

By: Representatives Gibbs, Dickson, Green,  
Henderson, Markham, Thomas

To: Judiciary B

HOUSE BILL NO. 701  
(As Sent to Governor)

1 AN ACT TO AMEND SECTIONS 9-11-27 AND 9-11-29, MISSISSIPPI  
2 CODE OF 1972, TO REQUIRE TRAINING FOR DEPUTY CLERKS OF THE JUSTICE  
3 COURT WHO WORK IN OFFICES SEPARATE FROM THE CLERK; AND FOR RELATED  
4 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. The board of supervisors of each county shall, at  
9 its own expense, 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 it deems  
12 necessary, including a person or persons to serve as deputy clerk  
13 or deputy clerks. The board of supervisors of each county with  
14 two (2) judicial districts may, at its own expense, appoint two  
15 (2) persons to serve as clerks of the justice court system of the  
16 county, one (1) for each judicial district, and may appoint such  
17 other employees for the justice court system of the county as it  
18 deems necessary including persons to serve as deputy clerks. The  
19 clerk and deputy clerks shall be empowered to file and record  
20 actions and pleadings, to receive and receipt for monies, to  
21 acknowledge affidavits, to issue warrants in criminal cases upon  
22 direction by a justice court judge in the county, to approve the  
23 sufficiency of bonds in civil and criminal cases, to certify and  
24 issue copies of all records, documents and pleadings filed in the  
25 justice court and to issue all process necessary for the operation  
26 of the justice court. The clerk or deputy clerks may refuse to  
27 accept a personal check in payment of any fine or cost or to

28 satisfy any other payment required to be made to the justice  
29 court. All orders from the justice court judge to the clerk of  
30 the justice court shall be written. All cases, civil and  
31 criminal, shall be assigned by the clerk to the justice court  
32 judges of the county in the manner provided in Section 11-9-105  
33 and Section 99-33-2. A deputy clerk who works in an office  
34 separate from the clerk and who is the head deputy clerk of the  
35 separate office may be designated to be trained as a clerk as  
36 provided in Section 9-11-29.

37 SECTION 2. Section 9-11-29, Mississippi Code of 1972, is  
38 amended as follows:

39 9-11-29. (1) Within ninety (90) days after appointment,  
40 every person appointed as clerk of the justice court under the  
41 provisions of \* \* \* Section 9-11-27, or a deputy clerk designated  
42 to receive training under Section 9-11-27, shall file annually in  
43 the office of the circuit clerk a certificate of completion of a  
44 course of training and education conducted by the Mississippi  
45 Judicial College of the University of Mississippi Law Center.

46 (2) Every person appointed as clerk and deputy clerk of the  
47 justice court shall, before entering into the duties of the  
48 position, give bond, with sufficient surety, to be payable,  
49 conditioned and approved as provided by law and in the same manner  
50 as other county officers, in a penalty equal to Fifty Thousand  
51 Dollars (\$50,000.00); and any party interested may proceed on such  
52 bond in a summary way, by motion in any court having jurisdiction  
53 of the same, against the principal and sureties, upon giving five  
54 (5) days' previous notice. The cost of such bond shall be paid by  
55 the county.

56 (3) Upon the failure of any person appointed as clerk of the  
57 justice court to file the certificates of completion as provided  
58 in subsection (1) of this section, such person shall not be  
59 allowed to carry out any of the duties of the office of clerk of

60 the justice court, and shall not be entitled to compensation for  
61 the period of time during which such certificates remain unfiled.

62 SECTION 3. This act shall take effect and be in force from  
63 and after July 1, 2001.