

By: Representative Blackmon

To: Juvenile Justice;
Appropriations

HOUSE BILL NO. 1411

1 AN ACT TO AMEND SECTION 9-9-1, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE CONTINUATION OR ESTABLISHMENT OF COUNTY COURTS IN
3 CERTAIN COUNTIES; TO AMEND SECTION 9-9-5, MISSISSIPPI CODE OF
4 1972, TO REVISE THE QUALIFICATION, ELECTION, TERM OF OFFICE AND
5 FILLING OF VACANCIES OF THE OFFICE OF COUNTY COURT JUDGE; TO
6 CODIFY SECTION 9-9-6, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE
7 ELECTION OF JUDGES IN NEWLY CREATED COUNTY COURT DISTRICTS; TO
8 AMEND SECTION 9-9-11, MISSISSIPPI CODE OF 1972, TO REVISE THE
9 COMPENSATION OF THE OFFICE OF COUNTY COURT JUDGE; TO AMEND
10 SECTIONS 23-15-975 AND 23-15-977, MISSISSIPPI CODE OF 1972, IN
11 CONFORMITY TO THE PRECEDING PROVISIONS; TO AMEND SECTION 9-1-19,
12 MISSISSIPPI CODE OF 1972, TO REVISE THE AUTHORITY OF JUDGES TO
13 GRANT REMEDIAL WRITS; TO AMEND SECTION 9-1-23, MISSISSIPPI CODE OF
14 1972, TO INCLUDE COUNTY COURT JUDGES AS THOSE WHO ARE CONSERVATORS
15 OF THE PEACE; TO AMEND SECTION 9-1-25, MISSISSIPPI CODE OF 1972,
16 TO INCLUDE COUNTY COURT JUDGES AMONG THOSE WHO ARE NOT TO PRACTICE
17 LAW; TO AMEND SECTION 9-1-35, MISSISSIPPI CODE OF 1972, TO REQUIRE
18 THE COUNTY COURT TO OBTAIN A SEAL; TO AMEND SECTION 9-1-36,
19 MISSISSIPPI CODE OF 1972, TO INCLUDE COUNTY COURT JUDGES AMONG
20 THOSE FOR WHOM AN OFFICE ALLOWANCE IS APPROPRIATED; TO AMEND
21 SECTION 9-9-19, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE
22 HOLDING OF COUNTY COURT IN CERTAIN COUNTIES; TO AMEND SECTIONS
23 9-9-21, 9-9-23, 43-21-107, 43-21-117, 43-21-123, 9-13-17 AND
24 9-13-61, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PRECEDING
25 PROVISIONS; TO AMEND SECTION 43-21-111, MISSISSIPPI CODE OF 1972,
26 TO PROVIDE FOR CERTAIN STATE FUNDING OF YOUTH COURT REFEREES IN
27 COUNTIES NOT HAVING A COUNTY COURT; TO REPEAL SECTION 9-9-3,
28 MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE ESTABLISHMENT OF
29 A COUNTY COURT BY AGREEMENT BETWEEN TWO OR MORE COUNTIES; TO
30 REPEAL SECTION 9-9-13, MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES
31 CERTAIN MUNICIPALITIES TO SUPPLEMENT THE SALARIES OF COUNTY
32 JUDGES; TO REPEAL SECTION 9-9-14, MISSISSIPPI CODE OF 1972, WHICH
33 AUTHORIZES THREE COUNTY JUDGESHIPS FOR HARRISON COUNTY; TO REPEAL
34 SECTION 9-9-15, MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES THREE
35 COUNTY JUDGESHIPS FOR HINDS COUNTY; TO REPEAL SECTION 9-9-16,
36 MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES TWO COUNTY JUDGESHIPS
37 FOR WASHINGTON COUNTY; TO REPEAL SECTION 9-9-17, MISSISSIPPI CODE
38 OF 1972, WHICH AUTHORIZES TWO COUNTY JUDGESHIPS FOR JACKSON
39 COUNTY; TO REPEAL SECTION 9-9-9, MISSISSIPPI CODE OF 1972, WHICH
40 RESTRICTS THE PRACTICE OF LAW BY A COUNTY COURT JUDGE; TO REPEAL
41 SECTION 9-9-37, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE
42 ESTABLISHMENT OR ABOLITION OF COUNTY COURTS; TO REPEAL SECTION
43 9-9-39, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR TRANSFER OF
44 PENDING MATTERS IN ANY COUNTY COURT THAT MAY BE ABOLISHED; TO
45 REPEAL SECTION 9-9-41, MISSISSIPPI CODE OF 1972, WHICH PROVIDES
46 FOR THE ABOLITION OF COUNTY COURTS IN CERTAIN COUNTIES; TO REPEAL
47 SECTION 9-9-43, MISSISSIPPI CODE OF 1972, WHICH REQUIRES
48 LEGISLATIVE ACTION OR ELECTION FOR ABOLITION OF COUNTY COURTS IN
49 CERTAIN COUNTIES; TO REPEAL SECTION 9-9-45, MISSISSIPPI CODE OF
50 1972, WHICH REQUIRES THE ESTABLISHMENT OR ABOLITION OF COUNTY
51 COURTS UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 43-21-159,



