

By: Representative Holden

To: Constitution

HOUSE CONCURRENT RESOLUTION NO. 45

1 A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO SECTION  
2 171, MISSISSIPPI CONSTITUTION OF 1890, TO REQUIRE JUSTICE COURT  
3 JUDGES TO BE MEMBERS IN GOOD STANDING OF THE MISSISSIPPI BAR.

4 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF  
5 MISSISSIPPI, That the following amendment to the Mississippi  
6 Constitution of 1890 is proposed to the qualified electors of the  
7 state:

8 Amend Section 171, Mississippi Constitution of 1890, to read  
9 as follows:

10 "Section 171. A competent number of justice court judges and  
11 constables shall be chosen in each county in the manner provided  
12 by law, but not less than two (2) such judges in any county, who  
13 shall hold their office for the term of four (4) years. Each  
14 justice court judge shall have resided two (2) years in the county  
15 next preceding his selection and shall be a member in good  
16 standing of the Mississippi Bar unless he shall have served as a  
17 justice of the peace or been elected to the office of justice of  
18 the peace prior to January 1, 2000. All persons elected to the  
19 office of justice of the peace in November 1975, shall take office  
20 in January 1976, as justice court judges.

21 The maximum civil jurisdiction of the justice court shall  
22 extend to causes in which the principal amount in controversy is  
23 Five Hundred Dollars (\$500.00) or such higher amount as may be  
24 prescribed by law. The justice court shall have jurisdiction  
25 concurrent with the circuit court over all crimes whereof the  
26 punishment prescribed does not extend beyond a fine and

27 imprisonment in the county jail; but the Legislature may confer on  
28 the justice court exclusive jurisdiction in such petty  
29 misdemeanors as the Legislature shall see proper.

30 In all causes tried in justice court, the right of appeal  
31 shall be secured under such rules and regulations as shall be  
32 prescribed by law, and no justice court judge shall preside at the  
33 trial of any cause where he may be interested, or the parties or  
34 either of them shall be connected with him by affinity or  
35 consanguinity, except by the consent of the justice court judge  
36 and of the parties.

37 All reference in the Mississippi Code to justice of the peace  
38 shall mean justice court judge.

39 BE IT FURTHER RESOLVED, That this proposed amendment shall be  
40 submitted by the Secretary of State to the qualified electors at  
41 an election to be held on the first Tuesday after the first Monday  
42 of November 1999, as provided by Section 273 of the Constitution  
43 and by general law.

44 BE IT FURTHER RESOLVED, That the explanation of this proposed  
45 amendment for the ballot shall read as follows: "This proposed  
46 constitutional amendment will require each justice court judge to  
47 be members in good standing of the Mississippi Bar unless such  
48 judge served as a justice court judge prior to January 1, 2000."