

By: Senator(s) Doxey, Albritton, Butler, Chassaniol, Dawkins, Dearing, Fillingane, Frazier, Harden, Hyde-Smith, Jackson (11th), King, Lee (35th), Morgan, Posey, Ross, Walls, White, Williamson

To: Judiciary, Division A; Appropriations

SENATE BILL NO. 2477
(As Sent to Governor)

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 PROVIDE THE PURPOSE OF
4 SUCH FUND; TO PROVIDE FOR SPECIFIC APPROPRIATION TO THE YOUTH
5 COURT SUPPORT FUND; TO MANDATE JUVENILE JUSTICE TRAINING FOR YOUTH
6 COURT JUDGES AND REFEREES; TO AMEND SECTION 43-21-803, MISSISSIPPI
7 CODE OF 1972, TO ABOLISH THE TONY GOBAR JUVENILE JUSTICE
8 ALTERNATIVE SANCTIONS GRANT FUND; TO ESTABLISH THE TONY GOBAR
9 IACCII FUND; TO CREATE THE TONY GOBAR INDIVIDUALIZED ASSESSMENT
10 AND COMPREHENSIVE COMMUNITY INTERVENTION INITIATIVE (IACCII)
11 PROGRAM; TO PROVIDE FOR SPECIFIC APPROPRIATION TO THE TONY GOBAR
12 IACCII FUND; TO AMEND SECTION 9-1-36, MISSISSIPPI CODE OF 1972, TO
13 INCREASE THE SUPPORT STAFF ALLOWANCE FOR TRIAL COURT JUDGES WITH
14 CERTAIN ATTENDANT RESTRICTIONS; TO AMEND SECTION 25-3-9,
15 MISSISSIPPI CODE OF 1972, TO ALLOW THE BOARD OF SUPERVISORS OF
16 MADISON COUNTY, IN ITS DISCRETION, TO EMPLOY THE ELECTED COUNTY
17 PROSECUTING ATTORNEY ON A FULL-TIME BASIS AND ESTABLISH THE
18 MAXIMUM COMPENSATION FOR THAT POSITION; TO AMEND SECTION
19 43-21-107, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED
20 PURPOSES.

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

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

24 43-21-801. (1) There is established the Youth Court Support
25 Program. The purpose of the program shall be to ensure that all
26 youth courts have sufficient support funds to carry on the
27 business of the youth court. The Administrative Office of Courts
28 shall establish a formula consistent with this section for
29 providing state support payable from the Youth Court Support Fund
30 for the support of the youth courts.

31 (a) (i) Each regular youth court referee is eligible
32 for youth court support funds so long as the senior chancellor
33 does not elect to employ a youth court administrator as set forth
34 in paragraph (b); a municipal youth court judge is also eligible.
35 The Administrative Office of Courts shall direct any funds to the
36 appropriate county or municipality, but each regular youth court

37 referee or municipal youth court judge shall have the sole
38 individual discretion to appropriate those funds as expense monies
39 to assist in hiring secretarial staff and acquiring materials and
40 equipment incidental to carrying on the business of the court
41 within the private practice of law of the referee or judge, or may
42 direct the use of those funds through the county or municipal
43 budget for court support supplies or services. The regular youth
44 court referee and municipal youth court judge shall be accountable
45 for assuring through private, county or municipal employees the
46 proper preparation and filing of all necessary tracking and other
47 documentation attendant to the administration of the youth court.

48 (ii) Title to all tangible property, excepting
49 stamps, stationery and minor expendable office supplies, procured
50 with funds authorized by this section, shall be and forever remain
51 in the county or municipality to be used by the judge or referee
52 during the term of his office and thereafter by his successors.

53 (b) (i) When permitted by the Administrative Office of
54 Courts and as funds are available, the senior chancellor for
55 Chancery Districts One, Two, Three, Four, Six, Seven, Nine, Ten,
56 Thirteen, Fourteen, Fifteen and Eighteen may appoint a youth court
57 administrator for the district whose responsibility will be to
58 perform all reporting, tracking and other duties of a court
59 administrator for all youth courts in the district that are under
60 the chancery court system. Any chancery district listed in this
61 paragraph in which a chancellor appoints a referee or special
62 master to hear any youth court matter is ineligible for funding
63 under this paragraph (b). The Administrative Office of Courts may
64 allocate to an eligible chancery district a sum not to exceed
65 Thirty Thousand Dollars (\$30,000.00) per year for the salary,
66 fringe benefits and equipment of the youth court administrator,
67 and an additional sum not to exceed One Thousand Nine Hundred
68 Dollars (\$1,900.00) for the administrator's travel expenses.

69 (ii) The appointment of a youth court
70 administrator shall be evidenced by the entry of an order on the
71 minutes of the court. The person appointed shall serve at the
72 will and pleasure of the senior chancellor but shall be an
73 employee of the Administrative Office of Courts.

74 (iii) The Administrative Office of Courts must
75 approve the position, job description and salary before the
76 position can be filled. The Administrative Office of Courts shall
77 not approve any plan that does not first require the expenditure
78 of the funds from the Youth Court Support Fund before expenditure
79 of county funds is authorized for that purpose.

80 (iv) Title to any tangible property procured with
81 funds authorized under this paragraph shall be and forever remain
82 in the State of Mississippi.

83 (c) (i) Each county court is eligible for youth court
84 support funds, and the senior county court judge shall have
85 discretion to direct the expenditure of those funds in hiring
86 support staff to carry on the business of the court.

