

By: Representatives Cockerham, Anthony,
Stamps

To: Judiciary A

HOUSE BILL NO. 1149

1 AN ACT TO PROVIDE A CLEAR PATH TO PERMANENCY FOR CHILDREN IN
2 THE CUSTODY OF THE DEPARTMENT OF CHILD PROTECTION SERVICES; TO
3 AMEND SECTION 43-21-201, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT
4 CHILDREN ALLEGED TO HAVE BEEN ABUSED OR NEGLECTED SHALL BE A PARTY
5 AND SHALL BE REPRESENTED BY COUNSEL; TO PROVIDE THAT A PARTY'S
6 RIGHT TO REPRESENTATION SHALL EXTEND TO SHELTER HEARINGS; TO
7 PROVIDE THAT THE DEPARTMENT OF CHILD PROTECTION SERVICES SHALL BE
8 A NECESSARY PARTY AT ALL STAGES OF THE PROCEEDINGS INVOLVING A
9 CHILD FOR WHOM THE DEPARTMENT HAS CUSTODY INCLUDING, BUT NOT
10 LIMITED TO, SHELTER, ADJUDICATORY, DISPOSITION AND PERMANENCY
11 HEARINGS; TO AMEND SECTION 43-21-501, MISSISSIPPI CODE OF 1972, TO
12 REQUIRE THE YOUTH COURT TO ISSUE A SUMMONS TO THE DEPARTMENT OF
13 CHILD PROTECTION SERVICES IF A PETITION IS FILED THAT INVOLVES A
14 CHILD FOR WHOM THE DEPARTMENT HAS CUSTODY OF OR MAY BE AWARDED
15 CUSTODY OF; TO AMEND SECTION 43-21-701, MISSISSIPPI CODE OF 1972,
16 TO ADD ADDITIONAL MEMBERS TO THE MISSISSIPPI COMMISSION ON A
17 UNIFORM YOUTH COURT SYSTEM AND PROCEDURES; TO REVISE THE QUORUM OF
18 THE COMMISSION; TO AMEND SECTION 43-21-703, MISSISSIPPI CODE OF
19 1972, TO PROVIDE THAT THE COMMISSION SHALL FILE A REPORT WITH THE
20 LEGISLATURE ON OR BEFORE A CERTAIN DATE; TO AMEND SECTION
21 93-15-107, MISSISSIPPI CODE OF 1972, TO REQUIRE THE CLERK TO
22 DOCKET TERMINATION-OF-PARENTAL-RIGHTS CASES AS PRIORITY CASES ON
23 THE COURT'S DOCKET; TO REQUIRE IMMEDIATE NOTIFICATION TO THE
24 ASSIGNED JUDGE UPON FILING; TO AMEND SECTION 93-17-3, MISSISSIPPI
25 CODE OF 1972, TO PROVIDE THAT FOR ADOPTION PROCEEDINGS THE
26 CHANCERY COURT HAS ORIGINAL EXCLUSIVE JURISDICTION OVER ALL
27 ADOPTION PROCEEDINGS EXCEPT WHEN A COUNTY COURT SITTING AS A YOUTH
28 COURT HAS ACQUIRED JURISDICTION OF A CHILD IN AN ABUSE OR NEGLECT
29 PROCEEDING; TO PROVIDE THAT THE COUNTY COURT SHALL HAVE ORIGINAL
30 EXCLUSIVE JURISDICTION TO HEAR A PETITION FOR ADOPTION OF A CHILD
31 IN AN ABUSE OR NEGLECT PROCEEDING; TO REQUIRE THE CLERK TO DOCKET
32 ADOPTION PROCEEDINGS AS PRIORITY CASES ON THE COURT'S DOCKET; TO
33 REQUIRE IMMEDIATE NOTIFICATION TO THE ASSIGNED JUDGE UPON FILING;
34 TO BRING FORWARD SECTION 7-5-1, MISSISSIPPI CODE OF 1972, WHICH



35 PROVIDES FOR THE POWERS OF THE ATTORNEY GENERAL, FOR POSSIBLE
36 AMENDMENT; AND FOR RELATED PURPOSES.

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

38 **SECTION 1.** Section 43-21-201, Mississippi Code of 1972, is
39 amended as follows:

40 43-21-201. (1) (a) Each party shall have the right to be
41 represented by counsel at all stages of the proceedings including,
42 but not limited to, detention, shelter, adjudicatory and
43 disposition hearings and parole or probation revocation
44 proceedings.

