

By: Representatives Currie, Reynolds

To: Public Health and Human Services; Judiciary B

HOUSE BILL NO. 616

1 AN ACT TO AUTHORIZE MENTAL HEALTH COURT INTERVENTION
2 PROGRAMS; TO SPECIFY THE PURPOSE AND GOALS OF MENTAL HEALTH
3 COURTS; TO PROVIDE CERTAIN DEFINITIONS; TO PROVIDE THAT THE
4 ADMINISTRATIVE OFFICE OF COURTS SHALL BE RESPONSIBLE FOR
5 CERTIFICATION AND MONITORING OF LOCAL MENTAL HEALTH COURTS; TO
6 ESTABLISH THE STATE DRUG COURTS ADVISORY COMMITTEE; TO SPECIFY
7 MINIMUM STANDARDS FOR MENTAL HEALTH COURTS; TO PROVIDE CERTAIN
8 MENTAL HEALTH COURT INTERVENTION SERVICES; TO SET FORTH
9 ALTERNATIVE SENTENCING ELIGIBILITY CRITERIA AND CONDITIONS; TO
10 DESIGNATE THE POWERS OF THE ADMINISTRATIVE OFFICE OF COURTS
11 REGARDING MENTAL HEALTH COURTS; TO AUTHORIZE MENTAL HEALTH COURTS
12 TO RECEIVE FUNDS AND ASSESS REASONABLE FEES; TO PROVIDE IMMUNITY
13 TO PERSONS WHO PERFORM THEIR MENTAL HEALTH COURT DUTIES IN GOOD
14 FAITH; TO PROVIDE THAT PERSONS WHO COMPLETE ALL REQUIREMENTS
15 IMPOSED BY THE MENTAL HEALTH COURT WILL HAVE THE RECORD EXPUNGED;
16 TO ESTABLISH THE MENTAL HEALTH COURT FUND; TO AMEND SECTION
17 99-19-73, MISSISSIPPI CODE OF 1972, TO PROVIDE ASSESSMENTS FOR
18 CERTAIN VIOLATIONS FOR THE MENTAL HEALTH COURT FUND; TO AMEND
19 SECTION 43-21-357, MISSISSIPPI CODE OF 1972, TO ALLOW THE YOUTH
20 COURT INTAKE UNIT TO RECOMMEND THAT A CHILD BE REFERRED TO THE
21 YOUTH COURT MENTAL HEALTH COURT AND TO ALLOW THE YOUTH COURT THE
22 OPTION TO ORDER THAT A CHILD BE REFERRED TO THE YOUTH COURT MENTAL
23 HEALTH COURT; TO AMEND SECTION 25-3-35, MISSISSIPPI CODE OF 1972,
24 TO SPECIFY DUTIES IMPOSED ON SUPREME COURT JUSTICES, CHANCERY
25 COURT JUDGES AND CIRCUIT COURT JUDGES RELATING TO MENTAL HEALTH
26 COURTS; AND FOR RELATED PURPOSES.

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

28 **SECTION 1.** This chapter shall be known and may be cited as
29 the Mississippi Mental Health Court Act.



30 **SECTION 2.** (1) The Legislature recognizes the critical need
31 for judicial intervention to establish court processes and
32 procedures that are more responsive to the needs of defendants
33 with mental illnesses, while maintaining public safety and the
34 integrity of the court process. It is the intent of the
35 Legislature to facilitate local mental health court alternatives
36 which are adaptable to chancery, circuit, county, youth, municipal
37 and justice courts.

38 (2) The goals of the mental health courts under this chapter
39 include the following:

40 (a) Reduce the number of future criminal justice
41 contacts among offenders with mental illnesses;

42 (b) Reduce the inappropriate institutionalization of
43 people with mental illnesses;

44 (c) Improve the mental health and well-being of
45 defendants who come in contact with the mental health court;

46 (d) Improve linkages between the criminal justice
47 system and the mental health system;

48 (e) Expedite case processing;

49 (f) Protect public safety;

50 (g) Establish linkages with other state and local
51 agencies and programs that target people with mental illnesses in
52 order to maximize the delivery of services; and

53 (h) To use corrections resources more effectively by
54 redirecting prison-bound offenders whose criminal conduct is



55 driven in part by mental illnesses to intensive supervision and
56 clinical treatment available in the mental health court.

57 **SECTION 3.** For the purposes of this chapter, the following
58 words and phrases shall have the meanings ascribed unless the
59 context clearly requires otherwise:

60 (a) "Chemical" tests means the analysis of an
61 individual's: (i) blood, (ii) breath, (iii) hair, (iv) sweat, (v)
62 saliva, (vi) urine, or (vii) other bodily substance to determine
63 the presence of alcohol or a controlled substance.

64 (b) "Crime of violence" means an offense listed
65 in Section 97-3-2.

66 (c) "Mental health court" means an immediate and highly
67 structured intervention process for mental health treatment of
68 eligible defendants or juveniles that:

69 (i) Brings together mental health professionals,
70 local social programs and intensive judicial monitoring; and

71 (ii) Follows the key components of the mental
72 health court curriculum published by the Bureau of Justice of the
73 United States Department of Justice.

74 (d) "Evidence-based practices" means supervision
75 policies, procedures and practices that scientific research
76 demonstrates reduce recidivism.

77 (e) "Risk and needs assessment" means the use of an
78 actuarial assessment tool validated on a Mississippi corrections



79 population to determine a person's risk to reoffend and the
80 characteristics that, if addressed, reduce the risk to reoffend.

81 **SECTION 4.** The Administrative Office of Courts shall be
82 responsible for certification and monitoring of local mental
83 health courts according to standards promulgated by the State
84 Mental Health Courts Advisory Committee.

