

By: Representatives Currie, Bain, Boyd,
Reynolds, Sykes, Bounds, Taylor, Karriem,
Miles

To: Public Health and Human
Services

HOUSE BILL NO. 419

1 AN ACT TO AMEND SECTIONS 9-27-1 THROUGH 9-27-19, MISSISSIPPI
2 CODE OF 1972, TO REVISE THE RIVERS MCGRAW MENTAL HEALTH DIVERSION
3 PILOT PROGRAM ACT TO BE THE RIVERS MCGRAW MENTAL HEALTH COURT ACT
4 AND ALLOW MENTAL HEALTH COURTS TO BE ESTABLISHED THROUGHOUT THE
5 STATE; TO CREATE NEW SECTION 9-27-6, MISSISSIPPI CODE OF 1972, TO
6 PROVIDE THAT THE ADMINISTRATIVE OFFICE OF COURTS SHALL BE
7 RESPONSIBLE FOR CERTIFICATION AND MONITORING OF LOCAL MENTAL
8 HEALTH COURTS; TO ESTABLISH THE STATE MENTAL HEALTH COURTS
9 ADVISORY COMMITTEE; TO CREATE NEW SECTION 9-27-23, MISSISSIPPI
10 CODE OF 1972, TO ESTABLISH THE MENTAL HEALTH COURT FUND; TO AMEND
11 SECTION 43-21-357, MISSISSIPPI CODE OF 1972, TO ALLOW THE YOUTH
12 COURT INTAKE UNIT TO RECOMMEND THAT A CHILD BE REFERRED TO THE
13 YOUTH COURT MENTAL HEALTH COURT AND TO ALLOW THE YOUTH COURT THE
14 OPTION TO ORDER THAT A CHILD BE REFERRED TO THE YOUTH COURT MENTAL
15 HEALTH COURT; TO AMEND SECTION 25-3-35, MISSISSIPPI CODE OF 1972,
16 TO SPECIFY DUTIES IMPOSED ON SUPREME COURT JUSTICES, CHANCERY
17 COURT JUDGES AND CIRCUIT COURT JUDGES RELATING TO MENTAL HEALTH
18 COURTS; TO REPEAL SECTION 9-27-21, MISSISSIPPI CODE OF 1972, WHICH
19 AUTHORIZES CERTAIN CIRCUIT COURT DISTRICTS TO ESTABLISH MENTAL
20 HEALTH DIVERSION PILOT PROGRAMS; AND FOR RELATED PURPOSES.

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

22 **SECTION 1.** Section 9-27-1, Mississippi Code of 1972, is
23 amended as follows:

24 9-27-1. This chapter shall be known and may be cited as the
25 Rivers McGraw Mental Health * * * Court Act.

26 **SECTION 2.** Section 9-27-3, Mississippi Code of 1972, is
27 amended as follows:



28 9-27-3. (1) The Legislature recognizes the critical need
29 for judicial intervention to establish court processes and
30 procedures that are more responsive to the needs of defendants
31 with mental illnesses, while maintaining public safety and the
32 integrity of the court process. It is the intent of the
33 Legislature to facilitate * * * local mental health * * * court
34 alternatives * * * that are adaptable to chancery, circuit,
35 county, youth, municipal and justice courts.

36 (2) The goals of the mental health * * * courts under this
37 chapter include the following:

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

40 (b) Reduce the inappropriate institutionalization of
41 people with mental illnesses;

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

44 (d) Improve linkages between the criminal justice
45 system and the mental health system;

46 (e) Expedite case processing;

47 (f) Protect public safety;

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

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



53 driven in part by mental illnesses to intensive supervision and
54 clinical treatment available in the mental health * * * court.

55 **SECTION 3.** Section 9-27-5, Mississippi Code of 1972, is
56 amended as follows:

57 9-27-5. For the purposes of this chapter, the following
58 words and phrases shall have the meanings * * * as defined in this
59 section unless the context clearly requires otherwise:

60 (a) "Chemical tests" means the analysis of * * * a
61 person'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) "Mental health * * * court" means an immediate and
65 highly structured intervention process for mental health treatment
66 of eligible defendants or juveniles that:

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

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

72 (c) "Evidence-based practices" means supervision
73 policies, procedures and practices that scientific research
74 demonstrates reduce recidivism.

