

By: Representatives Flaggs, Wells-Smith,
Johnson

To: Juvenile Justice;
Appropriations

HOUSE BILL NO. 728
(As Passed the House)

1 AN ACT TO AMEND SECTION 43-21-801, MISSISSIPPI CODE OF 1972,
2 TO ABOLISH THE YOUTH COURT INCARCERATION ALTERNATIVES FUND; TO
3 ESTABLISH THE YOUTH COURT SUPPORT FUND; TO INCLUDE COUNTY COURT
4 JUDGES AMONG THOSE FOR WHOM AN OFFICE ALLOWANCE IS APPROPRIATED;
5 TO PROVIDE THE PURPOSE OF SUCH FUND; TO AMEND SECTION 43-21-803,
6 MISSISSIPPI CODE OF 1972, TO REQUIRE THAT TWO MILLION DOLLARS BE
7 APPROPRIATED TO THE TONY GOBAR JUVENILE JUSTICE ALTERNATIVE
8 SANCTIONS GRANT FUND DURING THE 2007 LEGISLATIVE SESSION; AND FOR
9 RELATED PURPOSES.

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

11 **SECTION 1.** Section 43-21-801, Mississippi Code of 1972, is
12 amended as follows:

13 43-21-801. (1) There is established the Youth Court Support
14 Fund. The purpose of the fund shall be to ensure that all youth
15 courts not served by a county court have sufficient support funds
16 to carry on the business of the youth court and the Administrative
17 Office of Courts shall establish a formula for providing state
18 support payable from the General Fund for the support of the youth
19 courts. Youth court support funds shall be available to each
20 regular youth court referee and municipal youth court referee so
21 long as the senior chancellor does not elect to employ a youth
22 court administrator as set forth in subsection (2), and each
23 regular youth court referee shall have the individual discretion
24 to appropriate those funds as expense monies to assist in hiring
25 secretarial staff and acquiring materials incidental to carrying
26 on the business of the court within the referee's private practice
27 of law, or may direct the use of those funds through the county
28 budget for court support supplies or services. The regular youth
29 court referee and municipal youth court referee shall be
30 accountable for assuring through private or county employees the

31 proper preparation and filing of all necessary tracking and other
32 documentation attendant to the administration of the youth court.
33 The formula developed by the Administrative Office of Courts for
34 providing youth court support funds shall be reviewed by the
35 Administrative Office of Courts every two (2) years to ensure that
36 the youth court support funds provided herein are proportional to
37 each youth court's caseload. Approval of the use of any of the
38 youth court support funds made under this subsection shall be made
39 by the Administrative Office of Courts in accordance with
40 procedures established by the Administrative Office of Courts.

41 (2) In lieu of accepting any referee support funds as
42 provided in this section, when permitted by the Administrative
43 Office of Courts, the senior chancellors of Chancery Districts
44 One, Two, Three, Four, Six, Seven, Nine, Ten, Thirteen, Fourteen,
45 Fifteen and Eighteen may appoint a youth court administrator for
46 the district whose responsibility will be to perform all
47 reporting, tracking and other duties of a court administrator for
48 all youth courts in the district which are under the chancery
49 court system. The Administrative Office of Courts shall allocate
50 to each chancellor so electing a sum not to exceed Thirty Thousand
51 Dollars (\$30,000.00) per year to cover the salary, fringe benefits
52 and equipment of such administrator, and an additional sum not to
53 exceed One Thousand Nine Hundred Dollars (\$1,900.00) to cover
54 travel expenses of the administrator.

55 (3) There is created in the State Treasury a special fund to
56 be designated as the "Youth Court Support Fund," which shall
57 consist of funds derived from the formula established by the
58 Administrative Office of Courts for providing state support
59 payable from the General Fund for the support of youth courts as
60 provided in this section. Unexpended amounts remaining in the
61 fund at the end of a fiscal year shall not lapse into the State
62 General Fund, and any investment earnings or interest earned on
63 amounts in the fund shall be deposited to the credit of the fund.

64 Monies in the fund shall be distributed to the youth courts by the
65 Administrative Office of Courts for the purposes described in this
66 section.

67 (4) Each county court judge who desires to employ support
68 staff after the effective date of this act shall make application
69 to the Administrative Office of Courts by submitting to the
70 Administrative Office of Courts a proposed personnel plan setting
71 forth what support staff is deemed necessary. Such plan may be
72 submitted by a single judge or by any combination of judges
73 desiring to share support staff. In the process of the
74 preparation of the plan, the judges, at their request, may receive
75 advice, suggestions, recommendations and other assistance from the
76 Administrative Office of Courts. The Administrative Office of
77 Courts must approve the positions, job descriptions and salaries
78 before the positions may be filled. The Administrative Office of
79 Courts shall not approve any plan which does not first require the
80 expenditure of the funds in the support staff fund for
81 compensation of any of the support staff before expenditure is
82 authorized of county funds for that purpose. Upon approval by the
83 Administrative Office of Courts, the judge or judges may appoint
84 the employees to the position or positions, and each employee so
85 appointed will work at the will and pleasure of the judge or
86 judges who appointed him but will be employees of the
87 Administrative Office of Courts. Upon approval by the
88 Administrative Office of Courts, the appointment of any support
89 staff shall be evidenced by the entry of an order on the minutes
90 of the court. When support staff is appointed jointly by two (2)
91 or more judges, the order setting forth any appointment shall be
92 entered on the minutes of each participating court.

