

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

To: Judiciary, Division A; Appropriations

SENATE BILL NO. 2477  
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 43-21-111, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT STATE FUNDING WILL BE CONTINGENT ON A COUNTY'S  
3 REGULAR YOUTH COURT REFEREE COMPLYING WITH ANNUAL TRAINING  
4 REQUIREMENTS; TO AMEND SECTION 43-21-123, MISSISSIPPI CODE OF  
5 1972, TO PROVIDE FOR STATE AND COUNTY CONTRIBUTIONS TOWARD THE  
6 YOUTH COURT BUDGET; TO AMEND SECTION 43-21-107, MISSISSIPPI CODE  
7 OF 1972, TO CONFORM; TO AMEND SECTION 9-1-36, MISSISSIPPI CODE OF  
8 1972, TO INCREASE THE SUPPORT STAFF ALLOWANCE FOR TRIAL COURT  
9 JUDGES WITH CERTAIN ATTENDANT RESTRICTIONS; AND FOR RELATED  
10 PURPOSES.

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

12 **SECTION 1.** Section 43-21-111, Mississippi Code of 1972, is  
13 amended as follows:

14 43-21-111. (1) In any county not having a county  
15 court, \* \* \* the judge may appoint as provided in Section  
16 43-21-123 regular or special referees who shall be attorneys at  
17 law and members of the bar in good standing to act in cases  
18 concerning children within the jurisdiction of the youth court,  
19 and a regular referee shall hold office until removed by the  
20 judge. The requirement that regular or special referees appointed  
21 pursuant to this subsection be attorneys shall apply only to  
22 regular or special referees who were not first appointed regular  
23 or special referees prior to July 1, 1991.

24 (2) Any referee appointed pursuant to subsection (1) of this  
25 section or Section 43-21-107(2) and any municipal youth court  
26 judge shall be required to receive judicial training approved by  
27 the Mississippi Judicial College and shall be required to receive  
28 regular annual continuing education in the field of juvenile  
29 justice. The amount of judicial training and annual continuing  
30 education which shall be satisfactory to fulfill the requirements  
31 of this section shall conform with the amount prescribed by the

32 Rules and Regulations for Mandatory Continuing Judicial Education  
33 promulgated by the Supreme Court. The Administrative Office of  
34 Courts shall maintain a roll of referees appointed under this  
35 section, shall enforce the provisions of this subsection, shall  
36 maintain records on all such referees regarding such training, and  
37 shall not disburse funds to any county for the budget of a youth  
38 court referee or municipal youth court judge who is not in  
39 compliance with the judicial training requirements. Should a  
40 referee miss two (2) consecutive training sessions sponsored or  
41 approved by the Mississippi Judicial College as required by this  
42 subsection or fail to attend one (1) such training session within  
43 six (6) months of their initial appointment as a referee, the  
44 referee shall be disqualified to serve and be immediately removed  
45 as a referee and another member of the bar shall be appointed as  
46 provided in this section.

47 (3) The judge may direct that hearings in any case or class  
48 of cases be conducted in the first instance by the referee. The  
49 judge may also delegate his own administrative responsibilities to  
50 the referee.

51 (4) All hearings authorized to be heard by a referee shall  
52 proceed in the same manner as hearings before the youth court  
53 judge. A referee shall possess all powers and perform all the  
54 duties of the youth court judge in the hearings authorized to be  
55 heard by the referee.

56 (5) An order entered by the referee shall be mailed  
57 immediately to all parties and their counsel. A rehearing by the  
58 judge shall be allowed if any party files a written motion for a  
59 rehearing or on the court's own motion within three (3) days after  
60 notice of referee's order. The youth court may enlarge the time  
61 for filing a motion for a rehearing for good cause shown. Any  
62 rehearing shall be upon the record of the hearing before the  
63 referee, but additional evidence may be admitted in the discretion  
64 of the judge. A motion for a rehearing shall not act as a

65 supersedeas of the referee's order, unless the judge shall so  
66 order.

67 (6) The salary for the referee shall be \* \* \* as provided in  
68 Section 43-21-123 \* \* \*.

69 (7) \* \* \* The judge of the chancery court may appoint a  
70 suitable person as referee to two (2) or more counties within his  
71 district \* \* \*.