85 **SECTION 5.** (1) The State Mental Health Courts Advisory
86 Committee is established to develop and periodically update
87 proposed statewide evaluation plans and models for monitoring all
88 critical aspects of mental health courts. The committee shall
89 provide the proposed evaluation plans to the Chief Justice and the
90 Administrative Office of Courts. The committee shall be chaired
91 by the Director of the Administrative Office of Courts and shall
92 consist of not less than seven (7) members nor more than eleven
93 (11) members appointed by the Supreme Court and shall be broadly
94 representative of the courts, mental health treatment communities,
95 law enforcement, corrections, juvenile justice and child
96 protective services.

97 (2) The State Mental Health Courts Advisory Committee may
98 also make recommendations to the Chief Justice, the Director of
99 the Administrative Office of Courts and state officials concerning
100 improvements to mental health court policies and procedures
101 including the mental health court certification process. The
102 committee may make suggestions as to the criteria for eligibility



103 and other procedural and substantive guidelines for mental health
104 court operation.

105 (3) The State Mental Health Courts Advisory Committee shall
106 act as arbiter of disputes arising out of the operation of mental
107 health courts established under this chapter and make
108 recommendations to improve the mental health courts. The
109 committee shall also make recommendations to the Supreme Court
110 necessary and incident to compliance with established rules.

111 (4) The State Mental Health Courts Advisory Committee shall
112 establish through rules and regulations a viable and fiscally
113 responsible plan to expand the number of adult and juvenile mental
114 health court programs operating in Mississippi. These rules and
115 regulations shall include plans to increase participation in
116 existing and future programs while maintaining their voluntary
117 nature.

118 (5) The State Mental Health Courts Advisory Committee shall
119 receive and review the monthly reports submitted to the
120 Administrative Office of Courts by each certified mental health
121 court and provide comments and make recommendations, as necessary,
122 to the Chief Justice and the Director of the Administrative Office
123 of Courts.

124 **SECTION 6.** (1) The Administrative Office of Courts shall
125 establish, implement and operate a uniform certification process
126 for all mental health courts to ensure that funding for mental



127 health courts supports effective and proven practices that reduce
128 recidivism and provide treatment for their participants.

129 (2) The Administrative Office of Courts shall establish a
130 certification process that ensures any new or existing mental
131 health court meets minimum standards for mental health court
132 operation.

133 (a) These standards shall include, but are not limited
134 to:

135 (i) The use of evidence-based practices including,
136 but not limited to, the use of a valid and reliable risk and needs
137 assessment tool to identify participants and deliver appropriate
138 treatments;

139 (ii) Targeting medium to high risk offenders for
140 participation;

141 (iii) The use of current, evidence-based
142 interventions proven to provide mental health treatment;

143 (v) Coordinated strategy between all mental health
144 court program personnel;

145 (vi) Ongoing judicial interaction with each
146 participant; and

147 (vii) Monitoring and evaluation of mental health
148 court program implementation and outcomes through data collection
149 and reporting.

150 (b) Mental health court certification applications
151 shall include:



- 152 (i) A description of the need for the mental
153 health court;
- 154 (ii) The targeted population for the mental health
155 court;
- 156 (iii) The eligibility criteria for mental health
157 court participants;
- 158 (iv) A description of the process for identifying
159 appropriate participants including the use of a risk and needs
160 assessment and a clinical assessment;
- 161 (v) A description of the mental health court
162 treatment components including anticipated budget and
163 implementation plan;
- 164 (vi) The data collection plan which shall include
165 collecting the following data:
- 166 1. Total number of participants;
 - 167 2. Total number of successful participants;
 - 168 3. Total number of unsuccessful participants
169 and the reason why each participant did not complete the program;
 - 170 4. Total number of participants who were
171 arrested for a new criminal offense while in the mental health
172 court program;
 - 173 5. Total number of participants who were
174 convicted of a new felony or misdemeanor offense while in the
175 mental health court program;



176 6. Total number of participants who committed
177 at least one (1) violation while in the mental health court
178 program and the resulting sanction(s);

179 7. Results of the initial risk and needs
180 assessment or other clinical assessment conducted on each
181 participant; and

182 8. Any other data or information as required
183 by the Administrative Office of Courts.

184 (c) Every mental health court shall be certified under
185 the following schedule:

186 (i) A mental health court application submitted
187 after July 1, 2016, shall require certification of the mental
188 health court based on the proposed mental health court plan;

189 (ii) A mental health court established after July
190 1, 2016, shall be recertified after its second year of funded
191 operation;

192 (iii) A mental health court in existence by July
193 1, 2016, must submit a certification petition by July 1, 2017, and
194 be certified pursuant to the requirements of this section prior to
195 expending mental health court resources budgeted for fiscal year
196 2018; and

197 (iv) All mental health courts shall submit a
198 re-certification petition every two (2) years to the
199 Administrative Office of Courts after the initial certification.



200 (3) All certified mental health courts shall measure
201 successful completion of the mental health court based on those
202 participants who complete the program without a new criminal
203 conviction.

204 (4) (a) All certified mental health courts must collect and
205 submit to the Administrative Office of Courts each month, the
206 following data:

207 (i) Total number of participants at the beginning
208 of the month;

209 (ii) Total number of participants at the end of
210 the month;

211 (iii) Total number of participants who began the
212 program in the month;

213 (iv) Total number of participants who successfully
214 completed the mental health court in the month;

215 (v) Total number of participants who left the
216 program in the month;

217 (vi) Total number of participants who were
218 arrested for a new criminal offense while in the mental health
219 court program in the month;

220 (vii) Total number of participants who were
221 convicted for a new criminal arrest while in the mental health
222 court program in the month; and



223 (viii) Total number of participants who committed
224 at least one (1) violation while in the mental health court
225 program and any resulting sanction(s).