87 (ii) For the purposes of this paragraph, "support
88 staff" means court administrators, law clerks, legal research
89 assistants, secretaries, resource administrators or case managers
90 appointed by a youth court judge, or any combination thereof, but
91 shall not mean school attendance officers.

92 (iii) The appointment of support staff shall be
93 evidenced by the entry of an order on the minutes of the court.
94 The support staff so appointed shall serve at the will and
95 pleasure of the senior county court judge but shall be an employee
96 of the county.

97 (iv) The Administrative Office of Courts must
98 approve the positions, job descriptions and salaries before the
99 positions may be filled. The Administrative Office of Courts
100 shall not approve any plan that does not first require the

101 expenditure of funds from the Youth Court Support Fund before
102 expenditure of county funds is authorized for that purpose.

103 (v) The Administrative Office of Courts may
104 approve expenditure from the fund for additional equipment for
105 support staff appointed pursuant to this paragraph if the
106 additional expenditure falls within the formula. Title to any
107 tangible property procured with funds authorized under this
108 paragraph shall be and forever remain in the county to be used by
109 the youth court and support staff.

110 (2) (a) (i) The formula developed by the Administrative
111 Office of Courts for providing youth court support funds shall be
112 devised so as to distribute appropriated funds proportional to
113 caseload and other appropriate factors as set forth in regulations
114 promulgated by the Administrative Office of Courts. The formula
115 will determine a reasonable maximum amount per judge or referee
116 per annum that will not be exceeded in allocating funds under this
117 section.

118 (ii) The formula shall be reviewed by the
119 Administrative Office of Courts every two (2) years to ensure that
120 the youth court support funds provided herein are proportional to
121 each youth court's caseload and other specified factors.

122 (iii) The Administrative Office of Courts shall
123 have wide latitude in the first two-year cycle to implement a
124 formula designed to maximize caseload data collection.

125 (b) Application to receive funds under this section
126 shall be submitted in accordance with procedures established by
127 the Administrative Office of Courts.

128 (c) Approval of the use of any of the youth court
129 support funds distributed under this section shall be made by the
130 Administrative Office of Courts in accordance with procedures
131 established by the Administrative Office of Courts.

132 (3) (a) There is created in the State Treasury a special
133 fund to be designated as the "Youth Court Support Fund," which

134 shall consist of funds appropriated or otherwise made available by
135 the Legislature in any manner and funds from any other source
136 designated for deposit into such fund. Unexpended amounts
137 remaining in the fund at the end of a fiscal year shall not lapse
138 into the State General Fund, and any investment earnings or
139 interest earned on amounts in the fund shall be deposited to the
140 credit of the fund. Monies in the fund shall be distributed to
141 the youth courts by the Administrative Office of Courts for the
142 purposes described in this section.

143 (b) (i) During the regular legislative session held in
144 calendar year 2007, the Legislature may appropriate an amount not
145 to exceed Two Million Five Hundred Thousand Dollars
146 (\$2,500.000.00) to the Youth Court Support Fund.

147 (ii) During each regular legislative session
148 subsequent to the 2007 Regular Session, the Legislature shall
149 appropriate Two Million Five Hundred Thousand Dollars
150 (\$2,500,000.00) to the Youth Court Support Fund.

151 (c) No youth court judge or youth court referee shall
152 be eligible to receive funding from the Youth Court Support Fund
153 who has not received annual continuing education in the field of
154 juvenile justice in an amount to conform with the requirements of
155 the Rules and Regulations for Mandatory Continuing Judicial
156 Education promulgated by the Supreme Court. The Administrative
157 Office of Courts shall maintain records of all referees and youth
158 court judges regarding such training and shall not disburse funds
159 to any county or municipality for the budget of a youth court
160 judge or referee who is not in compliance with the judicial
161 training requirements.

162 (4) Any recipient of funds from the Youth Court Support Fund
163 shall not be eligible for continuing disbursement of funds if the
164 recipient is not in compliance with the terms, conditions and
165 reporting requirements set forth in the procedures promulgated by
166 the Administrative Office of Courts.

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

169 43-21-803. (1) There is established the Tony Gobar
170 Individualized Assessment and Comprehensive Community Intervention
171 Initiative (IACCII) Program for the purposes of:

172 (a) (i) Providing comprehensive strength-based needs
173 assessments, individualized treatment plans and community-based
174 services for certain youth who would otherwise be committed to the
175 training schools. The IACCII ensures that youth and their
176 families can access necessary services available in their home
177 communities; and

178 (ii) Providing grants to faith-based organizations
179 and nonprofit 501 (c)(3) organizations that develop and operate
180 community-based alternatives to the training schools and detention
181 centers. In order to be eligible for a grant under this
182 paragraph, a faith-based or nonprofit 501(c)(3) organization in
183 cooperation with a youth court must develop and operate a juvenile
184 justice alternative sanction designed for delinquent youths. The
185 program must be designed to decrease reliance on commitment in
186 juvenile detention facilities and training schools.

187 (b) Programs established pursuant to this subsection
188 must not duplicate existing programs or services and must
189 incorporate best practices principles and positive behavioral
190 interventions. * * * The Department of Human Services shall have
191 sole authority and power to determine the programs to be funded
192 pursuant to this section.

193 (2) A faith-based or nonprofit 501(c)(3) must submit an
194 application to the Department of Human Services. The application
195 must include a description of the purpose for which assistance is
196 requested, the amount of assistance requested and any other
197 information required by the * * * Department of Human Services.