45 (b) In delinquency matters the court shall appoint
46 legal defense counsel who is not also a guardian ad litem for the
47 same child. If the party is a child, the child shall be
48 represented by counsel at all critical stages: detention,
49 adjudicatory and disposition hearings; parole or probation
50 revocation proceedings; and post-disposition matters. If
51 indigent, the child shall have the right to have counsel appointed
52 for him by the youth court.

53 (c) A child who is alleged to have been abused or
54 neglected shall be deemed to be a party to the proceedings under
55 this chapter. The child shall be represented by an attorney at
56 all stages of any proceedings held pursuant to this chapter. The
57 court shall appoint an attorney to any child who is unrepresented.

58 (2) When a party first appears before the youth court, the
59 judge shall ascertain whether he is represented by counsel and, if
60 not, inform him of his rights including his right to counsel. If



61 the court determines that a parent or guardian who is a party in
62 an abuse, neglect or termination of parental rights proceeding is
63 indigent, the youth court judge may appoint counsel to represent
64 the indigent parent or guardian in the proceeding.

65 (3) An attorney appointed to represent a * * * child shall
66 be required to complete annual juvenile justice training that is
67 approved by the Mississippi Office of State Public Defender and
68 the Mississippi Commission on Continuing Legal Education. An
69 attorney appointed to represent a parent or guardian in an abuse,
70 neglect or termination of parental rights proceeding shall be
71 required to complete annual training that is approved by the
72 Office of State Public Defender and the Mississippi Commission on
73 Continuing Legal Education. The Mississippi Office of State
74 Public Defender and the Mississippi Commission on Continuing Legal
75 Education shall determine the amount of juvenile justice training
76 and continuing education required to fulfill the requirements of
77 this subsection. The State Public Defender shall maintain a roll
78 of attorneys who have complied with the training requirements and
79 shall enforce the provisions of this subsection. Should an
80 attorney fail to complete the annual training requirement or fail
81 to attend the required training within six (6) months of being
82 appointed to a youth court case, the attorney shall be
83 disqualified to serve and the youth court shall immediately
84 terminate the representation and appoint another attorney.



85 Attorneys appointed by a youth court to five (5) or fewer cases a
86 year are exempt from the requirements of this subsection.

87 (4) The child's attorney shall owe the same duties of
88 undivided loyalty, confidentiality and competent representation to
89 the child or minor as is due an adult client pursuant to the
90 Mississippi Rules of Professional Conduct.

91 (5) An attorney shall enter his appearance on behalf of a
92 party in the proceeding by filing a written notice of appearance
93 with the youth court, by filing a pleading, notice or motion
94 signed by counsel or by appearing in open court and advising the
95 youth court that he is representing a party. After counsel has
96 entered his appearance, he shall be served with copies of all
97 subsequent pleadings, motions and notices required to be served on
98 the party he represents. An attorney who has entered his
99 appearance shall not be permitted to withdraw from the case until
100 a timely appeal, if any, has been decided, except by leave of the
101 court then exercising jurisdiction of the cause after notice of
102 his intended withdrawal is served by him on the party he
103 represents.

104 (6) Each designee appointed by a youth court judge shall be
105 subject to the Code of Judicial Conduct and shall govern himself
106 or herself accordingly.

107 (7) The Department of Child Protection Services shall be a
108 necessary party at all stages of the proceedings involving a child



109 for whom the department has custody, including, but not limited
110 to, shelter, adjudicatory, disposition and permanency hearings.

111 **SECTION 2.** Section 43-21-501, Mississippi Code of 1972, is
112 amended as follows:

113 43-21-501. When a petition has been filed and the date of
114 hearing has been set by the youth court, the judge or his designee
115 shall order the clerk of the youth court to issue a summons to the
116 following to appear personally at such hearing:

117 (a) The child named in the petition;

118 (b) The person or persons who have custody or control
119 of the child;

120 (c) The parent or guardian of the child if such parent
121 or guardian does not have custody of the child; * * *

122 (d) The Department of Child Protection Services; and

123 (* * *e) Any other person whom the court deems
124 necessary.