52 MISSISSIPPI CODE OF 1972, TO REVISE THE JURISDICTION OF THE YOUTH
53 COURT; AND FOR RELATED PURPOSES.

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

55 **SECTION 1.** Section 9-9-1, Mississippi Code of 1972, is
56 amended as follows:

57 9-9-1. (1) There shall be an inferior court to be known as
58 the county court in and for each of the following single county
59 districts:

60 Adams County;
61 Bolivar County;
62 DeSoto County;
63 Forrest County;
64 Hancock County;
65 Harrison County;
66 Hinds County;
67 Jackson County;
68 Jones County;
69 Lauderdale County;
70 Lee County;
71 Leflore County;
72 Lowndes County;
73 Madison County;
74 Pike County;
75 Rankin County;
76 Warren County;
77 Washington County; and
78 Yazoo County.

79 (2) There shall be an inferior court to be known as the
80 county court in and for each of the following multicounty
81 districts:

82 Alcorn and Prentiss Counties;
83 Coahoma and Tunica Counties;
84 Marshall, Benton and Tippah Counties;
85 Lafayette and Union Counties;



86 Holmes and Humphreys Counties;
87 Copiah, Claiborne and Jefferson Counties;
88 Lamar and Pearl River Counties;
89 Simpson, Smith and Covington Counties;
90 Jefferson Davis, Lawrence and Marion Counties;
91 Itawamba and Monroe Counties;
92 Tate and Panola Counties;
93 Grenada and Montgomery Counties; and
94 Oktibbeha and Winston Counties.

95 (3) (a) Except as provided in paragraph (b) of this
96 subsection, there shall be one (1) county court judge for each
97 county court district.

98 (b) There shall be two (2) county court judges for the
99 county court of Jackson County, two (2) county court judges for
100 the county court of Washington County, two (2) county court judges
101 for the county court of Madison County, three (3) county court
102 judges for the county court of Harrison County, and three (3)
103 county court judges for the county court of Hinds County.

104 **SECTION 2.** Section 9-9-5, Mississippi Code of 1972, is
105 amended as follows:

106 9-9-5. (1) The county judge shall possess all of the
107 qualifications of a circuit judge as prescribed by the Mississippi
108 Constitution. The county judge of a single county district must
109 be a qualified elector of the county. The county judge of a
110 multicounty district must be a qualified elector of any one (1) of
111 the counties comprising the district. Except as provided in
112 subsection (2) of this section, the county judge shall be elected
113 by the qualified electors of the county court district at the time
114 and in the manner as circuit judges are elected and * * * shall
115 hold office for the same term. Vacancies in the office of county
116 judge shall be filled in the same manner as vacancies in the
117 office of circuit judge.



118 (2) In a district having more than one (1) office of county
119 court judge, there shall be no distinction whatsoever in the
120 powers, duties and emoluments of those offices except that the
121 judge who has been for the longest time continuously a judge of
122 that court or, if no judge has served longer in office than the
123 others, the judge who has been for the longest time a member of
124 the Mississippi Bar shall be the senior judge. The senior judge
125 shall have the right to assign causes and dockets and, in
126 districts consisting of more than one (1) county, to set terms.

127 **SECTION 3.** The following shall be codified as Section 9-9-6,
128 Mississippi Code of 1972:

129 9-9-6. (1) Those county court judges elected to a term
130 beginning January 1, 1999, or appointed to fill a vacancy in such
131 a judgeship shall continue to serve in those positions until the
132 holder's death, resignation or disqualification, or upon
133 expiration of term.

134 (2) Candidates for the initial terms in the multicounty
135 districts shall have the qualifications prescribed in Section
136 9-9-5, and, notwithstanding the provisions of Section 23-15-977,
137 shall file their intent to be a candidate and pay a fee of One
138 Hundred Dollars (\$100.00) with the State Board of Election
139 Commissioners no later than September 1, 2002.

140 **SECTION 4.** Section 9-9-11, Mississippi Code of 1972, is
141 amended as follows:

142 9-9-11. * * * The county court judge shall receive an annual
143 salary payable monthly out of the State General Fund in the amount
144 of One Thousand Dollars (\$1,000.00) less than the annual salary
145 that is now or * * * hereafter * * * provided for circuit and
146 chancery judges of this state * * *. The office of county court
147 judge * * * shall be a full-time position, and the holder thereof
148 shall not otherwise engage in the practice of law.

149 * * *

150 **SECTION 5.** Section 23-15-975, Mississippi Code of 1972, is
151 amended as follows:

152 23-15-975. As used in Sections 23-15-974 through 23-15-985
153 of this subarticle, the term "judicial office" includes the office
154 of justice of the Supreme Court, judge of the Court of Appeals,
155 circuit judge, chancellor and county court judge * * *. All those
156 justices and judges shall be full-time positions and those
157 justices and judges shall not engage in the practice of law before
158 any court, administrative agency or other judicial or
159 quasi-judicial forum except as provided by law for finalizing
160 pending cases after election to judicial office.