75 (d) "Risk and needs assessment" means the use of an
76 actuarial assessment tool validated on a Mississippi corrections



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

79 **SECTION 4.** The following shall be codified as Section
80 9-27-6, Mississippi Code of 1972:

81 9-27-6. (1) 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 (2) The State Mental Health Courts Advisory Committee is
86 established to develop and periodically update proposed statewide
87 evaluation plans and models for monitoring all critical aspects of
88 mental health courts. The committee shall provide the proposed
89 evaluation plans to the Chief Justice and the Administrative
90 Office of Courts. The committee shall be chaired by the Director
91 of the Administrative Office of Courts and shall consist of not
92 less than seven (7) members nor more than eleven (11) members
93 appointed by the Supreme Court and shall be broadly representative
94 of the courts, mental health treatment communities, law
95 enforcement, corrections, juvenile justice and child protective
96 services.

97 (3) 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 (4) 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 that are necessary and incident to compliance with established
111 rules.

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

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

125 **SECTION 5.** Section 9-27-7, Mississippi Code of 1972, is
126 amended as follows:



127 9-27-7. (1) The Administrative Office of Courts * * * shall
128 establish, implement and operate a uniform certification process
129 for all mental health courts to ensure that funding for mental
130 health courts supports effective and proven practices that reduce
131 recidivism and provide treatment for participants.

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

136 (a) These standards shall include, but are not limited
137 to:

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

142 (ii) Targeting medium- to high-risk offenders for
143 participation;

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

146 (iv) Coordinated strategy between all mental
147 health * * * court personnel;

148 (v) Ongoing judicial interaction with each
149 participant; and



150 (vi) Monitoring and evaluation of mental
151 health * * * court program implementation and outcomes through
152 data collection and reporting.

153 (b) Mental health court certification applications
154 shall include:

155 (i) A description of the need for the mental
156 health court;

157 (ii) The targeted population for the mental health
158 court;

159 (iii) The eligibility criteria for mental health
160 court participants;

161 (iv) A description of the process for identifying
162 appropriate participants including the use of a risk and needs
163 assessment and a clinical assessment;

164 (v) A description of the mental health court
165 treatment components including anticipated budget and
166 implementation plan;

167 (vi) * * * The data collection plan, which shall
168 include collecting the following data:

169 * * * 1. Total number of participants in the
170 mental health court program;

171 * * * 2. Total number of successful
172 participants;



173 * * *3. Total number of unsuccessful
174 participants and the reason why each participant did not complete
175 the program;

176 * * *4. Total number of participants who
177 were arrested for a new criminal offense while in the program;

178 * * *5. Total number of participants who
179 were convicted of a new felony or misdemeanor offense while in the
180 program;

181 * * *6. Total number of participants who
182 committed at least one (1) violation while in the program and the
183 resulting sanction(s);

184 * * *7. Results of the initial risk and
185 needs assessment or other clinical assessment conducted on each
186 participant; and

187 * * *8. Any other data or information as
188 required by the Administrative Office of Courts.

189 (c) Every mental health court shall be certified under
190 the following schedule:

191 (i) A mental health court application submitted on
192 or after July 1, 2018, shall require certification of the mental
193 health court based on the proposed mental health court plan;

194 (ii) A mental health court established on or after
195 July 1, 2018, must be recertified after its second year of funded
196 operation;



197 (iii) A mental health court in existence by July
198 1, 2018, must submit a certification petition by July 1, 2019, and
199 be certified under the requirements of this section before
200 expending mental health court resources budgeted for fiscal year
201 2020; and

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

205 (3) * * * All certified mental health courts shall measure
206 successful completion of the * * * mental health court program
207 based on those participants who complete the program without a new
208 criminal conviction.

