

By: Warren

To: Juvenile Justice;  
Appropriations

## HOUSE BILL NO. 386

1 AN ACT TO AMEND SECTION 9-9-1, MISSISSIPPI CODE OF 1972, TO  
2 REVISE THE CONTINUATION OR ESTABLISHMENT OF COUNTY COURTS IN  
3 CERTAIN COUNTIES; TO AMEND SECTION 9-9-5, MISSISSIPPI CODE OF  
4 1972, TO REVISE THE QUALIFICATION AND SENIORITY OF THE OFFICE OF  
5 COUNTY COURT JUDGE; TO AMEND SECTION 9-9-9, MISSISSIPPI CODE OF  
6 1972, IN CONFORMITY; TO AMEND SECTION 9-9-11, MISSISSIPPI CODE OF  
7 1972, TO REVISE THE COMPENSATION OF THE OFFICE OF COUNTY COURT  
8 JUDGE; TO AMEND SECTION 9-7-126, MISSISSIPPI CODE OF 1972, TO  
9 REVISE THE COUNTY COMPENSATION TO CIRCUIT CLERKS IN CERTAIN  
10 COUNTIES; TO AMEND SECTIONS 23-15-975 AND 23-15-977, MISSISSIPPI  
11 CODE OF 1972, IN CONFORMITY; TO AMEND SECTION 9-1-19, MISSISSIPPI  
12 CODE OF 1972, TO REVISE THE AUTHORITY OF JUDGES TO GRANT REMEDIAL  
13 WRITS; TO AMEND SECTION 9-1-23, MISSISSIPPI CODE OF 1972, TO  
14 INCLUDE COUNTY COURT JUDGES AS THOSE WHO ARE CONSERVATORS OF THE  
15 PEACE; TO AMEND SECTION 9-1-25, MISSISSIPPI CODE OF 1972, TO  
16 INCLUDE COUNTY COURT JUDGES AMONG THOSE WHO ARE NOT TO PRACTICE  
17 LAW; TO AMEND SECTION 9-1-35, MISSISSIPPI CODE OF 1972, TO REQUIRE  
18 THE COUNTY COURT TO OBTAIN A SEAL; TO AMEND SECTION 9-1-36,  
19 MISSISSIPPI CODE OF 1972, TO INCLUDE COUNTY COURT JUDGES AMONG  
20 THOSE FOR WHOM AN OFFICE ALLOWANCE IS APPROPRIATED; TO AMEND  
21 SECTION 9-9-19, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE  
22 HOLDING OF COUNTY COURT IN CERTAIN COUNTIES; TO AMEND SECTIONS  
23 9-9-21, 9-9-23, 9-9-29 AND 43-21-107, MISSISSIPPI CODE OF 1972, IN  
24 CONFORMITY; TO AMEND SECTION 43-21-111, MISSISSIPPI CODE OF 1972,  
25 TO PROVIDE FOR A PARTIAL STATE FUNDING OF YOUTH COURT REFEREES IN  
26 COUNTIES NOT HAVING A COUNTY COURT; TO AMEND SECTIONS 43-21-123,  
27 9-13-17 AND 9-13-61, MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO  
28 REPEAL SECTION 9-9-3, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR  
29 THE ESTABLISHMENT OF A COUNTY COURT BY AGREEMENT BETWEEN TWO OR  
30 MORE COUNTIES; TO REPEAL SECTION 9-9-13, MISSISSIPPI CODE OF 1972,  
31 WHICH AUTHORIZES CERTAIN MUNICIPALITIES TO SUPPLEMENT THE SALARIES  
32 OF COUNTY JUDGES; TO REPEAL SECTION 9-9-14, MISSISSIPPI CODE OF  
33 1972, WHICH AUTHORIZES TWO COUNTY JUDGESHIPS FOR HARRISON COUNTY;  
34 TO REPEAL SECTION 9-9-15, MISSISSIPPI CODE OF 1972, WHICH  
35 AUTHORIZES THREE COUNTY JUDGESHIPS FOR HINDS COUNTY; TO REPEAL  
36 SECTION 9-9-16, MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES TWO  
37 COUNTY JUDGESHIPS FOR WASHINGTON COUNTY; TO REPEAL SECTION 9-9-17,  
38 MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES TWO COUNTY JUDGESHIPS  
39 FOR JACKSON COUNTY; TO REPEAL SECTION 9-9-37, MISSISSIPPI CODE OF

40 1972, WHICH PROVIDES FOR THE ESTABLISHMENT OR ABOLITION OF COUNTY  
41 COURTS; TO REPEAL SECTION 9-9-39, MISSISSIPPI CODE OF 1972, WHICH  
42 PROVIDES FOR TRANSFER OF PENDING MATTERS IN ANY COUNTY COURT THAT  
43 MAY BE ABOLISHED; TO REPEAL SECTION 9-9-41, MISSISSIPPI CODE OF  
44 1972, WHICH PROVIDES FOR THE ABOLITION OF COUNTY COURTS IN CERTAIN  
45 COUNTIES; TO REPEAL SECTION 9-9-43, MISSISSIPPI CODE OF 1972,  
46 WHICH REQUIRES LEGISLATIVE ACTION OR ELECTION FOR ABOLITION OF  
47 COUNTY COURTS IN CERTAIN COUNTIES; TO REPEAL SECTION 9-9-45,  
48 MISSISSIPPI CODE OF 1972, WHICH REQUIRES THE ESTABLISHMENT OR  
49 ABOLITION OF COUNTY COURTS UNDER CERTAIN CIRCUMSTANCES; AND FOR  
50 RELATED PURPOSES.