161 **SECTION 6.** Section 23-15-977, Mississippi Code of 1972, is
162 amended as follows:

163 23-15-977. * * * All candidates for judicial office as
164 defined in Section 23-15-975 of this subarticle shall file their
165 intent to be a candidate with the State Board of Election
166 Commissioners not later than 5:00 p.m. on the first Friday after
167 the first Monday in May before the general election for judicial
168 office and shall pay * * * the following amounts:

169 (a) Candidates for Supreme Court judge and Court of
170 Appeals, the sum of Two Hundred Dollars (\$200.00).

171 (b) Candidates for circuit judge, county judge and
172 chancellor, the sum of One Hundred Dollars (\$100.00).

173 * * *

174 **SECTION 7.** Section 9-1-19, Mississippi Code of 1972, is
175 amended as follows:

176 9-1-19. The judges of the Supreme, * * * circuit and county
177 courts, and chancellors and judges of the Court of Appeals, in
178 termtime and in vacation, may severally order the issuance of
179 writs of habeas corpus, mandamus, certiorari, supersedeas and
180 attachments, and grant injunctions and all other remedial writs,
181 in all cases where the same may properly be granted according to
182 right and justice, returnable to any court, whether the suit or



183 proceedings be pending in the district of the judge or chancellor
184 granting the same or not. The fiat of such judge or chancellor
185 shall authorize the issuance of the process for a writ returnable
186 to the proper court or before the proper officer; and all such
187 process or writs may be granted, issued and executed on Sunday.

188 **SECTION 8.** Section 9-1-23, Mississippi Code of 1972, is
189 amended as follows:

190 9-1-23. The judges of the Supreme, circuit and county courts
191 and chancellors and judges of the Court of Appeals shall be
192 conservators of the peace for the state, each with full power to
193 do all acts that conservators of the peace may lawfully do; and
194 the circuit judges, * * * chancellors and county judges shall
195 reside within their respective districts * * *.

196 **SECTION 9.** Section 9-1-25, Mississippi Code of 1972, is
197 amended as follows:

198 9-1-25. It shall not be lawful for any judge of the Supreme
199 Court, Court of Appeals or a judge of the circuit or county court,
200 or a chancellor to exercise the profession or employment of an
201 attorney or counselor at law, or to be engaged in the practice of
202 law; and any person offending against this prohibition shall be
203 guilty of a high misdemeanor and be removed from office; but this
204 shall not prohibit a chancellor, * * * circuit judge, county judge
205 or a judge of the Court of Appeals from practicing in any of the
206 courts for a period of six (6) months from the time that the
207 judges or chancellors assume office so far as to enable them to
208 bring to a conclusion cases actually pending when they were
209 appointed or elected in which the chancellor or judge was then
210 employed, nor shall a judge of the Supreme Court be hindered from
211 appearing in the courts of the United States in any case in which
212 he was engaged when he was appointed or elected judge.

213 **SECTION 10.** Section 9-1-35, Mississippi Code of 1972, is
214 amended as follows:



215 9-1-35. The clerk of the Supreme Court and of the Court of
216 Appeals, at the expense of the state, and the clerk of every
217 circuit, county and chancery court, at the expense of the county,
218 shall keep a seal, with the style of the court around the margin
219 and the image of an eagle in the center.

220 **SECTION 11.** Section 9-1-36, Mississippi Code of 1972, is
221 amended as follows:

222 9-1-36. (1) Each circuit judge, county judge and chancellor
223 shall receive an office operating allowance for the expenses of
224 operating the office of the judge, including retaining a law
225 clerk, legal research, stenographic help, stationery, stamps,
226 furniture, office equipment, telephone, office rent and other
227 items and expenditures necessary and incident to maintaining the
228 office of judge. That allowance shall be paid only to the extent
229 of actual expenses incurred by any such judge as itemized and
230 certified by the judge to the Supreme Court and then in an amount
231 of Four Thousand Dollars (\$4,000.00) per annum; however, the judge
232 may expend sums in excess of that amount from the compensation
233 otherwise provided for his office. No part of this expense or
234 allowance shall be used to pay an official court reporter for
235 services rendered to the court.

236 (2) In addition to the amounts provided for in subsection
237 (1) of this section, there is * * * created a separate office
238 allowance fund for the purpose of providing support staff to
239 judges. This fund shall be managed by the Administrative Office
240 of Courts.

