

**\*\*\*Adopted\*\*\***

**AMENDMENT No. 1 PROPOSED TO**

**House Bill NO. 549**

**By Senator(s) Committee**

7       Amend by striking all after the enacting clause and inserting  
8 in lieu thereof the following:

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10       SECTION 1. Section 9-4-1, Mississippi Code of 1972, is  
11 amended as follows:

12       9-4-1. (1) There is hereby established a court to be known  
13 as the "Court of Appeals of the State of Mississippi," which shall  
14 be a court of record.

15       (2) The Court of Appeals shall be comprised of ten (10)  
16 appellate judges, two (2) from each congressional district, \* \* \*  
17 selected in accordance with Section 9-4-5.

18       SECTION 2. Section 9-4-5, Mississippi Code of 1972, is  
19 amended as follows:

20       9-4-5. (1) The term of office of judges of the Court of  
21 Appeals shall be eight (8) years; provided, however, that the term  
22 of office for judges of the Court of Appeals who are elected to  
23 take office after the first Monday of January 2001 shall be ten  
24 (10) years. An election shall be held on the first Tuesday after  
25 the first Monday in November 1994, to elect the ten (10) judges of  
26 the Court of Appeals, two (2) from each Congressional District;  
27 provided, however, judges of the Court of Appeals who are elected  
28 to take office after the first Monday of January 2001 shall be  
29 elected from the Court of Appeals Districts described in

30 subsection (5) of this section. The judges of the Court of  
31 Appeals shall begin service on the first Monday of January 1995.

32 (2) (a) In order to provide that the offices of not more  
33 than a majority of the judges of said court shall become vacant at  
34 any one (1) time, the terms of office of six (6) of the judges  
35 first to be elected shall expire in less than eight (8) years.  
36 For the purpose of all elections of members of the court, each of  
37 the ten (10) judges of the Court of Appeals shall be considered a  
38 separate office. The two (2) offices in each of the five  
39 (5) \* \* \* districts shall be designated Position Number 1 and  
40 Position Number 2, and in qualifying for office as a candidate for  
41 any office of judge of the Court of Appeals each candidate shall  
42 state the position number of the office to which he aspires and  
43 the election ballots shall so indicate.

44 (i) In Congressional District Number 1, the judge  
45 of the Court of Appeals for Position Number 1 shall be that office  
46 for which the term ends January 1, 1999, and the judge of the  
47 Court of Appeals for Position Number 2 shall be that office for  
48 which the term ends January 1, 2003.

49 (ii) In Congressional District Number 2, the judge  
50 of the Court of Appeals for Position Number 1 shall be that office  
51 for which the term ends on January 1, 2003, and the judge of the  
52 Court of Appeals for Position Number 2 shall be that office for  
53 which the term ends January 1, 2001.

54 (iii) In Congressional District Number 3, the  
55 judge of the Court of Appeals for Position Number 1 shall be that  
56 office for which the term ends on January 1, 2001, and the judge  
57 of the Court of Appeals for Position Number 2 shall be that office  
58 for which the term ends January 1, 1999.

59 (iv) In Congressional District Number 4, the judge  
60 of the Court of Appeals for Position Number 1 shall be that office  
61 for which the term ends on January 1, 1999, and the judge of the  
62 Court of Appeals for Position Number 2 shall be that office for  
63 which the term ends January 1, 2003.

64 (v) In Congressional District Number 5, the judge

65of the Court of Appeals for Position Number 1 shall be that office  
66for which the term ends on January 1, 2003, and the judge of the  
67Court of Appeals for Position Number 2 shall be that office for  
68which the term ends January 1, 2001.

69           (b) The laws regulating the general elections shall  
70apply to and govern the elections of judges of the Court of  
71Appeals except as otherwise provided in Sections 23-15-974 through  
7223-15-985.

73           (c) In the year prior to the expiration of the term of  
74an incumbent, \* \* \* an election shall be held in the manner  
75provided in this section in the \* \* \* District from which the  
76incumbent Court of Appeals judge was elected at which there shall  
77be elected a successor to the incumbent, whose term of office  
78shall thereafter begin on the first Monday of January of the year  
79in which the term of the incumbent he succeeds expires.

80           (3) No person shall be eligible for the office of judge of  
81the Court of Appeals who has not attained the age of thirty (30)  
82years at the time of his election and who has not been a  
83practicing attorney and citizen of the state for five (5) years  
84immediately preceding such election.

85           (4) Any vacancy on the Court of Appeals shall be filled by  
86appointment of the Governor for that portion of the unexpired term  
87prior to the election to fill the remainder of said term according  
88to provisions of Section 23-15-849, Mississippi Code of 1972.