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

52 SECTION 1. Section 9-9-1, Mississippi Code of 1972, is  
53 amended as follows:

54 9-9-1. (1) There shall be an inferior court to be known as  
55 the county court in and for each of the following single county  
56 districts:

57 Adams County;

58 Bolivar County;

59 Coahoma County;

60 DeSoto County;

61 Forrest County;

62 Harrison County;

63 Hinds County;

64 Jackson County;

65 Jones County;

66 Lauderdale County;

67 Lee County;

68 Leflore County;

69 Lowndes County;

70 Madison County;

71 Pike County;

72 Rankin County;

73 Warren County;

74 Washington County; and

75 Yazoo County.

76 (2) (a) Any two (2) or three (3) counties in the discretion

77 of their respective boards of supervisors may apply to the  
78 Administrative Office of Courts to be designated as a county court  
79 district upon condition that:

80 (i) As a group, the counties are contiguous; and

81 (ii) At least one (1) of the counties has a  
82 population of twenty-five thousand five hundred (25,500) or more  
83 according to the latest decennial census, or the counties  
84 comprising the proposed district have had an annual aggregate  
85 caseload in excess of three hundred fifty (350) youth court  
86 referrals according to the most recently available Department of  
87 Human Services statistics.

88 (b) The number of multicounty county courts to be  
89 formed pursuant to this subsection (2) shall not exceed ten (10).  
90 In the event the number of qualified applications for county court  
91 formation hereunder exceeds the number allowable, the  
92 Administrative Office of Courts shall use such criteria as it  
93 deems relevant in approving and denying applications. The  
94 Administrative Office of Courts may deny an application which is  
95 qualified on its face regardless of whether the maximum number of  
96 courts have been formed. Once duly formed, a county court  
97 existing under the authority of this subsection (2) shall not be  
98 abolished except by act of the Legislature.

99 (c) Counties wishing to apply for designation as a  
100 county court pursuant to the provisions of this subsection (2)  
101 shall do so on a form to be prescribed by the Administrative  
102 Office of Courts by means of a resolution duly spread upon the  
103 minutes of the board of supervisors.

104 (d) Counties aggrieved by the denial of an application

105 under this subsection (2) have a right of appeal from the decision  
106 of the Administrative Office of Courts to the Circuit Court of  
107 Hinds County as is otherwise provided by law for appeals from the  
108 decisions of administrative agencies.

109 (3) (a) Except as provided in paragraph (b) of this  
110 subsection, there shall be one (1) county court judge for each  
111 county court district.

112 (b) There shall be two (2) county court judges for the  
113 county court of Jackson County, three (3) county court judges for  
114 the county court of Harrison County, and three (3) county court  
115 judges for the county court of Hinds County.

116 (c) The qualification and election of judges shall be  
117 as provided by Sections 23-15-974 through 23-15-985.

118 SECTION 2. Section 9-9-5, Mississippi Code of 1972, is  
119 amended as follows:

120 9-9-5. (1) The county judge shall possess all of the  
121 qualifications of a circuit judge as prescribed by the Mississippi  
122 Constitution. The county judge of a single county district must  
123 be a qualified elector of the county. The county judge of a  
124 multicounty district must be a qualified elector of any one (1) of  
125 the counties comprising the district. Except as provided in  
126 subsection (2) of this section, the county judge shall be elected  
127 by the qualified electors of the county court district at the time  
128 and in the manner as circuit judges are elected and \* \* \* shall  
129 hold office for the same term. Vacancies in the office of county  
130 judge shall be filled in the same manner as vacancies in the  
131 office of circuit judge.

132 (2) In a district having more than one (1) office of county

133 court judge, there shall be no distinction whatsoever in the  
134 powers, duties and emoluments of those offices except that the  
135 judge who has been for the longest time continuously a judge of  
136 that court or, should no judge have served longer in office than  
137 the others, the judge who has been for the longest time a member  
138 of The Mississippi Bar shall be the senior judge. The senior  
139 judge shall have the right to assign causes and dockets and, in  
140 districts consisting of more than one (1) county, to set terms.

141 (3) Judges shall be elected as provided by Section 23-15-974  
142 through 23-15-985.

143 SECTION 3. Section 9-9-9, Mississippi Code of 1972, is  
144 amended as follows:

145 9-9-9. The county judge shall not otherwise practice  
146 law \* \* \*, but this prohibition shall not prohibit the judges of  
147 the county courts from practicing in any of the courts so far as  
148 to enable them to bring to a conclusion cases actually pending  
149 when they were appointed or elected, in which such county judges  
150 were then employed as provided in Section 9-1-25, Mississippi Code  
151 of 1972, for judges of the circuit court and chancellors.

152 SECTION 4. Section 9-9-11, Mississippi Code of 1972, is  
153 amended as follows:

154 9-9-11. \* \* \* The county court judge shall receive an annual  
155 salary payable monthly out of the State General Fund in the amount  
156 of One Thousand Dollars (\$1,000.00) less than the annual salary  
157 which is now or shall hereafter be provided for circuit and  
158 chancery judges of this state \* \* \*. The office of county court  
159 judge \* \* \* shall be a full-time position, and the holder thereof  
160 shall not otherwise engage in the practice of law.

161 \* \* \*

162 SECTION 5. Section 9-7-126, Mississippi Code of 1972, is  
163 amended as follows:[LH1]

164 9-7-126. (1) There shall be allowed out of the county  
165 treasury from the general county funds, or any other available  
166 funds payable monthly by the board of supervisors of the county,  
167 not less than the following amounts for the purposes of defraying  
168 the salaries of deputy circuit clerks:

169 Class 1 and 2 counties not less than Four Hundred Fifty  
170 Dollars (\$450.00) per month;

171 Class 3 and 4 counties not less than Three Hundred Fifty  
172 Dollars (\$350.00) per month;

173 Class 5, 6, 7 and 8 counties not less than Two Hundred Fifty  
174 Dollars (\$250.00) per month.

175 The above and foregoing allowances shall be for the purposes  
176 of defraying the salaries of deputy circuit clerks provided such  
177 allowance, and upon written request of the circuit clerk, shall be  
178 paid directly to the deputy circuit clerk designated by him, in  
179 the absence of which request, the allowance shall be paid monthly  
180 to the circuit clerk. Deputy circuit clerks employed under  
181 authority of this section shall be deemed employees of the county.