241 (3) Each judge who desires to employ or continue to employ
242 support staff after July 1, 1994, shall make application to the
243 Administrative Office of Courts by submitting to the
244 Administrative Office of Courts before July 1 of each year a
245 proposed personnel plan setting forth what support staff is deemed
246 necessary. The plan may be submitted by a single judge or by any
247 combination of judges desiring to share support staff. In the



248 process of the preparation of the plan, the judges, at their
249 request, may receive advice, suggestions, recommendations and
250 other assistance from the Administrative Office of Courts. The
251 Administrative Office of Courts must approve the positions, job
252 descriptions and salaries before the positions may be filled. The
253 Administrative Office of Courts shall not approve any plan that
254 does not first require the expenditure of the funds in the support
255 staff fund for compensation of any of the support staff before
256 expenditure is authorized of county funds for that purpose. Upon
257 approval by the Administrative Office of Courts, the judge or
258 judges may appoint the employees to the position or positions, and
259 each employee so appointed will work at the will and pleasure of
260 the judge or judges who appointed him but will be employees of the
261 Administrative Office of Courts. Upon approval by the
262 Administrative Office of Courts, the appointment of any support
263 staff shall be evidenced by the entry of an order on the minutes
264 of the court. When support staff is appointed jointly by two (2)
265 or more judges, the order setting forth any appointment shall be
266 entered on the minutes of each participating court.

267 (4) The Administrative Office of Courts shall develop and
268 promulgate minimum qualifications for the certification of court
269 administrators. Any court administrator appointed on or after
270 October 1, 1996, shall be required to be certified by the
271 Administrative Office of Courts.

272 (5) Support staff shall receive compensation under personnel
273 policies established by the Administrative Office of Courts;
274 however, from and after July 1, 1994, the Administrative Office of
275 Courts shall allocate from the support staff fund an amount of
276 Forty Thousand Dollars (\$40,000.00) per fiscal year (July 1
277 through June 30) per judge for whom support staff is approved for
278 the funding of support staff assigned to a judge or judges. Any
279 employment pursuant to this subsection shall be subject to the
280 provisions of Section 25-1-53.



281 The Administrative Office of Courts may approve expenditure
282 from the fund for additional equipment for support staff appointed
283 under this section in any year in which the allocation per judge
284 is sufficient to meet the equipment expense after provision for
285 the compensation of the support staff.

286 (6) For the purposes of this section, the following terms
287 shall have the meaning ascribed in this subsection unless the
288 context clearly requires otherwise:

289 (a) "Judges" means circuit judges, county judges and
290 chancellors, or any combination thereof;

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

295 (c) "Compensation" means the gross salary plus all
296 amounts paid for benefits or otherwise as a result of employment
297 or as required by employment; * * * however, * * * only salary
298 earned for services rendered shall be reported and credited for
299 Public Employees' Retirement System purposes. Amounts paid for
300 benefits or otherwise, including reimbursement for travel
301 expenses, shall not be reported or credited for retirement
302 purposes.

303 (7) Title to all tangible property, excepting stamps,
304 stationery and minor expendable office supplies, procured with
305 funds authorized by this section, shall be and forever remain in
306 the State of Mississippi to be used by the * * * judge * * *
307 during the term of his office and thereafter by his successors.

308 (8) Any * * * judge * * * who did not have a primary office
309 provided by the county on March 1, 1988, shall be allowed an
310 additional Four Thousand Dollars (\$4,000.00) per annum to defray
311 the actual expenses incurred by the judge * * * in maintaining an
312 office; however, any * * * judge * * * who had a primary office
313 provided by the county on March 1, 1988, and who vacated the



314 office space after that date for a legitimate reason, as
315 determined by the Department of Finance and Administration, shall
316 be allowed the additional office expense allowance provided under
317 this subsection.

318 (9) The Supreme Court, through the Administrative Office of
319 Courts, shall submit to the Department of Finance and
320 Administration the itemized and certified expenses for office
321 operating allowances that are directed to the court under this
322 section.

323 (10) The Supreme Court, through the Administrative Office of
324 Courts, shall have the power to adopt rules and regulations
325 regarding the administration of the office operating allowance
326 authorized under this section.

327 **SECTION 12.** Section 9-9-19, Mississippi Code of 1972, is
328 amended as follows:

329 9-9-19. There shall be a * * * court to be styled "The
330 County Court of the County of _____ " * * * in each county of
331 a county court district as determined to be necessary by the
332 senior county court judge; but in counties where there are two (2)
333 judicial districts and in multicounty county court districts, the
334 county court shall be convened in each judicial district and in
335 each county not less than four (4) times each year.

336 * * *

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

339 9-9-21. (1) The jurisdiction of the county court shall be
340 as follows: It shall have jurisdiction concurrent with the
341 justice court in all matters, civil and criminal of which the
342 justice court has jurisdiction; and it shall have jurisdiction
343 concurrent with the circuit and chancery courts in all matters of
344 law and equity in which the amount of value of the thing in
345 controversy does not exceed, exclusive of costs and interest, the
346 sum of Seventy-five Thousand Dollars (\$75,000.00), and the



347 jurisdiction of the county court shall not be affected by any
348 setoff, counterclaim or cross-bill in those actions where the
349 amount sought to be recovered in the setoff, counterclaim or
350 cross-bill exceeds Seventy-five Thousand Dollars (\$75,000.00).

