

By: Representative Flaggs

To: Juvenile Justice

HOUSE BILL NO. 845

1 AN ACT TO ESTABLISH THE YOUTH COURT DEFENDER STANDARDS  
2 COUNCIL; TO PROVIDE THE PURPOSE AND MEMBERSHIP OF THE COUNCIL; TO  
3 PROVIDE THAT THE COUNCIL SHALL EMPLOY AN EXECUTIVE DIRECTOR; TO  
4 PROVIDE THAT THE COUNCIL, FOR BUDGETARY PURPOSES ONLY, SHALL  
5 OPERATE UNDER THE AUTHORITY OF THE OFFICE OF ADMINISTRATIVE  
6 COURTS; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** (1) There is established the Youth Court  
9 Defender Standards Council. The purpose of the council is to  
10 establish, implement and enforce polices and standards for a  
11 comprehensive and effective system of legal representation for  
12 children in youth court delinquency proceedings throughout the  
13 State of Mississippi. The standards for the council shall  
14 include, but are not limited to, the following:

15 (a) Standards for maximum caseloads for youth court  
16 defenders taking into consideration the defender's youth court  
17 caseload and non-youth court caseload;

18 (b) Standards for minimum education, training and  
19 experience of attorneys assigned as youth court defenders;

20 (c) Standards for assessing the need for expert,  
21 investigative and social services in youth court public defender  
22 offices and on individual cases; and

23 (d) Standards for establishing salary ranges for  
24 employees of youth court defender offices and reasonable hourly  
25 rates to be paid attorneys and defense team members in individual  
26 cases.

27 (2) The membership of the council shall consist of the  
28 following five (5) members as follows:

29           (a) One member appointed by the Youth Court Judges  
30 Conference;

31           (b) One member appointed by the Director of the  
32 Division of Youth Services;

33           (c) One member appointed by the President of the County  
34 Supervisors Association;

35           (d) One member appointed by the Mississippi Public  
36 Defender Association who must be an attorney with experience in  
37 youth court defense; and

38           (e) One member appointed by the Mississippi Bar  
39 Association.

40           (3) Council members shall serve for three (3) years and  
41 shall be paid for travel expenses to meetings, as provided in  
42 Section 25-3-41, which shall be the members only compensation for  
43 serving on the council. At the first meeting, which shall be  
44 organized by the Administrative Office of Courts within ninety  
45 (90) days of the effective date of this act, the council shall  
46 elect a chairperson from its membership and adopt rules and  
47 procedures for conducting its business.

48           (4) The council shall employ an executive director who shall  
49 be an attorney licensed to practice in the State of Mississippi  
50 and who shall have experience in the representation of children in  
51 Youth Court. The executive director may also serve as a resource  
52 counsel to youth court defenders throughout the state. The  
53 director shall be compensated at a rate determined by the council  
54 but such compensation shall not exceed 90% of the pay for the  
55 Director of the Administrative Office of Courts.

56           (5) The Administrative Office of Courts shall provide  
57 suitable office space, reasonable office expenses and necessary  
58 travel costs for the council and executive director and shall  
59 provide administrative and fiscal support to the council. For  
60 budget purposes only the council shall operate under the authority  
61 of the Administrative Office of Courts.

62           (6) The council shall cooperate with any individual, private  
63 or public agency, whether state, local or federal, or with any  
64 public or private law school, with any public or private  
65 institution of higher learning to obtain by gift, grant or  
66 otherwise any financial, professional, investigatory, training,  
67 education or research or other assistance; provided, however, that  
68 any grants or any financial assistance received for the purposes  
69 set out in this subsection shall be paid over to the  
70 Administrative Office of Courts and administered consistent with  
71 the provisions of this act and the rules and regulations of the  
72 Mississippi Department of Finance and Administration.

73           **SECTION 2.** This act shall take effect and be in force from  
74 and after July 1, 2007.