

By: Representative Hood

To: Judiciary A

HOUSE BILL NO. 1543

1 AN ACT TO BRING FORWARD SECTIONS 43-21-261, 43-21-351,
2 43-21-801, 45-33-61 AND 93-31-3, MISSISSIPPI CODE OF 1972, WHICH
3 PROVIDE FOR THE YOUTH COURT SUPPORT PROGRAM AND REPEAL ON JULY 1,
4 2026, FOR PURPOSES OF AMENDMENT; TO BRING FORWARD SECTIONS 9-21-9,
5 9-17-1 AND 9-1-36, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE
6 DUTIES OF THE ADMINISTRATIVE OFFICE OF COURTS, FOR PURPOSES OF
7 AMENDMENT; TO PROHIBIT ANY COURT OR COUNTY BOARD OF SUPERVISORS
8 FROM ENTERING INTO ANY MULTIYEAR CONTRACT OR SERVICE AGREEMENT FOR
9 THE PURCHASE OF ANY WEB-BASED APPLICATION TO BE UTILIZED WITH THE
10 MISSISSIPPI YOUTH COURT INFORMATION DELIVERY SYSTEM (MYCIDS)
11 WITHOUT COMPLETING A COMPETITIVE BIDDING PROCESS FOR THOSE
12 SERVICES; TO AMEND SECTION 31-7-13, MISSISSIPPI CODE OF 1972, TO
13 CONFORM TO THE PRECEDING SECTION; TO MAKE TECHNICAL REVISIONS TO
14 THE COURT INTERPRETERS PROGRAM ADMINISTERED BY THE ADMINISTRATIVE
15 OFFICE OF COURTS; TO AMEND SECTION 9-21-71, MISSISSIPPI CODE OF
16 1972, TO REVISE CERTAIN DEFINITIONS; TO AMEND SECTION 9-21-73,
17 MISSISSIPPI CODE OF 1972, TO CLARIFY THAT THE COURT INTERPRETER
18 PROGRAM IS TO PROVIDE LANGUAGE ACCESS IN ALL MISSISSIPPI COURTS;
19 TO AMEND SECTION 9-21-77, MISSISSIPPI CODE OF 1972, TO REVISE THE
20 INTERPRETER'S OATH; TO AMEND SECTION 9-21-79, MISSISSIPPI CODE OF
21 1972, TO REVISE PROVISIONS RELATING TO THE DETERMINATION OF
22 WHETHER A COURT INTERPRETER IS NEEDED AND TO AUTHORIZE A LIMITED
23 ENGLISH PROFICIENT INDIVIDUAL TO WAIVE THE SERVICES OF AN
24 INTERPRETER; TO AMEND SECTION 9-21-80, MISSISSIPPI CODE OF 1972,
25 TO DECLARE THAT ALL COURT INTERPRETERS ARE SUBJECT TO THE ETHICAL
26 REQUIREMENTS OF THE MISSISSIPPI COURT INTERPRETER CREDENTIALING
27 PROGRAM REGARDLESS OF WHETHER OR NOT THEY ARE LISTED ON THE ROSTER
28 OF CREDENTIALLED INTERPRETERS MAINTAINED BY THE ADMINISTRATIVE
29 OFFICE OF COURTS; TO AMEND SECTION 9-21-81, MISSISSIPPI CODE OF
30 1972, TO AUTHORIZE THE EXPENSES OF AN INTERPRETER TO BE PAID WITH
31 ANY FUNDS AVAILABLE FOR SUCH PURPOSE FOR ANY LIMITED ENGLISH
32 PROFICIENT PARTY, WITNESS OR PARTICIPANT; TO CREATE NEW SECTION
33 9-21-82, MISSISSIPPI CODE OF 1972, TO REQUIRE EACH COURT TO SUBMIT
34 AN ANNUAL REPORT CONTAINING SPECIFIED INFORMATION TO THE



35 ADMINISTRATIVE OFFICE OF COURTS; TO AMEND SECTION 99-17-7,
36 MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE EXPENSES OF AN
37 INTERPRETER IN A CRIMINAL PROCEEDING TO BE PAID WITH ANY FUNDS
38 AVAILABLE FOR SUCH PURPOSE FOR ANY LIMITED ENGLISH PROFICIENT
39 PARTY, WITNESS OR PARTICIPANT; AND FOR RELATED PURPOSES.

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

41 **SECTION 1.** Section 43-21-261, Mississippi Code of 1972, is
42 brought forward as follows:

43 43-21-261. (1) Except as otherwise provided in this
44 section, records involving children shall not be disclosed, other
45 than to necessary staff or officials of the youth court, a
46 guardian ad litem appointed to a child by the court, or a
47 Court-Appointed Special Advocate (CASA) volunteer who may be
48 assigned in a dependency, abuse or neglect case, except pursuant
49 to an order of the youth court specifying the person or persons to
50 whom the records may be disclosed, the extent of the records which
51 may be disclosed and the purpose of the disclosure. Such court
52 orders for disclosure shall be limited to those instances in which
53 the youth court concludes, in its discretion, that disclosure is
54 required for the best interests of the child, the public safety,
55 the functioning of the youth court, or to identify a person who
56 knowingly made a false allegation of child abuse or neglect, and
57 then only to the following persons:

58 (a) The judge of another youth court or member of
59 another youth court staff;

60 (b) The court of the parties in a child custody or
61 adoption cause in another court;



62 (c) A judge of any other court or members of another
63 court staff, including the chancery court that ordered a forensic
64 interview;

65 (d) Representatives of a public or private agency
66 providing supervision or having custody of the child under order
67 of the youth court;

68 (e) Any person engaged in a bona fide research purpose,
69 provided that no information identifying the subject of the
70 records shall be made available to the researcher unless it is
71 absolutely essential to the research purpose and the judge gives
72 prior written approval, and the child, through his or her
73 representative, gives permission to release the information;

74 (f) The Mississippi Department of Employment Security,
75 or its duly authorized representatives, for the purpose of a
76 child's enrollment into the Job Corps Training Program as
77 authorized by Title IV of the Comprehensive Employment Training
78 Act of 1973 (29 USCS Section 923 et seq.). However, no records,
79 reports, investigations or information derived therefrom
80 pertaining to child abuse or neglect shall be disclosed;

81 (g) Any person pursuant to a finding by a judge of the
82 youth court of compelling circumstances affecting the health,
83 safety or well-being of a child and that such disclosure is in the
84 best interests of the child or an adult who was formerly the
85 subject of a youth court delinquency proceeding;



86 (h) A person who was the subject of a knowingly made
87 false allegation of child abuse or neglect which has resulted in a
88 conviction of a perpetrator in accordance with Section 97-35-47 or
89 which allegation was referred by the Department of Child
90 Protection Services to a prosecutor or law enforcement official in
91 accordance with the provisions of Section 43-21-353(4).

92 Law enforcement agencies may disclose information to the
93 public concerning the taking of a child into custody for the
94 commission of a delinquent act without the necessity of an order
95 from the youth court. The information released shall not identify
96 the child or his address unless the information involves a child
97 convicted as an adult.

98 (2) Any records involving children which are disclosed under
99 an order of the youth court or pursuant to the terms of this
100 section and the contents thereof shall be kept confidential by the
101 person or agency to whom the record is disclosed unless otherwise
102 provided in the order. Any further disclosure of any records
103 involving children shall be made only under an order of the youth
104 court as provided in this section.

105 (3) Upon request, the parent, guardian or custodian of the
106 child who is the subject of a youth court cause or any attorney
107 for such parent, guardian or custodian, shall have the right to
108 inspect any record, report or investigation relevant to a matter
109 to be heard by a youth court, except that the identity of the
110 reporter shall not be released, nor the name of any other person



111 where the person or agency making the information available finds
112 that disclosure of the information would be likely to endanger the
113 life or safety of such person. The attorney for the parent,
114 guardian or custodian of the child, upon request, shall be
115 provided a copy of any record, report or investigation relevant to
116 a matter to be heard by a youth court, but the identity of the
117 reporter must be redacted and the name of any other person must
118 also be redacted if the person or agency making the information
119 available finds that disclosure of the information would be likely
120 to endanger the life, safety or well-being of the person. A
121 record provided to the attorney under this section must remain in
122 the attorney's control and the attorney may not provide copies or
123 access to another person or entity without prior consent of a
124 court with appropriate jurisdiction.

125 (4) Upon request, the child who is the subject of a youth
126 court cause shall have the right to have his counsel inspect and
127 copy any record, report or investigation which is filed with the
128 youth court or which is to be considered by the youth court at a
129 hearing.

130 (5) (a) The youth court prosecutor or prosecutors, the
131 county attorney, the district attorney, the youth court defender
132 or defenders, or any attorney representing a child shall have the
133 right to inspect and copy any law enforcement record involving
134 children.



(b) The Department of Child Protection Services shall disclose to a county prosecuting attorney or district attorney any and all records resulting from an investigation into suspected child abuse or neglect when the case has been referred by the Department of Child Protection Services to the county prosecuting attorney or district attorney for criminal prosecution.

(c) Agency records made confidential under the provisions of this section may be disclosed to a court of competent jurisdiction.

(d) Records involving children shall be disclosed to the Division of Victim Compensation of the Office of the Attorney General upon the division's request without order of the youth court for purposes of determination of eligibility for victim compensation benefits.

(6) Information concerning an investigation into a report of child abuse or child neglect may be disclosed by the Department of Child Protection Services without order of the youth court to any attorney, physician, dentist, intern, resident, nurse, psychologist, social worker, family protection worker, family protection specialist, child caregiver, minister, law enforcement officer, or a public or private school employee making that report pursuant to Section 43-21-353(1) if the reporter has a continuing professional relationship with the child and a need for such information in order to protect or treat the child.



159 (7) Information concerning an investigation into a report of
160 child abuse or child neglect may be disclosed without further
161 order of the youth court to any interagency child abuse task force
162 established in any county or municipality by order of the youth
163 court of that county or municipality.

164 (8) Names and addresses of juveniles twice adjudicated as
165 delinquent for an act which would be a felony if committed by an
166 adult or for the unlawful possession of a firearm shall not be
167 held confidential and shall be made available to the public.

168 (9) Names and addresses of juveniles adjudicated as
169 delinquent for murder, manslaughter, burglary, arson, armed
170 robbery, aggravated assault, any sex offense as defined in Section
171 45-33-23, for any violation of Section 41-29-139(a)(1) or for any
172 violation of Section 63-11-30, shall not be held confidential and
173 shall be made available to the public.

174 (10) The judges of the circuit and county courts, and
175 presentence investigators for the circuit courts, as provided in
176 Section 47-7-9, shall have the right to inspect any youth court
177 records of a person convicted of a crime for sentencing purposes
178 only.

179 (11) The victim of an offense committed by a child who is
180 the subject of a youth court cause shall have the right to be
181 informed of the child's disposition by the youth court.

182 (12) A classification hearing officer of the State
183 Department of Corrections, as provided in Section 47-5-103, shall



184 have the right to inspect any youth court records, excluding abuse
185 and neglect records, of any offender in the custody of the
186 department who as a child or minor was a juvenile offender or was
187 the subject of a youth court cause of action, and the State Parole
188 Board, as provided in Section 47-7-17, shall have the right to
189 inspect such records when the offender becomes eligible for
190 parole.

191 (13) The youth court shall notify the Department of Public
192 Safety of the name, and any other identifying information such
193 department may require, of any child who is adjudicated delinquent
194 as a result of a violation of the Uniform Controlled Substances
195 Law.

196 (14) The Administrative Office of Courts shall have the
197 right to inspect any youth court records in order that the number
198 of youthful offenders, abused, neglected, truant and dependent
199 children, as well as children in need of special care and children
200 in need of supervision, may be tracked with specificity through
201 the youth court and adult justice system, and to utilize tracking
202 forms for such purpose.

203 (15) Upon a request by a youth court, the Administrative
204 Office of Courts shall disclose all information at its disposal
205 concerning any previous youth court intakes alleging that a child
206 was a delinquent child, child in need of supervision, child in
207 need of special care, truant child, abused child or neglected
208 child, as well as any previous youth court adjudications for the



209 same and all dispositional information concerning a child who at
210 the time of such request comes under the jurisdiction of the youth
211 court making such request.

212 (16) The Administrative Office of Courts may, in its
213 discretion, disclose to the Department of Public Safety any or all
214 of the information involving children contained in the office's
215 youth court data management system known as Mississippi Youth
216 Court Information Delivery System or "MYCIDS."