351 * * * However, the party filing a setoff, counterclaim or
352 cross-bill that exceeds Seventy-five Thousand Dollars (\$75,000.00)
353 shall give notice to the opposite party or parties as provided in
354 Section 13-3-83, and on motion of all parties filed within twenty
355 (20) days after the filing of the setoff, counterclaim or
356 cross-bill, the county court shall transfer the case to the
357 circuit or chancery court in which the county court is situated
358 and that would otherwise have jurisdiction. It shall have
359 exclusively the jurisdiction previously exercised by the justice
360 court in the following matters and causes: namely, eminent
361 domain, the partition of personal property, and actions of
362 unlawful entry and detainer, provided that the actions of eminent
363 domain and unlawful entry and detainer may be returnable and
364 triable before the judge of the court in vacation.

365 (2) In multicounty court districts, it shall be lawful for
366 the court sitting in one (1) county to act upon any and all
367 matters of which it has jurisdiction as provided by law arising in
368 the other county under the jurisdiction of the court.

369 **SECTION 14.** Section 9-9-23, Mississippi Code of 1972, is
370 amended as follows:

371 9-9-23. The county judge shall have power to issue writs,
372 and to try matters, of habeas corpus on application to him
373 therefor, or when made returnable before him by a superior judge.
374 He shall also have the power to order the issuance of writs of
375 certiorari, supersedeas, attachments, and other remedial writs in
376 all cases pending in, or within the jurisdiction of, his court.
377 He shall have the authority to issue search warrants in his
378 district returnable to his own court or to any court of a justice
379 court judge within his district in the same manner as is provided



380 by law for the issuance of search warrants by justice court
381 judges. In all cases pending in, or within the jurisdiction of,
382 his court, he shall have, in termtime, and in vacation, the power
383 to order, do or determine to the same extent and in the same
384 manner as a justice court judge or a circuit judge or a chancellor
385 could do in termtime or in vacation in those cases. But he shall
386 not have original power to issue writs of injunction, or other
387 remedial writs in equity or in law except in those cases * * *
388 specified above in this section as being within his jurisdiction.
389 * * * However, * * * when any judge or chancellor authorized to
390 issue those writs of injunction, or any other equitable or legal
391 remedial writs * * * reserved above in this section, so directs in
392 writing the hearing of application therefor may be by him referred
393 to the county judge, in which event the * * * direction of the
394 superior judge shall vest in the * * * county judge all authority
395 to take that action on the application as the * * * superior judge
396 could have taken under the right and the law, had the * * *
397 application been at all times before the * * * superior judge.
398 The jurisdiction authorized under the foregoing proviso shall
399 cease upon the denying or granting of the application.

400 **SECTION 15.** Section 43-21-107, Mississippi Code of 1972, is
401 amended as follows:

402 43-21-107. (1) A youth court division is * * * created as a
403 division of the county court of each county now or hereafter
404 having a county court, and the county judge shall be the judge of
405 the youth court, unless another judge is named by the county judge
406 as provided by this chapter.

407 * * *

408 (2) A youth court division is * * * created as a division of
409 the chancery court of each county in which no county court * * *
410 is maintained, and any chancellor within a chancery court district
411 shall be the judge of the youth court of that county within that
412 chancery court district unless another judge is named by the



413 senior chancellor of the county or chancery court district as
414 provided by this chapter.

415 * * *

416 **SECTION 16.** Section 43-21-111, Mississippi Code of 1972, is
417 amended as follows:

418 43-21-111. (1) In any county not having a county court,
419 the judge may appoint as provided in Section 43-21-123 youth court
420 referees who shall be attorneys at law and members of the bar in
421 good standing to act in cases concerning children within the
422 jurisdiction of the youth court, and a youth court referee shall
423 hold office until removed by the judge. The requirement that
424 youth court referees appointed under this subsection be attorneys
425 shall apply only to youth court referees who were not first
426 appointed regular or special referees before July 1, 1991.

427 (2) Any referee appointed under subsection (1) of this
428 section shall be required to receive judicial training approved by
429 the Mississippi Judicial College and shall be required to receive
430 regular annual continuing education in the field of juvenile
431 justice. The amount of judicial training and annual continuing
432 education which will be satisfactory to fulfill the requirements
433 of this section shall conform with the amount prescribed by the
434 Rules and Regulations for Mandatory Continuing Judicial Education
435 promulgated by the Supreme Court. The Administrative Office of
436 Courts shall maintain a roll of referees appointed under this
437 section, shall enforce the provisions of this subsection and shall
438 maintain records on all those referees regarding that training.
439 If a referee misses two (2) consecutive training sessions
440 sponsored or approved by the Mississippi Judicial College as
441 required by this subsection or fails to attend one (1) of those
442 training sessions within six (6) months of their initial
443 appointment as a referee, the referee shall be disqualified to
444 serve and shall be immediately removed as a referee and another
445 member of the bar shall be appointed as provided in this section.



446 (3) The judge may direct that hearings in any case or class
447 of cases be conducted in the first instance by the referee. The
448 judge may also delegate his own administrative responsibilities to
449 the referee.

450 (4) All hearings authorized to be heard by a referee shall
451 proceed in the same manner as hearings before the youth court
452 judge. A referee shall possess all powers and perform all the
453 duties of the youth court judge in the hearings authorized to be
454 heard by the referee.

