

By: Representatives Fredericks, Barnett  
(116th), Compretta, Dedeaux, Ishee, Janus,  
Peranich, Ryan, Simpson

To: Juvenile Justice;  
Appropriations

## HOUSE BILL NO. 876

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 RELATED 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24 operation of family courts, are repealed.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.