198 (3) The Department of Human Services shall have all powers
199 necessary to implement and administer the program established

200 under this section, and the department shall promulgate rules and
201 regulations, in accordance with the Mississippi Administrative
202 Procedures Law, necessary for the implementation of this section.

203 (4) (a) There is created in the State Treasury a special
204 fund to be designated as the "Tony Gobar 'IACCII' Fund," which
205 shall consist of funds appropriated or otherwise made available by
206 the Legislature in any manner and funds from any other source
207 designated for deposit into such fund. Unexpended amounts
208 remaining in the fund at the end of a fiscal year shall not lapse
209 into the State General Fund, and any investment earnings or
210 interest earned on amounts in the fund shall be deposited to the
211 credit of the fund. Monies in the fund shall be used by the
212 Division of Youth Services for the purposes described in this
213 section.

214 (b) (i) During the regular legislative session held in
215 calendar year 2007, the Legislature may appropriate an amount not
216 to exceed Two Million Five Hundred Thousand Dollars
217 (\$2,500,000.00) to the Tony Gobar "IACCII" Fund.

218 (ii) During each regular legislative session
219 subsequent to the 2007 Regular Session, the Legislature shall
220 appropriate Two Million Five Hundred Thousand Dollars
221 (\$2,500,000.00) to the Tony Gobar "IACCII" Fund.

222 (5) This section shall stand repealed from and after July 1,
223 2009.

224 **SECTION 3.** Section 9-1-36, Mississippi Code of 1972, is
225 amended as follows:

226 9-1-36. (1) Each circuit judge and chancellor shall receive
227 an office operating allowance for the expenses of operating the
228 office of the judge, including retaining a law clerk, legal
229 research, stenographic help, stationery, stamps, furniture, office
230 equipment, telephone, office rent and other items and expenditures
231 necessary and incident to maintaining the office of judge. The
232 allowance shall be paid only to the extent of actual expenses

233 incurred by the judge as itemized and certified by the judge to
234 the Supreme Court * * * in the amounts set forth in this
235 subsection; however, the judge may expend sums in excess thereof
236 from the compensation otherwise provided for his office. No part
237 of this expense or allowance shall be used to pay an official
238 court reporter for services rendered to said court.

239 (a) Until July 1, 2008, the office operating allowance
240 under this subsection shall be not less than Four Thousand Dollars
241 (\$4,000.00) nor more than Nine Thousand Dollars (\$9,000.00) per
242 annum.

243 (b) From and after July 1, 2008, the office operating
244 allowance under this subsection shall be Nine Thousand Dollars
245 (\$9,000.00) per annum.

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

250 (3) Each judge who desires to employ support staff after
251 July 1, 1994, shall make application to the Administrative Office
252 of Courts by submitting to the Administrative Office of Courts a
253 proposed personnel plan setting forth what support staff is deemed
254 necessary. The plan may be submitted by a single judge or by any
255 combination of judges desiring to share support staff. In the
256 process of the preparation of the plan, the judges, at their
257 request, may receive advice, suggestions, recommendations and
258 other assistance from the Administrative Office of Courts. The
259 Administrative Office of Courts must approve the positions, job
260 descriptions and salaries before the positions may be filled. The
261 Administrative Office of Courts shall not approve any plan which
262 does not first require the expenditure of the funds in the support
263 staff fund for compensation of any of the support staff before
264 expenditure is authorized of county funds for that purpose. Upon
265 approval by the Administrative Office of Courts, the judge or

266 judges may appoint the employees to the position or positions, and
267 each employee so appointed will work at the will and pleasure of
268 the judge or judges who appointed him but will be employees of the
269 Administrative Office of Courts. Upon approval by the
270 Administrative Office of Courts, the appointment of any support
271 staff shall be evidenced by the entry of an order on the minutes
272 of the court. When support staff is appointed jointly by two (2)
273 or more judges, the order setting forth any appointment shall be
274 entered on the minutes of each participating court.

275 (4) The Administrative Office of Courts shall develop and
276 promulgate minimum qualifications for the certification of court
277 administrators. Any court administrator appointed on or after
278 October 1, 1996, shall be required to be certified by the
279 Administrative Office of Courts.

280 (5) Support staff shall receive compensation pursuant to
281 personnel policies established by the Administrative Office of
282 Courts; however:

283 (a) From and after July 1, 1994, the Administrative
284 Office of Courts shall allocate from the support staff fund an
285 amount of Forty Thousand Dollars (\$40,000.00) per fiscal
286 year * * * per judge for whom support staff is approved for the
287 funding of support staff assigned to a judge or judges; and

288 (b) From and after July 1, 2008, the Administrative
289 Office of Courts shall allocate from the support staff fund an
290 amount of Forty Thousand Dollars (\$40,000.00), in addition to the
291 amount provided in paragraph (a). Of the amount provided in this
292 paragraph (b), each judge shall utilize an amount sufficient to
293 ensure that judge has access to the services of a law clerk,
294 whether hired by the judge separately or in concert with another
295 judge. Any excess funds remaining upon satisfaction of this
296 requirement may be used for any other support staff as defined in
297 this section. Any employment pursuant to this subsection shall be
298 subject to the provisions of Section 25-1-53.

299 The Administrative Office of Courts may approve expenditure
300 from the fund for additional equipment for support staff appointed
301 pursuant to this section in any year in which the allocation per
302 judge is sufficient to meet the equipment expense after provision
303 for the compensation of the support staff.