455 (5) An order entered by the referee shall be mailed
456 immediately to all parties and their counsel. A rehearing by the
457 judge shall be allowed if any party files a written motion for a
458 rehearing or on the court's own motion within three (3) days after
459 notice of referee's order. The youth court may enlarge the time
460 for filing a motion for a rehearing for good cause shown. Any
461 rehearing shall be upon the record of the hearing before the
462 referee, but additional evidence may be admitted in the discretion
463 of the judge. A motion for a rehearing shall not act as a
464 supersedeas of the referee's order, unless the judge * * * so
465 orders.

466 (6) The salary for the referee shall be based on a formula
467 established by the Administrative Office of Courts, which shall
468 take into account the youth court's case load. The salary for a
469 referee serving in one (1) county shall not exceed the salary of a
470 member of the board of supervisors of that county. The salary of
471 a referee serving two (2) or more counties shall not exceed an
472 amount equal to the combined salaries of any one (1) member of the
473 board of supervisors of the two (2) highest paid boards of
474 supervisors of the counties serviced by that referee.

475 (7) * * * The judge of the chancery court may appoint a
476 suitable person as referee to two (2) or more counties within his
477 district * * *.



478 **SECTION 17.** Section 43-21-117, Mississippi Code of 1972, is
479 amended as follows:

480 43-21-117. (1) The youth court prosecutor shall represent
481 the petitioner in all proceedings in the youth court.

482 (2) The county prosecuting attorney shall serve as the youth
483 court prosecutor; however, if funds are available under Section
484 43-21-123, the court may designate, as provided in subsection (3)
485 of this section, a prosecutor or prosecutors in lieu of or in
486 addition to the county prosecuting attorney. * * * The district
487 attorney may participate in transfer proceedings.

488 (3) The judge may designate as provided in Section 43-21-123
489 some suitable attorney or attorneys to serve as youth court
490 prosecutor or prosecutors in lieu of or in conjunction with the
491 youth court prosecutor provided in subsection (2) of this section.
492 The designated youth court prosecutor or prosecutors shall be paid
493 a fee or salary fixed on order of the judge as provided in Section
494 43-21-123 and shall be paid by the county out of any available
495 funds budgeted for the youth court by the board of
496 supervisors * * *.

497 (4) All youth court prosecutors and county prosecuting
498 attorneys who serve as youth court prosecutors shall be required
499 to receive juvenile justice training approved by the Mississippi
500 Attorney General's office and regular annual continuing education
501 in the field of juvenile justice. The Mississippi Attorney
502 General's office shall determine the amount of juvenile justice
503 training and annual continuing education that will be satisfactory
504 to fulfill the requirements of this subsection. The
505 Administrative Office of Courts shall maintain a roll of youth
506 court prosecutors, shall enforce the provisions of this subsection
507 and shall maintain records on all those youth court prosecutors
508 regarding that training. If a youth court prosecutor misses two
509 (2) consecutive training sessions sponsored by the Mississippi
510 Attorney General's office as required by this subsection or fails



511 to attend one (1) of those training sessions within six (6) months
512 of their designation as youth court prosecutor, the youth court
513 prosecutor shall be disqualified to serve and shall be immediately
514 removed from the office of youth court prosecutor and another
515 youth court prosecutor shall be designated.

516 **SECTION 18.** Section 43-21-123, Mississippi Code of 1972, is
517 amended as follows:

518 43-21-123. Except for expenses provided by state funds
519 and/or other monies, the board of supervisors * * * shall
520 adequately provide funds for the operation of the youth court
521 division of the chancery court in conjunction with the regular
522 chancery court budget, or the county * * * courts where those
523 courts are constituted. In preparation for that funding, on an
524 annual basis at the time requested, the youth court judge or
525 administrator shall prepare and submit to the board of
526 supervisors * * * an annual budget that will identify the number,
527 staff position, title and amount of annual or monthly compensation
528 of each position as well as provide for other expenditures
529 necessary to the functioning and operation of the youth court.
530 When the budget of the youth court or youth court judge is
531 approved by the board of supervisors * * *, then the youth court
532 or youth court judge may employ those persons as provided in the
533 budget from time to time.

534 The board of supervisors of any county in which there is
535 located a youth court may reimburse the youth court judges and
536 other youth court employees or personnel for reasonable travel and
537 expenses incurred in the performance of their duties and in
538 attending educational meetings offering professional training to
539 those persons as budgeted.

