as follows:

184 9-23-3. (1) The Legislature of Mississippi recognizes the
185 critical need for judicial intervention to reduce the incidence of
186 alcohol and drug use, alcohol and drug addiction, and crimes
187 committed as a result of alcohol and drug use and alcohol and drug
188 addiction. It is the intent of the Legislature to facilitate
189 local drug court alternative orders adaptable to chancery,
190 circuit, county, youth, municipal and justice courts.

191 (2) The goals of the drug courts under this chapter include
192 the following:

- 193 (a) To reduce alcoholism and other drug dependencies
194 among adult and juvenile offenders and defendants and among
195 respondents in juvenile petitions for abuse, neglect or both;

196 (b) To reduce criminal and delinquent recidivism and
197 the incidence of child abuse and neglect;

198 (c) To reduce the alcohol-related and other
199 drug-related court workload;

200 (d) To increase personal, familial and societal
201 accountability of adult and juvenile offenders and defendants and
202 respondents in juvenile petitions for abuse, neglect or both; and

203 (e) To promote effective interaction and use of
204 resources among criminal and juvenile justice personnel, child
205 protective services personnel and community agencies.

206 **SECTION 15.** Section 9-23-5, Mississippi Code of 1972, is
207 brought forward as follows:

208 9-23-5. For the purposes of this chapter, the following
209 words and phrases shall have the meanings ascribed unless the
210 context clearly requires otherwise:

211 (a) "Drug court" means an immediate and highly
212 structured intervention process for substance abuse treatment of
213 eligible defendants or juveniles that:

214 (i) Brings together substance abuse professionals,
215 local social programs and intensive judicial monitoring; and

216 (ii) Follows the key components of drug courts
217 published by the Drug Court Program Office of the United States
218 Department of Justice.

219 (b) "Chemical tests" means the analysis of an
220 individual's: (i) blood, (ii) breath, (iii) hair, (iv) sweat, (v)
221 saliva, (vi) urine; or (vii) other bodily substance to determine
222 the presence of alcohol or a controlled substance.

223 **SECTION 16.** Section 9-23-7, Mississippi Code of 1972, is
224 brought forward as follows:

225 9-23-7. The Administrative Office of Courts shall be
226 responsible for certification and monitoring of local drug courts
227 according to standards promulgated by the State Drug Courts
228 Advisory Committee.

229 **SECTION 17.** Section 9-23-9, Mississippi Code of 1972, is
230 brought forward as follows:

231 9-23-9. (1) The State Drug Courts Advisory Committee is
232 established to develop and periodically update proposed statewide
233 evaluation plans and models for monitoring all critical aspects of
234 drug courts. The committee must provide the proposed evaluation
235 plans to the Chief Justice and the Administrative Office of
236 Courts. The committee shall be chaired by the Director of the
237 Administrative Office of Courts and shall consist of not less than
238 seven (7) members nor more than eleven (11) members appointed by
239 the Supreme Court and broadly representative of the courts, law
240 enforcement, corrections, juvenile justice, child protective
241 services and substance abuse treatment communities.

242 (2) The State Drug Courts Advisory Committee may also make
243 recommendations to the Chief Justice, the Director of the
244 Administrative Office of Courts and state officials concerning
245 improvements to drug court policies and procedures. The committee
246 may make suggestions as to the criteria for eligibility, and other
247 procedural and substantive guidelines for drug court operation.

248 (3) The State Drug Courts Advisory Committee shall act as
249 arbiter of disputes arising out of the operation of drug courts
250 established under this chapter and make recommendations to improve
251 the drug courts; it shall also make recommendations to the Supreme
252 Court necessary and incident to compliance with established rules.

253 **SECTION 18.** Section 9-23-11, Mississippi Code of 1972, is
254 brought forward as follows:

255 9-23-11. (1) A drug court may establish an alcohol and drug
256 intervention component provided all the following requirements are
257 met:

258 (a) The drug court established by the court is
259 certified by the Administrative Office of Courts;

260 (b) The court that established the drug court
261 determines that in order to fully implement the purposes of the

262 drug court that the drug and alcohol intervention component is
263 necessary; and

264 (c) The court must submit a petition for approval to
265 the Administrative Office of Courts containing the following:

266 (i) A full description of a proposed intervention
267 component.