304 (6) For the purposes of this section, the following terms
305 shall have the meaning ascribed herein unless the context clearly
306 requires otherwise:

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

309 (b) "Support staff" means court administrators, law
310 clerks, legal research assistants or secretaries, or any
311 combination thereof, but shall not mean school attendance
312 officers;

313 (c) "Compensation" means the gross salary plus all
314 amounts paid for benefits or otherwise as a result of employment
315 or as required by employment; provided, however, that only salary
316 earned for services rendered shall be reported and credited for
317 Public Employees' Retirement System purposes. Amounts paid for
318 benefits or otherwise, including reimbursement for travel
319 expenses, shall not be reported or credited for retirement
320 purposes;

321 (d) "Law clerk" means a clerk hired to assist a judge
322 or judges who has a law degree or who is a full-time law student
323 who is making satisfactory progress at an accredited law school.

324 (7) Title to all tangible property, excepting stamps,
325 stationery and minor expendable office supplies, procured with
326 funds authorized by this section, shall be and forever remain in
327 the State of Mississippi to be used by the circuit judge or
328 chancellor during the term of his office and thereafter by his
329 successors.

330 (8) Any circuit judge or chancellor who did not have a
331 primary office provided by the county on March 1, 1988, shall be

332 allowed an additional Four Thousand Dollars (\$4,000.00) per annum
333 to defray the actual expenses incurred by the judge or chancellor
334 in maintaining an office; however, any circuit judge or chancellor
335 who had a primary office provided by the county on March 1, 1988,
336 and who vacated the office space after that date for a legitimate
337 reason, as determined by the Department of Finance and
338 Administration, shall be allowed the additional office expense
339 allowance provided under this subsection. The county in which a
340 circuit judge or chancellor sits is authorized to provide funds
341 from any available source to assist in defraying the actual
342 expenses to maintain an office.

343 (9) The Supreme Court, through the Administrative Office of
344 Courts, shall submit to the Department of Finance and
345 Administration the itemized and certified expenses for office
346 operating allowances that are directed to the court pursuant to
347 this section.

348 (10) The Supreme Court, through the Administrative Office of
349 Courts, shall have the power to adopt rules and regulations
350 regarding the administration of the office operating allowance
351 authorized pursuant to this section.

352 **SECTION 4.** Section 25-3-9, Mississippi Code of 1972, is
353 amended as follows:

354 25-3-9. (1) Except as provided in subsections (2), (3) and
355 (4) of this section, the county prosecuting attorney may receive
356 for his services an annual salary to be paid by the board of
357 supervisors as follows:

358 (a) For counties with a total population of more than
359 two hundred thousand (200,000), a salary not to exceed
360 Twenty-eight Thousand Five Hundred Dollars (\$28,500.00).

361 (b) For counties with a total population of more than
362 one hundred thousand (100,000) and not more than two hundred
363 thousand (200,000), a salary not to exceed Twenty-six Thousand
364 Five Hundred Dollars (\$26,500.00).

365 (c) For counties with a total population of more than
366 fifty thousand (50,000) and not more than one hundred thousand
367 (100,000), a salary not to exceed Twenty-one Thousand Seven
368 Hundred Dollars (\$21,700.00).

369 (d) For counties with a total population of more than
370 thirty-five thousand (35,000) and not more than fifty thousand
371 (50,000), a salary not to exceed Twenty Thousand Four Hundred
372 Dollars (\$20,400.00).

373 (e) For counties with a total population of more than
374 twenty-five thousand (25,000) and not more than thirty-five
375 thousand (35,000), a salary not to exceed Nineteen Thousand Three
376 Hundred Dollars (\$19,300.00).

377 (f) For counties with a total population of more than
378 fifteen thousand (15,000) and not more than twenty-five thousand
379 (25,000), a salary not to exceed Seventeen Thousand Seven Hundred
380 Dollars (\$17,700.00).

381 (g) For counties with a total population of more than
382 ten thousand (10,000) and not more than fifteen thousand (15,000),
383 a salary not to exceed Sixteen Thousand One Hundred Dollars
384 (\$16,100.00).

385 (h) For counties with a total population of more than
386 six thousand (6,000) and not more than ten thousand (10,000), a
387 salary not to exceed Fourteen Thousand Five Hundred Dollars
388 (\$14,500.00).

389 (i) For counties with a total population of six
390 thousand (6,000) or less, the board of supervisors, in its
391 discretion, may appoint a county prosecuting attorney, and it may
392 pay such county prosecuting attorney an annual salary not to
393 exceed Twelve Thousand Nine Hundred Dollars (\$12,900.00).

394 In all cases of conviction there shall be taxed against the
395 convicted defendant, as an item of cost, the sum of Three Dollars
396 (\$3.00), which shall be turned in to the county treasury as a part
397 of the general county funds; however, the Three Dollars (\$3.00)

398 shall not be taxed in any case in which it is not the specific
399 duty of the county attorney to appear and prosecute.

400 From and after October 1, 1993, in addition to the salaries
401 provided for in this subsection, the board of supervisors of any
402 county, in its discretion, may pay the county prosecuting attorney
403 an additional amount not to exceed ten percent (10%) of the
404 maximum allowable salary prescribed herein.

405 (2) In the following counties, the county prosecuting
406 attorney shall receive for his services an annual salary to be
407 paid by the board of supervisors, as follows:

408 (a) In any county bordering upon the Mississippi River
409 and having a population of not less than thirty thousand (30,000)
410 and not more than thirty-five thousand five hundred (35,500)
411 according to the federal census of 1990, and in counties having a
412 population of not more than thirty-seven thousand (37,000)
413 according to the federal census of 1990 in which Interstate
414 Highway 55 and U.S. Highway 98 intersect, the county prosecuting
415 attorney shall receive a salary equal to the justice court judge
416 of such county; and in any county wherein is located the state's
417 oldest state-supported institution of higher learning and wherein
418 Mississippi State Highways 7 and 6 intersect, the county
419 prosecuting attorney shall receive an annual salary equal to that
420 of a member of the board of supervisors of such county.

