

By: Representatives Currie, White, Gipson,  
Mangold, Reynolds, Bounds, Holland, Patterson

To: Public Health and Human  
Services

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 489

1 AN ACT TO AUTHORIZE MENTAL HEALTH COURT INTERVENTION  
2 PROGRAMS; TO SPECIFY THE PURPOSE AND GOALS OF MENTAL HEALTH  
3 COURTS; TO PROVIDE CERTAIN DEFINITIONS; TO PROVIDE THAT THE  
4 ADMINISTRATIVE OFFICE OF COURTS SHALL BE RESPONSIBLE FOR  
5 CERTIFICATION AND MONITORING OF LOCAL MENTAL HEALTH COURTS; TO  
6 ESTABLISH THE STATE MENTAL HEALTH COURTS ADVISORY COMMITTEE; TO  
7 SPECIFY MINIMUM STANDARDS FOR MENTAL HEALTH COURTS; TO PROVIDE  
8 CERTAIN MENTAL HEALTH COURT INTERVENTION SERVICES; TO SET FORTH  
9 ALTERNATIVE SENTENCING ELIGIBILITY CRITERIA AND CONDITIONS; TO  
10 DESIGNATE THE POWERS OF THE ADMINISTRATIVE OFFICE OF COURTS  
11 REGARDING MENTAL HEALTH COURTS; TO AUTHORIZE MENTAL HEALTH COURTS  
12 TO RECEIVE FUNDS AND ASSESS REASONABLE FEES; TO PROVIDE IMMUNITY  
13 TO PERSONS WHO PERFORM THEIR MENTAL HEALTH COURT DUTIES IN GOOD  
14 FAITH; TO PROVIDE THAT PERSONS WHO COMPLETE ALL REQUIREMENTS  
15 IMPOSED BY THE MENTAL HEALTH COURT WILL HAVE THE RECORD EXPUNGED;  
16 TO ESTABLISH THE MENTAL HEALTH COURT FUND; TO AMEND SECTION  
17 43-21-357, MISSISSIPPI CODE OF 1972, TO ALLOW THE YOUTH COURT  
18 INTAKE UNIT TO RECOMMEND THAT A CHILD BE REFERRED TO THE YOUTH  
19 COURT MENTAL HEALTH COURT AND TO ALLOW THE YOUTH COURT THE OPTION  
20 TO ORDER THAT A CHILD BE REFERRED TO THE YOUTH COURT MENTAL HEALTH  
21 COURT; TO AMEND SECTION 25-3-35, MISSISSIPPI CODE OF 1972, TO  
22 SPECIFY DUTIES IMPOSED ON SUPREME COURT JUSTICES, CHANCERY COURT  
23 JUDGES AND CIRCUIT COURT JUDGES RELATING TO MENTAL HEALTH COURTS;  
24 AND FOR RELATED PURPOSES.

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

26 **SECTION 1.** This chapter shall be known and may be cited as  
27 the Mississippi Mental Health Court Act.

28 **SECTION 2.** (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 alternatives  
34 that are adaptable to chancery, circuit, county, youth, municipal  
35 and justice courts.

36 (2) The goals of the mental health courts under this chapter  
37 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 3.** For the purposes of this chapter, the following  
56 words and phrases shall have the meanings as defined in this  
57 section unless the context clearly requires otherwise:

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

62           (b) "Crime of violence" means an offense listed  
63 in Section 97-3-2.

64           (c) "Mental health court" means an immediate and highly  
65 structured intervention process for mental health treatment of  
66 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           (d) "Evidence-based practices" means supervision  
73 policies, procedures and practices that scientific research  
74 demonstrates reduce recidivism.

75           (e) "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 4.** The Administrative Office of Courts shall be  
80 responsible for certification and monitoring of local mental  
81 health courts according to standards promulgated by the State  
82 Mental Health Courts Advisory Committee.

83           **SECTION 5.** (1) The State Mental Health Courts Advisory  
84 Committee is established to develop and periodically update  
85 proposed statewide evaluation plans and models for monitoring all  
86 critical aspects of mental health courts. The committee shall  
87 provide the proposed evaluation plans to the Chief Justice and the  
88 Administrative Office of Courts. The committee shall be chaired  
89 by the Director of the Administrative Office of Courts and shall  
90 consist of not less than seven (7) members nor more than eleven  
91 (11) members appointed by the Supreme Court and shall be broadly  
92 representative of the courts, mental health treatment communities,  
93 law enforcement, corrections, juvenile justice and child  
94 protective services.

