

By: Representative Ishee

To: Judiciary A;
Appropriations

HOUSE BILL NO. 662

1 AN ACT TO ABOLISH FAMILY COURTS; TO REPEAL SECTIONS 43-23-1,
2 43-23-3, 43-23-5, 43-23-7, 43-23-9, 43-23-11, 43-23-13, 43-23-15,
3 43-23-17, 43-23-19, 43-23-21, 43-23-23, 43-23-25, 43-23-27,
4 43-23-29, 43-23-31, 43-23-33, 43-23-35, 43-23-37, 43-23-39,
5 43-23-41, 43-23-43, 43-23-45, 43-23-47, 43-23-49, 43-23-51,
6 43-23-53 AND 43-23-55, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR
7 THE ESTABLISHMENT AND OPERATION OF FAMILY COURTS; TO AMEND SECTION
8 9-9-14, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE FAMILY COURT
9 JUDGE SHALL BE A COUNTY COURT JUDGE; TO BRING FORWARD SECTION
10 9-9-1, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR COUNTY COURTS
11 IN CERTAIN COUNTIES; AND FOR RELATE PURPOSES.

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

13 SECTION 1. From and after January 1, 2000, all family courts
14 are abolished. All matters pending in any family court abolished
15 shall be transferred to the county court of the county wherein the
16 family court was located without the necessity for any motion or
17 order of court for such transfer.

18 SECTION 2. Sections 43-23-1, 43-23-3, 43-23-5, 43-23-7,
19 43-23-9, 43-23-11, 43-23-13, 43-23-15, 43-23-17, 43-23-19,
20 43-23-21, 43-23-23, 43-23-25, 43-23-27, 43-23-29, 43-23-31,
21 43-23-33, 43-23-35, 43-23-37, 43-23-39, 43-23-41, 43-23-43,
22 43-23-45, 43-23-47, 43-23-49, 43-23-51, 43-23-53 and 43-23-55,
23 Mississippi Code of 1972, which provide for the establishment and
24 operation of family courts, are repealed.

25 SECTION 3. Section 9-9-14, Mississippi Code of 1972, is
26 amended as follows:

27 9-9-14. (1) In order to relieve the crowded condition of
28 the docket in the county court of Harrison County and particularly
29 to facilitate and make possible the trial and disposition of the
30 large number of causes on said docket, * * * there shall be three
31 (3) county judges for Harrison County, Mississippi, provided for

32 and elected as herein set out.

33 (2) For the purposes of nomination and election, the two (2)
34 judgeships shall be separate and distinct, the presently existing
35 judgeship and its succession to be denominated for purposes of
36 appointment, nomination and election only as "place one," * * *
37 "place two" and "place three." There shall be no distinction
38 whatsoever in the powers, duties and emoluments of the three (3)
39 offices of county judge, except that the county judge of Harrison
40 County who has been for the longest time continuously a county
41 judge of said county shall have the power to assign causes, terms
42 and dockets.

43 (3) While there shall be no limitation whatsoever upon the
44 powers and duties of the said county judges other than as cast
45 upon them by the constitution and laws of this state, the county
46 court of Harrison County may, in the discretion of the county
47 judge who has been for the longest time continuously a judge of
48 said court, be divided into civil, equity and criminal divisions
49 as a matter of convenience, by the entry of an order upon the
50 minutes of the court.

51 (4) The Governor shall appoint some qualified person from
52 Harrison County to fill the office of county judge hereby created,
53 who shall hold office until his successor is elected and qualified
54 in the manner and form as provided in Section 9-9-5, Mississippi
55 Code of 1972, and said appointment and election shall in all
56 respects be of the same import as if the office had heretofore
57 been in existence and a vacancy had as of October 1, 1972,
58 occurred therein.

59 (5) Each county judge shall appoint his own court reporter
60 in accordance with Section 9-13-61, Mississippi Code of 1972, for
61 the purpose of doing the necessary stenographic work of the court.

62 (6) The family court judge in Harrison County, Mississippi,
63 shall be the county judge for "place three" from and after the
64 passage of House Bill No. _____, 1999 Regular Session, and shall
65 serve for a term expiring December 31, 2002.

66 SECTION 4. Section 9-9-1, Mississippi Code of 1972, is
67 brought forward as follows:

68 9-9-1. (1) There shall be an inferior court to be known as
69 the county court in and for each of the following counties:

70 (a) Each county of the state wherein a county court is
71 in existence on July 1, 1985; and

72 (b) From and after January 1, 1987, each county which
73 has a population exceeding fifty thousand (50,000) inhabitants as
74 shown by the latest federal decennial census.

75 (2) A county judge for a county which is required to
76 establish a county court under paragraph (1)(b) of this section
77 shall be elected by the qualified electors of such county in the
78 same manner as provided for the election of circuit court judges
79 at an election held at the same time as the next regular election
80 of circuit court judges first occurring after the date upon which
81 it can be determined that a county court is required under the
82 provisions of paragraph (1)(b) of this section to be established
83 in such county.

84 (3) The provisions of this section shall not be construed so
85 as to require that a county court be established in any county in
86 which the board of supervisors has agreed and contracted with the
87 board of supervisors of any other county or counties to support
88 and maintain one (1) county court for such counties as provided in
89 Section 9-9-3.

90 SECTION 5. The Attorney General of the State of Mississippi
91 shall submit this act, immediately upon approval by the Governor,
92 or upon approval by the Legislature subsequent to a veto, to the
93 Attorney General of the United States or to the United States
94 District Court for the District of Columbia in accordance with the
95 provisions of the Voting Rights Act of 1965, as amended and
96 extended.

97 SECTION 6. This act shall take effect and be in force from
98 and after the date it is effectuated under Section 5 of the Voting
99 Rights Act of 1965, as amended and extended.