125 **SECTION 3.** Section 43-21-701, Mississippi Code of 1972, is
126 amended as follows:

127 43-21-701. (1) There is hereby established the Mississippi
128 Commission on a Uniform Youth Court System and Procedures. The
129 commission shall consist of the following * * * twenty-one (21)
130 members:

131 (a) One (1) circuit court judge appointed by the Chief
132 Justice of the Mississippi Supreme Court;



133 (b) One (1) chancery court judge, appointed by the
134 Chief Justice of the Mississippi Supreme Court;

135 (c) The President of the Mississippi Council of Youth
136 Court Judges, or his designee;

137 (d) Two (2) who may be either family court judges or
138 county court judges, appointed by the President of the Mississippi
139 Council of Youth Court Judges;

140 (e) Two (2) youth court referees, appointed by the
141 President of the Mississippi Council of Youth Court Judges;

142 (f) One (1) member of the Mississippi House of
143 Representatives to be appointed by the Speaker of the House;

144 (g) One (1) member of the Mississippi Senate to be
145 appointed by the Lieutenant Governor;

146 (h) The directors of the following state agencies or
147 their designated representatives: the Mississippi Department
148 of * * * Human Services and the Mississippi Department of * * *
149 Child Protection Services;

150 (i) The director or his designated representative of
151 the Governor's Office of Federal-State Programs;

152 (j) * * * Two (2) employees, other than the director,
153 of the Department of * * * Child Protection Services who * * * are
154 supervisors of social workers primarily assigned to youth cases,
155 appointed by the Governor;



156 (k) One (1) employee, other than the director, of the
157 Department of Child Protection Services who is experienced with
158 the legal process of youth court cases, appointed by the Governor;

159 (* * * l) One (1) municipal police chief, appointed by
160 the Governor;

161 (* * * m) One (1) county sheriff, appointed by the
162 Governor;

163 (* * * n) Two (2) lawyers experienced in youth court
164 work, appointed by the Governor; and

165 (* * * o) Two (2) prosecuting attorneys who prosecute
166 cases in youth court, appointed by the Governor.

167 (2) The members shall be appointed to the commission within
168 fifteen (15) days of the effective date of Sections 43-21-701 and
169 43-21-703 and shall serve until the end of their respective terms
170 of office, if applicable, or until October 1, * * * 2024,
171 whichever occurs first. Vacancies on the commission shall be
172 filled in the manner of the original appointment. Members shall
173 be eligible for reappointment provided that upon such
174 reappointment they meet the qualifications required of a new
175 appointee.

176 (3) The commission may elect any officers from among its
177 membership as it deems necessary for the efficient discharge of
178 the commission's duties.

179 (4) The commission shall adopt rules and regulations
180 governing times and places for meetings and governing the manner



181 of conducting its business. * * * Twelve (12) or more members
182 shall constitute a quorum for the purpose of conducting any
183 business of the commission; provided, however, a vote of not less
184 than * * * fourteen (14) members shall be required for any
185 recommendations to the Legislature.

186 (5) Members of the commission shall serve without
187 compensation, except that state and county employees and officers
188 shall receive any per diem as authorized by law from
189 appropriations available to their respective agencies or political
190 subdivisions. All commission members shall be entitled to receive
191 reimbursement for any actual and reasonable expenses incurred as a
192 necessary incident to service on the commission, including mileage
193 as provided by law.

194 (6) The commission may select and employ a research director
195 who shall perform the duties which the commission directs, which
196 duties shall include the hiring of such other employees for the
197 commission as the commission may approve. The research director
198 and all other employees of the commission shall be in the state
199 service and their salaries shall be established by the commission
200 subject to approval by the State Personnel Board. Employees of
201 the commission shall be reimbursed for the expenses necessarily
202 incurred in the performance of their official duties in the same
203 manner as other state employees. The commission may also employ
204 any consultants it deems necessary, including consultants to



205 compile any demographic data needed to accomplish the duties of
206 the commission.

207 (7) The Governor's Office of Federal-State Programs shall
208 support the Commission on a Uniform Youth Court System and shall
209 act as agent for any funds made available to the commission for
210 its use. In order to expedite the implementation of the
211 Commission on a Uniform Youth Court System, any funds available to
212 the Governor's Office of Federal-State Programs for the * * *
213 2023-2024 fiscal year may be expended for the purpose of defraying
214 the expenses of the commission created herein.

215 (8) The commission may contract for suitable office space in
216 accordance with the provisions of Section 29-5-2, Mississippi Code
217 of 1972. In addition, the commission may utilize, with their
218 consent, the services, equipment, personnel, information and
219 resources of other state agencies; and may accept voluntary and
220 uncompensated services, contract with individuals, public and
221 private agencies, and request information, reports and data from
222 any agency of the state, or any of its political subdivisions, to
223 the extent authorized by law.