217 (17) The youth courts of the state shall disclose to the
218 Joint Legislative Committee on Performance Evaluation and
219 Expenditure Review (PEER) any youth court records in order that
220 the number of youthful offenders, abused, neglected, truant and
221 dependent children, as well as children in need of special care
222 and children in need of supervision, may be tracked with
223 specificity through the youth court and adult justice system, and
224 to utilize tracking forms for such purpose. The disclosure
225 prescribed in this subsection shall not require a court order and
226 shall be made in sortable, electronic format where possible. The
227 PEER Committee may seek the assistance of the Administrative
228 Office of Courts in seeking this information. The PEER Committee
229 shall not disclose the identities of any youth who have been
230 adjudicated in the youth courts of the state and shall only use
231 the disclosed information for the purpose of monitoring the
232 effectiveness and efficiency of programs established to assist



233 adjudicated youth, and to ascertain the incidence of adjudicated
234 youth who become adult offenders.

235 (18) In every case where an abuse or neglect allegation has
236 been made, the confidentiality provisions of this section shall
237 not apply to prohibit access to a child's records by any state
238 regulatory agency, any state or local prosecutorial agency or law
239 enforcement agency; however, no identifying information concerning
240 the child in question may be released to the public by such agency
241 except as otherwise provided herein.

242 (19) In every case of child abuse or neglect, if a child's
243 physical condition is medically labeled as medically "serious" or
244 "critical" or a child dies, the confidentiality provisions of this
245 section shall not apply. In such cases, the following information
246 may be released by the Mississippi Department of Child Protection
247 Services: the cause of the circumstances regarding the fatality
248 or medically serious or critical physical condition; the age and
249 gender of the child; information describing any previous reports
250 of child abuse or neglect investigations that are pertinent to the
251 child abuse or neglect that led to the fatality or medically
252 serious or critical physical condition; the result of any such
253 investigations; and the services provided by and actions of the
254 state on behalf of the child that are pertinent to the child abuse
255 or neglect that led to the fatality or medically serious or
256 critical physical condition.



257 (20) Any member of a foster care review board designated by
258 the Department of Child Protection Services shall have the right
259 to inspect youth court records relating to the abuse, neglect or
260 child in need of supervision cases assigned to such member for
261 review.

262 (21) Information concerning an investigation into a report
263 of child abuse or child neglect may be disclosed without further
264 order of the youth court in any administrative or due process
265 hearing held, pursuant to Section 43-21-257, by the Department of
266 Child Protection Services for individuals whose names will be
267 placed on the central registry as substantiated perpetrators.

268 (22) The Department of Child Protection Services may
269 disclose records involving children to the following:

270 (a) A foster home, residential child-caring agency or
271 child-placing agency to the extent necessary to provide such care
272 and services to a child;

273 (b) An individual, agency or organization that provides
274 services to a child or the child's family in furtherance of the
275 child's permanency plan to the extent necessary in providing those
276 services;

277 (c) Health and mental health care providers of a child
278 to the extent necessary for the provider to properly treat and
279 care for the child;

280 (d) An educational institution or educational services
281 provider where the child is enrolled or where enrollment is



anticipated to the extent necessary for the school to provide appropriate services to the child;

(e) Any state agency or board that administers student financial assistance programs. However, any records request under this paragraph shall be initiated by the agency or board for the purpose determining the child's eligibility for student financial assistance, and any disclosure shall be limited to the verification of the child's age during the period of time in which the child was in the department's legal custody; and

(f) Any other state agency if the disclosure is necessary to the department in fulfilling its statutory responsibilities in protecting the best interests of the child.

(23) Nothing in this section or chapter shall require youth court approval for disclosure of records involving children as defined in Section 43-21-105(u), if the disclosure is made in a criminal matter by a municipal or county prosecutor, a district attorney or statewide prosecutor, pursuant to the Mississippi Rules of Criminal Procedure and the records are disclosed under a protective order issued by the Circuit Court presiding over the criminal matter which incorporates the penalties stated in Section 43-21-267.

(24) The provisions of this section shall stand repealed on July 1, 2026.

SECTION 2. Section 43-21-351, Mississippi Code of 1972, is brought forward as follows:



43-21-351. (1) Any person or agency having knowledge that a child residing or being within the county is within the jurisdiction of the youth court may make a written report to the intake unit alleging facts sufficient to establish the jurisdiction of the youth court. The report shall bear a permanent number that will be assigned by the court in accordance with the standards established by the Administrative Office of Courts pursuant to Section 9-21-9(d), and shall be preserved until destroyed on order of the court.

(2) There shall be in each youth court of the state an intake officer who shall be responsible for the accurate and timely entering of all intake and case information into the Mississippi Youth Court Information Delivery System (MYCIDS) for the Department of Human Services - Division of Youth Services, truancy matters, and the Department of Child Protection Services. It shall be the responsibility of the youth court judge or referee of each county to ensure that the intake officer is carrying out the responsibility of this section.

(3) Each intake officer shall receive, at a minimum, six (6) hours of annual training on MYCIDS provided by the Mississippi Judicial College. The required training under this subsection shall be in addition to technical training provided by the Mississippi Supreme Court MYCIDS Information Technology Department.



(4) The Mississippi Judicial College, in conjunction with the Administrative Office of Courts, shall develop training materials on MYCIDS:

(a) To ensure the accurate and timely entrance of all intake and case information throughout the state by intake officers;

(b) To ensure that youth court judges are equipped to oversee the functions of each intake officer.

(5) The provisions of this section shall stand repealed on July 1, 2026.

SECTION 3. Section 43-21-801, Mississippi Code of 1972, is brought forward as follows:

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

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



to compensate an intake officer who shall be responsible for ensuring that all intake and case information for the Department of Human Services - Division of Youth Services, truancy matters, and the Department of Child Protection Services is entered into the Mississippi Youth Court Information Delivery System (MYCIDS) in an accurate and timely manner. If the court already has an intake officer responsible for entering all cases of the Department of Human Services - Division of Youth Services, truancy matters, and the Department of Child Protection Services into MYCIDS, the regular youth court referee or municipal court judge may certify to the Administrative Office of Courts that such a person is already on staff. In such a case, each regular youth court referee or municipal youth court judge shall have the sole individual discretion to appropriate those funds as expense monies to assist in hiring secretarial staff and acquiring materials and equipment incidental to carrying on the business of the court within the private practice of law of the referee or judge, or may direct the use of those funds through the county or municipal budget for court support supplies or services. The regular youth court referee and municipal youth court judge shall be accountable for assuring through private, county or municipal employees the proper preparation and filing of all necessary tracking and other documentation attendant to the administration of the youth court.

(ii) Title to all tangible property, excepting stamps, stationery and minor expendable office supplies, procured



with funds authorized by this section, shall be and forever remain in the county or municipality to be used by the judge or referee during the term of his office and thereafter by his successors.

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

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



405 (iii) The Administrative Office of Courts must
406 approve the position, job description and salary before the
407 position can be filled. The Administrative Office of Courts shall
408 not approve any plan that does not first require the expenditure
409 of the funds from the Youth Court Support Fund before expenditure
410 of county funds is authorized for that purpose.

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

414 (c) (i) Each county court is eligible for youth court
415 support funds. The funds shall be utilized to provide
416 compensation to an intake officer who shall be responsible for
417 ensuring that all intake and case information for the Department
418 of Human Services - Division of Youth Services, truancy matters,
419 and the Department of Child Protection Services is entered into
420 the Mississippi Youth Court Information Delivery System (MYCIDS)
421 in an accurate and timely manner. If the county court already has
422 an intake officer or other staff person responsible for entering
423 all cases of the Department of Human Services - Division of Youth
424 Services, truancy matters and the Department of Child Protection
425 Services into MYCIDS, the senior county court judge may certify
426 that such a person is already on staff. In such a case, the
427 senior county court judge shall have discretion to direct the
428 expenditure of those funds in hiring other support staff to carry
429 on the business of the court.



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

435 (iii) The appointment of support staff shall be
436 evidenced by the entry of an order on the minutes of the court.
437 The support staff so appointed shall serve at the will and
438 pleasure of the senior county court judge but shall be an employee
439 of the county.

440 (iv) The Administrative Office of Courts must
441 approve the positions, job descriptions and salaries before the
442 positions may be filled. The Administrative Office of Courts
443 shall not approve any plan that does not first require the
444 expenditure of funds from the Youth Court Support Fund before
445 expenditure of county funds is authorized for that purpose.

446 (v) The Administrative Office of Courts may
447 approve expenditure from the fund for additional equipment for
448 support staff appointed pursuant to this paragraph if the
449 additional expenditure falls within the formula. Title to any
450 tangible property procured with funds authorized under this
451 paragraph shall be and forever remain in the county to be used by
452 the youth court and support staff.

453 (2) (a) (i) The formula developed by the Administrative
454 Office of Courts for providing youth court support funds shall be



455 devised so as to distribute appropriated funds proportional to
456 caseload and other appropriate factors as set forth in regulations
457 promulgated by the Administrative Office of Courts. The formula
458 will determine a reasonable maximum amount per judge or referee
459 per annum that will not be exceeded in allocating funds under this
460 section.

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

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

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

471 (c) Approval of the use of any of the youth court
472 support funds distributed under this section shall be made by the
473 Administrative Office of Courts in accordance with procedures
474 established by the Administrative Office of Courts.

475 (3) (a) There is created in the State Treasury a special
476 fund to be designated as the "Youth Court Support Fund," which
477 shall consist of funds appropriated or otherwise made available by
478 the Legislature in any manner and funds from any other source
479 designated for deposit into such fund. Unexpended amounts



remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any investment earnings or interest earned on amounts in the fund shall be deposited to the credit of the fund. Monies in the fund shall be distributed to the youth courts by the Administrative Office of Courts for the purposes described in this section.

(b) (i) During the regular legislative session held in calendar year 2007, the Legislature may appropriate an amount not to exceed Two Million Five Hundred Thousand Dollars (\$2,500,000.00) to the Youth Court Support Fund.

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

(c) No youth court judge or youth court referee shall be eligible to receive funding from the Youth Court Support Fund who has not received annual continuing education in the field of juvenile justice in an amount to conform with the requirements of the Rules and Regulations for Mandatory Continuing Judicial Education promulgated by the Supreme Court or received at least one (1) hour of annual continuing education concerning oversight of youth court intake officers and MYCIDS. The Administrative Office of Courts shall maintain records of all referees and youth court judges regarding such training and shall not disburse funds to any county or municipality for the budget of a youth court



judge or referee who is not in compliance with the judicial training requirements.

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

(5) The provisions of this section shall stand repealed on July 1, 2026.

SECTION 4. Section 45-33-61, Mississippi Code of 1972, is brought forward as follows:

45-33-61. (1) A person convicted of a sex offense shall not access the Administrative Office of Courts' youth court data management system known as the Mississippi Youth Court Information Delivery System or "MYCIDS."

(2) This section applies to all registered sex offenders without regard to the date of conviction for a registrable offense.

(3) The provisions of this section shall stand repealed on July 1, 2026.

SECTION 5. Section 93-31-3, Mississippi Code of 1972, is brought forward as follows:

93-31-3. (1) (a) A parent or legal custodian of a child, by means of a properly executed power of attorney as provided in Section 93-31-5, may delegate to another willing person or persons



as attorney-in-fact any of the powers regarding the care and custody of the child other than the following:

(i) The power to consent to marriage or adoption of the child;

(ii) The performance or inducement of an abortion on or for the child; or

(iii) The termination of parental rights to the child.

(b) A delegation of powers under this section does not:

(i) Change or modify any parental or legal rights, obligations, or authority established by an existing court order;

(ii) Deprive any custodial or noncustodial parent or legal guardian of any parental or legal rights, obligations, or authority regarding the custody, visitation, or support of the child; or

(iii) Affect a court's ability to determine the best interests of a child.

(c) If both parents are living and neither parent's parental rights have been terminated, both parents must execute the power of attorney. If a noncustodial parent is absent or unknown, the custodial parent must complete the affidavit contemplated under Section 93-31-5 and attach it to the power of attorney.

(d) A power of attorney under this chapter must be facilitated by either a child welfare agency that is licensed to



place children for adoption and that is operating under the Safe Families for Children model or another charitable organization that is operating under the Safe Families for Children model. A full criminal history and child abuse and neglect background check must be conducted on any person who is not a grandparent, aunt, uncle, or sibling of the child if the person is:

(i) Designated or proposed to be designated as the attorney-in-fact; or

(ii) Is a person over the age of fifteen (15) who resides in the home of the designated attorney-in-fact.

(2) A power of attorney executed under this chapter shall not be used for the sole purposes of enrolling a child in a school to participate in the academic or interscholastic athletic programs provided by that school or for any other unlawful purposes, except as may be permitted by the federal Every Student Succeeds Act (Public Law 114-95).

(3) The parent or legal custodian of the child has the authority to revoke or withdraw the power of attorney authorized by this section at any time. Upon the termination, expiration, or revocation of the power of attorney, the child must be returned to the custody of the parent or legal custodian.

(4) Until the authority expires or is revoked or withdrawn by the parent or legal custodian, the attorney-in-fact shall exercise parental or legal authority on a continuous basis without compensation for the duration of the power of attorney.