226 (b) By August 1, 2017, and each year thereafter, the
227 Administrative Office of Courts shall report to the PEER Committee
228 the information in subsection (4)(a) of this section in a
229 sortable, electronic format.

230 (5) All certified mental health courts may individually
231 establish rules and may make special orders and rules as necessary
232 that do not conflict with the rules promulgated by the Supreme
233 Court or the Administrative Office of Courts.

234 (6) A certified mental health court may appoint the full or
235 part-time employees it deems necessary for the work of the mental
236 health court and shall fix the compensation of those employees.
237 Such employees shall serve at the will and pleasure of the judge
238 or the judge's designee.

239 (7) The Administrative Office of Courts shall promulgate
240 rules and regulations to carry out the certification and
241 re-certification process and make any other policies not
242 inconsistent with this section to carry out this process.

243 (8) A certified mental health court established under this
244 chapter is subject to the regulatory powers of the Administrative
245 Office of Courts as set forth in Section 9 of this act.

246 **SECTION 7.** (1) A mental health court's mental health
247 intervention component shall provide for eligible individuals,



248 either directly or through referrals, a range of necessary court
249 treatment services, including, but not limited to, the following:

250 (a) Screening using a valid and reliable assessment
251 tool effective for identifying persons affected by mental health
252 issues for eligibility and appropriate services;

253 (b) Clinical assessment;

254 (c) Education;

255 (d) Referral;

256 (e) Service coordination and case management; and

257 (f) Counseling and rehabilitative care.

258 (2) Any inpatient treatment ordered by the court shall be
259 certified by the Department of Mental Health, other appropriate
260 state agency or the equivalent agency of another state.

261 **SECTION 8.** (1) In order to be eligible for alternative
262 sentencing through a local mental health court, the participant
263 must satisfy each of the following criteria:

264 (a) The participant cannot have any felony convictions
265 for any offenses that are crimes of violence as defined in Section
266 97-3-2 within the previous ten (10) years.

267 (b) The crime before the court cannot be a crime of
268 violence as defined in Section 97-3-2.

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

271 (d) The participant cannot be currently charged with
272 burglary of a dwelling under Section 97-17-23(2) or 97-17-37.



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

276 (f) The crime charged cannot be one of trafficking in
277 controlled substances under Section 41-29-139(f), nor can the
278 participant have a prior conviction for same.

279 (2) Participation in the services of a mental health
280 treatment component shall be open only to the individuals over
281 whom the court has jurisdiction, except that the court may agree
282 to provide the services for individuals referred from another
283 mental health court. In cases transferred from another
284 jurisdiction, the receiving judge shall act as a special master
285 and make recommendations to the sentencing judge.

286 (3) (a) As a condition of participation in a mental health
287 court, a participant may be required to undergo a chemical test or
288 a series of chemical tests as specified by the mental health
289 court. A participant is liable for the costs of all chemical
290 tests required under this section, regardless of whether the costs
291 are paid to the mental health court or the laboratory; however, if
292 testing is available from other sources or the program itself, the
293 judge may waive any fees for testing.

294 (b) A laboratory that performs a chemical test under
295 this section shall report the results of the test to the mental
296 health court.



297 (4) A person does not have a right to participate in mental
298 health court under this chapter. The court having jurisdiction
299 over a person for a matter before the court shall have the final
300 determination about whether the person may participate in mental
301 health court under this chapter.

302 **SECTION 9.** With regard to any mental health court
303 established under this chapter, the Administrative Office of
304 Courts shall do the following:

305 (a) Certify and re-certify mental health court
306 applications that meet standards established by the Administrative
307 Office of Courts in accordance with this chapter.

308 (b) Ensure that the structure of the treatment
309 component complies with rules adopted under this section and
310 applicable federal regulations.

311 (c) Revoke the authorization of a program upon a
312 determination that the program does not comply with rules adopted
313 under this section and applicable federal regulations.

314 (d) Make agreements and contracts to effectuate the
315 purposes of this chapter with:

316 (i) Another department, authority or agency of the
317 state;

318 (ii) Another state;

319 (iii) The federal government;

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



321 (v) A public or private agency, foundation,
322 corporation or individual.

323 (e) Directly, or by contract, approve and certify any
324 treatment component established under this chapter.

325 (f) Require, as a condition of operation, that each
326 mental health court created or funded under this chapter be
327 certified by the Administrative Office of Courts.

328 (g) Collect monthly data reports submitted by all
329 certified mental health courts, provide those reports to the State
330 Mental Health Courts Advisory Committee, compile an annual report
331 summarizing the data collected and the outcomes achieved by all
332 certified mental health courts and submit the annual report to the
333 Oversight Task Force.

334 (h) Every three (3) years contract with an external
335 evaluator to conduct an evaluation of the effectiveness of the
336 mental health court program, both statewide and individual mental
337 health court programs, in complying with the key components of the
338 mental health courts.

339 (i) Adopt rules to implement this chapter.

340 **SECTION 10.** (1) All monies received from any source by the
341 mental health court shall be accumulated in a fund to be used only
342 for mental health court purposes. Any funds remaining in this
343 fund at the end of a fiscal year shall not lapse into any general
344 fund, but shall be retained in the mental health court fund for
345 the funding of further activities by the mental health court.



346 (2) A mental health court may apply for and receive the
347 following:

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

349 (b) Grant and contract monies from governmental
350 sources.