95           (2) The State Mental Health Courts Advisory Committee may  
96 also make recommendations to the Chief Justice, the Director of  
97 the Administrative Office of Courts and state officials concerning  
98 improvements to mental health court policies and procedures  
99 including the mental health court certification process. The  
100 committee may make suggestions as to the criteria for eligibility  
101 and other procedural and substantive guidelines for mental health  
102 court operation.



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

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

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

123           **SECTION 6.** (1) The Administrative Office of Courts shall  
124 establish, implement and operate a uniform certification process  
125 for all mental health courts to ensure that funding for mental  
126 health courts supports effective and proven practices that reduce  
127 recidivism and provide treatment for their participants.



128           (2) The Administrative Office of Courts shall establish a  
129 certification process that ensures any new or existing mental  
130 health court meets minimum standards for mental health court  
131 operation.

132           (a) These standards shall include, but are not limited  
133 to:

134                   (i) The use of evidence-based practices including,  
135 but not limited to, the use of a valid and reliable risk and needs  
136 assessment tool to identify participants and deliver appropriate  
137 treatments;

138                   (ii) Targeting medium to high risk offenders for  
139 participation;

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

142                   (iv) Coordinated strategy between all mental  
143 health court program personnel;

144                   (v) Ongoing judicial interaction with each  
145 participant; and

146                   (vi) Monitoring and evaluation of mental health  
147 court program implementation and outcomes through data collection  
148 and reporting.

149           (b) Mental health court certification applications  
150 shall include:

151                   (i) A description of the need for the mental  
152 health court;



153 (ii) The targeted population for the mental health  
154 court;

155 (iii) The eligibility criteria for mental health  
156 court participants;

157 (iv) A description of the process for identifying  
158 appropriate participants including the use of a risk and needs  
159 assessment and a clinical assessment;

160 (v) A description of the mental health court  
161 treatment components including anticipated budget and  
162 implementation plan;

163 (vi) The data collection plan, which shall include  
164 collecting the following data:

165 1. Total number of participants;

166 2. Total number of successful participants;

167 3. Total number of unsuccessful participants  
168 and the reason why each participant did not complete the program;

169 4. Total number of participants who were  
170 arrested for a new criminal offense while in the mental health  
171 court program;

172 5. Total number of participants who were  
173 convicted of a new felony or misdemeanor offense while in the  
174 mental health court program;

175 6. Total number of participants who committed  
176 at least one (1) violation while in the mental health court  
177 program and the resulting sanction(s);



178                   7. Results of the initial risk and needs  
179 assessment or other clinical assessment conducted on each  
180 participant; and

181                   8. Any other data or information as required  
182 by the Administrative Office of Courts.

183                   (c) Every mental health court shall be certified under  
184 the following schedule:

185                   (i) A mental health court application submitted on  
186 or after July 1, 2017, shall require certification of the mental  
187 health court based on the proposed mental health court plan;

188                   (ii) A mental health court established on or after  
189 July 1, 2017, must be recertified after its second year of funded  
190 operation;

191                   (iii) A mental health court in existence by July  
192 1, 2017, must submit a certification petition by July 1, 2018, and  
193 be certified under the requirements of this section before  
194 expending mental health court resources budgeted for fiscal year  
195 2019; and

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

199                   (3) All certified mental health courts shall measure  
200 successful completion of the mental health court based on those  
201 participants who complete the program without a new criminal  
202 conviction.



203           (4) (a) All certified mental health courts must collect and  
204 submit to the Administrative Office of Courts each month, the  
205 following data:

206                   (i) Total number of participants at the beginning  
207 of the month;

208                   (ii) Total number of participants at the end of  
209 the month;

210                   (iii) Total number of participants who began the  
211 program in the month;

212                   (iv) Total number of participants who successfully  
213 completed the mental health court in the month;

214                   (v) Total number of participants who left the  
215 program in the month;

216                   (vi) Total number of participants who were  
217 arrested for a new criminal offense while in the mental health  
218 court program in the month;

219                   (vii) Total number of participants who were  
220 convicted for a new criminal arrest while in the mental health  
221 court program in the month; and

222                   (viii) Total number of participants who committed  
223 at least one (1) violation while in the mental health court  
224 program and any resulting sanction(s).

225           (b) By August 1, 2018, and each year thereafter, the  
226 Administrative Office of Courts shall report to the PEER Committee



227 the information in subsection (4)(a) of this section in a  
228 sortable, electronic format.

229 (5) All certified mental health courts may individually  
230 establish rules and may make special orders and rules as necessary  
231 that do not conflict with the rules promulgated by the Supreme  
232 Court or the Administrative Office of Courts.