224 (9) In order to conduct and carry out its purposes, duties
225 and related activities as provided for in this section and Section
226 43-21-703, the commission is authorized to apply for and accept
227 gifts, grants, subsidies and other funds from persons,
228 corporations, foundations, the United States government or other
229 entities, provided that the receipt of such gifts, grants,



230 subsidies and funds shall be reported and otherwise accounted for
231 in the manner provided by law.

232 **SECTION 4.** Section 43-21-703, Mississippi Code of 1972, is
233 amended as follows:

234 43-21-703. (1) The commission shall study the youth court
235 system in Mississippi, and prepare a report including any proposed
236 changes in the youth court system and/or its procedures. It shall
237 submit the report to the Legislature, on or before October
238 1, * * * 2024, along with a report detailing any legislation which
239 may be needed to implement the plan. In preparing the report, the
240 commission shall evaluate the existing juvenile services in the
241 state and may recommend changes in the organizational concepts,
242 institutions, laws and resources.

243 (2) In formulating its report, the commission shall take
244 into consideration the following:

245 (a) Whether a uniform statewide youth court system
246 would be desirable;

247 (b) How best the service needs of the state could be
248 met in relation to the taxing and resource capacity of various
249 multi-county districts now existing or proposed;

250 (c) Whether counties in a given service area or
251 district may develop district shelters, detention centers and
252 diagnostic centers to serve a multi-county area; and



253 (d) What proposals or alternatives would update or
254 modernize the system to provide staffing for all counties and
255 citizens.

256 (3) The commission, in addition to recommending the plan
257 described in this section, shall serve as a clearinghouse and
258 information center for the collection, preparation, analysis and
259 dissemination of information on the youth court system in
260 Mississippi and shall conduct ongoing research relating to the
261 improvement of the youth court system. Pursuant to its duties
262 under this subsection, the commission may request the regular
263 submission to it of such reports, information and statistics by
264 the courts, judges, prosecuting attorneys and agencies of this
265 state which the commission deems necessary for the development of
266 its reports.

267 **SECTION 5.** Section 93-15-107, Mississippi Code of 1972, is
268 amended as follows:

269 93-15-107. (1) (a) Involuntary termination of parental
270 rights proceedings are commenced upon the filing of a petition
271 under this chapter. The petition may be filed by any interested
272 person, or any agency, institution or person holding custody of
273 the child. The simultaneous filing of a petition for adoption is
274 not a prerequisite for filing a petition under this chapter.

275 (b) The proceeding shall be triable, either in term
276 time or vacation, thirty (30) days after personal service of
277 process to any necessary party or, for a necessary party whose



278 address is unknown after diligent search, thirty (30) days after
279 the date of the first publication of service of process by
280 publication that complies with the Mississippi Rules of Civil
281 Procedure.

282 (c) Necessary parties to a termination of parental
283 rights action shall include the mother of the child, the legal
284 father of the child, the putative father of the child when known,
285 and any agency, institution or person holding custody of the
286 child. The absence of a necessary party who has been properly
287 served does not preclude the court from conducting the hearing or
288 rendering a final judgment.

289 (d) A guardian ad litem shall be appointed to protect
290 the best interest of the child, except that the court, in its
291 discretion, may waive this requirement when a parent executes a
292 written voluntary release to terminate parental rights. The
293 guardian ad litem fees shall be determined and assessed in the
294 discretion of the court.

295 (2) Voluntary termination of parental rights by written
296 voluntary release is governed by Section 93-15-111.

297 (3) In all cases involving termination of parental rights, a
298 minor parent shall be served with process as an adult.

299 (4) The court may waive service of process if an adoptive
300 child was born in a foreign country, put up for adoption in the
301 birth country, and has been legally admitted into this country.



302 (5) The clerk shall docket cases seeking relief under this
303 chapter as priority cases. The assigned judge shall be
304 immediately notified when a case is filed in order to provide for
305 expedited proceedings.