580 (5) The execution of a power of attorney by a parent or
581 legal custodian does not, in the absence of other evidence,
582 constitute abandonment, desertion, abuse, neglect, or any evidence
583 of unfitness as a parent unless the parent or legal custodian
584 fails to take custody of the child or execute a new power of
585 attorney after the one-year time limit, or after a longer time
586 period as allowed for a serving parent, has elapsed. Nothing in
587 this subsection prevents the Department of Child Protection
588 Services or law enforcement from investigating allegations of
589 abuse, abandonment, desertion, neglect or other mistreatment of a
590 child.

591 (6) When the custody of a child is transferred by a power of
592 attorney under this chapter, the child is not considered to have
593 been placed in foster care and the attorney-in-fact will not be
594 subject to any of the requirements or licensing regulations for
595 foster care or other regulations relating to out-of-home care for
596 children and will not be subject to any statutes or regulations
597 dealing with the licensing or regulation of foster care homes.

598 (7) (a) "Serving parent" means a parent who is a member of
599 the Armed Forces of the United States, including any reserve
600 component thereof, or the National Oceanic and Atmospheric
601 Administration Commissioned Officer Corps or the Public Health
602 Service of the United States Department of Health and Human
603 Services detailed by proper authority for duty with the Armed
604 Forces of the United States, or who is required to enter or serve



in the active military service of the United States under a call or order of the President of the United States or to serve on state active duty.

(b) A serving parent may delegate the powers designated in subsection (1) of this section for longer than one (1) year if on active-duty service or if scheduled to be on active-duty service. The term of delegation, however, may not exceed the term of active-duty service plus thirty (30) days.

(8) (a) A power of attorney under this chapter must be filed in the youth court of the county where the minor child or children reside at the time the form is completed, and the clerk of the youth court will not impose or collect a filing fee. The filing is informational only, and no judicial intervention shall result at the time of filing.

(b) The power of attorney must be entered into the Mississippi Youth Court Information Delivery System (MYCIDS) under Section 43-21-351, and must be administratively reviewed by the youth court judge or referee, or a person designated by the youth court judge or referee, to ensure the safety of the child or children who are the subjects of the power of attorney one (1) year after the date of execution.

(9) The provisions of this section shall stand repealed on July 1, 2026.

SECTION 6. Section 9-21-9, Mississippi Code of 1972, is brought forward as follows:



630 9-21-9. (1) The Administrative Director of Courts shall
631 have the following duties and authority with respect to all courts
632 in addition to any other duties and responsibilities as may be
633 properly assigned by the Supreme Court and/or by law:

634 (a) To require the filing of reports, the collection
635 and compilation of statistical data and other information on the
636 judicial and financial operation of the courts and on the
637 operation of other offices directly related to and serving the
638 courts;

639 (b) To determine the state of the dockets and evaluate
640 the practices and procedures of the courts and make
641 recommendations concerning the number of judges and other
642 personnel required for the efficient administration of justice;

643 (c) To prescribe uniform administrative and business
644 methods, systems, forms and records to be used in the offices of
645 the clerks of courts;

646 (d) To devise, promulgate and require the use of a
647 uniform youth court case tracking system, including a youth court
648 case filing form for filing with each individual youth court
649 matter, to be utilized by the Administrative Office of Courts and
650 the youth courts in order that the number of youthful offenders,
651 abused, neglected, truant and dependent children, as well as
652 children in need of special care and children in need of
653 supervision, may be tracked with specificity through the youth
654 court and adult justice systems; in support of the uniform case



655 docketing system, the director shall require that all youth courts
656 utilize the Mississippi Youth Court Information Delivery System
657 (MYCIDS);

658 (e) To develop, promulgate and require the use of a
659 statewide docket numbering system to be utilized by the youth
660 courts, which youth court docket numbers shall standardize and
661 unify the numbering system by which youth court docket numbers are
662 assigned, such that each docket number would, among other things,
663 identify the county and year in which a particular youth court
664 action was commenced;

665 (f) To develop, promulgate and require the use of
666 uniform youth court orders and forms in all youth courts and youth
667 court proceedings;

668 (g) To prepare and submit budget recommendations for
669 state appropriations necessary for the maintenance and operation
670 of the judicial system and to authorize expenditures from funds
671 appropriated for these purposes as permitted or authorized by law;

672 (h) To develop and implement personnel policies for
673 nonjudicial personnel employed by the courts;

674 (i) To investigate, make recommendations concerning and
675 assist in the securing of adequate physical accommodations for the
676 judicial system;

677 (j) To procure, distribute, exchange, transfer and
678 assign such equipment, books, forms and supplies as are acquired



with state funds or grant funds or otherwise for the judicial system;

(k) To make recommendations for the improvement of the operations of the judicial system;

(l) To prepare and submit an annual report on the work of the judicial system to the Supreme Court;

(m) To take necessary steps in the collection of unpaid court costs, fines and forfeitures;

(n) To perform such additional administrative duties relating to the improvement of the administration of justice as may be assigned by the Supreme Court; and

(o) To promulgate standards, rules and regulations for computer and/or electronic filing and storage of all court records and court-related records maintained throughout the state in courts and in offices of circuit and chancery clerks.

(p) To utilize the provisions of law that regulate public purchasing in Sections 31-7-1 et seq., to contract with a provider to effectuate the requirements of paragraph (d) for the Mississippi Youth Court Information Delivery System (MYCIDS).

(2) (a) The Administrative Director of Courts shall conduct an audit of the Mississippi Youth Court Information Delivery System (MYCIDS), by August 1, 2024, to review: the services provided by the system, any contractors or employees used to administer the system, the process used to design or administer the system, guidelines used to create the system and the primary



functions of the system and whether the system can be accessed by users of the Mississippi Electronic Court System or merged with the Mississippi Electronic Court System.

(b) The Administrative Director of Courts shall provide a report to the Judiciary A Committees of the Mississippi House of Representatives and the Senate by September 1, 2024, that includes:

(i) A copy of the audit;

(ii) Recommendations that resolve any deficiencies in the system or improve the system;

(iii) Recommendations that outline the creation of a new system which is to be in operation by July 1, 2026.

(iv) A list of the companies or agencies that have submitted bids to resolve deficiencies, make improvements or create a new system.

SECTION 7. Section 9-17-1, Mississippi Code of 1972, is brought forward as follows:

9-17-1. (1) If a circuit or chancery district contains more than one (1) judge or chancellor, the judges or chancellors may establish jointly the office of court administrator for that judicial district with an order entered on the minutes of each court in that judicial district.

The establishment of the office of court administrator shall be accomplished by vote of a majority of the participating judges or chancellors in the district, and such court administrator shall



729 be appointed by vote of a majority of the judges or chancellors
730 and may be removed by a majority vote of the judges or
731 chancellors. In case of a tie vote, the senior judge or senior
732 chancellor shall cast two (2) votes.

733 (2) As an alternative to subsection (1), in a circuit or
734 chancery district containing more than one (1) judge or
735 chancellor, a judge or chancellor independently may establish the
736 office of court administrator for that judge's or chancellor's
737 office with an order entered on the minutes of each court in that
738 judicial district appointing the court administrator to serve at
739 the will and pleasure of the hiring judge or chancellor.

740 (3) In a county court where there is more than one (1)
741 county judge, the county judges may establish jointly the office
742 of court administrator for that county court with an order entered
743 on the minutes of that court.

744 The establishment of the office of court administrator shall
745 be accomplished by vote of a majority of the county judges in the
746 county, and the court administrator shall be appointed by a vote
747 of a majority of the county judges and may be removed by a
748 majority vote of the county judges. In the case of a tie vote,
749 the senior county judge shall cast two (2) votes.

750 (4) In a county court with one (1) county judge, the office
751 of court administrator shall be established with an order entered
752 on the minutes of that court. The appointment of the court
753 administrator shall be accomplished with an order entered on the



minutes of the court stating that the court administrator serves at the will and pleasure of the county judge.

(5) Before a court administrator appointed under this section may be hired, the Administrative Office of Courts will evaluate the chosen applicant to determine if the applicant meets the minimum requirements of the position of court administrator.

(6) The court administrators shall be provided office space in the same manner as such is afforded the circuit judges, chancellors and county judges.

(7) The annual salary of the court administrator appointed pursuant to subsection (1) shall be set by vote of the circuit judges or chancellors of the district and shall be submitted to the Administrative Office of Courts for approval pursuant to Section 9-1-36. The salary shall be paid in twelve (12) installments on the last working day of the month by the Administrative Office of Courts after it has been authorized by the participating judges and chancellors and an order has been duly placed on the minutes of each participating court.

Any county within a judicial district having a court administrator shall transfer to the Administrative Office of Courts one-twelfth (1/12) of its pro rata cost of authorized compensation, as defined in Section 9-1-36, for the court administrator by the twentieth day of each month for the compensation that is to be paid on the last day of that month. The board of supervisors may transfer the pro rata cost of the



county from the funds of that county pursuant to Section
9-17-5(2) (b) .

(8) The annual salary of each court administrator appointed pursuant to subsection (2) shall be set by the appointing circuit judge or chancellor and shall be submitted to the Administrative Office of Courts for approval pursuant to Section 9-1-36. The salary shall be paid in twelve (12) installments on the last working day of the month by the Administrative Office of Courts after it has been authorized by the appointing judge or chancellor and an order has been duly placed on the minutes of the participating court. Any county within a judicial district that has a court administrator shall transfer to the Administrative Office of Courts one-twelfth (1/12) of its pro rata cost of authorized compensation, as defined in Section 9-1-36, for the court administrator by the twentieth day of each month for the compensation that is to be paid on the last day of that month. The board of supervisors may transfer the pro rata cost of the county from the funds of that county pursuant to Section 9-17-5(2) (b) .

(9) The annual salary of the court administrator appointed pursuant to subsection (3) shall be set by a vote of the county judges of the county and shall be paid by the county's board of supervisors.



(10) The annual salary of the court administrator appointed pursuant to subsection (4) shall be set by the county judge of the county and shall be paid by that county's board of supervisors.

(11) For all travel required in the performance of official duties, the court administrator shall be paid mileage by the county in which the duties were performed at the same rate as provided for state employees in Section 25-3-41, Mississippi Code of 1972. The court administrator shall file a certificate of mileage expense incurred during that term with the board of supervisors of each participating county and payment of such expense shall be paid proportionately out of the court administration fund established pursuant to Section 9-17-5.

SECTION 8. Section 9-1-36, Mississippi Code of 1972, is brought forward as follows:

9-1-36. (1) Each circuit judge and chancellor shall receive an office operating allowance for the expenses of operating the office of the judge, including retaining a law clerk, legal research, stenographic help, stationery, stamps, furniture, office equipment, telephone, office rent and other items and expenditures necessary and incident to maintaining the office of judge which may include expenses to travel out of state once per state fiscal year for continuing legal education classes and or seminars if approved by the Chief Justice. The allowance shall be paid only to the extent of actual expenses incurred by the judge as itemized and certified by the judge to the Supreme Court in the amounts set



827 forth in this subsection; however, the judge may expend sums in
828 excess thereof from the compensation otherwise provided for his
829 office.

830 From and after July 1, 2023, the office operating allowance
831 under this subsection shall be Fifteen Thousand Dollars
832 (\$15,000.00) per annum.

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

837 (3) Each judge who desires to employ support staff must have
838 each candidate approved by the Administrative Office of Courts
839 before the positions may be filled. The Administrative Office of
840 Courts shall not approve any hire which does not first require the
841 expenditure of the funds in the support staff fund for
842 compensation of any of the support staff before expenditure is
843 authorized of county funds for that purpose. Upon approval by the
844 Administrative Office of Courts, the judge or judges may appoint
845 the employees to the position or positions, and each employee so
846 appointed will work at the will and pleasure of the judge or
847 judges who appointed him but will be employees of the
848 Administrative Office of Courts. Upon approval by the
849 Administrative Office of Courts, the appointment of any support
850 staff shall be evidenced by the entry of an order on the minutes
851 of the court. When support staff is appointed jointly by two (2)



or more judges, the order setting forth any appointment shall be entered on the minutes of each participating court.

(4) Support staff shall receive compensation pursuant to personnel policies established by the Administrative Office of Courts. Each judge shall be allotted the amount of One Hundred Thirty Thousand Dollars (\$130,000.00) per fiscal year for all support staff approved by the Administrative Office of Courts.

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

(5) For the purposes of this section, the following terms have the meaning ascribed in this subsection unless the context clearly requires otherwise:

(a) "Judges" means circuit judges and chancellors, or any combination thereof.

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

(c) "Compensation" means the gross salary plus all amounts paid for benefits or otherwise as a result of employment or as required by employment; however, only salary earned for services rendered shall be reported and credited for Public



877 Employees' Retirement System purposes. Amounts paid for benefits
878 or otherwise, including reimbursement for travel expenses, shall
879 not be reported or credited for retirement purposes.