351 (c) Other forms of financial assistance approved by the
352 court to supplement the budget of the mental health court.

353 (3) The costs of participation in a mental health treatment
354 program required by the certified mental health court may be paid
355 by the participant or out of user fees or such other state,
356 federal or private funds that may, from time to time, be made
357 available.

358 (4) The court may assess such reasonable and appropriate
359 fees to be paid to the local mental health court fund for
360 participation in a mental health treatment program.

361 **SECTION 11.** The director and members of the professional and
362 administrative staff of the mental health court who perform duties
363 in good faith under this chapter are immune from civil liability
364 for:

365 (a) Acts or omissions in providing services under this
366 chapter; and

367 (b) The reasonable exercise of discretion in
368 determining eligibility to participate in the mental health court.

369 **SECTION 12.** If the participant completes all requirements
370 imposed upon him by the mental health court, including the payment



371 of fines and fees assessed, the charge and prosecution shall be
372 dismissed. If the defendant or participant was sentenced at the
373 time of entry of a plea of guilty, the successful completion of
374 the mental health court order and other requirements of probation
375 or suspension of sentence will result in the record of the
376 criminal conviction or adjudication being expunged. However, no
377 expunction of any implied consent violation shall be allowed.

378 **SECTION 13.** There is created in the State Treasury a special
379 interest-bearing fund to be known as the Mental Health Court Fund.
380 The purpose of the fund shall be to provide supplemental funding
381 to all mental health courts in the state. Monies from the funds
382 derived from assessments under Section 99-19-73 shall be
383 distributed by the State Treasurer upon warrants issued by the
384 Administrative Office of Courts, pursuant to procedures set by the
385 State Mental Health Courts Advisory Committee to assist both
386 juvenile mental health courts and adult mental health courts.
387 Funds from other sources shall be distributed to the mental health
388 courts in the state based on a formula set by the State Mental
389 Health Courts Advisory Committee. The fund shall be a continuing
390 fund, not subject to fiscal-year limitations, and shall consist
391 of: (a) monies appropriated by the Legislature for the purposes
392 of funding mental health courts; (b) the interest accruing to the
393 fund; (c) monies received under the provisions of Section
394 99-19-73; (d) monies received from the federal government; and (e)
395 monies received from such other sources as may be provided by law.



396 **SECTION 14.** Section 1 through 13 of this act shall be
397 codified as a new chapter in Title 9, Mississippi Code of 1972.

398 **SECTION 15.** Section 99-19-73, Mississippi Code of 1972, is
399 amended as follows:

400 99-19-73. (1) **Traffic violations.** In addition to any
401 monetary penalties and any other penalties imposed by law, there
402 shall be imposed and collected the following state assessment from
403 each person upon whom a court imposes a fine or other penalty for
404 any violation in Title 63, Mississippi Code of 1972, except
405 offenses relating to the Mississippi Implied Consent Law (Section
406 63-11-1 et seq.) and offenses relating to vehicular parking or
407 registration:

408	FUND	AMOUNT
409	State Court Education Fund.....	\$.85
410	State Prosecutor Education Fund.....	1.25
411	Vulnerable Persons Training, 412 Investigation and Prosecution Trust Fund.....	1.50
413	Child Support Prosecution Trust Fund.....	.30
414	Driver Training Penalty Assessment Fund.....	3.82
415	Law Enforcement Officers Training Fund.....	5.00
416	Spinal Cord and Head Injury Trust Fund 417 (for all moving violations).....	5.45
418	Emergency Medical Services Operating Fund.....	20.00
419	Mississippi Leadership Council on Aging Fund.....	1.00
420	Law Enforcement Officers and Fire Fighters	



421	Death Benefits Trust Fund.....	.50
422	Law Enforcement Officers and Fire Fighters	
423	Disability Benefits Trust Fund.....	.15
424	State Prosecutor Compensation Fund for the purpose	
425	of providing additional compensation for	
426	district attorneys and their legal assistants.....	10.00
427	Crisis Intervention Mental Health Fund.....	10.00
428	Drug Court Fund, through June 30, 2016.....	10.53
429	Drug Court Fund, from and after July 1, 2016.....	10.00
430	Judicial Performance Fund.....	.50
431	Capital Defense Counsel Fund,	
432	through June 30, 2016.....	3.09
433	from and after July 1, 2016.....	2.89
434	Indigent Appeals Fund.....	2.29
435	Capital Post-Conviction Counsel Fund.....	2.83
436	Victims of Domestic Violence Fund.....	.49
437	Public Defenders Education Fund.....	1.00
438	Domestic Violence Training Fund.....	1.00
439	Attorney General's Cyber Crime Unit.....	2.50
440	Children's Safe Center Fund.....	2.31
441	DuBard School for Language Disorders Fund.....	.88
442	Children's Advocacy Centers Fund.....	1.91
443	Judicial System Operation Fund,	
444	through June 30, 2016.....	1.35
445	<u>Mental Health Court Fund.....</u>	<u>10.00</u>



446 TOTAL STATE ASSESSMENT THROUGH JUNE 30, 2016.....\$ 90.50
 447 TOTAL STATE ASSESSMENT
 448 FROM AND AFTER JULY 1, 2016.....\$ * * * 98.42

449 (2) **Implied Consent Law violations.** In addition to any
 450 monetary penalties and any other penalties imposed by law, there
 451 shall be imposed and collected the following state assessment from
 452 each person upon whom a court imposes a fine or any other penalty
 453 for any violation of the Mississippi Implied Consent Law (Section
 454 63-11-1 et seq.):