306 **SECTION 6.** Section 93-17-3, Mississippi Code of 1972, is
307 amended as follows:

308 93-17-3. (1) Except as otherwise provided in this section,
309 a court of this state has jurisdiction over a proceeding for the
310 adoption or readoption of a minor commenced under this chapter if:

311 (a) Immediately before commencement of the proceeding,
312 the minor lived in this state with a parent, a guardian, a
313 prospective adoptive parent or another person acting as parent,
314 for at least six (6) consecutive months, excluding periods of
315 temporary absence, or, in the case of a minor under six (6) months
316 of age, lived in this state from soon after birth with any of
317 those individuals and there is available in this state substantial
318 evidence concerning the minor's present or future care;

319 (b) Immediately before commencement of the proceeding,
320 the prospective adoptive parent lived in this state for at least
321 six (6) consecutive months, excluding periods of temporary
322 absence, and there is available in this state substantial evidence
323 concerning the minor's present or future care;

324 (c) The agency that placed the minor for adoption is
325 licensed in this state and it is in the best interest of the minor
326 that a court of this state assume jurisdiction because:



327 (i) The minor and the minor's parents, or the
328 minor and the prospective adoptive parent, have a significant
329 connection with this state; and

330 (ii) There is available in this state substantial
331 evidence concerning the minor's present or future care;

332 (d) The minor and the prospective adoptive parent or
333 parents are physically present in this state and the minor has
334 been abandoned or it is necessary in an emergency to protect the
335 minor because the minor has been subjected to or threatened with
336 mistreatment or abuse or is otherwise neglected, and the
337 prospective adoptive parent or parents, if not residing in
338 Mississippi, have completed and provided the court with a
339 satisfactory Interstate Compact for Placement of Children (ICPC)
340 home study and accompanying forms;

341 (e) It appears that no other state would have
342 jurisdiction under prerequisites substantially in accordance with
343 paragraphs (a) through (d), or another state has declined to
344 exercise jurisdiction on the ground that this state is the more
345 appropriate forum to hear a petition for adoption of the minor,
346 and it is in the best interest of the minor that a court of this
347 state assume jurisdiction; or

348 (f) The child has been adopted in a foreign country,
349 the agency that placed the minor for adoption is licensed in this
350 state, and it is in the best interest of the child to be readopted
351 in a court of this state having jurisdiction.



352 (2) A court of this state may not exercise jurisdiction over
353 a proceeding for adoption of a minor if, at the time the petition
354 for adoption is filed, a proceeding concerning the custody or
355 adoption of the minor is pending in a court of another state
356 exercising jurisdiction substantially in conformity with the
357 Uniform Child Custody Jurisdiction Act or this section unless the
358 proceeding is stayed by the court of the other state.

359 (3) If a court of another state has issued a decree or order
360 concerning the custody of a minor who may be the subject of a
361 proceeding for adoption in this state, a court of this state may
362 not exercise jurisdiction over a proceeding for adoption of the
363 minor unless:

364 (a) The court of this state finds that the court of the
365 state which issued the decree or order:

366 (i) Does not have continuing jurisdiction to
367 modify the decree or order under jurisdictional prerequisites
368 substantially in accordance with the Uniform Child Custody
369 Jurisdiction Act or has declined to assume jurisdiction to modify
370 the decree or order; or

371 (ii) Does not have jurisdiction over a proceeding
372 for adoption substantially in conformity with subsection (1)(a)
373 through (d) or has declined to assume jurisdiction over a
374 proceeding for adoption; and

375 (b) The court of this state has jurisdiction over the
376 proceeding.



377 (4) Any person may be adopted in accordance with the
378 provisions of this chapter in term time or in vacation by an
379 unmarried adult, by a married person whose spouse joins in the
380 petition, by a married person whose spouse does not join in the
381 petition because such spouse does not cohabit or reside with the
382 petitioning spouse, and in any circumstances determined by the
383 court that the adoption is in the best interest of the child.
384 Only the consenting adult will be a legal parent of the child. In
385 those adoption proceedings where the chancery court has
386 jurisdiction, the adoption shall be by sworn petition filed in the
387 chancery court of the county in which the adopting petitioner or
388 petitioners reside or in which the child to be adopted resides or
389 was born, or was found when it was abandoned or deserted, or in
390 which the home is located to which the child has been surrendered
391 by a person authorized to so do. In those adoption proceedings
392 where the county court sitting as a youth court has jurisdiction,
393 the adoption shall be by sworn petition filed in that county
394 court. The petition shall be accompanied by a doctor's or nurse
395 practitioner's certificate showing the physical and mental
396 condition of the child to be adopted and a sworn statement of all
397 property, if any, owned by the child. In addition, the petition
398 shall be accompanied by affidavits of the petitioner or
399 petitioners stating the amount of the service fees charged by any
400 adoption agencies or adoption facilitators used by the petitioner
401 or petitioners and any other expenses paid by the petitioner or



402 petitioners in the adoption process as of the time of filing the
403 petition. If the doctor's or nurse practitioner's certificate
404 indicates any abnormal mental or physical condition or defect, the
405 condition or defect shall not, in the discretion of the chancellor
406 or youth court judge, bar the adoption of the child if the
407 adopting parent or parents file an affidavit stating full and
408 complete knowledge of the condition or defect and stating a desire
409 to adopt the child, notwithstanding the condition or defect. The
410 court shall have the power to change the name of the child as a
411 part of the adoption proceedings. The word "child" in this
412 section shall be construed to refer to the person to be adopted,
413 though an adult.