421 (b) In counties having a population in excess of fifty
422 thousand (50,000) in the 1960 federal census, wherein is located a
423 state-supported university and in which U.S. Highways 49 and 11
424 intersect, the salary of the county prosecuting attorney shall be
425 not less than Seventeen Thousand Four Hundred Dollars (\$17,400.00)
426 per year. The Board of Supervisors of Forrest County,
427 Mississippi, may, in its discretion, and by agreement with the
428 county prosecuting attorney, employ the county prosecuting
429 attorney as a full-time elected official during his/her term of
430 office, designate additional duties and responsibilities of the

431 office and pay additional compensation up to, but not in excess
432 of, ninety percent (90%) of the annual compensation and salary of
433 the county court judge and the youth court judge of Forrest County
434 as authorized by law and provide a reasonable office and
435 reasonable office expenses to the county prosecuting attorney.
436 The salary authorized by this paragraph (b) for the county
437 prosecuting attorney shall be the sole and complete salary for
438 such prosecuting attorney in each county to which this paragraph
439 applies, notwithstanding any other provision of law to the
440 contrary.

441 (c) In any county wherein is housed the seat of state
442 government, wherein U.S. Highways 80 and 49 intersect, and having
443 two (2) judicial districts, the board of supervisors, in its
444 discretion, may pay the county prosecuting attorney an annual
445 salary equal to the annual salary of members of the board of
446 supervisors in the county.

447 (d) In any county which has two (2) judicial districts
448 and wherein Highway 8 and Highway 15 intersect, having a
449 population of greater than seventeen thousand (17,000), according
450 to the 1980 federal decennial census, the board of supervisors
451 shall pay the county prosecuting attorney a salary equal to that
452 of a member of the board of supervisors of such county; provided
453 that if such county prosecuting attorney is paid a sum for the
454 purpose of defraying office or secretarial expenses, then the
455 salary prescribed herein shall be reduced by that amount.

456 (e) In any county bordering the State of Tennessee and
457 in which Mississippi Highways No. 4 and 15 intersect, and having a
458 population of less than twenty thousand (20,000) in the 1970
459 federal census, the salary of the county prosecuting attorney
460 shall be no less than Six Thousand Dollars (\$6,000.00).

461 (f) In any county having a population of more than
462 twenty-five thousand (25,000) and in which U.S. Highways 72 and 45

463 intersect, the salary of the county attorney shall be not less
464 than Eight Thousand Dollars (\$8,000.00).

465 In addition, such county prosecuting attorney shall receive
466 the sum of One Thousand Five Hundred Dollars (\$1,500.00) per month
467 for the purpose of defraying secretarial expense.

468 (g) In any county wherein I-20 and State Highway 15
469 intersect; and in any county wherein I-20 and State Highway 35
470 intersect, the salary of the county prosecuting attorney shall be
471 not less than Eight Thousand Four Hundred Dollars (\$8,400.00).

472 (h) In any Class 1 county bordering on the Mississippi
473 River, lying in whole or in part within a levee district, wherein
474 U.S. Highways 82 and 61 intersect, bounded by the Sunflower River
475 and Stales Bayou, the board of supervisors, in its discretion, may
476 pay an annual salary equal to the annual salary of members of the
477 board of supervisors in the county. In addition, such county
478 prosecuting attorney shall receive the sum of One Thousand Dollars
479 (\$1,000.00) per month for the purpose of defraying secretarial
480 expenses.

481 (i) In any county bordering on the Gulf of Mexico
482 having two (2) judicial districts, and wherein U.S. Highways 90
483 and 49 intersect, the salary of the county prosecuting attorney
484 shall be not less than Nineteen Thousand Dollars (\$19,000.00) per
485 year. The Board of Supervisors of Harrison County, Mississippi,
486 may, in its discretion, and by agreement with the county
487 prosecuting attorney, employ the county prosecuting attorney and
488 his/her assistant during his/her term of office, and designate
489 additional duties and responsibilities of the office and pay
490 additional compensation up to, but not in excess of, ninety
491 percent (90%) of the annual compensation and salary of the county
492 court judges of Harrison County as authorized by law and provide
493 adequate office space and reasonable office expenses to the county
494 prosecuting attorney and his/her assistant. The salary authorized
495 by this paragraph (i) for the county prosecuting attorney and

496 his/her assistant shall be the sole and complete salary paid by
497 the county for such prosecuting attorney and his/her assistant in
498 each county to which this paragraph applies, notwithstanding any
499 other provision of law to the contrary.

500 (j) In any county bordering on the State of Alabama,
501 having a population in excess of seventy-five thousand (75,000)
502 according to the 1980 decennial census in which is located an
503 institution of higher learning and a United States military
504 installation and which is traversed by an interstate highway, the
505 salary of the county prosecuting attorney shall not be less than
506 Twelve Thousand Dollars (\$12,000.00) nor more than the amount of
507 the annual salary received by a member of the board of supervisors
508 of that county.

509 (k) In any county with a land area wherein Mississippi
510 Highways 8 and 9 intersect, the salary of the county prosecuting
511 attorney shall be not less than Eight Thousand Five Hundred
512 Dollars (\$8,500.00) per year.