89           (5) The State of Mississippi is hereby divided into five (5)  
90Court of Appeals Districts as follows:

91           FIRST DISTRICT. The First Court of Appeals District shall be  
92composed of the following counties and portions of counties:  
93Alcorn, Benton, Calhoun, Chickasaw, Choctaw, DeSoto, Itawamba,  
94Lafayette, Lee, Marshall, Monroe, Pontotoc, Prentiss, Tate,  
95Tippah, Tishomingo, Union, Webster, Yalobusha; in Panola County  
96the precincts of East Sardis, South Curtis, Tocowa, Pope,  
97Courtland, Cole's Point, North Springport, South Springport,  
98Eureka, Williamson, East Batesville 4, West Batesville 4, Fern  
99Hill, North Batesville A, East Batesville 5 and West Batesville 5;

100and in Tallahatchie County the precincts of Teasdale, Enid,  
101Springhill, Charleston Beat 1, Charleston Beat 2, Charleston Beat  
1023, Paynes, Leverette, Cascilla, Murphreesboro and Rosebloom.

103       SECOND DISTRICT. The Second Court of Appeals District shall  
104be composed of the following counties and portions of counties:  
105Bolivar, Carroll, Claiborne, Coahoma, Grenada, Holmes, Humphreys,  
106Issaquena, Jefferson, Leflore, Montgomery, Quitman, Sharkey,  
107Sunflower, Tunica, Warren, Washington, Yazoo; in Attala County the  
108precincts of Northeast, Hesterville, Possomneck, North Central,  
109McAdams, Newport, Sallis and Southwest; in Hinds County Precincts  
11011, 12, 13, 22, 23, 27, 28, 29, 30, 40, 41, 83, 84 and 85, and the  
111precincts of Bolton, Brownsville, Cayuga, Chapel Hill, Cynthia,  
112Edwards, Learned, Pine Haven, Pocahontas, St. Thomas, Tinnin,  
113Utica 1 and Utica 2; in Leake County the precincts of Conway, West  
114Carthage, Wiggins, Thomastown and Ofahoma; in Madison County the  
115precincts of Farmhaven, Canton Precinct 2, Canton Precinct 3,  
116Cameron Street, Canton Precinct 6, Bear Creek, Gluckstadt, Smith  
117School, Magnolia Heights, Flora, Virililia, Canton Precinct 5,  
118Cameron, Couparle, Camden, Sharon, Canton Precinct 1 and Canton  
119Precinct 4; that portion of Panola County not included in the  
120First District; and that portion of Tallahatchie County not  
121included in the First District.

122       THIRD DISTRICT. The Third Court of Appeals District shall be  
123composed of the following counties and portions of counties:  
124Clarke, Clay, Jasper, Kemper, Lauderdale, Lowndes, Neshoba,  
125Newton, Noxubee, Oktibbeha, Rankin, Scott, Smith, Wayne, Winston;  
126that portion of Attala County not included in the Second District;  
127in Jones County the precincts of Northwest High School, Shady  
128Grove, Sharon, Erata, Glade, Myrick School, Northeast High School,  
129Rustin, Sandersville Civic Center, Tuckers, Antioch and Landrum;  
130that portion of Leake County not included in the Second District;  
131that portion of Madison County not included in the Second  
132District.

133       FOURTH DISTRICT. The Fourth Court of Appeals District shall  
134be composed of the following counties and portions of counties:

135 Adams, Amite, Copiah, Covington, Franklin, Jefferson Davis,  
136 Lawrence, Lincoln, Marion, Pike, Simpson, Walthall, Wilkinson;  
137 that portion of Hinds County not included in the Second District;  
138 and that portion of Jones County not included in the Third  
139 District.

140 FIFTH DISTRICT. The Fifth Court of Appeals District shall be  
141 composed of the following counties: Forrest, George, Greene,  
142 Hancock, Harrison, Jackson, Lamar, Pearl River, Perry and Stone.

143 (6) The boundaries of the Court of Appeals Districts  
144 described in subsection (1) of this section shall be the  
145 boundaries of the counties and precincts listed in subsection (1)  
146 as such boundaries existed on October 1, 1990.

147 SECTION 3. This act shall take effect and be in force from  
148 and after July 1, 2000.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTIONS 9-4-1 AND 9-4-5, MISSISSIPPI CODE OF  
2 1972, TO PROVIDE THAT THE TERM OF OFFICE OF JUDGES OF THE COURT OF  
3 APPEALS SHALL BE TEN YEARS; TO DIVIDE THE STATE INTO DISTRICTS FOR  
4 THE ELECTION OF JUDGES OF THE COURT OF APPEALS; AND FOR RELATED  
5 PURPOSES.