

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

To: Juvenile Justice;
Appropriations

HOUSE BILL NO. 876
(As Sent to Governor)

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 the effective date of this act,
12 all family courts are abolished. All matters pending in any
13 family court abolished shall be transferred to the county court of
14 the county wherein the family court was located without the
15 necessity for any motion or 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22 operation of family courts, are repealed.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 * * * provided for and
30 elected as herein set out.

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

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

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

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

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

63 SECTION 4. The Attorney General of the State of Mississippi
64 shall submit this act, immediately upon approval by the Governor,

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

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