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

883 (6) Title to all tangible property, excepting stamps,
884 stationery and minor expendable office supplies, procured with
885 funds authorized by this section, shall be and forever remain in
886 the State of Mississippi to be used by the circuit judge or
887 chancellor during the term of his office and thereafter by his
888 successors.

889 (7) Any circuit judge or chancellor who did not have a
890 primary office provided by the county on March 1, 1988, shall be
891 allowed an additional Seven Thousand Dollars (\$7,000.00) per annum
892 to defray the actual expenses incurred by the judge or chancellor
893 in maintaining an office; however, any circuit judge or chancellor
894 who had a primary office provided by the county on March 1, 1988,
895 and who vacated the office space after that date for a legitimate
896 reason, as determined by the Department of Finance and
897 Administration, shall be allowed the additional office expense
898 allowance provided under this subsection. The county in which a
899 circuit judge or chancellor sits is authorized to provide funds
900 from any available source to assist in defraying the actual
901 expenses to maintain an office.



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

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

SECTION 9. (1) No court or county board of supervisors may enter into any multiyear contract or service agreement for the purchase of a web-based application that is to be utilized with the Mississippi Youth Court Information System (MYCIDS) without the court or board of supervisors, as the case may be, having completed a competitive bidding process for the web-based application.

(2) The Department of Information Technology Services shall maintain on its website a list of all web-based application service providers who are authorized to provide such web-based application services to any court or county board of supervisors. The list shall contain the email address, mailing address and phone number for each such provider. No formal bid process will be necessary, including newspaper or bid bank advertising, if the purchase is an E-Rate purchase that follows the federal procurement and contract award rules for such a purchase. The



927 court or county board of supervisors shall provide a descriptive
928 Request for Proposal describing the services to be purchased and
929 the term of the contract. Courts or county boards of supervisors
930 shall solicit quotes from all providers on the ITS list. Price
931 quotes shall be received in sealed envelopes by the court or
932 county board of supervisors. Quotes shall not be opened until at
933 least twenty-eight (28) calendar days from the date all vendors on
934 the ITS list are provided with the Request for Proposal. All
935 price quotes shall be opened at a specified time in a public
936 setting. If any state contract exists for the services being
937 sought, the court or county board of supervisors must consider the
938 contract pricing as if it were a submitted quote. The Office of
939 Administrative Courts or the Mississippi Association of
940 Supervisors, as the case may be, shall aid the courts or county
941 boards of supervisors in the procurement process by providing
942 training and instructions.

943 (3) The Department of Information Technology Services shall
944 provide the courts or county boards of supervisors, as the case
945 may be, with a contract template for such courts and boards of
946 supervisors to use for the contract and service agreement during
947 the procurement process. The contract shall not exceed five (5)
948 years and shall contain a specific price redetermination process
949 every two (2) years from the date of the contract whereby the
950 service provider may adjust pricing to comply with the E-Rate's



requirement that providers provide courts or counties boards of supervisors with the lowest corresponding pricing available.

SECTION 10. Section 31-7-13, Mississippi Code of 1972, is amended as follows:

31-7-13. All agencies and governing authorities shall purchase their commodities and printing; contract for garbage collection or disposal; contract for solid waste collection or disposal; contract for sewage collection or disposal; contract for public construction; and contract for rentals as herein provided.

(a) **Bidding procedure for purchases not over \$5,000.00.** Purchases which do not involve an expenditure of more than Five Thousand Dollars (\$5,000.00), exclusive of freight or shipping charges, may be made without advertising or otherwise requesting competitive bids. However, nothing contained in this paragraph (a) shall be construed to prohibit any agency or governing authority from establishing procedures which require competitive bids on purchases of Five Thousand Dollars (\$5,000.00) or less.

(b) **Bidding procedure for purchases over \$5,000.00 but not over \$75,000.00.** Purchases which involve an expenditure of more than Five Thousand Dollars (\$5,000.00) but not more than Seventy-five Thousand Dollars (\$75,000.00), exclusive of freight and shipping charges, may be made from the lowest and best bidder without publishing or posting advertisement for bids, provided at least two (2) competitive written bids have been obtained. Any state agency or community or junior college purchasing commodities



976 or procuring construction pursuant to this paragraph (b) may
977 authorize its purchasing agent, or his designee, to accept the
978 lowest competitive written bid under Seventy-five Thousand Dollars
979 (\$75,000.00). Any governing authority purchasing commodities
980 pursuant to this paragraph (b) may authorize its purchasing agent,
981 or his designee, with regard to governing authorities other than
982 counties, or its purchase clerk, or his designee, with regard to
983 counties, to accept the lowest and best competitive written bid.
984 Such authorization shall be made in writing by the governing
985 authority and shall be maintained on file in the primary office of
986 the agency and recorded in the official minutes of the governing
987 authority, as appropriate. The purchasing agent or the purchase
988 clerk, or his designee, as the case may be, and not the governing
989 authority, shall be liable for any penalties and/or damages as may
990 be imposed by law for any act or omission of the purchasing agent
991 or purchase clerk, or his designee, constituting a violation of
992 law in accepting any bid without approval by the governing
993 authority. The term "competitive written bid" shall mean a bid
994 submitted on a bid form furnished by the buying agency or
995 governing authority and signed by authorized personnel
996 representing the vendor, or a bid submitted on a vendor's
997 letterhead or identifiable bid form and signed by authorized
998 personnel representing the vendor. "Competitive" shall mean that
999 the bids are developed based upon comparable identification of the
1000 needs and are developed independently and without knowledge of



1001 other bids or prospective bids. Any bid item for construction in
1002 excess of Five Thousand Dollars (\$5,000.00) shall be broken down
1003 by components to provide detail of component description and
1004 pricing. These details shall be submitted with the written bids
1005 and become part of the bid evaluation criteria. Bids may be
1006 submitted by facsimile, electronic mail or other generally
1007 accepted method of information distribution. Bids submitted by
1008 electronic transmission shall not require the signature of the
1009 vendor's representative unless required by agencies or governing
1010 authorities.

1011 (c) **Bidding procedure for purchases over \$75,000.00.**

1012 (i) **Publication requirement.**

1013 1. Purchases which involve an expenditure of
1014 more than Seventy-five Thousand Dollars (\$75,000.00), exclusive of
1015 freight and shipping charges, may be made from the lowest and best
1016 bidder after advertising for competitive bids once each week for
1017 two (2) consecutive weeks in a regular newspaper published in the
1018 county or municipality in which such agency or governing authority
1019 is located. However, all American Recovery and Reinvestment Act
1020 projects in excess of Twenty-five Thousand Dollars (\$25,000.00)
1021 shall be bid. All references to American Recovery and
1022 Reinvestment Act projects in this section shall not apply to
1023 programs identified in Division B of the American Recovery and
1024 Reinvestment Act.



1025 2. Reverse auctions shall be the primary
1026 method for receiving bids during the bidding process. If a
1027 purchasing entity determines that a reverse auction is not in the
1028 best interest of the state, then that determination must be
1029 approved by the Public Procurement Review Board. The purchasing
1030 entity shall submit a detailed explanation of why a reverse
1031 auction would not be in the best interest of the state and present
1032 an alternative process to be approved by the Public Procurement
1033 Review Board. If the Public Procurement Review Board authorizes
1034 the purchasing entity to solicit bids with a method other than
1035 reverse auction, then the purchasing entity may designate the
1036 other methods by which the bids will be received, including, but
1037 not limited to, bids sealed in an envelope, bids received
1038 electronically in a secure system, or bids received by any other
1039 method that promotes open competition and has been approved by the
1040 Office of Purchasing and Travel. However, reverse auction shall
1041 not be used for any public contract for design, construction,
1042 improvement, repair or remodeling of any public facilities,
1043 including the purchase of materials, supplies, equipment or goods
1044 for same and including buildings, roads and bridges. The Public
1045 Procurement Review Board must approve any contract entered into by
1046 alternative process. The provisions of this item 2 shall not
1047 apply to the individual state institutions of higher learning.
1048 The provisions of this item 2 requiring reverse auction as the
1049 primary method of receiving bids shall not apply to term contract



purchases as provided in paragraph (n) of this section; however, a purchasing entity may, in its discretion, utilize reverse auction for such purchases. The provisions of this item 2 shall not apply to individual public schools, including public charter schools and public school districts, only when purchasing copyrighted educational supplemental materials and software as a service product. For such purchases, a local school board may authorize a purchasing entity in its jurisdiction to use a Request for Qualifications which promotes open competition and meets the requirements of the Office of Purchasing and Travel.

3. The date as published for the bid opening shall not be less than seven (7) working days after the last published notice; however, if the purchase involves a construction project in which the estimated cost is in excess of Seventy-five Thousand Dollars (\$75,000.00), such bids shall not be opened in less than fifteen (15) working days after the last notice is published and the notice for the purchase of such construction shall be published once each week for two (2) consecutive weeks. The notice of intention to let contracts or purchase equipment shall state the time and place at which bids shall be received, list the contracts to be made or types of equipment or supplies to be purchased, and, if all plans and/or specifications are not published, refer to the plans and/or specifications on file. If there is no newspaper published in the county or municipality, then such notice shall be given by posting same at the courthouse,



1075 or for municipalities at the city hall, and at two (2) other
1076 public places in the county or municipality, and also by
1077 publication once each week for two (2) consecutive weeks in some
1078 newspaper having a general circulation in the county or
1079 municipality in the above-provided manner. On the same date that
1080 the notice is submitted to the newspaper for publication, the
1081 agency or governing authority involved shall mail written notice
1082 to, or provide electronic notification to the main office of the
1083 Mississippi Procurement Technical Assistance Program under the
1084 Mississippi Development Authority that contains the same
1085 information as that in the published notice. Within one (1)
1086 working day of the contract award, the agency or governing
1087 authority shall post to the designated web page maintained by the
1088 Department of Finance and Administration, notice of the award,
1089 including the award recipient, the contract amount, and a brief
1090 summary of the contract in accordance with rules promulgated by
1091 the department. Within one (1) working day of the contract
1092 execution, the agency or governing authority shall post to the
1093 designated web page maintained by the Department of Finance and
1094 Administration a summary of the executed contract and make a copy
1095 of the appropriately redacted contract documents available for
1096 linking to the designated web page in accordance with the rules
1097 promulgated by the department. The information provided by the
1098 agency or governing authority shall be posted to the web page
1099 until the project is completed.



1100 4. Agencies and governing authorities using
1101 federal funds for the procurement of any good or service,
1102 including exempt personal and professional services, must comply
1103 with the Uniform Administrative Requirements, Cost Principles, and
1104 Audit Requirements for Federal Awards - Subpart D - Post Federal
1105 Award Requirements Procurement Standards, in accordance with 2 CFR
1106 200.317 through 2 CFR 200.327.

1107 (ii) **Bidding process amendment procedure.** If all
1108 plans and/or specifications are published in the notification,
1109 then the plans and/or specifications may not be amended. If all
1110 plans and/or specifications are not published in the notification,
1111 then amendments to the plans/specifications, bid opening date, bid
1112 opening time and place may be made, provided that the agency or
1113 governing authority maintains a list of all prospective bidders
1114 who are known to have received a copy of the bid documents and all
1115 such prospective bidders are sent copies of all amendments. This
1116 notification of amendments may be made via mail, facsimile,
1117 electronic mail or other generally accepted method of information
1118 distribution. No addendum to bid specifications may be issued
1119 within two (2) working days of the time established for the
1120 receipt of bids unless such addendum also amends the bid opening
1121 to a date not less than five (5) working days after the date of
1122 the addendum.

1123 (iii) **Filing requirement.** In all cases involving
1124 governing authorities, before the notice shall be published or



1125 posted, the plans or specifications for the construction or
1126 equipment being sought shall be filed with the clerk of the board
1127 of the governing authority. In addition to these requirements, a
1128 bid file shall be established which shall indicate those vendors
1129 to whom such solicitations and specifications were issued, and
1130 such file shall also contain such information as is pertinent to
1131 the bid.

1132 (iv) **Specification restrictions.**

1133 1. Specifications pertinent to such bidding
1134 shall be written so as not to exclude comparable equipment of
1135 domestic manufacture. However, if valid justification is
1136 presented, the Department of Finance and Administration or the
1137 board of a governing authority may approve a request for specific
1138 equipment necessary to perform a specific job. Further, such
1139 justification, when placed on the minutes of the board of a
1140 governing authority, may serve as authority for that governing
1141 authority to write specifications to require a specific item of
1142 equipment needed to perform a specific job. In addition to these
1143 requirements, from and after July 1, 1990, vendors of relocatable
1144 classrooms and the specifications for the purchase of such
1145 relocatable classrooms published by local school boards shall meet
1146 all pertinent regulations of the State Board of Education,
1147 including prior approval of such bid by the State Department of
1148 Education.