FUND	AMOUNT
456 Crime Victims' Compensation Fund.....	\$ 10.00
457 State Court Education Fund.....	1.50
458 State Prosecutor Education Fund.....	2.00
459 Vulnerable Persons Training, 460 Investigation and Prosecution Trust Fund.....	1.50
461 Child Support Prosecution Trust Fund.....	.50
462 Driver Training Penalty Assessment Fund.....	22.00
463 Law Enforcement Officers Training Fund.....	11.00
464 Emergency Medical Services Operating Fund.....	45.00
465 Mississippi Alcohol Safety Education Program Fund.....	5.00
466 Federal-State Alcohol Program Fund.....	10.00
467 Mississippi Forensics Laboratory 468 Implied Consent Law Fund.....	25.00
469 Spinal Cord and Head Injury Trust Fund.....	25.00
470 Capital Defense Counsel Fund.....	2.89



471	Indigent Appeals Fund.....	2.29
472	Capital Post-Conviction Counsel Fund.....	2.33
473	Victims of Domestic Violence Fund.....	.49
474	State General Fund.....	35.00
475	Law Enforcement Officers and Fire Fighters	
476	Death Benefits Trust Fund.....	.50
477	Law Enforcement Officers and Fire Fighters	
478	Disability Benefits Trust Fund.....	1.00
479	State Prosecutor Compensation Fund for the purpose	
480	of providing additional compensation for	
481	district attorneys and their legal assistants.....	10.00
482	Crisis Intervention Mental Health Fund.....	10.00
483	Drug Court Fund.....	10.00
484	Statewide Victims' Information and	
485	Notification System Fund.....	6.00
486	Public Defenders Education Fund.....	1.00
487	Domestic Violence Training Fund.....	1.00
488	Attorney General's Cyber Crime Unit.....	2.50
489	<u>Mental Health Court Fund.....</u>	<u>10.00</u>
490	TOTAL STATE ASSESSMENT.....\$ * * *	<u>253.50</u>

491 (3) **Game and Fish Law violations.** In addition to any
492 monetary penalties and any other penalties imposed by law, there
493 shall be imposed and collected the following state assessment from
494 each person upon whom a court imposes a fine or other penalty for



495 any violation of the game and fish statutes or regulations of this
496 state:

497	FUND	AMOUNT
498	State Court Education Fund.....	\$ 1.50
499	State Prosecutor Education Fund.....	2.00
500	Vulnerable Persons Training,	
501	Investigation and Prosecution Trust Fund.....	1.50
502	Law Enforcement Officers Training Fund.....	5.00
503	Hunter Education and Training Program Fund.....	5.00
504	State General Fund.....	30.00
505	Law Enforcement Officers and Fire Fighters	
506	Death Benefits Trust Fund.....	.50
507	Law Enforcement Officers and Fire Fighters	
508	Disability Benefits Trust Fund.....	1.00
509	State Prosecutor Compensation Fund for the purpose	
510	of providing additional compensation for district	
511	attorneys and their legal assistants.....	10.00
512	Crisis Intervention Mental Health Fund.....	10.00
513	Drug Court Fund.....	10.00
514	Capital Defense Counsel Fund.....	2.89
515	Indigent Appeals Fund.....	2.29
516	Capital Post-Conviction Counsel Fund.....	2.33
517	Victims of Domestic Violence Fund.....	.49
518	Public Defenders Education Fund.....	1.00
519	Domestic Violence Training Fund.....	1.00



520 Attorney General's Cyber Crime Unit..... 2.50
 521 Mental Health Court Fund..... 10.00
 522 TOTAL STATE ASSESSMENT.....\$ * * * 99.00

523 (4) [Deleted]

524 (5) **Speeding, reckless and careless driving violations.** In
 525 addition to any assessment imposed under subsection (1) or (2) of
 526 this section, there shall be imposed and collected the following
 527 state assessment from each person upon whom a court imposes a fine
 528 or other penalty for driving a vehicle on a road or highway:

529 (a) At a speed that exceeds the posted speed limit by
 530 at least ten (10) miles per hour but not more than twenty (20)
 531 miles per hour.....\$ 10.00

532 (b) At a speed that exceeds the posted speed limit by
 533 at least twenty (20) miles per hour but not more than thirty (30)
 534 miles per hour.....\$ 20.00

535 (c) At a speed that exceeds the posted speed limit by
 536 thirty (30) miles per hour or more.....\$ 30.00

537 (d) In violation of Section 63-3-1201, which is the
 538 offense of reckless driving.....\$ 10.00

539 (e) In violation of Section 63-3-1213, which is the
 540 offense of careless driving.....\$ 10.00

541 All assessments collected under this subsection shall be
 542 deposited into the Mississippi Trauma Care Systems Fund
 543 established under Section 41-59-75.



544 (6) **Other misdemeanors.** In addition to any monetary
545 penalties and any other penalties imposed by law, there shall be
546 imposed and collected the following state assessment from each
547 person upon whom a court imposes a fine or other penalty for any
548 misdemeanor violation not specified in subsection (1), (2) or (3)
549 of this section, except offenses relating to vehicular parking or
550 registration:

551 FUND	AMOUNT
552 Crime Victims' Compensation Fund.....	\$ 6.92
553 State Court Education Fund.....	1.50
554 State Prosecutor Education Fund.....	2.00
555 Vulnerable Persons Training, Investigation 556 and Prosecution Trust Fund.....	1.50
557 Child Support Prosecution Trust Fund.....	.50
558 Law Enforcement Officers Training Fund.....	5.00
559 Capital Defense Counsel Fund.....	2.89
560 Indigent Appeals Fund.....	2.29
561 Capital Post-Conviction Counsel Fund.....	2.33
562 Victims of Domestic Violence Fund.....	.49
563 State General Fund.....	30.00
564 State Crime Stoppers Fund.....	1.50
565 Law Enforcement Officers and Fire Fighters 566 Death Benefits Trust Fund.....	.50
567 Law Enforcement Officers and Fire Fighters 568 Disability Benefits Trust Fund.....	1.00