209 (4) (a) * * * All certified mental health courts must
210 collect and submit to the Administrative Office of Courts each
211 month, the following data:

212 (i) Total number of participants in the mental
213 health court program at the beginning of the month;

214 (ii) Total number of participants at the end of
215 the month;

216 (iii) Total number of participants who began the
217 program in the month;

218 (iv) Total number of participants who successfully
219 completed the program in the month;

220 (v) Total number of participants who left the
221 program in the month;



222 (vi) Total number of participants who were
223 arrested for a new criminal offense while in the program in the
224 month;

225 (vii) Total number of participants who were
226 convicted for a new criminal arrest while in the program in the
227 month; and

228 (viii) Total number of participants who committed
229 at least one (1) violation while in the program and any resulting
230 sanction(s).

231 (b) By August 1, * * * 2019, and each year thereafter,
232 the Administrative Office of Courts shall report to the PEER
233 Committee the information in subsection (4)(a) of this section in
234 a sortable, electronic format.

235 (5) * * * All certified mental health courts may
236 individually establish rules and may make special orders and rules
237 as necessary that do not conflict with rules promulgated by the
238 Supreme Court or the Administrative Office of Courts.

239 (6) A * * * certified mental health court may appoint the
240 full or part-time employees it deems necessary for the work of the
241 mental health * * * court and shall fix the compensation of those
242 employees * * *. Those employees shall serve at the will and
243 pleasure of the * * * judge or the judge's designee.

244 (7) The Administrative Office of Courts shall promulgate
245 rules and regulations to carry out the certification and



246 re-certification process and make any other policies not
247 inconsistent with this section to carry out this process.

248 (* * *8) A * * * certified mental health court established
249 under this chapter is subject to the regulatory powers of the
250 Administrative Office of Courts as set forth in Section 9-27-13.

251 **SECTION 6.** Section 9-27-9, Mississippi Code of 1972, is
252 amended as follows:

253 9-27-9. (1) A mental health * * * court's mental health
254 intervention component shall provide for eligible * * * persons,
255 either directly or through referrals, a range of necessary court
256 treatment services, including, but not limited to, the following:

257 (a) Screening using a valid and reliable assessment
258 tool effective for identifying persons affected by mental health
259 issues for eligibility and appropriate services;

260 (b) Clinical assessment;

261 (c) Education;

262 (d) Referral;

263 (e) Service coordination and case management; and

264 (f) Counseling and rehabilitative care.

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

268 **SECTION 7.** Section 9-27-11, Mississippi Code of 1972, is
269 amended as follows:



270 9-27-11. (1) In order to be eligible for alternative
271 sentencing through a local mental health * * * court, the
272 participant must satisfy each of the following criteria:

273 (a) The participant cannot have any felony convictions
274 for any offenses that are crimes of violence as defined in Section
275 97-3-2, other than burglary under Section 97-17-23(1), within the
276 previous ten (10) years.

277 (b) The crime before the court cannot be a crime of
278 violence as defined in Section 97-3-2, other than burglary under
279 Section 97-17-23(1).

280 (c) Other criminal proceedings alleging commission of a
281 crime of violence as defined in Section 97-3-2, other than
282 burglary under Section 97-17-23(1), cannot be pending against the
283 participant.

284 (d) The crime before the court cannot be a charge of
285 driving under the influence of alcohol or any other substance that
286 resulted in the death of a person. In addition, persons who are
287 ineligible for nonadjudication under Section 63-11-30 shall be
288 ineligible to participate in a mental health * * * court program.

289 (e) The crime charged cannot be one of trafficking in
290 controlled substances under Section 41-29-139(f) or (g), nor can
291 the participant have a prior conviction for same.

292 (2) Participation in the services of a mental health
293 treatment component shall be open only to the * * * persons over
294 whom the court has jurisdiction, except that the court may agree



295 to provide the services for * * * persons referred from another
296 mental health * * * court. In cases transferred from another
297 jurisdiction, the receiving judge shall act as a special master
298 and make recommendations to the sentencing judge.