513 (l) In any Class 2 county wherein Mississippi Highways
514 6 and 3 intersect, the salary of the county prosecuting attorney
515 shall be not less than Twelve Thousand Dollars (\$12,000.00) per
516 year nor more than the amount of the annual salary received by a
517 member of the board of supervisors of that county.

518 (m) In any county wherein Interstate Highway 55 and
519 State Highway 8 intersect, the salary of the county prosecuting
520 attorney shall be not less than Twelve Thousand Dollars
521 (\$12,000.00) per year.

522 (n) In any county wherein U.S. Highway 51 intersects
523 Mississippi Highway 6, and having two (2) judicial districts, the
524 salary of the county prosecuting attorney shall be not less than
525 Three Thousand Six Hundred Dollars (\$3,600.00) per year.

526 (o) In any county bordering on the Alabama state line,
527 having a population of greater than fifteen thousand (15,000)
528 according to the 1970 federal decennial census, wherein U.S.

529 Highway 45 and Mississippi Highway 18 intersect, the salary of the
530 county prosecuting attorney shall be not less than Three Thousand
531 Six Hundred Dollars (\$3,600.00) nor greater than that of a member
532 of the board of supervisors of such county. All prior acts,
533 orders and resolutions of the board of supervisors of such county
534 which authorized the payment of the salary in conformity with the
535 provisions of this paragraph, whether or not heretofore
536 specifically authorized by law are hereby ratified, approved and
537 confirmed.

538 (p) In any county wherein is located a state-supported
539 institution of higher learning and wherein U.S. Highway 82 and
540 Mississippi Highway 389 intersect, the board of supervisors, in
541 its discretion, may pay the county prosecuting attorney an annual
542 salary equal to the annual salary of members of the board of
543 supervisors in the county.

544 (q) In any county having two (2) judicial districts
545 wherein Mississippi Highway 32 intersects U.S. Highway 49E, the
546 salary of the county prosecuting attorney shall be not less than
547 Twelve Thousand Seven Hundred Dollars (\$12,700.00).

548 (r) In any county traversed by the Natchez Trace
549 Parkway wherein U.S. Highway 45 and Mississippi Highway 4
550 intersect, the board of supervisors, in its discretion, may pay
551 the county prosecuting attorney an annual salary equal to the
552 annual salary of justice court judges in the county.

553 (s) In any county having a population of more than
554 fourteen thousand (14,000) according to the 1970 census and which
555 county is bordered on the north by the State of Tennessee and on
556 the east by the State of Alabama and in which U.S. Highway No. 72
557 and Highway No. 25 intersect, the board of supervisors, in its
558 discretion, may pay the county prosecuting attorney an annual
559 salary equal to the annual salary of justice court judges in the
560 county.

561 (t) (i) * * * The Board of Supervisors of Madison
562 County, in its discretion, may pay the county prosecuting attorney
563 an annual salary in the amount of Twenty-eight Thousand Dollars
564 (\$28,000.00), if the county prosecuting attorney is not employed
565 on a full-time basis.

566 (ii) From and after October 1, 1993, in addition
567 to the salary provided for in subparagraph (i) of this paragraph,
568 the board of supervisors, in its discretion, may pay the county
569 prosecuting attorney an additional amount not to exceed ten
570 percent (10%) of the maximum allowable salary prescribed herein.

571 (iii) The Board of Supervisors of Madison County,
572 in its discretion, may employ the elected county prosecuting
573 attorney on a full-time basis during his or her term of office and
574 may pay compensation to the full-time prosecuting attorney in an
575 amount of not more than ninety percent (90%) of the annual
576 compensation and salary of the county court judges of the county
577 as authorized by law, and may provide adequate office space and
578 reasonable office expenses to the county prosecuting attorney.
579 The salary authorized by this subparagraph (iii) for the county
580 prosecuting attorney shall be the sole and complete salary paid by
581 the county for the prosecuting attorney in Madison County,
582 notwithstanding any other provisions of law to the contrary.

583 (u) In any county having a population in the 1970
584 census in excess of thirty-five thousand (35,000) and in which
585 U.S. Highways 49W and 82 intersect, and in which is located a
586 state penitentiary, the annual salary of a county prosecuting
587 attorney shall be Thirty Thousand Four Hundred Twenty Dollars
588 (\$30,420.00).

589 (v) In any county wherein Mississippi Highway 50
590 intersects U.S. Highway 45-Alternate, and having a population
591 greater than twenty thousand (20,000) according to the 1980
592 federal decennial census, a salary equal to that of a member of
593 the board of supervisors of such county; provided that if such

594 county prosecuting attorney is paid a sum for the purpose of
595 defraying office or secretarial expenses, then the salary
596 prescribed herein shall be reduced by that amount.

597 (w) In any county in which the 1975 assessed valuation
598 was Forty Million Seven Hundred Thirty-nine Thousand Four Hundred
599 Sixty-six Dollars (\$40,739,466.00) and wherein U.S. Highway 45 and
600 Mississippi Highway 8 intersect, the salary of the county
601 prosecuting attorney shall be equal to that of a member of the
602 board of supervisors of such county.

603 (x) In any county bordering on the Mississippi River
604 having a population greater than fifty thousand (50,000) according
605 to the 1980 federal decennial census and also having a national
606 military park and national cemetery, an annual salary of
607 Twenty-five Thousand Dollars (\$25,000.00) or a salary equal to
608 that of a member of the board of supervisors in such county,
609 whichever is greater. In addition, such county prosecuting
610 attorney shall receive the sum of One Thousand Dollars (\$1,000.00)
611 per month for the purpose of defraying secretarial expenses.