569	State Prosecutor Compensation Fund for the purpose	
570	of providing additional compensation for	
571	district attorneys and their legal assistants.....	10.00
572	Crisis Intervention Mental Health Fund.....	10.00
573	Drug Court Fund.....	8.00
574	Judicial Performance Fund.....	2.00
575	Statewide Victims' Information and	
576	Notification System Fund.....	6.00
577	Public Defenders Education Fund.....	1.00
578	Domestic Violence Training Fund.....	1.00
579	Attorney General's Cyber Crime Unit.....	2.50
580	Information Exchange Network Fund.....	4.00
581	Motorcycle Officer Training Fund.....	1.06
582	Civil Legal Assistance Fund.....	2.77
583	Justice Court Collections Fund.....	7.50
584	Municipal Court Collections Fund.....	7.50
585	<u>Mental Health Court Fund</u>	<u>8.00</u>
586	TOTAL STATE ASSESSMENT.....\$ * * *	<u>129.75</u>

587 (7) **Other felonies.** In addition to any monetary penalties
588 and any other penalties imposed by law, there shall be imposed and
589 collected the following state assessment from each person upon
590 whom a court imposes a fine or other penalty for any felony
591 violation not specified in subsection (1), (2) or (3) of this
592 section:

593	FUND	AMOUNT
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594	Crime Victims' Compensation Fund.....	\$ 10.00
595	State Court Education Fund.....	1.50
596	State Prosecutor Education Fund.....	2.00
597	Vulnerable Persons Training, Investigation	
598	and Prosecution Trust Fund.....	1.50
599	Child Support Prosecution Trust Fund.....	.50
600	Law Enforcement Officers Training Fund.....	5.00
601	Capital Defense Counsel Fund.....	2.89
602	Indigent Appeals Fund.....	2.29
603	Capital Post-Conviction Counsel Fund.....	2.33
604	Victims of Domestic Violence Fund.....	.49
605	State General Fund.....	60.00
606	Criminal Justice Fund.....	50.00
607	Law Enforcement Officers and Fire Fighters	
608	Death Benefits Trust Fund.....	.50
609	Law Enforcement Officers and Fire Fighters	
610	Disability Benefits Trust Fund.....	1.00
611	State Prosecutor Compensation Fund for the purpose	
612	of providing additional compensation for	
613	district attorneys and their legal assistants.....	10.00
614	Crisis Intervention Mental Health Fund.....	10.00
615	Drug Court Fund.....	10.00
616	Statewide Victims' Information and	
617	Notification System Fund.....	6.00
618	Public Defenders Education Fund.....	1.00



619	Domestic Violence Training Fund.....	1.00
620	Attorney General's Cyber Crime Unit.....	2.50
621	Forensics Laboratory DNA Identification System Fund.....	100.00
622	<u>Mental Health Court Fund.....</u>	<u>10.00</u>
623	TOTAL STATE ASSESSMENT.....\$ * * *	<u>290.50</u>

(8) **Additional assessments on certain violations:**

(a) **Railroad crossing violations.** In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected the following state assessment in addition to all other state assessments due under this section from each person upon whom a court imposes a fine or other penalty for any violation involving railroad crossings under Section 37-41-55, 63-3-1007, 63-3-1009, 63-3-1011, 63-3-1013 or 77-9-249:

632	Operation Lifesaver Fund.....	\$25.00
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(b) **Drug violations.** In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected the following state assessment in addition to all other state assessments due under this section from each person upon whom a court imposes a fine or other penalty for any violation of Section 41-29-139:

639	Drug Evidence Disposition Fund.....	\$25.00
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(9) If a fine or other penalty imposed is suspended, in whole or in part, such suspension shall not affect the state assessment under this section. No state assessment imposed under



643 the provisions of this section may be suspended or reduced by the
644 court.

645 (10) After a determination by the court of the amount due,
646 it shall be the duty of the clerk of the court to promptly collect
647 all state assessments imposed under the provisions of this
648 section. The state assessments imposed under the provisions of
649 this section may not be paid by personal check. It shall be the
650 duty of the chancery clerk of each county to deposit all such
651 state assessments collected in the circuit, county and justice
652 courts in such county on a monthly basis with the State Treasurer
653 pursuant to appropriate procedures established by the State
654 Auditor. The chancery clerk shall make a monthly lump-sum deposit
655 of the total state assessments collected in the circuit, county
656 and justice courts in such county under this section, and shall
657 report to the Department of Finance and Administration the total
658 number of violations under each subsection for which state
659 assessments were collected in the circuit, county and justice
660 courts in such county during such month. It shall be the duty of
661 the municipal clerk of each municipality to deposit all such state
662 assessments collected in the municipal court in such municipality
663 on a monthly basis with the State Treasurer pursuant to
664 appropriate procedures established by the State Auditor. The
665 municipal clerk shall make a monthly lump-sum deposit of the total
666 state assessments collected in the municipal court in such
667 municipality under this section, and shall report to the



668 Department of Finance and Administration the total number of
669 violations under each subsection for which state assessments were
670 collected in the municipal court in such municipality during such
671 month.