299 (3) (a) As a condition of participation in a mental
300 health * * * court, a participant may be required to undergo a
301 chemical test or a series of chemical tests as specified by
302 the * * * mental health court. A participant is liable for the
303 costs of all chemical tests required under this section,
304 regardless of whether the costs are paid to the mental
305 health * * * court or the laboratory; however, if testing is
306 available from other sources or the program itself, the judge may
307 waive any fees for testing.

308 (b) A laboratory that performs a chemical test under
309 this section shall report the results of the test to the mental
310 health * * * court.

311 (4) A person does not have a right to participate in a
312 mental health * * * court under this chapter. The court having
313 jurisdiction over a person for a matter before the court shall
314 have the final determination about whether the person may
315 participate in the mental health * * * court under this chapter.

316 **SECTION 8.** Section 9-27-13, Mississippi Code of 1972, is
317 amended as follows:



318 9-27-13. With regard to any mental health * * * court
319 established under this chapter, the Administrative Office of
320 Courts shall do the following:

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

324 (b) Ensure that the structure of the treatment
325 component complies with rules adopted under this section and
326 applicable federal regulations.

327 (c) Revoke the authorization of a mental health court
328 program upon a determination that the program does not comply with
329 rules adopted under this section and applicable federal
330 regulations.

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

333 (i) Another department, authority or agency of the
334 state;

335 (ii) Another state;

336 (iii) The federal government;

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

338 (v) A public or private agency, foundation,
339 corporation or individual.

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



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

345 (* * *g) Collect monthly data reports submitted by
346 all * * * certified mental health courts, compile an annual report
347 summarizing the data collected and the outcomes achieved by
348 all * * * certified mental health courts and submit the annual
349 report to the Supreme Court, the Legislature, the Governor and the
350 PEER Committee.

351 (* * *h) * * * Every three (3) years, contract with an
352 external evaluator to conduct an evaluation of the effectiveness
353 of the mental health * * * court program, both statewide and
354 individual mental health court programs, in complying with the key
355 components of the mental health * * * courts.

356 (* * *i) Adopt rules to implement this chapter.

357 **SECTION 9.** Section 9-27-15, Mississippi Code of 1972, is
358 amended as follows:

359 9-27-15. (1) All monies received from any source by a
360 mental health * * * court shall be * * * deposited in a * * * fund
361 to be used only for mental health * * * court purposes. Any funds
362 remaining in * * * this fund at the end of a fiscal year shall not
363 lapse into any general fund, but shall be retained in the mental
364 health * * * court fund for the funding of further activities by
365 the mental health * * * court. * * *



366 (2) A mental health * * * court may apply for and receive
367 the following:

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

369 (b) Grant and contract monies from governmental
370 sources.

371 (c) Other forms of financial assistance approved by the
372 court to supplement the budget of the mental health * * * court.

373 (3) The costs of participation in a mental health treatment
374 program required by the mental health * * * court may be paid by
375 the participant or out of user fees or such other state, federal
376 or private funds that may, from time to time, be made available.

377 (4) The court may assess reasonable and appropriate fees to
378 be paid to the local mental health * * * court fund for
379 participation in a mental health treatment program.

380 **SECTION 10.** Section 9-27-17, Mississippi Code of 1972, is
381 amended as follows:

382 9-27-17. The director and members of the professional and
383 administrative staff of the mental health * * * court who perform
384 duties in good faith under this chapter are immune from civil
385 liability for:

386 (a) Acts or omissions in providing services under this
387 chapter; and

388 (b) The reasonable exercise of discretion in
389 determining eligibility to participate in the mental health * * *
390 court.



391 **SECTION 11.** Section 9-27-19, Mississippi Code of 1972, is
392 amended as follows:

393 9-27-19. If the participant completes all requirements
394 imposed upon him by the mental health * * * court, including the
395 payment of fines and fees assessed, the charge and prosecution
396 shall be dismissed. If the defendant or participant was sentenced
397 at the time of entry of a plea of guilty, the successful
398 completion of the mental health * * * court order and other
399 requirements of probation or suspension of sentence will result in
400 the record of the criminal conviction or adjudication being
401 expunged. However, no expunction of any implied consent violation
402 shall be allowed.