268 (ii) A budget supported by statistics.

269 (iii) Details on the implementation of the
270 intervention component.

271 (2) Each individual drug court judge may establish rules and
272 may make special orders and rules as necessary that do not
273 conflict with rules promulgated by the Supreme Court.

274 (3) A drug court may appoint such full- or part-time
275 employees it deems necessary for the work of the drug court and
276 shall fix the compensation of those employees. Such employees
277 shall serve at the will and pleasure of the judge or the judge's
278 designee.

279 (4) Drug court employees or contractors shall perform duties
280 the court assigns.

281 (5) A drug court established under this chapter is subject
282 to the regulatory powers of the Administrative Office of Courts as
283 set forth in Section 9-23-15.

284 (6) Each individual drug court is responsible for the
285 administration of the drug and alcohol intervention component of
286 that court.

287 (7) (a) The costs of participation in an alcohol and drug
288 services component required by the drug court established by this
289 chapter may be paid by the participant or out of user fees or such
290 other state, federal or private funds that may, from time to time,
291 be made available.

292 (b) The court may assess such reasonable fees for
293 participation and may impose sanctions that it deems appropriate.

294 **SECTION 19.** Section 9-23-13, Mississippi Code of 1972, is
295 brought forward as follows:

296 9-23-13. (1) A drug court's alcohol and drug intervention
297 component may provide for eligible individuals a range of
298 necessary court intervention services, including, but not limited
299 to, the following:

300 (a) Screening for eligibility and other appropriate
301 services;

302 (b) Clinical assessment;

303 (c) Education;

304 (d) Referral;

305 (e) Service coordination and case management; and

306 (f) Counseling and rehabilitative care.

307 (2) Any inpatient treatment or inpatient detoxification
308 program ordered by the court shall be certified by the Department
309 of Mental Health, other appropriate state agency or the equivalent
310 agency of another state.

311 **SECTION 20.** Section 9-23-15, Mississippi Code of 1972, is
312 brought forward as follows:

313 9-23-15. (1) In order to be eligible for alternative
314 sentencing through a local drug court, the participant must
315 satisfy each of the following criteria:

316 (a) The participant cannot have any felony convictions
317 for any offenses which are crimes of violence.

318 (b) The crime before the court cannot be a crime of
319 violence.

320 (c) Other criminal proceedings alleging commission of a
321 crime of violence cannot be pending against the participant.

322 (d) The participant cannot have been currently charged
323 with burglary of an occupied dwelling.

324 (e) The crime before the court cannot be a charge of
325 driving under the influence of alcohol or any other drug or drugs
326 that resulted in the death of a person.

327 (f) The crime charged cannot be one of distribution,
328 sale, possession with intent to distribute, production,
329 manufacture or cultivation of controlled substances, nor can the
330 participant have a prior conviction for same.

331 (2) Participation in the services of an alcohol and drug
332 intervention component shall be open only to the individuals over
333 whom the court has jurisdiction, except that the court may agree
334 to provide the services for individuals referred from another drug
335 court. In cases transferred from another jurisdiction, the
336 receiving judge shall act as a special master and make
337 recommendations to the sentencing judge.

338 (3) (a) As a condition of participation in a drug court, a
339 participant may be required to undergo a chemical test or a series
340 of chemical tests as specified by the drug court. A participant
341 is liable for the costs of all chemical tests required under this
342 section, regardless of whether the costs are paid to the drug
343 court or the laboratory; provided, however, if testing is
344 available from other sources or the program itself, the judge may
345 waive any fees for testing.

346 (b) A laboratory that performs a chemical test under
347 this section shall report the results of the test to the drug
348 court.

349 (4) A person does not have a right to participate in drug
350 court under this chapter.

351 **SECTION 21.** Section 9-23-17, Mississippi Code of 1972, is
352 brought forward as follows:

353 9-23-17. With regard to any drug court established under
354 this chapter, the Administrative Office of Courts may do the
355 following:

356 (a) Ensure that the structure of the intervention
357 component complies with rules adopted under this section and
358 applicable federal regulations.

359 (b) Revoke the authorization of a program upon a
360 determination that the program does not comply with rules adopted
361 under this section and applicable federal regulations.