233 (6) A certified mental health court may appoint the full or  
234 part-time employees that it deems necessary for the work of the  
235 mental health court and shall fix the compensation of those  
236 employees. Those employees shall serve at the will and pleasure of  
237 the judge or the judge's designee.

238 (7) The Administrative Office of Courts shall promulgate  
239 rules and regulations to carry out the certification and  
240 re-certification process and make any other policies not  
241 inconsistent with this section to carry out this process.

242 (8) A certified mental health court established under this  
243 chapter is subject to the regulatory powers of the Administrative  
244 Office of Courts as set forth in Section 9 of this act.

245 **SECTION 7.** (1) A mental health court's mental health  
246 intervention component shall provide for eligible persons, either  
247 directly or through referrals, a range of necessary court  
248 treatment services, including, but not limited to, the following:

249 (a) Screening using a valid and reliable assessment  
250 tool effective for identifying persons affected by mental health  
251 issues for eligibility and appropriate services;



- 252 (b) Clinical assessment;  
253 (c) Education;  
254 (d) Referral;  
255 (e) Service coordination and case management; and  
256 (f) Counseling and rehabilitative care.

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

260 **SECTION 8.** (1) In order to be eligible for alternative  
261 sentencing through a local mental health court, the participant  
262 must satisfy each of the following criteria:

263 (a) The participant cannot have any felony convictions  
264 for any offenses that are crimes of violence as defined in Section  
265 97-3-2 within the previous ten (10) years.

266 (b) The crime before the court cannot be a crime of  
267 violence as defined in Section 97-3-2.

268 (c) Other criminal proceedings alleging commission of a  
269 crime of violence cannot be pending against the participant.

270 (d) The participant cannot be currently charged with  
271 burglary of a dwelling under Section 97-17-23(2) or 97-17-37.

272 (e) The crime before the court cannot be a charge of  
273 driving under the influence of alcohol or any other drug or drugs  
274 that resulted in the death of a person.



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

278 (2) Participation in the services of a mental health  
279 treatment component shall be open only to the individuals over  
280 whom the court has jurisdiction, except that the court may agree  
281 to provide the services for individuals referred from another  
282 mental health court. In cases transferred from another  
283 jurisdiction, the receiving judge shall act as a special master  
284 and make recommendations to the sentencing judge.

285 (3) (a) As a condition of participation in a mental health  
286 court, a participant may be required to undergo a chemical test or  
287 a series of chemical tests as specified by the mental health  
288 court. A participant is liable for the costs of all chemical  
289 tests required under this section, regardless of whether the costs  
290 are paid to the mental health court or the laboratory; however, if  
291 testing is available from other sources or the program itself, the  
292 judge may waive any fees for testing.

293 (b) A laboratory that performs a chemical test under  
294 this section shall report the results of the test to the mental  
295 health court.

296 (4) A person does not have a right to participate in mental  
297 health court under this chapter. The court having jurisdiction  
298 over a person for a matter before the court shall have the final



299 determination about whether the person may participate in mental  
300 health court under this chapter.

301 **SECTION 9.** With regard to any mental health court  
302 established under this chapter, the Administrative Office of  
303 Courts shall do the following:

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

307 (b) Ensure that the structure of the treatment  
308 component complies with rules adopted under this section and  
309 applicable federal regulations.

310 (c) Revoke the authorization of a program upon a  
311 determination that the program does not comply with rules adopted  
312 under this section and applicable federal regulations.

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

315 (i) Another department, authority or agency of the  
316 state;

317 (ii) Another state;

318 (iii) The federal government;

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

320 (v) A public or private agency, foundation,  
321 corporation or individual.

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



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

327 (g) Collect monthly data reports submitted by all  
328 certified mental health courts, provide those reports to the State  
329 Mental Health Courts Advisory Committee, compile an annual report  
330 summarizing the data collected and the outcomes achieved by all  
331 certified mental health courts and submit the annual report to the  
332 Supreme Court, the Legislature and the Governor.

333 (h) Every three (3) years, contract with an external  
334 evaluator to conduct an evaluation of the effectiveness of the  
335 mental health court program, both statewide and individual mental  
336 health court programs, in complying with the key components of the  
337 mental health courts.

338 (i) Adopt rules to implement this chapter.

339 **SECTION 10.** (1) All monies received from any source by the  
340 mental health court shall be deposited in a fund to be used only  
341 for mental health court purposes. Any funds remaining in this  
342 fund at the end of a fiscal year shall not lapse into any general  
343 fund, but shall be retained in the mental health court fund for  
344 the funding of further activities by the mental health court.