672 (11) It shall be the duty of the Department of Finance and
673 Administration to deposit on a monthly basis all such state
674 assessments into the proper special fund in the State Treasury.
675 The monthly deposit shall be based upon the number of violations
676 reported under each subsection and the pro rata amount of such
677 assessment due to the appropriate special fund. The Department of
678 Finance and Administration shall issue regulations providing for
679 the proper allocation of these special funds.

680 (12) The State Auditor shall establish by regulation
681 procedures for refunds of state assessments, including refunds
682 associated with assessments imposed before July 1, 1990, and
683 refunds after appeals in which the defendant's conviction is
684 reversed. The Auditor shall provide in such regulations for
685 certification of eligibility for refunds and may require the
686 defendant seeking a refund to submit a verified copy of a court
687 order or abstract by which such defendant is entitled to a refund.
688 All refunds of state assessments shall be made in accordance with
689 the procedures established by the Auditor.

690 **SECTION 16.** Section 43-21-357, Mississippi Code of 1972, is
691 amended as follows:



692 43-21-357. (1) After receiving a report, the youth court
693 intake unit shall promptly make a preliminary inquiry to determine
694 whether the interest of the child, other children in the same
695 environment or the public requires the youth court to take further
696 action. As part of the preliminary inquiry, the youth court
697 intake unit may request or the youth court may order the
698 Department of Human Services, the Department of Youth Services,
699 any successor agency or any other qualified public employee to
700 make an investigation or report concerning the child and any other
701 children in the same environment, and present the findings thereof
702 to the youth court intake unit. If the youth court intake unit
703 receives a neglect or abuse report, the youth court intake unit
704 shall immediately forward the complaint to the Department of Human
705 Services to promptly make an investigation or report concerning
706 the child and any other children in the same environment and
707 promptly present the findings thereof to the youth court intake
708 unit. If it appears from the preliminary inquiry that the child
709 or other children in the same environment are within the
710 jurisdiction of the court, the youth court intake unit shall
711 recommend to the youth court:

712 (a) That the youth court take no action;

713 (b) That an informal adjustment be made;

714 (c) The Department of Human Services, Division of
715 Family and Children Services, monitor the child, family and other
716 children in the same environment;



717 (d) That the child is warned or counseled informally;
718 (e) That the child be referred to the youth court drug
719 court; * * *

720 (f) That a petition be filed * * *; or

721 (g) That the child be referred to the youth court
722 mental health court.

723 (2) The youth court shall then, without a hearing:

724 (a) Order that no action be taken;

725 (b) Order that an informal adjustment be made;

726 (c) Order that the Department of Human Services,
727 Division of Family and Children Services, monitor the child,
728 family and other children in the same environment;

729 (d) Order that the child is warned or counseled
730 informally;

731 (e) Order that the child be referred to the youth court
732 drug court; * * *

733 (f) Order that a petition be filed * * *; or

734 (g) Order that the child be referred to the youth court
735 mental health court.

736 (3) If the preliminary inquiry discloses that a child needs
737 emergency medical treatment, the judge may order the necessary
738 treatment.

739 **SECTION 17.** Section 25-3-35, Mississippi Code of 1972, is
740 amended as follows:



741 25-3-35. (1) The annual salaries of the following judges
742 are fixed as follows:

743 **From and after January 1, 2013, through December 31, 2013:**

744 Chief Justice of the Supreme Court.....\$126,292.50
745 Presiding Justices of the Supreme Court, each..... 123,600.75
746 Associate Justices of the Supreme Court, each..... 122,460.00

747 **From and after January 1, 2014, through December 31, 2014:**

748 Chief Justice of the Supreme Court.....\$137,195.00
749 Presiding Justices of the Supreme Court, each..... 134,011.50
750 Associate Justices of the Supreme Court, each..... 132,390.00

751 **From and after January 1, 2015, through December 31, 2015:**

752 Chief Justice of the Supreme Court.....\$148,097.50
753 Presiding Justices of the Supreme Court, each..... 144,422.25
754 Associate Justices of the Supreme Court, each..... 142,320.00

755 **From and after January 1, 2016:**

756 Chief Justice of the Supreme Court.....\$159,000.00
757 Presiding Justices of the Supreme Court, each..... 154,833.00
758 Associate Justices of the Supreme Court, each..... 152,250.00

759 There are imposed upon the Supreme Court justices the extra duties
760 of taking all necessary action to promote judicial education in
761 schools, drug courts, mental health courts, electronic filing and
762 case management systems as developed by the Administrative Office
763 of Courts, or such other additional duties as may be assigned by
764 the Chief Justice of the Supreme Court. For such extra services
765 each justice, from and after January 1, 2013, shall receive a sum



766 sufficient to aggregate, per annum, the salaries set forth in this
767 subsection (1).

768 The fixed salaries in this subsection (1) shall be paid from
769 the State General Fund and from the Judicial System Operation Fund
770 created under Section 9-21-45. No less than: One Hundred Fifteen
771 Thousand Three Hundred Ninety Dollars (\$115,390.00) of the Chief
772 Justice's salary in this subsection (1), One Hundred Thirteen
773 Thousand One Hundred Ninety Dollars (\$113,190.00) of the salary of
774 a presiding justice in this subsection (1), and One Hundred Twelve
775 Thousand Five Hundred Thirty Dollars (\$112,530.00) of the salary
776 of an associate justice in this subsection (1) shall be paid from
777 general fund monies; in addition, the Legislature shall
778 appropriate annually from the Judicial System Operation Fund a sum
779 sufficient to increase the salary of the Chief Justice, a
780 presiding justice and an associate justice to the levels set forth
781 in this subsection (1).