182 The clerk shall select and supervise their public duties.

183 (2) This section shall not apply to any county having a  
184 county court except that in any county electing to form a county  
185 court pursuant to the provisions of House Bill No. \_\_\_\_\_, 2000  
186 Regular Session, the provisions of subsection (1) shall apply;  
187 further in any county in which U.S. Highway 49 and Mississippi  
188 Highway 6 intersect, any county in which U.S. Highway 61 and

189 Mississippi Highway 4 intersect, any county having a population in  
190 excess of fifty-seven thousand (57,000) and which is traversed by  
191 the Tennessee-Tombigbee Waterway or whose county seat is within  
192 twenty (20) miles of the Tennessee-Tombigbee Waterway, any county  
193 bordering the State of Tennessee and the Mississippi River, any  
194 county in which U.S. Highway 61 and U.S. Highway 82 intersect, any  
195 county in which U.S. Highway 61 and Mississippi Highway 8  
196 intersect, any county in which U.S. Highway 82 and U.S. Highway  
197 49E intersect, and any county in which U.S. Highway 49 and  
198 Mississippi Highway 16 intersect and which is traversed by  
199 Interstate Highway 55, the provisions of this section shall be  
200 discretionary with the respective board of supervisors.

201 SECTION 6. Section 23-15-975, Mississippi Code of 1972, is  
202 amended as follows:

203 23-15-975. As used in Sections 23-15-974 through 23-15-985  
204 of this subarticle, the term "judicial office" includes the office  
205 of justice of the Supreme Court, judge of the Court of Appeals,  
206 circuit judge, chancellor and county court judge \* \* \*. All such  
207 justices and judges shall be full-time positions and such justices  
208 and judges shall not engage in the practice of law before any  
209 court, administrative agency or other judicial or quasi-judicial  
210 forum except as provided by law for finalizing pending cases after  
211 election to judicial office.

212 SECTION 7. Section 23-15-977, Mississippi Code of 1972, is  
213 amended as follows:

214 23-15-977. \* \* \* Except as may be otherwise provided by law,  
215 all candidates for judicial office as defined in Section 23-15-975  
216 of this subarticle shall file their intent to be a candidate with

217 the State Board of Election Commissioners not later than the first  
218 Friday after the first Monday in May prior to the general election  
219 for judicial office and shall pay \* \* \* the following amounts:

220 (a) Candidates for Supreme Court judge and Court of  
221 Appeals, the sum of Two Hundred Dollars (\$200.00).

222 (b) Candidates for circuit judge, county judge and  
223 chancellor, the sum of One Hundred Dollars (\$100.00).

224 \* \* \*

225 SECTION 8. Section 9-1-19, Mississippi Code of 1972, is  
226 amended as follows:

227 9-1-19. The judges of the Supreme, \* \* \* circuit and county  
228 courts, and chancellors and judges of the Court of Appeals, in  
229 termtime and in vacation, may severally order the issuance of  
230 writs of habeas corpus, mandamus, certiorari, supersedeas and  
231 attachments, and grant injunctions and all other remedial writs,  
232 in all cases where the same may properly be granted according to  
233 right and justice, returnable to any court, whether the suit or  
234 proceedings be pending in the district of the judge or chancellor  
235 granting the same or not. The fiat of such judge or chancellor  
236 shall authorize the issuance of the process for a writ returnable  
237 to the proper court or before the proper officer; and all such  
238 process or writs may be granted, issued and executed on Sunday.

239 SECTION 9. Section 9-1-23, Mississippi Code of 1972, is  
240 amended as follows:

241 9-1-23. The judges of the Supreme, circuit and county courts  
242 and chancellors and judges of the Court of Appeals shall be  
243 conservators of the peace for the state, each with full power to  
244 do all acts which conservators of the peace may lawfully do; and



245 the circuit judges, \* \* \* chancellors and county judges shall  
246 reside within their respective districts \* \* \*.

247 SECTION 10. Section 9-1-25, Mississippi Code of 1972, is  
248 amended as follows:

249 9-1-25. It shall not be lawful for any judge of the Supreme  
250 Court, Court of Appeals or a judge of the circuit or county court,  
251 or a chancellor to exercise the profession or employment of an  
252 attorney or counsellor at law, or to be engaged in the practice of  
253 law; and any person offending against this prohibition shall be  
254 guilty of a high misdemeanor and be removed from office; but this  
255 shall not prohibit a chancellor, \* \* \* circuit judge, county judge  
256 or a judge of the Court of Appeals from practicing in any of the  
257 courts for a period of six (6) months from the time such judges or  
258 chancellors assume office so far as to enable them to bring to a  
259 conclusion cases actually pending when they were appointed or  
260 elected in which such chancellor or judge was then employed, nor  
261 shall a judge of the Supreme Court be hindered from appearing in  
262 the courts of the United States in any case in which he was  
263 engaged when he was appointed or elected judge.

264 SECTION 11. Section 9-1-35, Mississippi Code of 1972, is  
265 amended as follows:

266 9-1-35. The clerk of the Supreme Court and of the Court of  
267 Appeals, at the expense of the state, and the clerk of every  
268 circuit, county and chancery court, at the expense of the county,  
269 shall keep a seal, with the style of the court around the margin  
270 and the image of an eagle in the center.

271 SECTION 12. Section 9-1-36, Mississippi Code of 1972, is  
272 amended as follows:[LH2]

273           9-1-36. (1) Each circuit judge, county judge and chancellor  
274 shall receive an office operating allowance for the expenses of  
275 operating the office of such judge, including retaining a law  
276 clerk, legal research, stenographic help, stationery, stamps,  
277 furniture, office equipment, telephone, office rent and other  
278 items and expenditures necessary and incident to maintaining the  
279 office of judge. Such allowance shall be paid only to the extent  
280 of actual expenses incurred by any such judge as itemized and  
281 certified by such judge to the Supreme Court and then in an amount  
282 of Four Thousand Dollars (\$4,000.00) per annum; however, such  
283 judge may expend sums in excess thereof from the compensation  
284 otherwise provided for his office. No part of this expense or  
285 allowance shall be used to pay an official court reporter for  
286 services rendered to said court.