72 **SECTION 2.** Section 43-21-123, Mississippi Code of 1972, is  
73 amended as follows:

74 43-21-123. (1) Except for expenses provided by state funds  
75 and/or other monies, the board of supervisors, or the municipal  
76 governing board where there is a municipal youth court, shall  
77 adequately provide funds for the operation of the youth court  
78 division of the appropriate court in conjunction with the  
79 regular \* \* \* court budget \* \* \*. In preparation for said  
80 funding, on an annual basis at the time requested, the youth court  
81 judge, regular youth court referee or administrator shall prepare  
82 and submit to the board of supervisors, or the municipal governing  
83 board of the youth court wherever the youth court is a municipal  
84 court, an annual budget which will identify the number, staff  
85 position, title and amount of annual or monthly compensation of  
86 each position as well as provide for other expenditures necessary  
87 to the functioning and operation of the youth court. When the  
88 budget of the youth court or youth court judge is approved by the  
89 board of supervisors or the governing authority of the  
90 municipality, then the youth court, youth court judge, regular  
91 youth court referee or administrator may employ such persons as  
92 provided in the budget from time to time.

93 (2) The board of supervisors of any county in which there is  
94 located a youth court, and the governing authority of any  
95 municipality in which there is located a municipal youth court,  
96 are each authorized to reimburse the youth court referees and  
97 other county-employed or municipally employed youth court

98 employees or personnel for reasonable travel and expenses incurred  
99 in the performance of their duties and in attending educational  
100 meetings offering professional training to such persons as  
101 budgeted.

102 (3) (a) In order to ensure that all youth courts served by  
103 a county court or a referee court have sufficient support funds to  
104 carry on the business of the court, the Administrative Office of  
105 Courts shall establish a formula for providing state support for  
106 the support of all county and referee youth courts. Funds may  
107 also be provided to youth courts existing under Section  
108 43-21-107(3). In each referee court, youth court support funds  
109 shall be available to each regular youth court referee so long as  
110 the senior chancellor does not elect to employ a youth court  
111 administrator as set forth in paragraph (b) of this subsection,  
112 and each regular youth court referee shall have the individual  
113 discretion to appropriate those funds as expense monies to assist  
114 in hiring secretarial staff and acquiring materials incident to  
115 carrying on the business of the court within the referee's private  
116 practice of law, or may direct the use of those funds through the  
117 county budget for court support supplies or services. Youth court  
118 support funds authorized under this subsection shall be subject to  
119 specific appropriation therefor by the Legislature. Recipients of  
120 funds under this section shall be accountable for assuring,  
121 through private, county or municipal employees, the proper  
122 preparation and filing of all necessary tracking and other  
123 documentation attendant to the administration of the youth court.  
124 The formula developed by the Administrative Office of Courts for  
125 providing youth court support funds shall be reviewed by the  
126 Administrative Office of Courts every two (2) years to ensure that  
127 the youth court support funds provided herein are proportional to  
128 each youth court's caseload. Approval of the use of any of the  
129 youth court support funds made under this subsection shall be made

130 by the Administrative Office of Courts in accordance with  
131 procedures established by the Administrative Office of Courts.

132 (b) In lieu of accepting any referee support funds as  
133 provided in paragraph (a) of this subsection, when permitted by  
134 the Administrative Office of Courts, the senior chancellors of  
135 Chancery Districts One, Two, Three, Four, Six, Seven, Nine, Ten,  
136 Thirteen, Fourteen, Fifteen and Eighteen may appoint a youth court  
137 administrator for the district whose responsibility will be to  
138 perform all reporting, tracking and other duties of a court  
139 administrator for all youth courts in the district which are under  
140 the chancery court system. The Administrative Office of Courts  
141 shall allocate to each chancellor so electing a sum not to exceed  
142 Thirty Thousand Dollars (\$30,000.00) per year to cover the salary,  
143 fringe benefits and equipment of such administrator, and an  
144 additional sum not to exceed One Thousand Nine Hundred Dollars  
145 (\$1,900.00) to cover travel expenses of the administrator.

146 **SECTION 3.** Section 43-21-107, Mississippi Code of 1972, is  
147 amended as follows:

148 43-21-107. \* \* \*

149 (1) A youth court division is hereby created as a division  
150 of the county court of each county now or hereafter having a  
151 county court \* \* \*, and the county judge shall be the judge of the  
152 youth court unless another judge is named by the county judge as  
153 provided by this chapter.

154 (2) A youth court division is hereby created as a division  
155 of the chancery court of each county in which no county  
156 court \* \* \* is maintained and any chancellor within a chancery  
157 court district shall be the judge of the youth court of that  
158 county within such chancery court district unless another judge is  
159 named by the senior chancellor of the county or chancery court  
160 district as provided by this chapter.

161 (3) In any county where there is no county court or family  
162 court on July 1, 1979, there may be created a youth court division

163 as a division of the municipal court in any city if the governing  
164 authorities of such city adopt a resolution to that effect. The  
165 cost of the youth court division of the municipal court shall be  
166 paid from any funds available to the municipality \* \* \*.