403 **SECTION 12.** The following shall be codified as Section
404 9-27-23, Mississippi Code of 1972:

405 9-27-23. There is created in the State Treasury a special
406 fund to be known as the Mental Health Court Fund. The purpose of
407 the fund shall be to provide supplemental funding to all mental
408 health courts in the state. Monies in the fund shall be expended
409 by the Administrative Office of Courts, upon appropriation by the
410 Legislature, according to procedures set by the State Mental
411 Health Courts Advisory Committee to assist the mental health
412 courts in the state.

413 The fund shall consist of: (a) monies appropriated by the
414 Legislature for the purposes of funding mental health courts; (b)
415 the interest accruing to the fund; (c) monies received from the



416 federal government; and (d) monies received from such other
417 sources as may be provided by law. Monies remaining in the fund
418 at the end of a fiscal year shall not lapse into the State General
419 Fund.

420 **SECTION 13.** Section 43-21-357, Mississippi Code of 1972, is
421 amended as follows:

422 43-21-357. (1) After receiving a report, the youth court
423 intake unit shall promptly make a preliminary inquiry to determine
424 whether the interest of the child, other children in the same
425 environment or the public requires the youth court to take further
426 action. As part of the preliminary inquiry, the youth court
427 intake unit may request or the youth court may order the
428 Department of Human Services, * * * the Department of Child
429 Protection Services, any successor agency or any other qualified
430 public employee to make an investigation or report concerning the
431 child and any other children in the same environment, and present
432 the findings thereof to the youth court intake unit. If the youth
433 court intake unit receives a neglect or abuse report, the youth
434 court intake unit shall immediately forward the complaint to the
435 Department of * * * Child Protection Services to promptly make an
436 investigation or report concerning the child and any other
437 children in the same environment and promptly present the findings
438 thereof to the youth court intake unit. If it appears from the
439 preliminary inquiry that the child or other children in the same



440 environment are within the jurisdiction of the court, the youth
441 court intake unit shall recommend to the youth court:

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

443 (b) That an informal adjustment be made;

444 (c) The Department of * * * Child Protection
445 Services * * * monitor the child, family and other children in the
446 same environment;

447 (d) That the child is warned or counseled informally;

448 (e) That the child be referred to the youth court drug
449 court; * * *

450 (f) That the child be referred to the youth court
451 mental health court; or

452 (* * *g) That a petition be filed.

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

454 (a) Order that no action be taken;

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

456 (c) Order that the Department of * * * Child Protection
457 Services * * * monitor the child, family and other children in the
458 same environment;

459 (d) Order that the child is warned or counseled
460 informally;

461 (e) Order that the child be referred to the youth court
462 drug court; * * *

463 (f) Order that the child be referred to the youth court
464 mental health court; or



465 (* * *g) Order that a petition be filed.

466 (3) If the preliminary inquiry discloses that a child needs
467 emergency medical treatment, the judge may order the necessary
468 treatment.

469 **SECTION 14.** Section 25-3-35, Mississippi Code of 1972, is
470 amended as follows:

471 25-3-35. (1) The annual salaries of the following judges
472 are fixed as follows:

473 * * *

474 Chief Justice of the Supreme Court.....\$159,000.00

475 Presiding Justices of the Supreme Court, each..... 154,833.00

476 Associate Justices of the Supreme Court, each..... 152,250.00

477 There are imposed upon the Supreme Court justices the extra
478 duties of taking all necessary action to promote judicial
479 education in schools, drug courts, mental health courts,
480 electronic filing and case management systems as developed by the
481 Administrative Office of Courts, or such other additional duties
482 as may be assigned by the Chief Justice of the Supreme Court. For
483 such extra services each justice, from and after January 1, 2013,
484 shall receive a sum sufficient to aggregate, per annum, the
485 salaries set forth in this subsection (1).