287           (2) In addition to the amounts provided for in subsection  
288 (1), there is hereby created a separate office allowance fund for  
289 the purpose of providing support staff to judges. This fund shall  
290 be managed by the Administrative Office of Courts.

291           (3) Each judge who desires to employ or continue to employ  
292 support staff after July 1, 1994, shall make application to the  
293 Administrative Office of Courts by submitting to the  
294 Administrative Office of Courts before July 1 of each year a  
295 proposed personnel plan setting forth what support staff is deemed  
296 necessary. Such plan may be submitted by a single judge or by any  
297 combination of judges desiring to share support staff. In the  
298 process of the preparation of the plan, the judges, at their  
299 request, may receive advice, suggestions, recommendations and  
300 other assistance from the Administrative Office of Courts. The

301 Administrative Office of Courts must approve the positions, job  
302 descriptions and salaries before the positions may be filled. The  
303 Administrative Office of Courts shall not approve any plan which  
304 does not first require the expenditure of the funds in the support  
305 staff fund for compensation of any of the support staff before  
306 expenditure is authorized of county funds for that purpose. Upon  
307 approval by the Administrative Office of Courts, the judge or  
308 judges may appoint the employees to the position or positions, and  
309 each employee so appointed will work at the will and pleasure of  
310 the judge or judges who appointed him but will be employees of the  
311 Administrative Office of Courts. Upon approval by the  
312 Administrative Office of Courts, the appointment of any support  
313 staff shall be evidenced by the entry of an order on the minutes  
314 of the court. When support staff is appointed jointly by two (2)  
315 or more judges, the order setting forth any appointment shall be  
316 entered on the minutes of each participating court.

317 (4) The Administrative Office of Courts shall develop and  
318 promulgate minimum qualifications for the certification of court  
319 administrators. Any court administrator appointed on or after  
320 October 1, 1996, shall be required to be certified by the  
321 Administrative Office of Courts.

322 (5) Support staff shall receive compensation pursuant to  
323 personnel policies established by the Administrative Office of  
324 Courts; however, from and after July 1, 1994, the Administrative  
325 Office of Courts shall allocate from the support staff fund an  
326 amount of Forty Thousand Dollars (\$40,000.00) per fiscal year  
327 (July 1 through June 30) per judge for whom support staff is  
328 approved for the funding of support staff assigned to a judge or

329 judges. Any employment pursuant to this subsection shall be  
330 subject to the provisions of Section 25-1-53.

331 The Administrative Office of Courts may approve expenditure  
332 from the fund for additional equipment for support staff appointed  
333 pursuant to this section in any year in which the allocation per  
334 judge is sufficient to meet the equipment expense after provision  
335 for the compensation of the support staff.

336 (6) For the purposes of this section, the following terms  
337 shall have the meaning ascribed herein unless the context clearly  
338 requires otherwise:

339 (a) "Judges" means circuit judges, county judges and  
340 chancellors, or any combination thereof;

341 (b) "Support staff" means court administrators, law  
342 clerks, legal research assistants or secretaries, or any  
343 combination thereof, but shall not mean school attendance  
344 officers;

345 (c) "Compensation" means the gross salary plus all  
346 amounts paid for benefits or otherwise as a result of employment  
347 or as required by employment; provided, however, that only salary  
348 earned for services rendered shall be reported and credited for  
349 Public Employees' Retirement System purposes. Amounts paid for  
350 benefits or otherwise, including reimbursement for travel  
351 expenses, shall not be reported or credited for retirement  
352 purposes.

353 (7) Title to all tangible property, excepting stamps,  
354 stationery and minor expendable office supplies, procured with  
355 funds authorized by this section, shall be and forever remain in  
356 the State of Mississippi to be used by the \* \* \* judge \* \* \*

357 during the term of his office and thereafter by his successors.

358 (8) Any \* \* \* judge \* \* \* who did not have a primary office  
359 provided by the county on March 1, 1988, shall be allowed an  
360 additional Four Thousand Dollars (\$4,000.00) per annum to defray  
361 the actual expenses incurred by such judge \* \* \* in maintaining an  
362 office; however, any \* \* \* judge \* \* \* who had a primary office  
363 provided by the county on March 1, 1988, and who vacated the  
364 office space after such date for a legitimate reason, as  
365 determined by the Department of Finance and Administration, shall  
366 be allowed the additional office expense allowance provided under  
367 this subsection.

368 (9) The Supreme Court, through the Administrative Office of  
369 Courts, shall submit to the Department of Finance and  
370 Administration the itemized and certified expenses for office  
371 operating allowances that are directed to the court pursuant to  
372 this section.

373 (10) The Supreme Court, through the Administrative Office of  
374 Courts, shall have the power to adopt rules and regulations  
375 regarding the administration of the office operating allowance  
376 authorized pursuant to this section.

377 SECTION 13. Section 9-9-19, Mississippi Code of 1972, is  
378 amended as follows:

379 9-9-19. (1) There shall be a court to be styled "The County  
380 Court of the County of \_\_\_\_\_" in each county court as  
381 set forth in subsection (2) of this section.

382 (2) A term of court shall be held in the county courthouse  
383 of the county, beginning on the second Monday of each month and  
384 continuing so long as may be necessary; but in counties where

385 there are two (2) circuit court districts, or in county courts  
386 formed in a multicounty district, the county court shall be  
387 convened in each judicial district and in each county not less  
388 than four (4) times each year, and the terms of court shall be set  
389 and published as is required for circuit and chancery courts.