414 (5) No person may be placed in the home of or adopted by the
415 prospective adopting parties before a court-ordered or voluntary
416 home study is satisfactorily completed by a licensed adoption
417 agency, a licensed, experienced social worker approved by the
418 chancery court, a court-appointed guardian ad litem that has
419 knowledge or training in conducting home studies if so directed by
420 the court, or by the Department of * * * Child Protection Services
421 on the prospective adoptive parties if required by Section
422 93-17-11.

423 (6) No person may be adopted by a person or persons who
424 reside outside the State of Mississippi unless the provisions of
425 the Interstate Compact for Placement of Children (Section 43-18-1
426 et seq.) have been complied with. In such cases Forms 100A, 100B



427 (if applicable) and evidence of Interstate Compact for Placement
428 of Children approval shall be added to the permanent adoption
429 record file within one (1) month of the placement, and a minimum
430 of two (2) post-placement reports conducted by a licensed
431 child-placing agency shall be provided to the Mississippi
432 Department of Child Protection Services Interstate Compact for
433 Placement of Children office.

434 (7) No person may be adopted unless the provisions of the
435 Indian Child Welfare Act (ICWA) have been complied with, if
436 applicable. When applicable, proof of compliance shall be
437 included in the court adoption file prior to finalization of the
438 adoption. If not applicable, a written statement or paragraph in
439 the petition for adoption shall be included in the adoption
440 petition stating that the provisions of ICWA do not apply before
441 finalization.

442 (8) The readoption of a child who has automatically acquired
443 United States citizenship following an adoption in a foreign
444 country and who possesses a Certificate of Citizenship in
445 accordance with the Child Citizenship Act, CAA, Public Law
446 106-395, may be given full force and effect in a readoption
447 proceeding conducted by a court of competent jurisdiction in this
448 state by compliance with the Mississippi Registration of Foreign
449 Adoptions Act, Article 9 of this chapter.

450 (9) For adult adoptees who consent to the adoption, a
451 chancellor may waive any of the petition requirements and



452 procedural requirements within subsections (4), (5), (6) and (7)
453 of this section.

454 (10) For proceedings filed under this chapter, the chancery
455 court has original exclusive jurisdiction over all adoption
456 proceedings except when a county court sitting as a youth court
457 has acquired jurisdiction of a child in an abuse or neglect
458 proceeding. In such case, the county court shall have original
459 exclusive jurisdiction to hear a petition for adoption of that
460 child pursuant to the procedures of this chapter.

461 (11) The clerk shall docket cases seeking relief under this
462 chapter as priority cases. The assigned judge shall be
463 immediately notified when a case is filed in order to provide for
464 expedited proceedings.

465 **SECTION 7.** Section 7-5-1, Mississippi Code of 1972, is
466 brought forward as follows:

467 7-5-1. The Attorney General provided for by Section 173 of
468 the Mississippi Constitution shall be elected at the same time and
469 in the same manner as the Governor is elected. His term of office
470 shall be four (4) years and his compensation shall be fixed by the
471 Legislature. He shall be the chief legal officer and advisor for
472 the state, both civil and criminal, and is charged with managing
473 all litigation on behalf of the state, except as otherwise
474 specifically provided by law. No arm or agency of the state
475 government shall bring or defend a suit against another arm or
476 agency without prior written approval of the Attorney General. He



477 shall have the powers of the Attorney General at common law and,
478 except as otherwise provided by law, is given the sole power to
479 bring or defend a lawsuit on behalf of a state agency, the subject
480 matter of which is of statewide interest. He shall intervene and
481 argue the constitutionality of any statute when notified of a
482 challenge thereto, pursuant to the Mississippi Rules of Civil
483 Procedure. His qualifications for office shall be as provided for
484 chancery and circuit judges in Section 154 of the Mississippi
485 Constitution.

486 **SECTION 8.** This act shall take effect and be in force from
487 and after July 1, 2023.