612 (y) In any county bordering on the Alabama state line,
613 traversed by the Chickasawhay River, and wherein U.S. Highway 45
614 and U.S. Highway 84 intersect, a salary that shall be equal to the
615 annual salary of a member of the board of supervisors of such
616 county. All prior acts, orders and resolutions of the board of
617 supervisors of such county which authorize the payment of the
618 salary of the county prosecuting attorney in conformity with the
619 provisions of this section as it existed immediately prior to the
620 effective date of Chapter 506, Laws of 1985, are hereby ratified,
621 approved, confirmed and validated.

622 (z) In any county having a population greater than
623 sixty-five thousand five hundred eighty (65,580) but less than
624 sixty-five thousand five hundred ninety (65,590) according to the
625 1990 federal decennial census, wherein U.S. Highway 45 intersects

626 with Mississippi Highway 6, an annual salary equal to Thirty
627 Thousand Dollars (\$30,000.00).

628 (aa) In any county where an institution of higher
629 learning is located and wherein U.S. Highway 82 and U.S. Highway
630 45 intersect, the salary of the county prosecuting attorney shall
631 be not less than that of a member of the board of supervisors in
632 such county, and the board of supervisors may, in its discretion,
633 pay such county prosecuting attorney a salary in an amount not to
634 exceed the amount of the salary of the District Attorney for the
635 Sixteenth Judicial District of Mississippi.

636 (bb) In any county having a population greater than six
637 thousand (6,000) according to the federal decennial census and
638 wherein U.S. Highway 61 and Highway 24 intersect, the board of
639 supervisors, in its discretion, may pay the county prosecuting
640 attorney an annual salary equal to the annual salary of members of
641 the board of supervisors in the county.

642 (cc) In any county having a population greater than
643 thirty-one thousand (31,000) according to the 1990 federal
644 decennial census and wherein U.S. Highway 61 and U.S. Highway 49
645 intersect, a salary of not less than the annual salary of justice
646 court judges in the county.

647 (dd) (i) The Rankin County prosecuting attorney, if
648 such person is not employed on a full-time basis, shall receive an
649 annual salary of Twenty-nine Thousand Dollars (\$29,000.00).

650 (ii) The Board of Supervisors of Rankin County, in
651 its discretion, may employ the elected county prosecuting attorney
652 and an assistant on a full-time basis during his or her term of
653 office and may pay compensation to such full-time prosecuting
654 attorney in an amount of not more than ninety percent (90%) of the
655 annual compensation and salary of the county court judges of the
656 county as authorized by law, and may provide adequate office space
657 and reasonable office expenses to the county prosecuting attorney
658 and his/her assistant. The Board of Supervisors of Rankin County,

659 in its discretion, may also employ a full-time assistant county
660 prosecuting attorney and may pay such person an annual salary in
661 such amount as determined by the board of supervisors. The salary
662 authorized by this subparagraph (dd)(ii) for the elected county
663 prosecuting attorney and an assistant shall be the sole and
664 complete salary paid by the county for the elected prosecuting
665 attorney and assistant in Rankin County, notwithstanding any other
666 provisions of law to the contrary.

667 (ee) In any county having a population greater than
668 eight thousand (8,000) but less than eight thousand two hundred
669 (8,200) according to the 1990 federal census, and in which U.S.
670 Highway 61 and Mississippi Highway 4 intersect, the board of
671 supervisors may, in its discretion, pay the county prosecuting
672 attorney an amount not to exceed Fourteen Thousand Dollars
673 (\$14,000.00), in addition to the maximum allowable salary for that
674 attorney under subsection (1), beginning on April 1, 1997.

675 (ff) In any county having a population greater than
676 thirty thousand three hundred (30,300) but less than thirty
677 thousand four hundred (30,400) according to the 1990 federal
678 census, and in which U.S. Highway 78 and Mississippi Highway 7
679 intersect, a salary of not less than the annual salary of a member
680 of the board of supervisors in such county.

681 (gg) In any county having a population greater than
682 thirteen thousand three hundred (13,300) but less than thirteen
683 thousand four hundred (13,400) according to the 1990 federal
684 census, and in which Mississippi Highway 24 and Mississippi
685 Highway 48 intersect, the board of supervisors may, in its
686 discretion, pay the county prosecuting attorney an additional
687 amount not to exceed ten percent (10%) of the maximum allowable
688 salary for that attorney under subsection (1).

689 (hh) In any county having a population greater than
690 eight thousand three hundred (8,300) but less than eight thousand
691 four hundred (8,400) according to the 1990 federal census, and in

692 which U.S. Highway 84 and U.S. Highway 98 intersect, the board of
693 supervisors may, in its discretion, pay the county prosecuting
694 attorney an additional amount not to exceed ten percent (10%) of
695 the maximum allowable salary for that attorney under subsection
696 (1).

697 (ii) In any county having a population of more than
698 thirty thousand four hundred (30,400) and which is traversed in
699 whole or part by I-59, U.S. Highways 98 and 11 and State Highway
700 13, the annual salary of the county prosecuting attorney shall be
701 Twenty-five Thousand Dollars (\$25,000.00).

702 (jj) In any county having a population greater than
703 twenty thousand (20,000) according to the 1990 federal census and
704 wherein U.S. Highway 78 and Mississippi Highway 25 intersect, the
705 board of supervisors, in its discretion, may pay the county
706 prosecuting attorney an annual salary equal to the annual salary
707 of justice court judges in the county.

