

By: Senator(s) Hewes

To: Juvenile Justice

SENATE BILL NO. 2813

1 AN ACT TO ABOLISH ALL FAMILY COURTS AND PROVIDE FOR THE
2 TRANSFER OF CASES TO THE APPROPRIATE COUNTY COURT; TO REPEAL
3 SECTIONS 43-23-1 THROUGH 43-23-55, MISSISSIPPI CODE OF 1972, WHICH
4 PROVIDE FOR THE ESTABLISHMENT AND OPERATION OF FAMILY COURTS; TO
5 AMEND SECTION 9-9-14, MISSISSIPPI CODE OF 1972, IN CONFORMITY; AND
6 FOR RELATED PURPOSES. BE IT ENACTED BY THE LEGISLATURE OF THE
7 STATE OF MISSISSIPPI:

8
9 SECTION 1. All family courts are abolished. All matters
10 pending in any family court abolished shall be transferred to the
11 county court of the county wherein the family court was located
12 without the necessity for any motion or order of court for such
13 transfer.

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20 operation of family courts, are repealed.

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

23 9-9-14. (1) * * * There shall be three (3) county judges
24 for Harrison County, * * * provided for and elected as herein set
25 out.

26 (2) For the purposes of nomination and election, the three
27 (3) judgeships shall be separate and distinct * * * and
28 denominated for purposes of appointment, nomination and election
29 only as "Place One," * * * "Place Two" and "Place Three." The
30 family court judge of Harrison County, shall be the initial holder

31 of "Place Three" and shall serve for the term expiring December
32 31, 2002. There shall be no distinction whatsoever in the powers,
33 duties and emoluments of the three (3) offices of county judge,
34 except that the county judge of Harrison County who has been for
35 the longest time continuously a county judge of said county shall
36 have the power to assign causes, terms and dockets.

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

45 * * *

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

49 SECTION 4. The Attorney General of the State of Mississippi
50 shall submit this act, immediately upon approval by the Governor,
51 or upon approval by the Legislature subsequent to a veto, to the
52 Attorney General of the United States or to the United States
53 District Court for the District of Columbia in accordance with the
54 provisions of the Voting Rights Act of 1965, as amended and
55 extended.

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