362 (c) Make agreements and contracts to effectuate the
363 purposes of this chapter with:

364 (i) Another department, authority or agency of the
365 state;

366 (ii) Another state;

367 (iii) The federal government;

368 (iv) A state-supported or private university; or

369 (v) A public or private agency, foundation,
370 corporation or individual.

371 (d) Directly, or by contract, approve and certify any
372 intervention component established under this chapter.

373 (e) Require, as a condition of operation, that each
374 drug court created or funded under this chapter be certified by
375 the Administrative Office of Courts.

376 (f) Adopt rules to implement this chapter.

377 **SECTION 22.** Section 9-23-19, Mississippi Code of 1972, is
378 brought forward as follows:

379 9-23-19. (1) All monies received from any source by the
380 drug court shall be accumulated in a fund to be used only for drug
381 court purposes. Any funds remaining in this fund at the end of a
382 fiscal year shall not lapse into any general fund, but shall be
383 retained in the drug court fund for the funding of further
384 activities by the drug court.

385 (2) A drug court may apply for and receive the following:

386 (a) Gifts, bequests and donations from private sources.

387 (b) Grant and contract money from governmental sources.

388 (c) Other forms of financial assistance approved by the
389 court to supplement the budget of the drug court.

390 **SECTION 23.** Section 9-23-21, Mississippi Code of 1972, is
391 brought forward as follows:

392 9-23-21. The director and members of the professional and
393 administrative staff of the drug court who perform duties in good
394 faith under this chapter are immune from civil liability for:

395 (a) Acts or omissions in providing services under this
396 chapter; and

397 (b) The reasonable exercise of discretion in
398 determining eligibility to participate in the drug court.

399 **SECTION 24.** Section 9-23-23, Mississippi Code of 1972, is
400 brought forward as follows:

401 9-23-23. If the participant completes all requirements
402 imposed upon him by the drug court, including the payment of fines
403 and fees assessed, the charge and prosecution shall be dismissed.
404 If the defendant or participant was sentenced at the time of entry
405 of plea of guilty, the successful completion of the drug court
406 order and other requirements of probation or suspension of
407 sentence will result in the record of the criminal conviction or
408 adjudication being expunged. However, no expunction of any
409 implied consent violation shall be allowed.

410 **SECTION 25.** Section 23-15-973, Mississippi Code of 1972, is
411 amended as follows:

412 23-15-973. It shall be the duty of the judges of the circuit
413 court to give a reasonable time and opportunity to the candidates
414 for the office of judge of the Supreme Court, judges of the Court
415 of Appeals, circuit judge, drug court judge and chancellor to
416 address the people during court terms. In order to give further
417 and every possible emphasis to the fact that the said judicial
418 offices are not political but are to be held without favor and
419 with absolute impartiality as to all persons, and because of the
420 jurisdiction conferred upon the courts by this chapter, the judges
421 thereof should be as far removed as possible from any political
422 affiliations or obligations. It shall be unlawful for any
423 candidate for any of the offices mentioned in this section to
424 align himself with any candidate or candidates for any other

425 office or with any political faction or any political party at any
426 time during any primary or general election campaign. Likewise it
427 shall be unlawful for any candidate for any other office nominated
428 or to be nominated at any primary election, wherein any candidate
429 for any of the judicial offices in this section mentioned, is or
430 are to be nominated, to align himself with any one or more of the
431 candidates for said offices or to take any part whatever in any
432 nomination for any one or more of said judicial offices, except to
433 cast his individual vote. Any candidate for any office, whether
434 nominated with or without opposition, at any primary wherein a
435 candidate for any one of the judicial offices herein mentioned is
436 to be nominated who shall deliberately, knowingly and willfully
437 violate the provisions of this section shall forfeit his
438 nomination, or if elected at the following general election by
439 virtue of said nomination, his election shall be void.

440 **SECTION 26.** Section 23-15-975, Mississippi Code of 1972, is
441 amended as follows:

442 As used in Sections 23-15-974 through 23-15-985 of this
443 subarticle, the term "judicial office" includes the office of
444 justice of the Supreme Court, judge of the Court of Appeals,
445 circuit judge, chancellor, county court judge, drug court judge
446 and family court judge. All such justices and judges shall be
447 full-time positions and such justices and judges shall not engage
448 in the practice of law before any court, administrative agency or
449 other judicial or quasi-judicial forum except as provided by law
450 for finalizing pending cases after election to judicial office.