1149 2. Specifications for construction projects

1150 may include an allowance for commodities, equipment, furniture,
1151 construction materials or systems in which prospective bidders are
1152 instructed to include in their bids specified amounts for such
1153 items so long as the allowance items are acquired by the vendor in
1154 a commercially reasonable manner and approved by the
1155 agency/governing authority. Such acquisitions shall not be made
1156 to circumvent the public purchasing laws.

1157 (v) **Electronic bids.** Agencies and governing
1158 authorities shall provide a secure electronic interactive system
1159 for the submittal of bids requiring competitive bidding that shall
1160 be an additional bidding option for those bidders who choose to
1161 submit their bids electronically. The Department of Finance and
1162 Administration shall provide, by regulation, the standards that
1163 agencies must follow when receiving electronic bids. Agencies and
1164 governing authorities shall make the appropriate provisions
1165 necessary to accept electronic bids from those bidders who choose
1166 to submit their bids electronically for all purchases requiring
1167 competitive bidding under this section. Any special condition or
1168 requirement for the electronic bid submission shall be specified
1169 in the advertisement for bids required by this section. Agencies
1170 or governing authorities that are currently without available high
1171 speed Internet access shall be exempt from the requirement of this
1172 subparagraph (v) until such time that high speed Internet access
1173 becomes available. Any county having a population of less than



1174 twenty thousand (20,000) shall be exempt from the provisions of
1175 this subparagraph (v). Any municipality having a population of
1176 less than ten thousand (10,000) shall be exempt from the
1177 provisions of this subparagraph (v). The provisions of this
1178 subparagraph (v) shall not require any bidder to submit bids
1179 electronically. When construction bids are submitted
1180 electronically, the requirement for including a certificate of
1181 responsibility, or a statement that the bid enclosed does not
1182 exceed Fifty Thousand Dollars (\$50,000.00), on the exterior of the
1183 bid envelope as indicated in Section 31-3-21(1) and (2) shall be
1184 deemed in compliance with by including same as an attachment with
1185 the electronic bid submittal.

1186 (d) **Lowest and best bid decision procedure.**

1187 (i) **Decision procedure.** Purchases may be made
1188 from the lowest and best bidder. In determining the lowest and
1189 best bid, freight and shipping charges shall be included.
1190 Life-cycle costing, total cost bids, warranties, guaranteed
1191 buy-back provisions and other relevant provisions may be included
1192 in the best bid calculation. All best bid procedures for state
1193 agencies must be in compliance with regulations established by the
1194 Department of Finance and Administration. If any governing
1195 authority accepts a bid other than the lowest bid actually
1196 submitted, it shall place on its minutes detailed calculations and
1197 narrative summary showing that the accepted bid was determined to
1198 be the lowest and best bid, including the dollar amount of the



1199 accepted bid and the dollar amount of the lowest bid. No agency
1200 or governing authority shall accept a bid based on items not
1201 included in the specifications.

1202 (ii) **Decision procedure for Certified Purchasing**
1203 **Offices.** In addition to the decision procedure set forth in
1204 subparagraph (i) of this paragraph (d), Certified Purchasing
1205 Offices may also use the following procedure: Purchases may be
1206 made from the bidder offering the best value. In determining the
1207 best value bid, freight and shipping charges shall be included.
1208 Life-cycle costing, total cost bids, warranties, guaranteed
1209 buy-back provisions, documented previous experience, training
1210 costs and other relevant provisions, including, but not limited
1211 to, a bidder having a local office and inventory located within
1212 the jurisdiction of the governing authority, may be included in
1213 the best value calculation. This provision shall authorize
1214 Certified Purchasing Offices to utilize a Request For Proposals
1215 (RFP) process when purchasing commodities. All best value
1216 procedures for state agencies must be in compliance with
1217 regulations established by the Department of Finance and
1218 Administration. No agency or governing authority shall accept a
1219 bid based on items or criteria not included in the specifications.

1220 (iii) **Decision procedure for Mississippi**
1221 **Landmarks.** In addition to the decision procedure set forth in
1222 subparagraph (i) of this paragraph (d), where purchase involves
1223 renovation, restoration, or both, of the State Capitol Building or



1224 any other historical building designated for at least five (5)
1225 years as a Mississippi Landmark by the Board of Trustees of the
1226 Department of Archives and History under the authority of Sections
1227 39-7-7 and 39-7-11, the agency or governing authority may use the
1228 following procedure: Purchases may be made from the lowest and
1229 best prequalified bidder. Prequalification of bidders shall be
1230 determined not less than fifteen (15) working days before the
1231 first published notice of bid opening. Prequalification criteria
1232 shall be limited to bidder's knowledge and experience in
1233 historical restoration, preservation and renovation. In
1234 determining the lowest and best bid, freight and shipping charges
1235 shall be included. Life-cycle costing, total cost bids,
1236 warranties, guaranteed buy-back provisions and other relevant
1237 provisions may be included in the best bid calculation. All best
1238 bid and prequalification procedures for state agencies must be in
1239 compliance with regulations established by the Department of
1240 Finance and Administration. If any governing authority accepts a
1241 bid other than the lowest bid actually submitted, it shall place
1242 on its minutes detailed calculations and narrative summary showing
1243 that the accepted bid was determined to be the lowest and best
1244 bid, including the dollar amount of the accepted bid and the
1245 dollar amount of the lowest bid. No agency or governing authority
1246 shall accept a bid based on items not included in the
1247 specifications.



1248 (iv) **Construction project negotiations authority.**

1249 If the lowest and best bid is not more than ten percent (10%)
1250 above the amount of funds allocated for a public construction or
1251 renovation project, then the agency or governing authority shall
1252 be permitted to negotiate with the lowest bidder in order to enter
1253 into a contract for an amount not to exceed the funds allocated.

1254 (e) **Lease-purchase authorization.** For the purposes of
1255 this section, the term "equipment" shall mean equipment, furniture
1256 and, if applicable, associated software and other applicable
1257 direct costs associated with the acquisition. Any lease-purchase
1258 of equipment which an agency is not required to lease-purchase
1259 under the master lease-purchase program pursuant to Section
1260 31-7-10 and any lease-purchase of equipment which a governing
1261 authority elects to lease-purchase may be acquired by a
1262 lease-purchase agreement under this paragraph (e). Lease-purchase
1263 financing may also be obtained from the vendor or from a
1264 third-party source after having solicited and obtained at least
1265 two (2) written competitive bids, as defined in paragraph (b) of
1266 this section, for such financing without advertising for such
1267 bids. Solicitation for the bids for financing may occur before or
1268 after acceptance of bids for the purchase of such equipment or,
1269 where no such bids for purchase are required, at any time before
1270 the purchase thereof. No such lease-purchase agreement shall be
1271 for an annual rate of interest which is greater than the overall
1272 maximum interest rate to maturity on general obligation



1273 indebtedness permitted under Section 75-17-101, and the term of
1274 such lease-purchase agreement shall not exceed the useful life of
1275 equipment covered thereby as determined according to the upper
1276 limit of the asset depreciation range (ADR) guidelines for the
1277 Class Life Asset Depreciation Range System established by the
1278 Internal Revenue Service pursuant to the United States Internal
1279 Revenue Code and regulations thereunder as in effect on December
1280 31, 1980, or comparable depreciation guidelines with respect to
1281 any equipment not covered by ADR guidelines. Any lease-purchase
1282 agreement entered into pursuant to this paragraph (e) may contain
1283 any of the terms and conditions which a master lease-purchase
1284 agreement may contain under the provisions of Section 31-7-10(5),
1285 and shall contain an annual allocation dependency clause
1286 substantially similar to that set forth in Section 31-7-10(8).
1287 Each agency or governing authority entering into a lease-purchase
1288 transaction pursuant to this paragraph (e) shall maintain with
1289 respect to each such lease-purchase transaction the same
1290 information as required to be maintained by the Department of
1291 Finance and Administration pursuant to Section 31-7-10(13).
1292 However, nothing contained in this section shall be construed to
1293 permit agencies to acquire items of equipment with a total
1294 acquisition cost in the aggregate of less than Ten Thousand
1295 Dollars (\$10,000.00) by a single lease-purchase transaction. All
1296 equipment, and the purchase thereof by any lessor, acquired by
1297 lease-purchase under this paragraph and all lease-purchase



1298 payments with respect thereto shall be exempt from all Mississippi
1299 sales, use and ad valorem taxes. Interest paid on any
1300 lease-purchase agreement under this section shall be exempt from
1301 State of Mississippi income taxation.

1302 (f) **Alternate bid authorization.** When necessary to
1303 ensure ready availability of commodities for public works and the
1304 timely completion of public projects, no more than two (2)
1305 alternate bids may be accepted by a governing authority for
1306 commodities. No purchases may be made through use of such
1307 alternate bids procedure unless the lowest and best bidder cannot
1308 deliver the commodities contained in his bid. In that event,
1309 purchases of such commodities may be made from one (1) of the
1310 bidders whose bid was accepted as an alternate.

1311 (g) **Construction contract change authorization.** In the
1312 event a determination is made by an agency or governing authority
1313 after a construction contract is let that changes or modifications
1314 to the original contract are necessary or would better serve the
1315 purpose of the agency or the governing authority, such agency or
1316 governing authority may, in its discretion, order such changes
1317 pertaining to the construction that are necessary under the
1318 circumstances without the necessity of further public bids;
1319 provided that such change shall be made in a commercially
1320 reasonable manner and shall not be made to circumvent the public
1321 purchasing statutes. In addition to any other authorized person,
1322 the architect or engineer hired by an agency or governing



1323 authority with respect to any public construction contract shall
1324 have the authority, when granted by an agency or governing
1325 authority, to authorize changes or modifications to the original
1326 contract without the necessity of prior approval of the agency or
1327 governing authority when any such change or modification is less
1328 than one percent (1%) of the total contract amount. The agency or
1329 governing authority may limit the number, manner or frequency of
1330 such emergency changes or modifications.

1331 (h) **Petroleum purchase alternative.** In addition to
1332 other methods of purchasing authorized in this chapter, when any
1333 agency or governing authority shall have a need for gas, diesel
1334 fuel, oils and/or other petroleum products in excess of the amount
1335 set forth in paragraph (a) of this section, such agency or
1336 governing authority may purchase the commodity after having
1337 solicited and obtained at least two (2) competitive written bids,
1338 as defined in paragraph (b) of this section. If two (2)
1339 competitive written bids are not obtained, the entity shall comply
1340 with the procedures set forth in paragraph (c) of this section.
1341 In the event any agency or governing authority shall have
1342 advertised for bids for the purchase of gas, diesel fuel, oils and
1343 other petroleum products and coal and no acceptable bids can be
1344 obtained, such agency or governing authority is authorized and
1345 directed to enter into any negotiations necessary to secure the
1346 lowest and best contract available for the purchase of such
1347 commodities.



1348 (i) **Road construction petroleum products price**
1349 **adjustment clause authorization.** Any agency or governing
1350 authority authorized to enter into contracts for the construction,
1351 maintenance, surfacing or repair of highways, roads or streets,
1352 may include in its bid proposal and contract documents a price
1353 adjustment clause with relation to the cost to the contractor,
1354 including taxes, based upon an industry-wide cost index, of
1355 petroleum products including asphalt used in the performance or
1356 execution of the contract or in the production or manufacture of
1357 materials for use in such performance. Such industry-wide index
1358 shall be established and published monthly by the Mississippi
1359 Department of Transportation with a copy thereof to be mailed,
1360 upon request, to the clerks of the governing authority of each
1361 municipality and the clerks of each board of supervisors
1362 throughout the state. The price adjustment clause shall be based
1363 on the cost of such petroleum products only and shall not include
1364 any additional profit or overhead as part of the adjustment. The
1365 bid proposals or document contract shall contain the basis and
1366 methods of adjusting unit prices for the change in the cost of
1367 such petroleum products.

1368 (j) **State agency emergency purchase procedure.** If the
1369 governing board or the executive head, or his designees, of any
1370 agency of the state shall determine that an emergency exists in
1371 regard to the purchase of any commodities or repair contracts, so
1372 that the delay incident to giving opportunity for competitive



1373 bidding would be detrimental to the interests of the state, then
1374 the head of such agency, or his designees, shall file with the
1375 Department of Finance and Administration (i) a statement
1376 explaining the conditions and circumstances of the emergency,
1377 which shall include a detailed description of the events leading
1378 up to the situation and the negative impact to the entity if the
1379 purchase is made following the statutory requirements set forth in
1380 paragraph (a), (b) or (c) of this section, and (ii) a certified
1381 copy of the appropriate minutes of the board of such agency
1382 requesting the emergency purchase, if applicable. Upon receipt of
1383 the statement and applicable board certification, the State Fiscal
1384 Officer, or his designees, may, in writing, authorize the purchase
1385 or repair without having to comply with competitive bidding
1386 requirements.