93 (5) The Administrative Office of Courts shall develop and
94 promulgate minimum qualifications for the certification of court
95 administrators. Any court administrator appointed on or after the

96 effective date of this act, shall be required to be certified by
97 the Administrative Office of Courts.

98 (6) Support staff shall receive compensation pursuant to
99 personnel policies established by the Administrative Office of
100 Courts; however, from and after the effective date of this act,
101 the Administrative Office of Courts shall allocate from the
102 support staff fund an amount of Sixty Thousand Dollars
103 (\$60,000.00) per fiscal year (July 1 through June 30) per judge
104 for whom support staff is approved for the funding of support
105 staff assigned to a judge or judges. Any employment pursuant to
106 this subsection shall be subject to the provisions of Section
107 25-1-53.

108 The Administrative Office of Courts may approve expenditure
109 from the fund for additional equipment for support staff appointed
110 pursuant to this section in any year in which the allocation per
111 judge is sufficient to meet the equipment expense after provision
112 for the compensation of the support staff.

113 (7) For the purposes of this section, the following terms
114 shall have the meanings ascribed herein unless the context clearly
115 requires otherwise:

116 (a) "Support staff" means court administrators, law
117 clerks, legal research assistants or secretaries, resource
118 administrator and/or case managers appointed by a youth court
119 judge, or any combination thereof, but shall not mean school
120 attendance officers; and

121 (b) "Compensation" means the gross salary plus all
122 amounts paid for benefits or otherwise as a result of employment
123 or as required by employment; provided, however, that only salary
124 earned for services rendered shall be reported and credited for
125 Public Employees' Retirement System purposes. Amounts paid for
126 benefits or otherwise, including reimbursement for travel
127 expenses, shall not be reported or credited for retirement
128 purposes.

129 (8) Title to all tangible property, excepting stamps,
130 stationery and minor expendable office supplies, procured with
131 funds authorized by this section, shall be and forever remain in
132 the State of Mississippi to be used by the judge during the term
133 of his office and thereafter by his successors.

134 **SECTION 2.** Section 43-21-803, Mississippi Code of 1972, is
135 amended as follows:

136 43-21-803. (1) There is established the Tony Gobar Juvenile
137 Justice Alternative Sanction Grant Program for the purpose of
138 providing grants to faith-based organizations and nonprofit 501
139 (c)(3) organizations that develop and operate community-based
140 alternatives to the training schools and detention centers. In
141 order to be eligible for a grant under this section, a faith-based
142 or nonprofit 501(c)(3) organization in cooperation with a youth
143 court must develop and operate a juvenile justice alternative
144 sanction designed for delinquent youths. The program must be
145 designed to decrease reliance on commitment in juvenile detention
146 facilities and training schools. Programs must not duplicate
147 existing programs or services and must incorporate evidence-based
148 practices and positive behavioral intervention including two (2)
149 or more of the following elements: academic tutoring/literacy,
150 dropout prevention, mentoring, vocational training, substance
151 abuse treatment, family counseling and anger management, and
152 faith-based programming. Programs may include, but shall not be
153 limited to, after school and weekend programming, job readiness
154 programs, home detention programs, restitution, conflict
155 resolution programs, and community service.

156 (2) A faith-based or nonprofit 501(c)(3) must submit an
157 application to the Department of Public Safety. The application
158 must include a description of the purpose for which assistance is
159 requested, the amount of assistance requested and any other
160 information required by the Department of Public Safety in
161 consultation with the Department of Human Services.

162 (3) The Department of Public Safety shall have all powers
163 necessary to implement and administer the program established
164 under this section, and the department shall promulgate rules and
165 regulations, in accordance with the Mississippi Administrative
166 Procedures Law, necessary for the implementation of this section.

167 (4) There is created in the State Treasury a special fund to
168 be designated as the "Tony Gobar Juvenile Justice Alternative
169 Sanctions Grant Fund," which shall consist of funds appropriated
170 or otherwise made available by the Legislature in any manner and
171 funds from any other source designated for deposit into such fund.
172 Unexpended amounts remaining in the fund at the end of a fiscal
173 year shall not lapse into the State General Fund, and any
174 investment earnings or interest earned on amounts in the fund
175 shall be deposited to the credit of the fund. Monies in the fund
176 shall be used by the Department of Public Safety for the purposes
177 described in this section.

178 (5) During the regular legislative session held in calendar
179 year 2007 the Legislature shall appropriate Two Million Dollars
180 (\$2,000,000.00) to the Tony Gobar Juvenile Justice Alternative
181 Sanctions Grant Fund.

182 **SECTION 3.** This act shall take effect and be in force from
183 and after July 1, 2007.