390 Provided that in the County of Jones, a county having two (2)  
391 judicial districts, that a term shall be held in the second  
392 judicial district of said county on the second Monday of each  
393 month; and provided that in the first judicial district a term  
394 shall be held on the fourth Monday of January, the fourth Monday  
395 of March, the fourth Monday of April, the fourth Monday of June  
396 and the fourth Monday of October. Provided that in the County of  
397 Hinds, a county having two (2) judicial districts, a term shall be  
398 held in the first judicial district on the second Monday of each  
399 month and in the second judicial district on the second Monday of  
400 March, June, September and December, and provided further that,  
401 when such terms are held concurrently, either of the county judges  
402 of Hinds County may be assigned to hold all or any part of such  
403 terms in either of the two (2) judicial districts. Provided,  
404 further, that in the County of Bolivar, a county having two (2)  
405 judicial districts, a term shall be held in the first judicial  
406 district on the second Monday of April, August and December, and  
407 in the second judicial district on the second Monday of January,  
408 February, March, May, June, July, September, October and November.  
409 Provided, however, that in the County of Harrison, a county having  
410 two (2) county judges and two (2) judicial districts, that a term  
411 shall be held in each judicial district concurrently each month.  
412 Provided, however, that the judge of the county court for good

413 cause shown may, by order spread on the minutes of the county  
414 court, designate some place other than the county courthouse for  
415 the holding of such term of the county court as may be designated  
416 in said order. The county judge may call a special term of the  
417 county court upon giving ten (10) days' notice, and such notice  
418 shall be given by posting the same at the front door of the  
419 courthouse in said county and by the publication of said notice  
420 for one insertion in some newspaper of general circulation in the  
421 county.

422 \* \* \*

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

425 9-9-21. (1) The jurisdiction of the county court shall be  
426 as follows: It shall have jurisdiction concurrent with the  
427 justice court in all matters, civil and criminal of which the  
428 justice court has jurisdiction; and it shall have jurisdiction  
429 concurrent with the circuit and chancery courts in all matters of  
430 law and equity wherein the amount of value of the thing in  
431 controversy shall not exceed, exclusive of costs and interest, the  
432 sum of Seventy-five Thousand Dollars (\$75,000.00), and the  
433 jurisdiction of the county court shall not be affected by any  
434 setoff, counterclaim or cross-bill in such actions where the  
435 amount sought to be recovered in such setoff, counterclaim or  
436 cross-bill exceeds Seventy-five Thousand Dollars (\$75,000.00).  
437 Provided, however, the party filing such setoff, counterclaim or  
438 cross-bill which exceeds Seventy-five Thousand Dollars  
439 (\$75,000.00) shall give notice to the opposite party or parties as  
440 provided in Section 13-3-83, and on motion of all parties filed

441 within twenty (20) days after the filing of such setoff,  
442 counterclaim or cross-bill, the county court shall transfer the  
443 case to the circuit or chancery court wherein the county court is  
444 situated and which would otherwise have jurisdiction. It shall  
445 have exclusively the jurisdiction heretofore exercised by the  
446 justice court in the following matters and causes: namely,  
447 eminent domain, the partition of personal property, and actions of  
448 unlawful entry and detainer, provided that the actions of eminent  
449 domain and unlawful entry and detainer may be returnable and  
450 triable before the judge of said court in vacation.

451 (2) In multicounty county court districts, it shall be  
452 lawful for such court sitting in one (1) county to act upon any  
453 and all matters of which it has jurisdiction as provided by law  
454 arising in the other county under the jurisdiction of said court.

455 SECTION 15. Section 9-9-23, Mississippi Code of 1972, is  
456 amended as follows:

457 9-9-23. The county judge shall have power to issue writs,  
458 and to try matters, of habeas corpus on application to him  
459 therefor, or when made returnable before him by a superior judge.

460 He shall also have the power to order the issuance of writs of  
461 certiorari, supersedeas, attachments, and other remedial writs in  
462 all cases pending in, or within the jurisdiction of, his court.

463 He shall have the authority to issue search warrants in his  
464 district returnable to his own court or to any court of a justice  
465 court judge within his district in the same manner as is provided  
466 by law for the issuance of search warrants by justice court  
467 judges. In all cases pending in, or within the jurisdiction of,  
468 his court, he shall have, in term time, and in vacation, the power



469 to order, do or determine to the same extent and in the same  
470 manner as a justice court judge or a circuit judge or a chancellor  
471 could do in term time or in vacation in such cases. But he shall  
472 not have original power to issue writs of injunction, or other  
473 remedial writs in equity or in law except in those cases  
474 hereinabove specified as being within his jurisdiction. Provided,  
475 however, that when any judge or chancellor authorized to issue  
476 such writs of injunction, or any other equitable or legal remedial  
477 writs hereinabove reserved, shall so direct in writing the hearing  
478 of application therefor may be by him referred to the county  
479 judge, in which event the said direction of the superior judge  
480 shall vest in the said county judge all authority to take such  
481 action on said application as the said superior judge could have  
482 taken under the right and the law, had the said application been  
483 at all times before the said superior judge. The jurisdiction  
484 authorized under the foregoing proviso shall cease upon the  
485 denying or granting of the application.

486 SECTION 16. Section 9-9-29, Mississippi Code of 1972, is  
487 amended as follows:

488 9-9-29. (1) The county court shall be a court of record  
489 and, except as provided in subsection (2) of this section, the  
490 clerk of the circuit court shall be the clerk of the county court,  
491 and he or his deputy shall attend all the sessions of the county  
492 court, and have present at all sessions, all books, records,  
493 files, and papers pertaining to the term then in session. The  
494 dockets, minutes, and records of the county court shall be kept,  
495 so far as is practicable, in the same manner as are those of the  
496 circuit court as provided by statute and the Mississippi Rules of

497 Civil Procedure. The sheriff shall be the executive officer of  
498 the county court; he shall by himself, or deputy, attend all its  
499 sessions, and he shall serve all process and execute all writs  
500 issued therefrom in the manner as such process and writs would be  
501 served and executed when issued by the justice courts, or by the  
502 circuit or chancery courts according as appertains to the value of  
503 the cause or matter in hand. The clerk and sheriff shall receive  
504 the same fees for attendance, and for other services as are  
505 allowed by law to the clerk and to the sheriffs for like duties in  
506 the circuit and chancery courts; provided however, that in all  
507 cases where the justice courts have concurrent jurisdiction with  
508 the county court, the clerk shall be allowed to receive only such  
509 fees as are allowed to justice courts, and the sheriff shall be  
510 allowed only such fees as the constable in said justice court  
511 would be entitled to under the law for similar services.