345 (2) A mental health court may apply for and receive the  
346 following:

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



348 (b) Grant and contract monies from governmental  
349 sources.

350 (c) Other forms of financial assistance approved by the  
351 court to supplement the budget of the mental health court.

352 (3) The costs of participation in a mental health treatment  
353 program required by the certified mental health court may be paid  
354 by the participant or out of user fees or such other state,  
355 federal or private funds that may, from time to time, be made  
356 available.

357 (4) The court may assess such reasonable and appropriate  
358 fees to be paid to the local mental health court fund for  
359 participation in a mental health treatment program.

360 **SECTION 11.** The director and members of the professional and  
361 administrative staff of the mental health court who perform duties  
362 in good faith under this chapter are immune from civil liability  
363 for:

364 (a) Acts or omissions in providing services under this  
365 chapter; and

366 (b) The reasonable exercise of discretion in  
367 determining eligibility to participate in the mental health court.

368 **SECTION 12.** If the participant completes all requirements  
369 imposed upon him or her by the mental health court, including the  
370 payment of fines and fees assessed, the charge and prosecution  
371 shall be dismissed. If the defendant or participant was sentenced  
372 at the time of entry of a plea of guilty, the successful



373 completion of the mental health court order and other requirements  
374 of probation or suspension of sentence will result in the record  
375 of the criminal conviction or adjudication being expunged.  
376 However, no expunction of any implied consent violation shall be  
377 allowed.

378         **SECTION 13.** There is created in the State Treasury a special  
379 fund to be known as the Mental Health Court Fund. The purpose of  
380 the fund shall be to provide supplemental funding to all mental  
381 health courts in the state. Monies from the funds derived from  
382 assessments under Section 99-19-73 shall be expended by the  
383 Administrative Office of Courts, upon appropriation by the  
384 Legislature, pursuant to procedures set by the State Mental Health  
385 Courts Advisory Committee to assist the mental health courts in  
386 the state. Funds from other sources shall be distributed to the  
387 mental health courts in the state based on a formula set by the  
388 State Mental Health Courts Advisory Committee.

389         The fund shall consist of: (a) monies appropriated by the  
390 Legislature for the purposes of funding mental health courts; (b)  
391 the interest accruing to the fund; (c) monies received under the  
392 provisions of Section 99-19-73; (d) monies received from the  
393 federal government; and (e) monies received from such other  
394 sources as may be provided by law. Monies remaining in the fund  
395 at the end of a fiscal year shall not lapse into the State General  
396 Fund.



397           **SECTION 14.** Section 1 through 13 of this act shall be  
398 codified as a new chapter in Title 9, Mississippi Code of 1972.

399           **SECTION 15.** Section 43-21-357, Mississippi Code of 1972, is  
400 amended as follows:

401           43-21-357. (1) After receiving a report, the youth court  
402 intake unit shall promptly make a preliminary inquiry to determine  
403 whether the interest of the child, other children in the same  
404 environment or the public requires the youth court to take further  
405 action. As part of the preliminary inquiry, the youth court  
406 intake unit may request or the youth court may order the  
407 Department of Human Services, the Department of Youth Services,  
408 any successor agency or any other qualified public employee to  
409 make an investigation or report concerning the child and any other  
410 children in the same environment, and present the findings thereof  
411 to the youth court intake unit. If the youth court intake unit  
412 receives a neglect or abuse report, the youth court intake unit  
413 shall immediately forward the complaint to the Department of Human  
414 Services to promptly make an investigation or report concerning  
415 the child and any other children in the same environment and  
416 promptly present the findings thereof to the youth court intake  
417 unit. If it appears from the preliminary inquiry that the child  
418 or other children in the same environment are within the  
419 jurisdiction of the court, the youth court intake unit shall  
420 recommend to the youth court:

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



422 (b) That an informal adjustment be made;  
423 (c) The Department of Human Services, Division of  
424 Family and Children Services, monitor the child, family and other  
425 children in the same environment;  
426 (d) That the child is warned or counseled informally;  
427 (e) That the child be referred to the youth court drug  
428 court; \* \* \*  
429 (f) That a petition be filed \* \* \*; or  
430 (g) That the child be referred to the youth court  
431 mental health court.

432 (2) The youth court shall then, without a hearing:  
433 (a) Order that no action be taken;  
434 (b) Order that an informal adjustment be made;  
435 (c) Order that the Department of Human Services,  
436 Division of Family and Children Services, monitor the child,  
437 family and other children in the same environment;  
438 (d) Order that the child is warned or counseled  
439 informally;  
440 (e) Order that the child be referred to the youth court  
441 drug court; \* \* \*  
442 (f) Order that a petition be filed \* \* \*; or  
443 (g) Order that the child be referred to the youth court  
444 mental health court.