167 SECTION 4. Section 9-1-36, Mississippi Code of 1972, is  
168 amended as follows:

169 9-1-36. (1) Each circuit judge and chancellor shall receive  
170 an office operating allowance for the expenses of operating the  
171 office of the judge, including retaining a law clerk, legal  
172 research, stenographic help, stationery, stamps, furniture, office  
173 equipment, telephone, office rent and other items and expenditures  
174 necessary and incident to maintaining the office of judge. The  
175 allowance shall be paid only to the extent of actual expenses  
176 incurred by the judge as itemized and certified by the judge to  
177 the Supreme Court and then in an amount of Nine Thousand Dollars  
178 (\$9,000.00) per annum; however, the judge may expend sums in  
179 excess thereof from the compensation otherwise provided for his  
180 office. No part of this expense or allowance shall be used to pay  
181 an official court reporter for services rendered to said court.

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

186 (3) Each judge who desires to employ support staff after  
187 July 1, 1994, shall make application to the Administrative Office  
188 of Courts by submitting to the Administrative Office of Courts a  
189 proposed personnel plan setting forth what support staff is deemed  
190 necessary. The plan may be submitted by a single judge or by any  
191 combination of judges desiring to share support staff. In the  
192 process of the preparation of the plan, the judges, at their  
193 request, may receive advice, suggestions, recommendations and  
194 other assistance from the Administrative Office of Courts. The  
195 Administrative Office of Courts must approve the positions, job

196 descriptions and salaries before the positions may be filled. The  
197 Administrative Office of Courts shall not approve any plan which  
198 does not first require the expenditure of the funds in the support  
199 staff fund for compensation of any of the support staff before  
200 expenditure is authorized of county funds for that purpose. Upon  
201 approval by the Administrative Office of Courts, the judge or  
202 judges may appoint the employees to the position or positions, and  
203 each employee so appointed will work at the will and pleasure of  
204 the judge or judges who appointed him but will be employees of the  
205 Administrative Office of Courts. Upon approval by the  
206 Administrative Office of Courts, the appointment of any support  
207 staff shall be evidenced by the entry of an order on the minutes  
208 of the court. When support staff is appointed jointly by two (2)  
209 or more judges, the order setting forth any appointment shall be  
210 entered on the minutes of each participating court.

211 (4) The Administrative Office of Courts shall develop and  
212 promulgate minimum qualifications for the certification of court  
213 administrators. Any court administrator appointed on or after  
214 October 1, 1996, shall be required to be certified by the  
215 Administrative Office of Courts.

216 (5) Support staff shall receive compensation pursuant to  
217 personnel policies established by the Administrative Office of  
218 Courts; however:

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

224 (b) From and after July 1, 2007, the Administrative  
225 Office of Courts shall allocate from the support staff fund an  
226 additional amount not to exceed Forty Thousand Dollars  
227 (\$40,000.00), subject to the availability of funds appropriated  
228 therefor. Of the amount provided in this paragraph (b), each

229 judge shall utilize an amount sufficient to ensure that judge has  
230 access to the services of a law clerk, whether hired by the judge  
231 separately or in concert with another judge. Any excess funds  
232 remaining upon satisfaction of this requirement may be used for  
233 any other support staff as defined in this section. Any  
234 employment pursuant to this subsection shall be subject to the  
235 provisions of Section 25-1-53.

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

241 (6) For the purposes of this section, the following terms  
242 shall have the meaning ascribed herein unless the context clearly  
243 requires otherwise:

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

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

250 (c) "Compensation" means the gross salary plus all  
251 amounts paid for benefits or otherwise as a result of employment  
252 or as required by employment; provided, however, that only salary  
253 earned for services rendered shall be reported and credited for  
254 Public Employees' Retirement System purposes. Amounts paid for  
255 benefits or otherwise, including reimbursement for travel  
256 expenses, shall not be reported or credited for retirement  
257 purposes;

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

261 (7) Title to all tangible property, excepting stamps,  
262 stationery and minor expendable office supplies, procured with  
263 funds authorized by this section, shall be and forever remain in  
264 the State of Mississippi to be used by the circuit judge or  
265 chancellor during the term of his office and thereafter by his  
266 successors.

267 (8) Any circuit judge or chancellor who did not have a  
268 primary office provided by the county on March 1, 1988, shall be  
269 allowed an additional Four Thousand Dollars (\$4,000.00) per annum  
270 to defray the actual expenses incurred by the judge or chancellor  
271 in maintaining an office; however, any circuit judge or chancellor  
272 who had a primary office provided by the county on March 1, 1988,  
273 and who vacated the office space after that date for a legitimate  
274 reason, as determined by the Department of Finance and  
275 Administration, shall be allowed the additional office expense  
276 allowance provided under this subsection. The county in which a  
277 circuit judge or chancellor sits is authorized to provide funds  
278 from any available source to assist in defraying the actual  
279 expenses to maintain an office.

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

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

289 **SECTION 5.** This act shall take effect and be in force from  
290 and after July 1, 2007.