512 (2) The clerk of the chancery court shall be the clerk of  
513 the youth court for all counties electing to form a county court  
514 pursuant to the provisions of House Bill No. \_\_\_\_\_, 1999 Regular  
515 Session, and the clerk of the chancery court shall perform such  
516 duties for the youth court as is otherwise provided by law.

517 SECTION 17. Section 43-21-107, Mississippi Code of 1972, is  
518 amended as follows:

519 43-21-107.

520 \* \* \*

521 (1) A youth court division is hereby created as a division  
522 of the county court of each county now or hereafter having a  
523 county court \* \* \*, and the county judge shall be the judge of the  
524 youth court unless another judge is named by the county judge as

525 provided by this chapter.

526       (2) A youth court division is hereby created as a division  
527 of the chancery court of each county in which no county  
528 court \* \* \* is maintained and any chancellor within a chancery  
529 court district shall be the judge of the youth court of that  
530 county within such chancery court district unless another judge is  
531 named by the senior chancellor of the county or chancery court  
532 district as provided by this chapter.

533       (3) In any county where there is no county court or family  
534 court on July 1, 1979, there may be created a youth court division  
535 as a division of the municipal court in any city if the governing  
536 authorities of such city adopt a resolution to that effect. The  
537 cost of the youth court division of the municipal court shall be  
538 paid from any funds available to the municipality for such  
539 purposes excluding state and county funds.

540       (4) The Administrative Office of Courts is authorized to  
541 require county judges in courts with low youth court caseloads to  
542 assist in relieving courts with heavy youth court caseloads  
543 provided adequate funds are available for travel and lodging for  
544 the county court judges and their court reporters.

545       SECTION 18. Section 43-21-111, Mississippi Code of 1972, is  
546 amended as follows:

547       43-21-111. (1) In any county not having a county  
548 court, \* \* \* the judge may appoint as provided in Section  
549 43-21-123 regular or special referees who shall be attorneys at  
550 law and members of the bar in good standing to act in cases  
551 concerning children within the jurisdiction of the youth court,  
552 and a regular referee shall hold office until removed by the

553 judge. The requirement that regular or special referees appointed  
554 pursuant to this subsection be attorneys shall apply only to  
555 regular or special referees who were not first appointed regular  
556 or special referees prior to July 1, 1991.

557 (2) Any referee appointed pursuant to subsection (1) of this  
558 section shall be required to receive judicial training approved by  
559 the Mississippi Judicial College and shall be required to receive  
560 regular annual continuing education in the field of juvenile  
561 justice. The amount of judicial training and annual continuing  
562 education which shall be satisfactory to fulfill the requirements  
563 of this section shall conform with the amount prescribed by the  
564 Rules and Regulations for Mandatory Continuing Judicial Education  
565 promulgated by the Supreme Court. The Administrative Office of  
566 Courts shall maintain a roll of referees appointed under this  
567 section, shall enforce the provisions of this subsection, shall  
568 maintain records on all such referees regarding such training and  
569 shall not disburse funds to any county for the budget of a youth  
570 court referee who is not in compliance with the judicial training  
571 requirements. Should a referee miss two (2) consecutive training  
572 sessions sponsored or approved by the Mississippi Judicial College  
573 as required by this subsection or fail to attend one (1) such  
574 training session within six (6) months of their initial  
575 appointment as a referee, the referee shall be disqualified to  
576 serve and be immediately removed as a referee and another member  
577 of the bar shall be appointed as provided in this section.

578 (3) The judge may direct that hearings in any case or class  
579 of cases be conducted in the first instance by the referee. The  
580 judge may also delegate his own administrative responsibilities to

581 the referee.

582 (4) All hearings authorized to be heard by a referee shall  
583 proceed in the same manner as hearings before the youth court  
584 judge. A referee shall possess all powers and perform all the  
585 duties of the youth court judge in the hearings authorized to be  
586 heard by the referee.

587 (5) An order entered by the referee shall be mailed  
588 immediately to all parties and their counsel. A rehearing by the  
589 judge shall be allowed if any party files a written motion for a  
590 rehearing or on the court's own motion within three (3) days after  
591 notice of referee's order. The youth court may enlarge the time  
592 for filing a motion for a rehearing for good cause shown. Any  
593 rehearing shall be upon the record of the hearing before the  
594 referee, but additional evidence may be admitted in the discretion  
595 of the judge. A motion for a rehearing shall not act as a  
596 supersedeas of the referee's order, unless the judge shall so  
597 order.

598 (6) The salary for the referee shall be fixed on order of  
599 the judge as provided in Section 43-21-123 and shall be paid by  
600 the county out of any available funds budgeted for the youth court  
601 by the board of supervisors.

602 (7) \* \* \* The judge of the chancery court may appoint a  
603 suitable person as referee to two (2) or more counties within his  
604 district \* \* \*.

605 SECTION 19. Section 43-21-123, Mississippi Code of 1972, is  
606 amended as follows:

607 43-21-123. (1) Except for expenses provided by state funds  
608 and/or other monies, the board of supervisors, or the municipal

609 governing board where there is a municipal youth court, shall  
610 adequately provide funds for the operation of the youth court  
611 division of the chancery court, or the county courts where county  
612 courts are constituted, in conjunction with the regular chancery  
613 or county court budget \* \* \*. In preparation for said funding, on  
614 an annual basis at the time requested, the youth court judge,  
615 regular youth court referee or administrator shall prepare and  
616 submit to the board of supervisors, or the municipal governing  
617 board of the youth court wherever the youth court is a municipal  
618 court, an annual budget which will identify the number, staff  
619 position, title and amount of annual or monthly compensation of  
620 each position as well as provide for other expenditures necessary  
621 to the functioning and operation of the youth court. When the  
622 budget of the youth court or youth court judge is approved by the  
623 board of supervisors or the governing authority of the  
624 municipality, then the youth court or youth court judge may employ  
625 such persons as provided in the budget from time to time.