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

788 (2) The annual salaries of the judges of the Court of
789 Appeals of Mississippi are fixed as follows:

790 **From and after January 1, 2013, through December 31, 2013:**



791 Chief Judge of the Court of Appeals.....\$117,992.00

792 Associate Judges of the Court of Appeals, each.... 114,994.25

793 **From and after January 1, 2014, through December 31, 2014:**

794 Chief Judge of the Court of Appeals.....\$127,854.00

795 Associate Judges of the Court of Appeals, each.... 124,938.50

796 **From and after January 1, 2015, through December 31, 2015:**

797 Chief Judge of the Court of Appeals.....\$137,716.00

798 Associate Judges of the Court of Appeals, each.... 134,882.75

799 **From and after January 1, 2016:**

800 Chief Judge of the Court of Appeals.....\$147,578.00

801 Associate Judges of the Court of Appeals, each.... 144,827.00

802 From and after January 1, 2013, each judge shall receive a
803 sum sufficient to aggregate, per annum, the salaries set forth in
804 this subsection (2).

805 The fixed salaries in this subsection (2) shall be paid from
806 the State General Fund and from the Judicial System Operation Fund
807 created under Section 9-21-45. No less than One Hundred Eight
808 Thousand One Hundred Thirty Dollars (\$108,130.00) of the Chief
809 Judge's salary in this subsection (2) shall be paid from general
810 fund monies; in addition, the Legislature shall appropriate
811 annually from the Judicial System Operation Fund a sum sufficient
812 to increase the Chief Judge's salary to the level set forth in
813 this subsection (2). No less than One Hundred Five Thousand Fifty
814 Dollars (\$105,050.00) of the salary of an associate judge in this
815 subsection (2) shall be paid from general fund monies; in



816 addition, the Legislature shall appropriate annually from the
817 Judicial System Operation Fund a sum sufficient to increase the
818 salary of an associate judge to the level set forth in this
819 subsection (2).

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

826 (3) The annual salaries of the chancery and circuit court
827 judges are fixed as follows:

828 **From and after January 1, 2013, through December 31, 2013:**

829 Chancery Judges, each.....\$112,127.50
830 Circuit Judges, each..... 112,127.50

831 **From and after January 1, 2014, through December 31, 2014:**

832 Chancery Judges, each.....\$120,085.00
833 Circuit Judges, each..... 120,085.00

834 **From and after January 1, 2015, through December 31, 2015:**

835 Chancery Judges, each.....\$128,042.50
836 Circuit Judges, each..... 128,042.50

837 **From and after January 1, 2016:**

838 Chancery Judges, each.....\$136,000.00
839 Circuit Judges, each..... 136,000.00



840 In addition to their present official duties, the circuit and
841 chancery judges shall take necessary action to promote judicial
842 education in schools, drug courts, mental health courts,
843 electronic filing and case management systems as developed by the
844 Administrative Office of Courts, or such other additional duties
845 as may be assigned by the Chief Justice of the Supreme Court. For
846 such extra services each judge, from and after January 1, 2013,
847 shall receive a sum sufficient to aggregate, per annum, the
848 salaries set forth in this subsection (3).

849 The fixed salaries in this subsection (3) shall be paid from
850 the State General Fund and from the Judicial System Operation Fund
851 created under Section 9-21-45. No less than One Hundred Four
852 Thousand One Hundred Seventy Dollars (\$104,170.00) of the salary
853 of a chancery or circuit Judge in this subsection (3) shall be
854 paid from general fund monies; in addition, the Legislature shall
855 appropriate annually from the Judicial System Operation Fund a sum
856 sufficient to increase the salary of a chancery or circuit judge
857 to the levels set forth in this subsection (3).

858 (4) From and after January 1, 2019, and every four (4) years
859 thereafter, the annual salaries of the judges in subsections (1),
860 (2) and (3) shall be fixed at the level of compensation
861 recommended by the State Personnel Board according to the board's
862 most recent report on judicial salaries, as required under Section
863 25-9-115, to the extent that sufficient funds are available. The
864 annual salaries fixed in accordance with this subsection (4) shall



865 not become effective until the commencement of the next
866 immediately succeeding term of office.

867 (5) The Supreme Court shall prepare a payroll for chancery
868 judges and circuit judges and submit such payroll to the
869 Department of Finance and Administration.

870 (6) The annual salary of the full-time district attorneys
871 shall be:

872 **From and after January 1, 2013, through December 31, 2013:**

873 One Hundred Three Thousand Three Hundred Twenty-two Dollars
874 (\$103,322.00).

875 **From and after January 1, 2014, through December 31, 2014:**

876 One Hundred Ten Thousand Eight Hundred Forty-eight Dollars
877 (\$110,848.00).

878 **From and after January 1, 2015, through December 31, 2015:**

879 One Hundred Eighteen Thousand Three Hundred Seventy-four
880 Dollars (\$118,374.00).

881 **From and after January 1, 2016:**

882 One Hundred Twenty-five Thousand Nine Hundred Dollars
883 (\$125,900.00).

884 (7) The annual salary of the full-time legal assistants
885 shall be not less than Fifteen Thousand Dollars (\$15,000.00) nor
886 more than eighty percent (80%) of the salary of the district
887 attorney for legal assistants who have been licensed to practice
888 law for five (5) years or less; eighty-five percent (85%) of the
889 salary of the district attorney for legal assistants who have been



890 licensed to practice law for at least five (5) years but less than
891 fifteen (15) years; and ninety percent (90%) of the salary of the
892 district attorney for legal assistants who have been licensed to
893 practice law for at least fifteen (15) years or more.

894 **SECTION 18.** This act shall take effect and be in force from
895 and after July 1, 2016.