445 (3) If the preliminary inquiry discloses that a child needs  
446 emergency medical treatment, the judge may order the necessary  
447 treatment.

448 **SECTION 16.** Section 25-3-35, Mississippi Code of 1972, is  
449 amended as follows:

450 25-3-35. (1) The annual salaries of the following judges  
451 are fixed as follows:

452 \* \* \*

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

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

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

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

465 The fixed salaries in this subsection (1) shall be paid from  
466 the State General Fund and from the Judicial System Operation Fund  
467 created under Section 9-21-45. No less than: One Hundred Fifteen  
468 Thousand Three Hundred Ninety Dollars (\$115,390.00) of the Chief  
469 Justice's salary in this subsection (1), One Hundred Thirteen



470 Thousand One Hundred Ninety Dollars (\$113,190.00) of the salary of  
471 a presiding justice in this subsection (1), and One Hundred Twelve  
472 Thousand Five Hundred Thirty Dollars (\$112,530.00) of the salary  
473 of an associate justice in this subsection (1) shall be paid from  
474 general fund monies; in addition, the Legislature shall  
475 appropriate annually from the Judicial System Operation Fund a sum  
476 sufficient to increase the salary of the Chief Justice, a  
477 presiding justice and an associate justice to the levels set forth  
478 in this subsection (1).

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

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

487 \* \* \*

488 Chief Judge of the Court of Appeals.....\$147,578.00

489 Associate Judges of the Court of Appeals, each.... 144,827.00

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

493 The fixed salaries in this subsection (2) shall be paid from  
494 the State General Fund and from the Judicial System Operation Fund



495 created under Section 9-21-45. No less than One Hundred Eight  
496 Thousand One Hundred Thirty Dollars (\$108,130.00) of the Chief  
497 Judge's salary in this subsection (2) shall be paid from general  
498 fund monies; in addition, the Legislature shall appropriate  
499 annually from the Judicial System Operation Fund a sum sufficient  
500 to increase the Chief Judge's salary to the level set forth in  
501 this subsection (2). No less than One Hundred Five Thousand Fifty  
502 Dollars (\$105,050.00) of the salary of an associate judge in this  
503 subsection (2) shall be paid from general fund monies; in  
504 addition, the Legislature shall appropriate annually from the  
505 Judicial System Operation Fund a sum sufficient to increase the  
506 salary of an associate judge to the level set forth in this  
507 subsection (2).

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

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

516 \* \* \*

517 Chancery Judges, each.....\$136,000.00  
518 Circuit Judges, each..... 136,000.00



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

528 The fixed salaries in this subsection (3) shall be paid from  
529 the State General Fund and from the Judicial System Operation Fund  
530 created under Section 9-21-45. No less than One Hundred Four  
531 Thousand One Hundred Seventy Dollars (\$104,170.00) of the salary  
532 of a chancery or circuit Judge in this subsection (3) shall be  
533 paid from general fund monies; in addition, the Legislature shall  
534 appropriate annually from the Judicial System Operation Fund a sum  
535 sufficient to increase the salary of a chancery or circuit judge  
536 to the levels set forth in this subsection (3).

537 (4) From and after January 1, 2019, and every four (4) years  
538 thereafter, the annual salaries of the judges in subsections (1),  
539 (2) and (3) shall be fixed at the level of compensation  
540 recommended by the State Personnel Board according to the board's  
541 most recent report on judicial salaries, as required under Section  
542 25-9-115, to the extent that sufficient funds are available. The  
543 annual salaries fixed in accordance with this subsection (4) shall



544 not become effective until the commencement of the next  
545 immediately succeeding term of office.

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

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

552 (7) The annual salary of the full-time legal assistants  
553 shall be not less than Fifteen Thousand Dollars (\$15,000.00) nor  
554 more than eighty percent (80%) of the salary of the district  
555 attorney for legal assistants who have been licensed to practice  
556 law for five (5) years or less; eighty-five percent (85%) of the  
557 salary of the district attorney for legal assistants who have been  
558 licensed to practice law for at least five (5) years but less than  
559 fifteen (15) years; and ninety percent (90%) of the salary of the  
560 district attorney for legal assistants who have been licensed to  
561 practice law for at least fifteen (15) years or more.

562 **SECTION 17.** This act shall take effect and be in force from  
563 and after July 1, 2017.