451 **SECTION 27.** Section 23-15-977, Mississippi Code of 1972, is
452 amended as follows:

453 23-15-977. (1) All candidates for judicial office as
454 defined in Section 23-15-975 of this subarticle shall file their
455 intent to be a candidate with the proper officials not later than
456 5:00 p.m. on the first Friday after the first Monday in May prior

457 to the general election for judicial office and shall pay to the
458 proper officials the following amounts:

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

461 (b) Candidates for circuit judge, chancellor and drug
462 court judge, the sum of One Hundred Dollars (\$100.00).

463 (c) Candidates for county judge and family court judge,
464 the sum of Fifteen Dollars (\$15.00).

465 (2) Candidates for judicial offices listed in paragraphs (a)
466 and (b) of subsection (1) of this section shall file their intent
467 to be a candidate with, and pay the proper assessment made
468 pursuant to subsection (1) of this section to, the State Board of
469 Election Commissioners.

470 (3) Candidates for judicial offices listed in paragraph (c)
471 of subsection (1) of this section shall file their intent to be a
472 candidate with, and pay the proper assessment made pursuant to
473 subsection (1) of this section to, the circuit clerk of the proper
474 county. The circuit clerk shall notify the county commissioners
475 of election of all persons who have filed their intent to be a
476 candidate filed with, and paid the proper assessment to, such
477 clerk. Such notification shall occur within two (2) business days
478 and shall contain all necessary information.

479 **SECTION 28.** Section 25-3-35, Mississippi Code of 1972, is
480 amended as follows:

481 * * *

482 25-3-35. (1) The annual salaries of the following judges
483 are fixed as follows, to begin at the commencement of the next
484 term of office immediately succeeding the existing term:

485 Chief Justice of the Supreme Court..... \$115,390.00
486 Presiding Justice of the Supreme Court..... 113,190.00
487 Associate Justices of the Supreme Court, each.... 112,530.00

488 However, in addition to their present official duties, there
489 are imposed upon the Supreme Court justices the extra duties of

490 making a special study of existing laws and reporting to each
491 regular session of the Legislature such constructive suggestions
492 as they may deem necessary for the improvement of the
493 administration of justice, and of identifying and directing the
494 State Librarian to apply for grants and donations from any public
495 or private source for the purpose of enhancing the holdings of the
496 state law library, and of advising and counseling with the State
497 Librarian in the selection of law books for purchase and use in
498 the State Law Library, advising with the librarian thereof upon
499 the removal from the library of any books which may be the least
500 frequently used, and for the placing of same in a convenient
501 location so as to provide additional space for such books and
502 other current publications which may be more frequently used or
503 called for. For such extra services each justice, from and after
504 January 1, 2004, shall receive a sum sufficient when added to the
505 present salaries of the justices to aggregate One Hundred Fifteen
506 Thousand Three Hundred Ninety Dollars (\$115,390.00) for the Chief
507 Justice, One Hundred Thirteen Thousand One Hundred Ninety Dollars
508 (\$113,190.00) for the presiding justice, and One Hundred Twelve
509 Thousand Five Hundred Thirty Dollars (\$112,530.00) for associate
510 justices, per annum. As each existing term expires and the
511 above-captioned salaries become effective in due course, the extra
512 duties and compensation provided for shall cease.

513 The fixed salaries as specified in this subsection (1) shall
514 be the exclusive and total compensation which can be reported to
515 the Public Employees' Retirement System for retirement purposes;
516 however, any judge in office on December 31, 2003, may continue to
517 report his expense allowance as part of his compensation for
518 retirement purposes.

519 (2) The annual salaries of the judges of the Court of
520 Appeals of Mississippi are fixed as follows, to begin at the
521 commencement of the next term of office immediately succeeding the
522 existing term:

523 Chief Judge of the Court of Appeals..... \$108,130.00

524 Associate Judges of the Court of Appeals, each... 105,050.00

525 However, in addition to their present official duties, there
526 are imposed upon the judges of the Court of Appeals the extra
527 duties of making a special study of existing laws and reporting to
528 the Supreme Court of the State of Mississippi such constructive
529 suggestions as they may deem necessary for the improvement of the
530 administration of justice, and assisting in advising and
531 counseling with the State Librarian in the selection of law books
532 for purchase and use in the State Law Library, assisting in
533 advising with the librarian thereof upon the removal from the
534 library of any books which may be the least frequently used, and
535 for the placing of same in a convenient location so as to provide
536 additional space for such books and other current publications
537 which may be more frequently used or called for. For such extra
538 services each judge, from and after January 1, 2004, shall receive
539 a sum sufficient when added to the present salaries of the judges
540 to aggregate One Hundred Eight Thousand One Hundred Thirty Dollars
541 (\$108,130.00) for the Chief Judge and One Hundred Five Thousand
542 Fifty Dollars (\$105,050.00) for associate judges, per annum. As
543 each existing term expires and the above-captioned salaries become
544 effective in due course, the extra duties and compensation
545 provided for shall cease.

546 The fixed salaries as specified in this subsection (2) shall
547 be the exclusive and total compensation which can be reported to
548 the Public Employees' Retirement System for retirement purposes;
549 however, any judge in office on December 31, 2003, may continue to
550 report his expense allowance as part of his compensation for
551 retirement purposes.

552 (3) The annual salaries of the chancery and circuit court
553 judges are fixed as follows, to begin at the commencement of the
554 next term of office immediately succeeding the existing term:

555 Chancery Judges, each..... \$104,170.00

556 Circuit Judges, each..... 104,170.00
557 Drug Court Judges, each..... 104,170.00

558 In addition to their present official duties, there are
559 imposed upon the chancery drug and circuit court judges the extra
560 duties of making a special study of existing laws relating to
561 trial courts and reporting to the Supreme Court of the State of
562 Mississippi such constructive suggestions as they may deem
563 necessary for the improvement of the administration of justice,
564 which shall be recommended to the Legislature by the Supreme Court
565 in the manner provided by law. The judges shall advise and
566 supervise in the purchase of law books for the libraries of each
567 district, and shall study and evaluate the inventory of books and
568 facilities now existing in the libraries of each district to
569 effect the removal and relocation of obsolete publications so as
570 to provide additional space for those books and current
571 publications more frequently used. The judges shall seek and
572 identify any grants and donations from any public or private
573 source for the purpose of enhancing the holdings of the libraries
574 of each district. The judges shall study the existing rules
575 promulgated by the circuit and chancery court judicial
576 associations governing the operation of chancery and circuit
577 courts, and revise the same pursuant to existing laws. For such
578 extra services each judge, from and after January 1, 2004, shall
579 receive a sum sufficient when added to the present salaries of the
580 judges to aggregate One Hundred Four Thousand One Hundred Seventy
581 Dollars (\$104,170.00) per annum for each judge. Upon the
582 expiration of the existing term, the above-captioned salaries
583 become effective in due course, and the extra duties and
584 compensation provided for shall cease.

585 (4) The Supreme Court shall prepare a payroll for chancery
586 judges and circuit judges and submit such payroll to the
587 Department of Finance and Administration.

588 (5) The annual salary of the full-time district attorneys
589 shall be Ninety-five Thousand Seven Hundred Ninety-six Dollars
590 (\$95,796.00).

591 (6) The annual salary of the full-time legal assistants
592 shall be not less than Fifteen Thousand Dollars (\$15,000.00) nor
593 more than eighty percent (80%) of the salary of the district
594 attorney for legal assistants who have been licensed to practice
595 law for five (5) years or less; eighty-five percent (85%) of the
596 salary of the district attorney for legal assistants who have been
597 licensed to practice law for at least five (5) years but less than
598 fifteen (15) years; and ninety percent (90%) of the salary of the
599 district attorney for legal assistants who have been licensed to
600 practice law for at least fifteen (15) years or more.

601 (7) This section shall stand repealed from and after January
602 1, 2007.

603 **SECTION 29.** The Attorney General of the State of Mississippi
604 shall submit this act, immediately upon approval by the Governor,
605 or upon approval by the Legislature subsequent to a veto, to the
606 Attorney General of the United States or to the United States
607 District Court for the District of Columbia in accordance with the
608 provisions of the Voting Rights Act of 1965, as amended and
609 extended.

610 **SECTION 30.** This act shall take effect and be in force from
611 and after the date it is effectuated under Section 5 of the Voting
612 Rights Act of 1965, as amended and extended.