540 **SECTION 19.** Section 9-13-17, Mississippi Code of 1972, is
541 amended as follows:

542 9-13-17. The circuit judge, chancellor * * * or county judge
543 may, by an order spread upon the minutes and made a part of the



544 records of the court, appoint an additional court reporter for a
545 term or part of a term whose duties, qualifications and
546 compensation shall be the same as is now provided by law for
547 official court reporters. The additional court reporter shall be
548 subject to the control of the judge or chancellor, as is now
549 provided by law for official court reporters, and the judge or
550 chancellor shall have the additional power to terminate the
551 appointment of that additional court reporter, whenever in his
552 opinion the necessity for * * * an additional court reporter
553 ceases to exist, by placing upon the minutes of the court an order
554 to that effect. The regular court reporter shall not draw any
555 compensation while the assistant court reporter alone is serving;
556 however, if the assistant court reporter is serving because of the
557 illness of the regular court reporter, the court may authorize
558 payment of the assistant court reporter from the Administrative
559 Office of Courts without diminution of the salary of the regular
560 court reporter, for a period not to exceed forty-five (45) days in
561 any one (1) calendar year. However, in any circuit, chancery or
562 county * * * court district within the State of Mississippi, if
563 the judge or chancellor * * * determines that in order to relieve
564 the continuously crowded docket in the district, or for other good
565 cause shown, the appointment of an additional court reporter is
566 necessary for the proper administration of justice, he may, with
567 the advice and consent of the board of supervisors if the court
568 district is composed of a single county and with the advice and
569 consent of at least one-half (1/2) of the boards of supervisors if
570 the court district is composed of more than one (1) county, by an
571 order spread upon the minutes and made a part of the records of
572 the court, appoint an additional court reporter. The additional
573 court reporter shall serve at the will and pleasure of the judge
574 or chancellor, may be a resident of any county of the state, and
575 shall be paid a salary designated by the judge or chancellor not
576 to exceed the salary authorized by Section 9-13-19. The salary of



577 the additional court reporter shall be paid by the Administrative
578 Office of Courts, as provided in Section 9-13-19; and mileage
579 shall be paid to the additional court reporter by the county as
580 provided in the same section. The office of the additional court
581 reporter appointed under this section shall not be abolished or
582 compensation reduced during the term of office of the appointing
583 judge or chancellor without the consent and approval of the
584 appointing judge or chancellor.

585 **SECTION 20.** Section 9-13-61, Mississippi Code of 1972, is
586 amended as follows:

587 9-13-61. There shall be an official court reporter for each
588 county * * * judge in the State of Mississippi, to be appointed by
589 that judge, for the purpose of performing the necessary and
590 required stenographic work of the court or division thereof over
591 which the appointing judge is presiding, that work to be performed
592 under the direction of the judge and in the same manner and to the
593 same effect as is provided in the chapter on court reporting.

594 * * * The reporters of the courts shall receive an annual
595 salary of not less than Twenty-four Thousand Dollars (\$24,000.00)
596 and may, at the discretion of the board or boards of supervisors,
597 receive a monthly salary equal to that of the reporter of the
598 circuit court district in which the county lies, the same to be
599 paid monthly by the county out of its general fund, in a single
600 county court district, or by the counties out of their general
601 funds, in a multicounty court district.

602 * * *

603 **SECTION 21.** Section 9-9-3, Mississippi Code of 1972, which
604 provides for the establishment of a county court by agreement
605 between two (2) or more counties, is repealed.

606 **SECTION 22.** Section 9-9-9, Mississippi Code of 1972, which
607 restricts the practice of law by a county court judge, is
608 repealed.



609 **SECTION 23.** Section 9-9-13, Mississippi Code of 1972, which
610 authorizes the governing body of certain municipalities to
611 supplement the salaries of county judicial officers, is repealed.

612 **SECTION 24.** Section 9-9-14, Mississippi Code of 1972, which
613 authorizes three (3) county judgeships for Harrison County, is
614 repealed.

615 **SECTION 25.** Section 9-9-15, Mississippi Code of 1972, which
616 authorizes three (3) county judgeships for Hinds County, is
617 repealed.

618 **SECTION 26.** Section 9-9-16, Mississippi Code of 1972, which
619 authorizes two (2) county judgeships for Washington County, is
620 repealed.

621 **SECTION 27.** Section 9-9-17, Mississippi Code of 1972, which
622 authorizes two (2) county judgeships for Jackson County, is
623 repealed.

624 **SECTION 28.** Section 9-9-37, Mississippi Code of 1972, which
625 provides for the establishment or abolition of county courts, is
626 repealed.

627 **SECTION 29.** Section 9-9-39, Mississippi Code of 1972, which
628 provides for transfer of pending matters in any county court that
629 may be abolished, is repealed.

630 **SECTION 30.** Section 9-9-41, Mississippi Code of 1972, which
631 provides for the abolition of county courts in certain counties,
632 is repealed.

633 **SECTION 31.** Section 9-9-43, Mississippi Code of 1972, which
634 requires legislation action or election for abolition of county
635 courts in certain counties, is repealed.

636 **SECTION 32.** Section 9-9-45, Mississippi Code of 1972, which
637 requires the establishment or abolition of county courts under
638 certain circumstances, is repealed.