1387 If the governing board or the executive head, or his
1388 designees, of any agency determines that an emergency exists in
1389 regard to the purchase of any commodities or repair contracts, so
1390 that the delay incident to giving opportunity for competitive
1391 bidding would threaten the health or safety of any person, or the
1392 preservation or protection of property, then the provisions in
1393 this section for competitive bidding shall not apply, and any
1394 officer or agent of the agency having general or specific
1395 authority for making the purchase or repair contract shall approve
1396 the bill presented for payment, and he shall certify in writing



1397 from whom the purchase was made, or with whom the repair contract
1398 was made.

1399 Total purchases made under this paragraph (j) shall only be
1400 for the purpose of meeting needs created by the emergency
1401 situation. Following the emergency purchase, documentation of the
1402 purchase, including a description of the commodity purchased, the
1403 purchase price thereof and the nature of the emergency shall be
1404 filed with the Department of Finance and Administration. Any
1405 contract awarded pursuant to this paragraph (j) shall not exceed a
1406 term of one (1) year.

1407 Purchases under the grant program established under Section
1408 37-68-7 in response to COVID-19 and the directive that school
1409 districts create a distance learning plan and fulfill technology
1410 needs expeditiously shall be deemed an emergency purchase for
1411 purposes of this paragraph (j).

1412 (k) **Governing authority emergency purchase procedure.**

1413 If the governing authority, or the governing authority acting
1414 through its designee, shall determine that an emergency exists in
1415 regard to the purchase of any commodities or repair contracts, so
1416 that the delay incident to giving opportunity for competitive
1417 bidding would be detrimental to the interest of the governing
1418 authority, then the provisions herein for competitive bidding
1419 shall not apply and any officer or agent of such governing
1420 authority having general or special authority therefor in making
1421 such purchase or repair shall approve the bill presented therefor,



1422 and he shall certify in writing thereon from whom such purchase
1423 was made, or with whom such a repair contract was made. At the
1424 board meeting next following the emergency purchase or repair
1425 contract, documentation of the purchase or repair contract,
1426 including a description of the commodity purchased, the price
1427 thereof and the nature of the emergency shall be presented to the
1428 board and shall be placed on the minutes of the board of such
1429 governing authority. Purchases under the grant program
1430 established under Section 37-68-7 in response to COVID-19 and the
1431 directive that school districts create a distance learning plan
1432 and fulfill technology needs expeditiously shall be deemed an
1433 emergency purchase for purposes of this paragraph (k).

1434 (1) **Hospital purchase, lease-purchase and lease**
1435 **authorization.**

1436 (i) The commissioners or board of trustees of any
1437 public hospital may contract with such lowest and best bidder for
1438 the purchase or lease-purchase of any commodity under a contract
1439 of purchase or lease-purchase agreement whose obligatory payment
1440 terms do not exceed five (5) years.

1441 (ii) In addition to the authority granted in
1442 subparagraph (i) of this paragraph (1), the commissioners or board
1443 of trustees is authorized to enter into contracts for the lease of
1444 equipment or services, or both, which it considers necessary for
1445 the proper care of patients if, in its opinion, it is not
1446 financially feasible to purchase the necessary equipment or



1447 services. Any such contract for the lease of equipment or
1448 services executed by the commissioners or board shall not exceed a
1449 maximum of five (5) years' duration and shall include a
1450 cancellation clause based on unavailability of funds. If such
1451 cancellation clause is exercised, there shall be no further
1452 liability on the part of the lessee. Any such contract for the
1453 lease of equipment or services executed on behalf of the
1454 commissioners or board that complies with the provisions of this
1455 subparagraph (ii) shall be excepted from the bid requirements set
1456 forth in this section.

1457 (m) **Exceptions from bidding requirements.** Excepted
1458 from bid requirements are:

1459 (i) **Purchasing agreements approved by department.**
1460 Purchasing agreements, contracts and maximum price regulations
1461 executed or approved by the Department of Finance and
1462 Administration.

1463 (ii) **Outside equipment repairs.** Repairs to
1464 equipment, when such repairs are made by repair facilities in the
1465 private sector; however, engines, transmissions, rear axles and/or
1466 other such components shall not be included in this exemption when
1467 replaced as a complete unit instead of being repaired and the need
1468 for such total component replacement is known before disassembly
1469 of the component; however, invoices identifying the equipment,
1470 specific repairs made, parts identified by number and name,
1471 supplies used in such repairs, and the number of hours of labor



1472 and costs therefor shall be required for the payment for such
1473 repairs.

1474 (iii) **In-house equipment repairs.** Purchases of
1475 parts for repairs to equipment, when such repairs are made by
1476 personnel of the agency or governing authority; however, entire
1477 assemblies, such as engines or transmissions, shall not be
1478 included in this exemption when the entire assembly is being
1479 replaced instead of being repaired.

1480 (iv) **Raw gravel or dirt.** Raw unprocessed deposits
1481 of gravel or fill dirt which are to be removed and transported by
1482 the purchaser.

1483 (v) **Governmental equipment auctions.** Motor
1484 vehicles or other equipment purchased from a federal agency or
1485 authority, another governing authority or state agency of the
1486 State of Mississippi, or any governing authority or state agency
1487 of another state at a public auction held for the purpose of
1488 disposing of such vehicles or other equipment. Any purchase by a
1489 governing authority under the exemption authorized by this
1490 subparagraph (v) shall require advance authorization spread upon
1491 the minutes of the governing authority to include the listing of
1492 the item or items authorized to be purchased and the maximum bid
1493 authorized to be paid for each item or items.

1494 (vi) **Intergovernmental sales and transfers.**
1495 Purchases, sales, transfers or trades by governing authorities or
1496 state agencies when such purchases, sales, transfers or trades are



1497 made by a private treaty agreement or through means of
1498 negotiation, from any federal agency or authority, another
1499 governing authority or state agency of the State of Mississippi,
1500 or any state agency or governing authority of another state.
1501 Nothing in this section shall permit such purchases through public
1502 auction except as provided for in subparagraph (v) of this
1503 paragraph (m). It is the intent of this section to allow
1504 governmental entities to dispose of and/or purchase commodities
1505 from other governmental entities at a price that is agreed to by
1506 both parties. This shall allow for purchases and/or sales at
1507 prices which may be determined to be below the market value if the
1508 selling entity determines that the sale at below market value is
1509 in the best interest of the taxpayers of the state. Governing
1510 authorities shall place the terms of the agreement and any
1511 justification on the minutes, and state agencies shall obtain
1512 approval from the Department of Finance and Administration, prior
1513 to releasing or taking possession of the commodities.

1514 (vii) **Perishable supplies or food.** Perishable
1515 supplies or food purchased for use in connection with hospitals,
1516 the school lunch programs, homemaking programs and for the feeding
1517 of county or municipal prisoners.

1518 (viii) **Single-source items.** Noncompetitive items
1519 available from one (1) source only. In connection with the
1520 purchase of noncompetitive items only available from one (1)
1521 source, a certification of the conditions and circumstances



1522 requiring the purchase shall be filed by the agency with the
1523 Department of Finance and Administration and by the governing
1524 authority with the board of the governing authority. Upon receipt
1525 of that certification the Department of Finance and Administration
1526 or the board of the governing authority, as the case may be, may,
1527 in writing, authorize the purchase, which authority shall be noted
1528 on the minutes of the body at the next regular meeting thereafter.
1529 In those situations, a governing authority is not required to
1530 obtain the approval of the Department of Finance and
1531 Administration. Following the purchase, the executive head of the
1532 state agency, or his designees, shall file with the Department of
1533 Finance and Administration, documentation of the purchase,
1534 including a description of the commodity purchased, the purchase
1535 price thereof and the source from whom it was purchased.

1536 (ix) **Waste disposal facility construction**
1537 **contracts.** Construction of incinerators and other facilities for
1538 disposal of solid wastes in which products either generated
1539 therein, such as steam, or recovered therefrom, such as materials
1540 for recycling, are to be sold or otherwise disposed of; however,
1541 in constructing such facilities, a governing authority or agency
1542 shall publicly issue requests for proposals, advertised for in the
1543 same manner as provided herein for seeking bids for public
1544 construction projects, concerning the design, construction,
1545 ownership, operation and/or maintenance of such facilities,
1546 wherein such requests for proposals when issued shall contain



1547 terms and conditions relating to price, financial responsibility,
1548 technology, environmental compatibility, legal responsibilities
1549 and such other matters as are determined by the governing
1550 authority or agency to be appropriate for inclusion; and after
1551 responses to the request for proposals have been duly received,
1552 the governing authority or agency may select the most qualified
1553 proposal or proposals on the basis of price, technology and other
1554 relevant factors and from such proposals, but not limited to the
1555 terms thereof, negotiate and enter contracts with one or more of
1556 the persons or firms submitting proposals.

1557 (x) **Hospital group purchase contracts.** Supplies,
1558 commodities and equipment purchased by hospitals through group
1559 purchase programs pursuant to Section 31-7-38.

1560 (xi) **Information technology products.** Purchases
1561 of information technology products made by governing authorities
1562 under the provisions of purchase schedules, or contracts executed
1563 or approved by the Mississippi Department of Information
1564 Technology Services and designated for use by governing
1565 authorities. However, the purchase of a web-based application for
1566 Mississippi Youth Court Information Delivery System (MYCIDS) for a
1567 multiyear contract or service agreement that is made by a court or
1568 county board of supervisors shall be governed by Section 1 of this
1569 act and shall not be exempt from competitive bidding.

1570 (xii) **Energy efficiency services and equipment.**
1571 Energy efficiency services and equipment acquired by school



1572 districts, community and junior colleges, institutions of higher
1573 learning and state agencies or other applicable governmental
1574 entities on a shared-savings, lease or lease-purchase basis
1575 pursuant to Section 31-7-14.

1576 (xiii) **Municipal electrical utility system fuel.**
1577 Purchases of coal and/or natural gas by municipally owned electric
1578 power generating systems that have the capacity to use both coal
1579 and natural gas for the generation of electric power.

1580 (xiv) **Library books and other reference materials.**
1581 Purchases by libraries or for libraries of books and periodicals;
1582 processed film, videocassette tapes, filmstrips and slides;
1583 recorded audiotapes, cassettes and diskettes; and any such items
1584 as would be used for teaching, research or other information
1585 distribution; however, equipment such as projectors, recorders,
1586 audio or video equipment, and monitor televisions are not exempt
1587 under this subparagraph.

1588 (xv) **Unmarked vehicles.** Purchases of unmarked
1589 vehicles when such purchases are made in accordance with
1590 purchasing regulations adopted by the Department of Finance and
1591 Administration pursuant to Section 31-7-9(2).

1592 (xvi) **Election ballots.** Purchases of ballots
1593 printed pursuant to Section 23-15-351.

1594 (xvii) **Multichannel interactive video systems.**
1595 From and after July 1, 1990, contracts by Mississippi Authority
1596 for Educational Television with any private educational



1597 institution or private nonprofit organization whose purposes are
1598 educational in regard to the construction, purchase, lease or
1599 lease-purchase of facilities and equipment and the employment of
1600 personnel for providing multichannel interactive video systems
1601 (ITSF) in the school districts of this state.

1602 (xviii) **Purchases of prison industry products by**
1603 **the Department of Corrections, regional correctional facilities or**
1604 **privately owned prisons.** Purchases made by the Mississippi
1605 Department of Corrections, regional correctional facilities or
1606 privately owned prisons involving any item that is manufactured,
1607 processed, grown or produced from the state's prison industries.

1608 (xix) **Undercover operations equipment.** Purchases
1609 of surveillance equipment or any other high-tech equipment to be
1610 used by law enforcement agents in undercover operations, provided
1611 that any such purchase shall be in compliance with regulations
1612 established by the Department of Finance and Administration.

1613 (xx) **Junior college books for rent.** Purchases by
1614 community or junior colleges of textbooks which are obtained for
1615 the purpose of renting such books to students as part of a book
1616 service system.

1617 (xxi) **Certain school district purchases.**
1618 Purchases of commodities made by school districts from vendors
1619 with which any levying authority of the school district, as
1620 defined in Section 37-57-1, has contracted through competitive
1621 bidding procedures for purchases of the same commodities.



1622 (xxii) **Garbage, solid waste and sewage contracts.**
1623 Contracts for garbage collection or disposal, contracts for solid
1624 waste collection or disposal and contracts for sewage collection
1625 or disposal.

1626 (xxiii) **Municipal water tank maintenance**
1627 **contracts.** Professional maintenance program contracts for the
1628 repair or maintenance of municipal water tanks, which provide
1629 professional services needed to maintain municipal water storage
1630 tanks for a fixed annual fee for a duration of two (2) or more
1631 years.

1632 (xxiv) **Purchases of Mississippi Industries for the**
1633 **Blind products or services.** Purchases made by state agencies or
1634 governing authorities involving any item that is manufactured,
1635 processed or produced by, or any services provided by, the
1636 Mississippi Industries for the Blind.

