

PROPOSED HOUSE AMENDMENT TO SENATE BILL NO. 2197

BY: Carrie J. Reynolds + Myles

(after section 2)

Amend by adding following language and  
by renumbering <sup>the</sup> succeeding sections:

AMEND TITLE (to conform) (as follows):

If attorney recommends that the vote requirement be changed, submit recommendation of vote change form to the Speaker's Office.

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

To: Public Health and Human  
Services

HOUSE BILL NO. 419

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

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

22 **SECTION 3.** Section 9-27-1, Mississippi Code of 1972, is  
23 amended as follows:

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

26 **SECTION 4.** Section 9-27-3, Mississippi Code of 1972, is  
27 amended as follows:



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

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

- 38           (a) Reduce the number of future criminal justice  
39 contacts among offenders with mental illnesses;
- 40           (b) Reduce the inappropriate institutionalization of  
41 people with mental illnesses;
- 42           (c) Improve the mental health and well-being of  
43 defendants who come in contact with the \* \* \* mental health court;
- 44           (d) Improve linkages between the criminal justice  
45 system and the mental health system;
- 46           (e) Expedite case processing;
- 47           (f) Protect public safety;
- 48           (g) Establish linkages with other state and local  
49 agencies and programs that target people with mental illnesses in  
50 order to maximize the delivery of services; and
- 51           (h) To use corrections resources more effectively by  
52 redirecting prison-bound offenders whose criminal conduct is



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

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

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

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

64 (b) "Mental health \* \* \* court" means an immediate and  
65 highly structured intervention process for mental health treatment  
66 of eligible defendants or juveniles that:

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

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

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

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

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

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

81         9-27-6. (1) The Administrative Office of Courts shall be  
82 responsible for certification and monitoring of local mental  
83 health courts according to standards promulgated by the State  
84 Mental Health Courts Advisory Committee.

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

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



102 committee may make suggestions as to the criteria for eligibility  
103 and other procedural and substantive guidelines for mental health  
104 court operation.

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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



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

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

251 **SECTION 8.** Section 9-27-9, Mississippi Code of 1972, is  
252 amended as follows:

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

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

260 (b) Clinical assessment;

261 (c) Education;

262 (d) Referral;

263 (e) Service coordination and case management; and

264 (f) Counseling and rehabilitative care.

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

335 (ii) Another state;

336 (iii) The federal government;

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

338 (v) A public or private agency, foundation,

339 corporation or individual.

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



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

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

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

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

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

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



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

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

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

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

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

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

380 **SECTION 9-27-17<sup>12</sup>**. Section 9-27-17, Mississippi Code of 1972, is  
381 amended as follows:

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

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

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

391            <sup>13</sup>  
SECTION ~~13~~. Section 9-27-19, Mississippi Code of 1972, is  
392 amended as follows:

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

403            <sup>14</sup>  
SECTION ~~14~~. The following shall be codified as Section  
404 9-27-23, Mississippi Code of 1972:

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

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



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

420           SECTION ~~43~~<sup>15</sup>. Section 43-21-357, Mississippi Code of 1972, is  
421 amended as follows:

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



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

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

443 (b) That an informal adjustment be made;

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

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

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

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

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

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

454 (a) Order that no action be taken;

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

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

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

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

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



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

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

469 **SECTION ~~97~~**. Section 25-3-35, Mississippi Code of 1972, is  
470 amended as follows:

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

473 \* \* \*

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

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

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

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

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



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

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

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

508         \* \* \*

509         Chief Judge of the Court of Appeals.....\$147,578.00  
510         Associate Judges of the Court of Appeals, each.... 144,827.00

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



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

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

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

537           \* \* \*

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



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

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

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

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





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

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

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

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

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

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