

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

To: Juvenile Justice;
Appropriations

HOUSE BILL NO. 876
(As Passed the House)

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; AND FOR RELATED PURPOSES.

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

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

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22 operation of family courts, are repealed.

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

25 9-9-14. (1) In order to relieve the crowded condition of
26 the docket in the county court of Harrison County and particularly
27 to facilitate and make possible the trial and disposition of the
28 large number of causes on said docket, * * * there shall be three
29 (3) county judges for Harrison County, Mississippi, provided for
30 and elected as herein set out.

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

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

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

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

60 (6) The family court judge in Harrison County, Mississippi,
61 shall be the county judge for "place three" from and after the
62 passage of House Bill No. 876, 1999 Regular Session, and shall
63 serve for a term expiring December 31, 2002.

64 SECTION 4. The Attorney General of the State of Mississippi

65 shall submit this act, immediately upon approval by the Governor,
66 or upon approval by the Legislature subsequent to a veto, to the
67 Attorney General of the United States or to the United States
68 District Court for the District of Columbia in accordance with the
69 provisions of the Voting Rights Act of 1965, as amended and
70 extended.

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