1637 (xxv) **Purchases of state-adopted textbooks.**
1638 Purchases of state-adopted textbooks by public school districts.

1639 (xxvi) **Certain purchases under the Mississippi**
1640 **Major Economic Impact Act.** Contracts entered into pursuant to the
1641 provisions of Section 57-75-9(2), (3) and (4).

1642 (xxvii) **Used heavy or specialized machinery or**
1643 **equipment for installation of soil and water conservation**
1644 **practices purchased at auction.** Used heavy or specialized
1645 machinery or equipment used for the installation and
1646 implementation of soil and water conservation practices or



1647 measures purchased subject to the restrictions provided in
1648 Sections 69-27-331 through 69-27-341. Any purchase by the State
1649 Soil and Water Conservation Commission under the exemption
1650 authorized by this subparagraph shall require advance
1651 authorization spread upon the minutes of the commission to include
1652 the listing of the item or items authorized to be purchased and
1653 the maximum bid authorized to be paid for each item or items.

1654 (xxviii) **Hospital lease of equipment or services.**

1655 Leases by hospitals of equipment or services if the leases are in
1656 compliance with paragraph (1)(ii).

1657 (xxix) **Purchases made pursuant to qualified**

1658 **cooperative purchasing agreements.** Purchases made by certified
1659 purchasing offices of state agencies or governing authorities
1660 under cooperative purchasing agreements previously approved by the
1661 Office of Purchasing and Travel and established by or for any
1662 municipality, county, parish or state government or the federal
1663 government, provided that the notification to potential
1664 contractors includes a clause that sets forth the availability of
1665 the cooperative purchasing agreement to other governmental
1666 entities. Such purchases shall only be made if the use of the
1667 cooperative purchasing agreements is determined to be in the best
1668 interest of the governmental entity.

1669 (xxx) **School yearbooks.** Purchases of school
1670 yearbooks by state agencies or governing authorities; however,
1671 state agencies and governing authorities shall use for these



1672 purchases the RFP process as set forth in the Mississippi
1673 Procurement Manual adopted by the Office of Purchasing and Travel.

1674 (xxxi) **Design-build method of contracting and**
1675 **certain other contracts.** Contracts entered into under the
1676 provisions of Section 31-7-13.1, 37-101-44 or 65-1-85.

1677 (xxxii) **Toll roads and bridge construction**
1678 **projects.** Contracts entered into under the provisions of Section
1679 65-43-1 or 65-43-3.

1680 (xxxiii) **Certain purchases under Section 57-1-221.**
1681 Contracts entered into pursuant to the provisions of Section
1682 57-1-221.

1683 (xxxiv) **Certain transfers made pursuant to the**
1684 **provisions of Section 57-105-1(7).** Transfers of public property
1685 or facilities under Section 57-105-1(7) and construction related
1686 to such public property or facilities.

1687 (xxxv) **Certain purchases or transfers entered into**
1688 **with local electrical power associations.** Contracts or agreements
1689 entered into under the provisions of Section 55-3-33.

1690 (xxxvi) **Certain purchases by an academic medical**
1691 **center or health sciences school.** Purchases by an academic
1692 medical center or health sciences school, as defined in Section
1693 37-115-50, of commodities that are used for clinical purposes and
1694 1. intended for use in the diagnosis of disease or other
1695 conditions or in the cure, mitigation, treatment or prevention of
1696 disease, and 2. medical devices, biological, drugs and



1697 radiation-emitting devices as defined by the United States Food
1698 and Drug Administration.

1699 (xxxvii) **Certain purchases made under the Alyce G.**
1700 **Clarke Mississippi Lottery Law.** Contracts made by the Mississippi
1701 Lottery Corporation pursuant to the Alyce G. Clarke Mississippi
1702 Lottery Law.

1703 (xxxviii) **Certain purchases made by the Department**
1704 **of Health and the Department of Revenue.** Purchases made by the
1705 Department of Health and the Department of Revenue solely for the
1706 purpose of fulfilling their respective responsibilities under the
1707 Mississippi Medical Cannabis Act. This subparagraph shall stand
1708 repealed on June 30, 2026.

1709 (xxxix) **Purchases made by state agencies related**
1710 **to museum exhibits.** Purchases made by an agency related to the
1711 fabrication, construction, installation or refurbishing of museum
1712 exhibits. An agency making a purchase under this exemption in
1713 excess of the bid threshold set forth in paragraph (c) of this
1714 section shall publicly advertise a Request for Qualifications or
1715 Request for Proposals in which price as an evaluation factor is at
1716 least twenty percent (20%) out of the one hundred percent (100%)
1717 total weight, but shall be otherwise exempt. Any contract arising
1718 from a purchase using this exemption must be approved by the
1719 Public Procurement Review Board prior to execution by the agency.
1720 The agency shall submit a written report on December 1 of each
1721 year to the Chairs of the Senate and House Appropriations



1722 Committees, the Chairs of the Senate and House Accountability,
1723 Efficiency and Transparency Committees and the Chair of the Public
1724 Procurement Review Board, identifying all purchases made by the
1725 agency using this exemption in which the cost of the option
1726 selected by the agency was more than twenty-five percent (25%)
1727 higher than the lowest cost option available.

1728 (n) **Term contract authorization.** All contracts for the
1729 purchase of:

1730 (i) All contracts for the purchase of commodities,
1731 equipment and public construction (including, but not limited to,
1732 repair and maintenance), may be let for periods of not more than
1733 sixty (60) months in advance, subject to applicable statutory
1734 provisions prohibiting the letting of contracts during specified
1735 periods near the end of terms of office. Term contracts for a
1736 period exceeding twenty-four (24) months shall also be subject to
1737 ratification or cancellation by governing authority boards taking
1738 office subsequent to the governing authority board entering the
1739 contract.

1740 (ii) Bid proposals and contracts may include price
1741 adjustment clauses with relation to the cost to the contractor
1742 based upon a nationally published industry-wide or nationally
1743 published and recognized cost index. The cost index used in a
1744 price adjustment clause shall be determined by the Department of
1745 Finance and Administration for the state agencies and by the
1746 governing board for governing authorities. The bid proposal and



1747 contract documents utilizing a price adjustment clause shall
1748 contain the basis and method of adjusting unit prices for the
1749 change in the cost of such commodities, equipment and public
1750 construction.

1751 (o) **Purchase law violation prohibition and vendor**
1752 **penalty.** No contract or purchase as herein authorized shall be
1753 made for the purpose of circumventing the provisions of this
1754 section requiring competitive bids, nor shall it be lawful for any
1755 person or concern to submit individual invoices for amounts within
1756 those authorized for a contract or purchase where the actual value
1757 of the contract or commodity purchased exceeds the authorized
1758 amount and the invoices therefor are split so as to appear to be
1759 authorized as purchases for which competitive bids are not
1760 required. Submission of such invoices shall constitute a
1761 misdemeanor punishable by a fine of not less than Five Hundred
1762 Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00),
1763 or by imprisonment for thirty (30) days in the county jail, or
1764 both such fine and imprisonment. In addition, the claim or claims
1765 submitted shall be forfeited.

1766 (p) **Electrical utility petroleum-based equipment**
1767 **purchase procedure.** When in response to a proper advertisement
1768 therefor, no bid firm as to price is submitted to an electric
1769 utility for power transformers, distribution transformers, power
1770 breakers, reclosers or other articles containing a petroleum



1771 product, the electric utility may accept the lowest and best bid
1772 therefor although the price is not firm.

1773 (q) **Fuel management system bidding procedure.** Any
1774 governing authority or agency of the state shall, before
1775 contracting for the services and products of a fuel management or
1776 fuel access system, enter into negotiations with not fewer than
1777 two (2) sellers of fuel management or fuel access systems for
1778 competitive written bids to provide the services and products for
1779 the systems. In the event that the governing authority or agency
1780 cannot locate two (2) sellers of such systems or cannot obtain
1781 bids from two (2) sellers of such systems, it shall show proof
1782 that it made a diligent, good-faith effort to locate and negotiate
1783 with two (2) sellers of such systems. Such proof shall include,
1784 but not be limited to, publications of a request for proposals and
1785 letters soliciting negotiations and bids. For purposes of this
1786 paragraph (q), a fuel management or fuel access system is an
1787 automated system of acquiring fuel for vehicles as well as
1788 management reports detailing fuel use by vehicles and drivers, and
1789 the term "competitive written bid" shall have the meaning as
1790 defined in paragraph (b) of this section. Governing authorities
1791 and agencies shall be exempt from this process when contracting
1792 for the services and products of fuel management or fuel access
1793 systems under the terms of a state contract established by the
1794 Office of Purchasing and Travel.



1795 (r) **Solid waste contract proposal procedure.** Before
1796 entering into any contract for garbage collection or disposal,
1797 contract for solid waste collection or disposal or contract for
1798 sewage collection or disposal, which involves an expenditure of
1799 more than Seventy-five Thousand Dollars (\$75,000.00), a governing
1800 authority or agency shall issue publicly a request for proposals
1801 concerning the specifications for such services which shall be
1802 advertised for in the same manner as provided in this section for
1803 seeking bids for purchases which involve an expenditure of more
1804 than the amount provided in paragraph (c) of this section. Any
1805 request for proposals when issued shall contain terms and
1806 conditions relating to price, financial responsibility,
1807 technology, legal responsibilities and other relevant factors as
1808 are determined by the governing authority or agency to be
1809 appropriate for inclusion; all factors determined relevant by the
1810 governing authority or agency or required by this paragraph (r)
1811 shall be duly included in the advertisement to elicit proposals.
1812 After responses to the request for proposals have been duly
1813 received, the governing authority or agency shall select the most
1814 qualified proposal or proposals on the basis of price, technology
1815 and other relevant factors and from such proposals, but not
1816 limited to the terms thereof, negotiate and enter into contracts
1817 with one or more of the persons or firms submitting proposals. If
1818 the governing authority or agency deems none of the proposals to
1819 be qualified or otherwise acceptable, the request for proposals



1820 process may be reinitiated. Notwithstanding any other provisions
1821 of this paragraph, where a county with at least thirty-five
1822 thousand (35,000) nor more than forty thousand (40,000)
1823 population, according to the 1990 federal decennial census, owns
1824 or operates a solid waste landfill, the governing authorities of
1825 any other county or municipality may contract with the governing
1826 authorities of the county owning or operating the landfill,
1827 pursuant to a resolution duly adopted and spread upon the minutes
1828 of each governing authority involved, for garbage or solid waste
1829 collection or disposal services through contract negotiations.

1830 (s) **Minority set-aside authorization.** Notwithstanding
1831 any provision of this section to the contrary, any agency or
1832 governing authority, by order placed on its minutes, may, in its
1833 discretion, set aside not more than twenty percent (20%) of its
1834 anticipated annual expenditures for the purchase of commodities
1835 from minority businesses; however, all such set-aside purchases
1836 shall comply with all purchasing regulations promulgated by the
1837 Department of Finance and Administration and shall be subject to
1838 bid requirements under this section. Set-aside purchases for
1839 which competitive bids are required shall be made from the lowest
1840 and best minority business bidder. For the purposes of this
1841 paragraph, the term "minority business" means a business which is
1842 owned by a majority of persons who are United States citizens or
1843 permanent resident aliens (as defined by the Immigration and
1844 Naturalization Service) of the United States, and who are Asian,



1845 Black, Hispanic or Native American, according to the following
1846 definitions:

1847 (i) "Asian" means persons having origins in any of
1848 the original people of the Far East, Southeast Asia, the Indian
1849 subcontinent, or the Pacific Islands.

1850 (ii) "Black" means persons having origins in any
1851 black racial group of Africa.

1852 (iii) "Hispanic" means persons of Spanish or
1853 Portuguese culture with origins in Mexico, South or Central
1854 America, or the Caribbean Islands, regardless of race.

1855 (iv) "Native American" means persons having
1856 origins in any of the original people of North America, including
1857 American Indians, Eskimos and Aleuts.

1858 (t) **Construction punch list restriction.** The
1859 architect, engineer or other representative designated by the
1860 agency or governing authority that is contracting for public
1861 construction or renovation may prepare and submit to the
1862 contractor only one (1) preliminary punch list of items that do
1863 not meet the contract requirements at the time of substantial
1864 completion and one (1) final list immediately before final
1865 completion and final payment.

1866 (u) **Procurement of construction services by state**
1867 **institutions of higher learning.** Contracts for privately financed
1868 construction of auxiliary facilities on the campus of a state
1869 institution of higher learning may be awarded by the Board of



1870 Trustees of State Institutions of Higher Learning to the lowest
1871 and best bidder, where sealed bids are solicited, or to the
1872 offeror whose proposal is determined to represent the best value
1873 to the citizens of the State of Mississippi, where requests for
1874 proposals are solicited.

