

By: Senator(s) Rayborn

To: Judiciary

SENATE BILL NO. 2743

1 AN ACT TO AMEND SECTION 9-11-27, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE FOR APPOINTMENT OF JUSTICE COURT CLERKS BY THE JUSTICE
3 COURT JUDGES; TO PROVIDE FOR SETTING AND PAYMENT OF ANNUAL SALARY;
4 AND FOR RELATED PURPOSES.

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

6 SECTION 1. Section 9-11-27, Mississippi Code of 1972, is
7 amended as follows:

8 9-11-27. (1) The justice court judge or judges of each
9 county shall * * * appoint one (1) person to serve as clerk of the
10 justice court system of the county, and may appoint such other
11 employees for the justice court of the county as deemed necessary,
12 including a person or persons to serve as deputy clerk or deputy
13 clerks. * * * In any county with two (2) judicial
14 districts, * * * two (2) persons may be appointed to serve as
15 clerks of the justice court system of the county, one (1) for each
16 judicial district, as well as such other employees for the justice
17 court system of the county as deemed necessary, including persons
18 to serve as deputy clerks. The clerk and deputy clerks shall be
19 empowered to file and record actions and pleadings, to receive and
20 receipt for monies, to acknowledge affidavits, to issue warrants
21 in criminal cases upon direction by a justice court judge in the
22 county, to approve the sufficiency of bonds in civil and criminal
23 cases, to certify and issue copies of all records, documents and
24 pleadings filed in the justice court and to issue all process
25 necessary for the operation of the justice court. The clerk or
26 deputy clerks may refuse to accept a personal check in payment of
27 any fine or cost or to satisfy any other payment required to be

28 made to the justice court. All orders from the justice court
29 judge to the clerk of the justice court shall be written. All
30 cases, civil and criminal, shall be assigned by the clerk to the
31 justice court judges of the county in the manner provided in
32 Section 11-9-105 and Section 99-33-2.

33 (2) The appointment of the clerk or clerks as provided in
34 subsection (1) of this section shall be accomplished by vote of a
35 majority of the judges, and such clerk or clerks shall be
36 appointed by vote of the judges and may be removed by a majority
37 vote of the judges. In case of a tie vote, the senior judge shall
38 cast two (2) votes. Notice of the appointment shall be promptly
39 delivered to the board of supervisors of the county.

40 (3) The annual salary of each clerk or other persons
41 appointed pursuant to this section shall be set by vote of the
42 judges and shall be submitted to the board of supervisors for
43 payment as for other county employees.

44 SECTION 2. This act shall take effect and be in force from
45 and after July 1, 1999.