639 **SECTION 33.** Section 43-21-159, Mississippi Code of 1972, is
640 amended as follows:



641 43-21-159. (1) When a person appears before a court other
642 than the youth court, and it is determined that the person is a
643 child under jurisdiction of the youth court, that court * * *,
644 unless the jurisdiction of the offense has been transferred to the
645 court as provided in this chapter, or unless the child has
646 previously been the subject of a transfer from the youth court to
647 the circuit court for trial as an adult and was convicted, shall
648 immediately dismiss the proceeding without prejudice and forward
649 all documents pertaining to the cause to the youth court; and all
650 entries in permanent records shall be expunged. The youth court
651 shall have the power to order and supervise the expunction or the
652 destruction of those records in accordance with Section 43-21-265.
653 The youth court may to expunge the record of any case within its
654 jurisdiction in which an arrest was made, the person arrested was
655 released and the case was dismissed or the charges were dropped or
656 there was no disposition of the case. In cases where the child is
657 charged with a hunting or fishing violation or a traffic
658 violation, except for driving offenses under the Mississippi
659 Implied Consent Law, whether it is any state or federal law, * * *
660 or municipal ordinance or county resolution or where the child is
661 charged with a violation of Section 67-3-70, the appropriate
662 criminal court may proceed to dispose of the same in the same
663 manner as for other * * * offenders and it shall not be necessary
664 to transfer the case to the youth court of the county. The youth
665 court, in addition to other action, may suspend the driver's
666 license of any child charged with an offense under the Mississippi
667 Implied Consent Law. Unless the cause has been transferred, or
668 unless the child has previously been the subject of a transfer
669 from the youth court to the circuit court for trial as an
670 adult * * * and was convicted, the youth court shall have power on
671 its own motion to remove jurisdiction from any criminal court of
672 any offense including a hunting or fishing violation, a traffic
673 violation, or a violation of Section 67-3-70, committed by a child



674 in a matter under the jurisdiction of the youth court and proceed
675 with the matter in accordance with the provisions of this chapter.

676 (2) After conviction and sentence of any child by any other
677 court having original jurisdiction on a misdemeanor charge, and
678 within the time allowed for an appeal of the conviction and
679 sentence, the youth court of the county shall have the full power
680 to stay the execution of the sentence and to release the child on
681 good behavior or on other order as the youth court may see fit to
682 make unless the child has previously been the subject of a
683 transfer from the youth court to the circuit court for trial as an
684 adult and was convicted. When a child is convicted of a
685 misdemeanor and is committed to, incarcerated in or imprisoned in
686 a jail or other place of detention by a criminal court having
687 proper jurisdiction of the charge, the court shall notify the
688 youth court judge or the judge's designee of the conviction and
689 sentence before the commencement of the incarceration. The youth
690 court shall have the power to order and supervise the destruction
691 of any records involving children maintained by the criminal court
692 in accordance with Section 43-21-265. However, the youth court
693 shall have the power to set aside a judgment of any other court
694 rendered in any matter over which the youth court has exclusive
695 original jurisdiction, to expunge or destroy the records thereof
696 in accordance with Section 43-21-265, and to order a refund of
697 fines and costs.

698 (3) Nothing in subsection (1) or (2) of this section shall
699 apply to a youth who has a pending charge or a conviction for any
700 crime over which circuit court has original jurisdiction.

701 (4) In any case in which the defendant is a child as defined
702 in this chapter and of which the circuit court has original
703 jurisdiction, the circuit judge, upon a finding that it would be
704 in the best interest of the child and in the interest of justice,
705 may at any stage of the proceedings before the attachment of
706 jeopardy transfer the proceedings to the youth court for further



707 proceedings unless the child has previously been the subject of a
708 transfer from the youth court to the circuit court for trial as an
709 adult and was convicted or has previously been convicted of a
710 crime that was in original circuit court jurisdiction, and the
711 youth court shall, upon acquiring jurisdiction, proceed as
712 provided in this chapter for the adjudication and disposition of
713 delinquent child proceeding proceedings. If the case is not
714 transferred to the youth court and the youth is convicted of a
715 crime by any circuit court, the trial judge shall sentence the
716 youth as though the youth were an adult. The circuit court shall
717 not have the authority to commit the child to the custody of the
718 Office of Youth Services of the Department of Human Services for
719 placement in a state-supported training school.

720 (5) In no event shall a court sentence an offender over the
721 age of eighteen (18) to the custody of the Office of Youth
722 Services for placement in a state-supported training school.

723 (6) When a child's driver's license is suspended by the
724 youth court for any reason, the clerk of the youth court shall
725 report the suspension, without a court order under Section
726 43-21-261, to the Commissioner of Public Safety in the same manner
727 as those suspensions are reported in cases involving adults.

728 (7) No offense involving the use or possession of a firearm
729 by a child who has reached his fifteenth birthday and which, if
730 committed by an adult would be a felony, shall be transferred to
731 the youth court.

732 **SECTION 34.** The Attorney General of the State of Mississippi
733 shall submit this act, immediately upon approval by the Governor,
734 or upon approval by the Legislature after a veto, to the Attorney
735 General of the United States or to the United States District
736 Court for the District of Columbia in accordance with the
737 provisions of the Voting Rights Act of 1965, as amended and
738 extended.



739 **SECTION 35.** Section 3 of this act shall take effect and be
740 in force from and after the date it is effectuated under Section 5
741 of the Voting Rights Act of 1965, as amended and extended, and the
742 remainder of this act shall take effect on that date or on January
743 1, 2003, whichever is later.