1875 (v) **Insurability of bidders for public construction or**
1876 **other public contracts.** In any solicitation for bids to perform
1877 public construction or other public contracts to which this
1878 section applies, including, but not limited to, contracts for
1879 repair and maintenance, for which the contract will require
1880 insurance coverage in an amount of not less than One Million
1881 Dollars (\$1,000,000.00), bidders shall be permitted to either
1882 submit proof of current insurance coverage in the specified amount
1883 or demonstrate ability to obtain the required coverage amount of
1884 insurance if the contract is awarded to the bidder. Proof of
1885 insurance coverage shall be submitted within five (5) business
1886 days from bid acceptance.

1887 (w) **Purchase authorization clarification.** Nothing in
1888 this section shall be construed as authorizing any purchase not
1889 authorized by law.

1890 (x) **Mississippi Regional Pre-Need Disaster Clean Up**
1891 **Act.** (i) The Department of Finance and Administration shall
1892 develop and implement a process that creates a preferred vendor
1893 list for both disaster debris removal and monitoring.



(ii) Any board of supervisors of any county or any governing authority of any municipality may opt in to the benefits and services provided under the appropriate and relevant contract established in subparagraph (i) of this paragraph at the time of a disaster event in that county or municipality. At the time of opt in, the county or municipality shall assume responsibility for payment in full to the contractor for the disaster-related solid waste collection, disposal or monitoring services provided. Nothing in this subparagraph (ii) shall be construed as requiring a county or municipality to opt in to any such contract established in subparagraph (i) of this paragraph.

SECTION 11. Section 9-21-71, Mississippi Code of 1972, is amended as follows:

9-21-71. The following words and phrases have the meanings ascribed in this section unless the context clearly requires otherwise:

(a) "Limited English Proficient (LEP) individual" means any party * * *, witness or participant who cannot readily understand or communicate in spoken English or who does not speak English as his or her primary language and who consequently has a limited ability to read, speak, write or understand English and cannot equally participate in or benefit from the proceedings unless an interpreter is available to assist the individual. The fact that an individual is a person for whom English is a second



1918 language * * * does not prohibit that individual from being
1919 allowed to have an interpreter.

1920 (b) "Court interpreter" means any person authorized by
1921 a court who is competent to translate or interpret oral or written
1922 communication in a foreign language during court proceedings. A
1923 court interpreter may be one (1) of the following:

1924 (i) "Certified court interpreter," which means an
1925 interpreter who successfully has met all requirements promulgated
1926 by the Administrative Office of Courts to be designated a
1927 registered court interpreter and has scored at least seventy
1928 percent (70%) on each of the three (3) sections of an approved
1929 criterion-referenced oral performance examination.

1930 (ii) "Registered court interpreter," which means
1931 an interpreter who has:

- 1932 1. Attended an approved two-day,
1933 fourteen-hour ethics and skill building workshop;
1934 2. Passed an approved criterion-referenced
1935 written examination with a minimum overall score of eighty percent
1936 (80%);
1937 3. Submitted to a criminal background check;
1938 4. Provided verification of legal right to
1939 work in the United States;
1940 5. Executed the Interpreter Oath; and



1941 6. Satisfied any additional requirements that
1942 the Administrative Office of Courts may establish * * * to be
1943 listed as a registered court interpreter on the Roster.

1944 (iii) "Noncredentialed interpreter," which means
1945 an interpreter who has not met the requirements promulgated by the
1946 Administrative Office of Courts to be classified as a registered
1947 or certified court interpreter and therefore, is not listed on the
1948 Roster.

1949 (c) "Court proceedings" means a proceeding before any
1950 court of this state or a grand jury hearing, including all civil
1951 and criminal hearings and trials.

1952 (d) "Interpretation" means the accurate and complete
1953 unrehearsed transmission of an oral message from one (1) language
1954 to an oral message in another language. Interpretation may be one
1955 (1) of the following:

1956 (i) "Consecutive interpretation," which means
1957 providing the target-language message after the speaker has
1958 finished speaking.

1959 (ii) "Sight translation," which means oral
1960 translation of a written document.

1961 (iii) "Simultaneous interpretation," which means
1962 providing the target-language message at approximately the same
1963 time the source-language message is being produced.

1964 (e) "Source language" means the input language
1965 requiring interpretation.



(f) "Target language" means the output language into which the utterance is being interpreted.

(g) "Translation" means the process of translating text from one (1) language to another to maintain the original message and communication.

SECTION 12. Section 9-21-73, Mississippi Code of 1972, is amended as follows:

9-21-73. (1) The Administrative Office of Courts shall establish a program for language access and to facilitate the use of interpreters in all courts of the State of Mississippi.

(2) (a) The Administrative Office of Courts shall prescribe the qualifications of and qualify persons who may serve as credentialed court interpreters in all courts of the State of Mississippi. The Administrative Office of Courts may set and charge a reasonable fee for credentialing.

(b) The Administrative Office of Courts shall maintain a current master list of all credentialed court interpreters (the "Roster").

(3) In all bilingual proceedings, the presiding judicial officer, with the assistance of the Administrative Office of Courts, shall utilize the services of an interpreter to communicate all spoken or written words * * *.

(4) A Limited English Proficient (LEP) individual is entitled to use an interpreter in any instance arising out of or pertaining to the individual's involvement in litigation.



(5) All courts shall maintain on file in the office of the clerk of the court a list of all persons who have been credentialed as court interpreters in accordance with the Administrative Office of Court's Credentialing Program established pursuant to this section.

SECTION 13. Section 9-21-77, Mississippi Code of 1972, is amended as follows:

9-21-77. (1) Prior to providing any service to a Limited English Proficient (LEP) individual, the interpreter shall subscribe to an oath that he or she shall interpret all communications in an accurate manner to the best of his or her skill and knowledge.

(2) The oath shall conform substantially to the following form:

INTERPRETER'S OATH

"Do you solemnly swear or affirm that you will faithfully interpret from (state the language) into English and from English into (state the language) * * * accurately, completely and impartially, using your best * * * skill and * * * judgment in accordance with prescribed law, the Mississippi Rules on Standards for Court Interpreters, and the Mississippi Code of Ethics for Court Interpreters, and that you will discharge all the solemn duties and obligations of legal interpretation and translation?"

(3) Interpreters shall not voluntarily disclose any admission or communication that is declared to be confidential or



privileged under state law. Out-of-court disclosures made by a Limited English Proficient (LEP) individual communicating through an interpreter shall be treated by the interpreter as confidential or privileged or both unless the court orders the interpreter to disclose such communications or the Limited English Proficient (LEP) individual waives such confidentiality or privilege.

(4) Interpreters shall not publicly discuss, report or offer an opinion concerning a matter in which they are engaged, even when that information is not privileged or required by law to be confidential.

(5) The presence of an interpreter shall not affect the privileged nature of any discussion.

SECTION 14. Section 9-21-79, Mississippi Code of 1972, is amended as follows:

9-21-79. (1) An interpreter is needed and a court interpreter shall be appointed when the judge determines * * * that: (a) * * * a party, witness or participant cannot understand and speak English well enough to participate fully in the proceedings and to assist counsel; or (b) the witness cannot speak English so as to be understood directly by counsel, court and jury.

(2) The court should examine a party or witness on the record to determine whether an interpreter is needed if:

(a) A party or counsel requests such an examination; or



(b) It appears to the court that the party or witness may not understand and speak English well enough to participate fully in the proceedings * * *.

* * *

(3) After the examination, the court should state its conclusion on the record, and the file in the case shall be clearly marked and data entered electronically when appropriate by court personnel to ensure that an interpreter will be present when needed in any subsequent hearing or instance arising out of the litigation.

(4) * * * The court shall determine whether the interpreter provided is able to communicate accurately with and translate information to and from the Limited English Proficient (LEP) individual. If it is determined that the interpreter cannot perform these functions, the court shall provide the Limited English Proficient (LEP) individual with another interpreter.

(5) Recognition of the need for a court interpreter may arise from a request by a party or counsel, the court's own voir dire of a party or witness, or disclosures made to the court by a party, counsel, court employee, or other person familiar with the ability or inability of the person to understand and communicate in English.

(6) A Limited English Proficient (LEP) individual, at any point in a proceeding, may waive the services of a court interpreter. The waiver of the interpreter's services must be in



2065 writing in the person's native language. In addition, the waiver
2066 must be knowing and voluntary and with the approval of the court.
2067 Any deliberations made on matters of waiver or the retraction of a
2068 waiver must be made on the record. Granting a waiver under this
2069 subsection is a matter of judicial discretion. The waiver may be
2070 approved only after:

2071 (a) The court explains in open court to the LEP
2072 individual, through an interpreter, the nature and effect of the
2073 waiver;

2074 (b) The court determines in open court that the waiver
2075 has been made knowingly, intelligently and voluntarily; and

2076 (c) In a criminal matter, the court determines that the
2077 defendant has been afforded the opportunity to consult with the
2078 defendant's attorney regarding the waiver.

2079 (7) At any point in the proceeding, the LEP individual may
2080 retract the waiver and request an interpreter.

2081 **SECTION 15.** Section 9-21-80, Mississippi Code of 1972, is
2082 amended as follows:

2083 9-21-80. (1) The court shall appoint an interpreter in the
2084 following order of preference:

2085 (a) Certified court interpreter.

2086 (b) Registered court interpreter.

2087 (c) Noncredentialed interpreter.

2088 (2) A noncredentialed interpreter may be appointed if:



(a) Neither a certified nor registered court interpreter reasonably is available; and

(b) The court has evaluated the totality of the circumstances, including the gravity of the judicial proceeding and the potential penalty or consequence involved.

(3) If the court appoints * * * an interpreter who is not certified, the court must make the following findings on the record:

(a) The proposed interpreter appears to have: (i) adequate language skills, knowledge of interpreting techniques, and familiarity with interpreting in a court setting; and (ii) read and understand, and agrees to abide by, the Mississippi Code of Ethics for Court Interpreters and the Mississippi Rules on Standards for Court Interpreters.

(4) A summary of the efforts made to obtain a certified * * * court interpreter, as well as a summary of the efforts to determine the capabilities of the proposed * * * interpreter, must be made in open court and placed on the record.

(5) Each interpreter providing court interpreting services is subject to the ethical requirements set forth in the Mississippi Court Interpreter Credentialing Program without regard to whether or not the interpreter is listed on the Roster.

SECTION 16. Section 9-21-81, Mississippi Code of 1972, is amended as follows:



2113 9-21-81. (1) Any volunteer interpreter providing services
2114 under Sections 9-21-71 through 9-21-81 shall be paid reasonable
2115 expenses by the court.

2116 (2) The expenses of providing an interpreter in any court
2117 proceeding or instance arising out of litigation must be payable
2118 out of the county or municipal treasury or any other source of
2119 funds available for this purpose at no cost to the litigant or the
2120 Limited English Proficient (LEP) party, witness or participant.

2121 **SECTION 17.** The following shall be codified as Section
2122 9-21-82, Mississippi Code of 1972:

2123 9-21-82. Each court in the State of Mississippi shall
2124 prepare and submit a report annually to the Administrative Office
2125 of Courts with information and plans concerning implementation of
2126 language access. The report must include, but is not limited to,
2127 the following:

2128 (a) The number of bilingual staff who are available to
2129 facilitate language access and the languages they facilitate;

2130 (b) A plan to address any insufficiency in its ability
2131 to provide language access;

2132 (c) A list of vital documents that the court has had
2133 translated and the language of the translation;

2134 (d) The number of times a court interpreter was
2135 utilized, what language was needed, and the total cost of
2136 utilizing court interpreters; and



2137 (e) A staff training plan related to language access,
2138 which plan must contain specific information regarding
2139 implementation, including the specific types of language services
2140 available and how the court will do all of the following:

2141 (i) Obtain language services internally or from
2142 vendors;

2143 (ii) Respond to callers with limited English
2144 proficiency;

2145 (iii) Respond to written communications from
2146 individuals with limited English proficiency;

2147 (iv) Respond to individuals with limited English
2148 proficiency who have in-person contact with staff;

2149 (v) Collect language data for all public
2150 encounters; and

2151 (vi) Indicate limited English proficiency status
2152 in data and information systems.

2153 **SECTION 18.** Section 99-17-7, Mississippi Code of 1972, is
2154 amended as follows:

2155 99-17-7. In all criminal cases wherein * * * a defendant,
2156 witness or participant is a Limited English Proficient (LEP)
2157 individual, the court shall appoint a qualified interpreter as
2158 provided in Section 9-21-80, sworn truly to interpret, and allow
2159 him a reasonable compensation, as set by the court, payable out of
2160 the county or municipal treasury or any other source of funds



2161 available for this purpose at no cost to the * * * Limited English
2162 Proficient (LEP) party, witness or participant.

2163 **SECTION 19.** This act shall take effect and be in force from
2164 and after July 1, 2025.