708 (kk) In any county having a population greater than
709 twelve thousand four hundred (12,400) but less than twelve
710 thousand five hundred (12,500) according to the 1990 federal
711 census, and in which U.S. Highway 84 and Mississippi Highway 27
712 intersect, the board of supervisors may, in its discretion, pay
713 the county prosecuting attorney an additional amount not to exceed
714 ten percent (10%) of the maximum allowable salary for that
715 attorney under subsection (1).

716 (ll) In any county having a population greater than
717 thirty thousand two hundred (30,200) but less than thirty thousand
718 three hundred (30,300) according to the 1990 federal census, and
719 in which U.S. Interstate 55 and Mississippi Highway 84 intersect,
720 the board of supervisors may, in its discretion, pay the county
721 prosecuting attorney an additional amount not to exceed ten
722 percent (10%) of the maximum allowable salary for that attorney
723 under subsection (1).

724 (mm) In any county on the Mississippi River levee,
725 having a population greater than forty-one thousand eight hundred
726 (41,800) but less than forty-one thousand nine hundred (41,900)
727 according to the 1990 federal census wherein U.S. Highway 61 and
728 Mississippi Highway 8 intersect, the board of supervisors, in its
729 discretion, may pay the county prosecuting attorney an annual
730 salary equal to the annual salary of members of the board of
731 supervisors in the county. In addition, the board of supervisors,
732 in its discretion, may pay the county prosecuting attorney the sum
733 of One Thousand Dollars (\$1,000.00) per month for the purpose of
734 defraying secretarial expenses.

735 (nn) In any county having a population greater than
736 twenty-four thousand seven hundred (24,700) and less than
737 twenty-four thousand nine hundred (24,900) according to the 1990
738 federal census, wherein Mississippi Highways 15 and 16 intersect,
739 the board of supervisors, in its discretion, may pay the county
740 prosecuting attorney an annual salary equal to the annual salary
741 of members of the board of supervisors in the county.

742 (oo) In any county having a population greater than
743 thirty-seven thousand (37,000) but less than thirty-eight thousand
744 (38,000) according to the 1990 federal census, in which is located
745 a state supported institution of higher learning, and in which
746 U.S. Highway 82 and Mississippi Highway 7 intersect, the board of
747 supervisors may, in its discretion, pay the county prosecuting
748 attorney a salary in an amount not to exceed the amount of the
749 salary of the District Attorney for the Fourth Judicial District
750 of Mississippi.

751 (pp) In any county in which U.S. Highway 78 and
752 Mississippi Highway 15 intersect and which is traversed by the
753 Tallahatchie River, a salary equal to that of members of the board
754 of supervisors of the county, which salary shall be in addition to
755 any sums received for the purpose of defraying office or

756 secretarial expenses and sums received as youth court prosecutor
757 fees.

758 (qq) In any county bordering on the State of Tennessee
759 and the State of Arkansas, wherein Interstate Highway 55 and
760 Mississippi Highway 302 intersect, the board of supervisors, in
761 its discretion, may pay the county prosecuting attorney an annual
762 salary equal to the annual salary of justice court judges in the
763 county.

764 (rr) In any county that is traversed by the Natchez
765 Trace Parkway and in which Mississippi Highway 35 and Mississippi
766 Highway 12 intersect, the board of supervisors, in its discretion,
767 may pay the county prosecuting attorney an annual salary in the
768 amount of the annual salary of justice court judges in the county.

769 (ss) In any county in which Mississippi Highway 14 and
770 Mississippi Highway 25 intersect, the board of supervisors, in its
771 discretion, may pay the county prosecuting attorney an annual
772 salary in the amount of Twenty-two Thousand Dollars (\$22,000.00).

773 (tt) In any county in which Interstate Highway 59 and
774 U.S. Highway 84 intersect, the board of supervisors, in its
775 discretion, may pay the county prosecuting attorney an annual
776 salary equal to the annual salary of members of the board of
777 supervisors in the county.

778 (3) In any case where a salary, expense allowance or other
779 sum is authorized or paid by the board of supervisors pursuant to
780 this section, that salary, expense allowance or other sum shall
781 not be reduced or terminated during the term for which the county
782 attorney was elected.

783 (4) Notwithstanding any provision of this section to the
784 contrary, no county prosecuting attorney shall receive for his
785 services an annual salary less than the salary paid to a justice
786 court judge in his respective county.

787 **SECTION 5.** Section 43-21-107, Mississippi Code of 1972, is
788 amended as follows:

789 43-21-107. * * *

790 (1) A youth court division is hereby created as a division
791 of the county court of each county now or hereafter having a
792 county court * * *, and the county judge shall be the judge of the
793 youth court unless another judge is named by the county judge as
794 provided by this chapter.

795 (2) A youth court division is hereby created as a division
796 of the chancery court of each county in which no county
797 court * * * is maintained and any chancellor within a chancery
798 court district shall be the judge of the youth court of that
799 county within such chancery court district unless another judge is
800 named by the senior chancellor of the county or chancery court
801 district as provided by this chapter.

802 (3) In any county where there is no county court or family
803 court on July 1, 1979, there may be created a youth court division
804 as a division of the municipal court in any city if the governing
805 authorities of such city adopt a resolution to that effect. The
806 cost of the youth court division of the municipal court shall be
807 paid from any funds available to the municipality * * *
808 excluding * * * county funds. No additional municipal youth court
809 shall be formed after January 1, 2007.

810 **SECTION 6.** This act shall take effect and be in force from
811 and after July 1, 2007.