626 (2) The board of supervisors of any county in which there is  
627 located a youth court, and the governing authority of any  
628 municipality in which there is located a municipal youth court,  
629 are each authorized to reimburse the youth court referees and  
630 other county-employed youth court employees or personnel for  
631 reasonable travel and expenses incurred in the performance of  
632 their duties and in attending educational meetings offering  
633 professional training to such persons as budgeted.

634 (3) The salary for a referee shall be based on a formula  
635 established by the Administrative Office of Courts which shall  
636 take into account the youth court's caseload. Subject to a cap of

637 One Thousand Seven Hundred Dollars (\$1,700.00) per month, the  
638 salary for a referee serving in one (1) county shall not exceed  
639 the salary of a member of the board of supervisors of that county,  
640 and the salary of a referee serving two (2) or more counties shall  
641 not exceed an amount equal to the combined salaries of one (1)  
642 member of the boards of supervisors of the two (2) highest paid  
643 boards of supervisors of the counties served by that referee.

644 (4) (a) Counties in which a youth or family court existed  
645 on January 1, 2000, shall make an annual contribution to the  
646 Administrative Office of Courts of Seventy-six Thousand Eight  
647 Hundred Dollars (\$76,800.00) per youth court judge position that  
648 was authorized and funded on that date, or the total 1996 fiscal  
649 year expense for compensation and fringe benefits of all youth  
650 court judges, whichever is the lesser amount, divided into twelve  
651 (12) equal monthly installments. Each installment is due not  
652 later than the close of business on the twenty-fifth day of the  
653 month preceding the month for which the installment is due, or, if  
654 the twenty-fifth day falls on a holiday or weekend, on the  
655 preceding regular business day.

656 (b) Counties in which a referee salary or salaries were  
657 funded as of January 1, 2000, shall make an annual contribution to  
658 the Administrative Office of Courts in an amount equal to the  
659 total expense for youth court referee salary and any associated  
660 expenses of the county for fiscal year 1996, divided into twelve  
661 (12) equal monthly installments. Each installment is due not  
662 later than the close of business on the twenty-fifth day of the  
663 month preceding the month for which the installment is due, or, if  
664 the twenty-fifth day falls on a holiday or weekend, on the

665 preceding regular business day.

666 (c) Counties in which neither any referee nor any youth  
667 court judge was funded as of January 19, 2000, shall make an  
668 annual contribution to the Administrative Office of Courts in an  
669 amount to be determined by the Administrative Office of Courts and  
670 based on the contributions required of counties of similar size  
671 and caseload, divided into twelve (12) equal monthly installments.  
672 Each installment is due not later than the close of business on  
673 the twenty-fifth day of the month preceding the month for which  
674 the installment is due, or, if the twenty-fifth day falls on a  
675 holiday or weekend, on the preceding regular business day.

676 (d) Counties failing to make the financial  
677 contributions required by this section shall forfeit their right  
678 to receive their homestead exemption reimbursement in an amount  
679 sufficient to repay obligations due until such time as their  
680 indebtedness is satisfied or satisfactory arrangements have been  
681 made. Homestead exemption reimbursements, upon demand made in  
682 writing to the State Tax Commission by the Administrative Office  
683 of Courts, shall be paid to the Administrative Office of Courts  
684 and applied to the discharge of the obligation.

685 (5) The Administrative Office of Courts shall, in a fair and  
686 equitable manner, apportion responsibility for the payment of the  
687 salary serving in more than one (1) county among or between the  
688 various counties as appropriate.

689 (6) The Administrative Office of Courts shall allocate, in a  
690 fair and equitable manner, support funds to the referee-staffed  
691 youth courts, and it shall be within the discretion of the referee  
692 whether to use these funds to carry on the business of the court



693 within their private law practice or to direct the use of those  
694 funds through the county budget. No such funds shall be paid to  
695 any youth court referee or to the county in which the youth court  
696 referee is not in current, full compliance with the continuing  
697 education requirements of Section 43-21-111.

698 SECTION 20. Section 9-13-17, Mississippi Code of 1972, is  
699 amended as follows:

700 9-13-17. The circuit judge, chancellor \* \* \* or county judge  
701 may, by an order spread upon the minutes and made a part of the  
702 records of the court, appoint an additional court reporter for a  
703 term or part of a term whose duties, qualifications and  
704 compensation shall be the same as is now provided by law for  
705 official court reporters. The additional court reporter shall be  
706 subject to the control of the judge or chancellor, as is now  
707 provided by law for official court reporters, and the judge or  
708 chancellor shall have the additional power to terminate the  
709 appointment of such additional court reporter, whenever in his  
710 opinion the necessity for such an additional court reporter ceases  
711 to exist, by placing upon the minutes of the court an order to  
712 that effect. The regular court reporter shall not draw any  
713 compensation while the assistant court reporter alone is serving;  
714 however, in the event the assistant court reporter is serving  
715 because of the illness of the regular court reporter, the court  
716 may authorize payment of said assistant court reporter from the  
717 Administrative Office of Courts without diminution of the salary  
718 of the regular court reporter, for a period not to exceed  
719 forty-five (45) days in any one (1) calendar year. However, in  
720 any circuit, chancery or county \* \* \* court district within the