486 The fixed salaries in this subsection (1) shall be paid from
487 the State General Fund and from the Judicial System Operation Fund
488 created under Section 9-21-45. No less than: One Hundred Fifteen
489 Thousand Three Hundred Ninety Dollars (\$115,390.00) of the Chief



490 Justice's salary in this subsection (1), One Hundred Thirteen
491 Thousand One Hundred Ninety Dollars (\$113,190.00) of the salary of
492 a presiding justice in this subsection (1), and One Hundred Twelve
493 Thousand Five Hundred Thirty Dollars (\$112,530.00) of the salary
494 of an associate justice in this subsection (1) shall be paid from
495 general fund monies; in addition, the Legislature shall
496 appropriate annually from the Judicial System Operation Fund a sum
497 sufficient to increase the salary of the Chief Justice, a
498 presiding justice and an associate justice to the levels set forth
499 in this subsection (1).

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

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

508 * * *

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

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

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



514 The fixed salaries in this subsection (2) shall be paid from
515 the State General Fund and from the Judicial System Operation Fund
516 created under Section 9-21-45. No less than One Hundred Eight
517 Thousand One Hundred Thirty Dollars (\$108,130.00) of the Chief
518 Judge's salary in this subsection (2) shall be paid from general
519 fund monies; in addition, the Legislature shall appropriate
520 annually from the Judicial System Operation Fund a sum sufficient
521 to increase the Chief Judge's salary to the level set forth in
522 this subsection (2). No less than One Hundred Five Thousand Fifty
523 Dollars (\$105,050.00) of the salary of an associate judge in this
524 subsection (2) shall be paid from general fund monies; in
525 addition, the Legislature shall appropriate annually from the
526 Judicial System Operation Fund a sum sufficient to increase the
527 salary of an associate judge to the level set forth in this
528 subsection (2).

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

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

537 * * *

538 Chancery Judges, each.....\$136,000.00



539 Circuit Judges, each..... 136,000.00

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

549 The fixed salaries in this subsection (3) shall be paid from
550 the State General Fund and from the Judicial System Operation Fund
551 created under Section 9-21-45. No less than One Hundred Four
552 Thousand One Hundred Seventy Dollars (\$104,170.00) of the salary
553 of a chancery or circuit Judge in this subsection (3) shall be
554 paid from general fund monies; in addition, the Legislature shall
555 appropriate annually from the Judicial System Operation Fund a sum
556 sufficient to increase the salary of a chancery or circuit judge
557 to the levels set forth in this subsection (3).

558 (4) From and after January 1, 2019, and every four (4) years
559 thereafter, the annual salaries of the judges in subsections (1),
560 (2) and (3) shall be fixed at the level of compensation
561 recommended by the State Personnel Board according to the board's
562 most recent report on judicial salaries, as required under Section
563 25-9-115, to the extent that sufficient funds are available. The



564 annual salaries fixed in accordance with this subsection (4) shall
565 not become effective until the commencement of the next
566 immediately succeeding term of office.

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

570 (6) The annual salary of the full-time district attorneys
571 shall be * * * One Hundred Twenty-five Thousand Nine Hundred
572 Dollars (\$125,900.00).

573 (7) The annual salary of the full-time legal assistants
574 shall be not less than Fifteen Thousand Dollars (\$15,000.00) nor
575 more than eighty percent (80%) of the salary of the district
576 attorney for legal assistants who have been licensed to practice
577 law for five (5) years or less; eighty-five percent (85%) of the
578 salary of the district attorney for legal assistants who have been
579 licensed to practice law for at least five (5) years but less than
580 fifteen (15) years; and ninety percent (90%) of the salary of the
581 district attorney for legal assistants who have been licensed to
582 practice law for at least fifteen (15) years or more.

583 **SECTION 15.** Section 9-27-21, Mississippi Code of 1972, which
584 authorizes certain circuit court districts to establish mental
585 health diversion pilot programs, is repealed.

586 **SECTION 16.** This act shall take effect and be in force from
587 and after July 1, 2018.