721 State of Mississippi, if the judge or chancellor shall determine  
722 that in order to relieve the continuously crowded docket in such  
723 district, or for other good cause shown, the appointment of an  
724 additional court reporter is necessary for the proper  
725 administration of justice, he may, with the advice and consent of  
726 the board of supervisors if the court district is composed of a  
727 single county and with the advice and consent of at least one-half  
728 (1/2) of the boards of supervisors if the court district is  
729 composed of more than one (1) county, by an order spread upon the  
730 minutes and made a part of the records of the court, appoint an  
731 additional court reporter. The additional court reporter shall  
732 serve at the will and pleasure of the judge or chancellor, may be  
733 a resident of any county of the state, and shall be paid a salary  
734 designated by the judge or chancellor not to exceed the salary  
735 authorized by Section 9-13-19. The salary of the additional court  
736 reporter shall be paid by the Administrative Office of Courts, as  
737 provided in Section 9-13-19; and mileage shall be paid to the  
738 additional court reporter by the county as provided in the same  
739 section. The office of such additional court reporter appointed  
740 under this section shall not be abolished or compensation reduced  
741 during the term of office of the appointing judge or chancellor  
742 without the consent and approval of the appointing judge or  
743 chancellor.

744 SECTION 21. Section 9-13-61, Mississippi Code of 1972, is  
745 amended as follows:

746 9-13-61. There shall be an official court reporter for each  
747 county \* \* \* court judge in the State of Mississippi, to be  
748 appointed by such judge, for the purpose of performing the

749 necessary and required stenographic work of the court or division  
750 thereof over which the appointing judge is presiding, said work to  
751 be performed under the direction of such judge and in the same  
752 manner and to the same effect as is provided in the chapter on  
753 court reporting.

754       Except as hereinafter provided, the reporters of said courts  
755 shall receive an annual salary of not less than Twenty-four  
756 Thousand Dollars (\$24,000.00) and may, at the discretion of the  
757 board of supervisors, receive a monthly salary equal to that of  
758 the reporter of the circuit court district wherein the county  
759 lies, the same to be paid monthly by the county out of its general  
760 fund.

761       Provided, however, that in any Class 1 county having a  
762 population in excess of fifty-six thousand (56,000) persons  
763 according to the 1970 federal decennial census, the reporter shall  
764 receive a monthly salary equal to that of the reporter of the  
765 circuit court district wherein the county or family court lies,  
766 the same to be paid monthly by the county out of its general fund.

767       Provided further, that in any Class 1 county bordering on the  
768 Mississippi River and which has situated therein a national  
769 military park and national military cemetery, and having a  
770 population in excess of forty-four thousand (44,000) according to  
771 the 1970 federal decennial census, the reporter shall receive a  
772 monthly salary equal to that of the reporter of the circuit court  
773 district wherein the county lies, the same to be paid monthly by  
774 the county out of its general fund.

775       Provided further, that in any Class 1 county bordering on the  
776 Mississippi River wherein U.S. Highways 61 and 84 intersect, and

777 having a population in excess of thirty-seven thousand (37,000) in  
778 the 1960 federal decennial census, the reporter shall receive a  
779 monthly salary equal to that of the reporter of the circuit court  
780 district wherein the county lies, the same to be paid monthly by  
781 the county out of its general fund.

782         Provided further, that in addition to the foregoing  
783 compensation, all county and family court reporters shall be paid  
784 the same fees for transcript of the record on appeals as are now  
785 or hereafter paid circuit court reporters for like or similar  
786 work.

787         Provided further, that in any multicounty county court  
788 district, the county court judge shall appoint the court reporter  
789 as provided in this section, and the salary of that court reporter  
790 shall be set by the Administrative Office of Courts within the  
791 parameters of this section, and the Administrative Office of  
792 Courts shall fairly and equitably apportion between or among the  
793 counties comprising that court the proportionate responsibilities  
794 for the payment of that salary.

795         SECTION 22. Section 9-9-3, Mississippi Code of 1972, which  
796 provides for the establishment of a county court by agreement  
797 between two (2) or more counties, is repealed.

798         SECTION 23. Section 9-9-13, Mississippi Code of 1972, which  
799 authorizes the governing body of certain municipalities to  
800 supplement the salaries of county judicial officers, is repealed.

801         SECTION 24. Section 9-9-14, Mississippi Code of 1972, which  
802 authorizes two (2) county judgeships for Harrison County, is  
803 repealed.

804         SECTION 25. Section 9-9-15, Mississippi Code of 1972, which

805 authorizes three (3) county judgeships for Hinds County, is  
806 repealed.

807 SECTION 26. Section 9-9-16, Mississippi Code of 1972, which  
808 authorizes two (2) county judgeships for Washington County, is  
809 repealed.

810 SECTION 27. Section 9-9-17, Mississippi Code of 1972, which  
811 authorizes two (2) county judgeships for Jackson County, is  
812 repealed.

813 SECTION 28. Section 9-9-37, Mississippi Code of 1972, which  
814 provides for the establishment or abolition of county courts, is  
815 repealed.

816 SECTION 29. Section 9-9-39, Mississippi Code of 1972, which  
817 provides for transfer of pending matters in any county court that  
818 may be abolished, is repealed.

819 SECTION 30. Section 9-9-41, Mississippi Code of 1972, which  
820 provides for the abolition of county courts in certain counties,  
821 is repealed.

822 SECTION 31. Section 9-9-43, Mississippi Code of 1972, which  
823 requires legislation action or election for abolition of county  
824 courts in certain counties, is repealed.

825 SECTION 32. Section 9-9-45, Mississippi Code of 1972, which  
826 requires the establishment or abolition of county courts under  
827 certain circumstances, is repealed.

828 SECTION 33. The Attorney General of the State of Mississippi  
829 is hereby directed to submit this act, immediately upon approval  
830 by the Governor, or upon approval by the Legislature subsequent to  
831 a veto, to the Attorney General of the United States or to the  
832 United States District Court for the District of Columbia in

833 accordance with the provisions of the Voting Rights Act of 1965,  
834 as amended and extended.

835 SECTION 34. This act shall take effect and be in force from  
836 and after the date it is effectuated under Section 5 of the Voting  
837 Rights Act of 1965, as amended and extended.