

By: Representative Watson

To: Judiciary A

HOUSE BILL NO. 1474

1 AN ACT TO REENACT SECTIONS 9-21-21, 9-21-23, 9-21-25,  
 2 9-21-27, 9-21-29, 9-21-31, 9-21-33, 9-21-35, 9-21-37, 9-21-39 AND  
 3 9-21-41, MISSISSIPPI CODE OF 1972, WHICH CREATE THE MISSISSIPPI  
 4 JUDICIAL ADVISORY STUDY COMMITTEE AND PRESCRIBE ITS DUTIES AND  
 5 POWERS; TO AMEND SECTION 22 OF CHAPTER 610, LAWS OF 1993, AS  
 6 AMENDED BY SECTION 12 OF CHAPTER 315, LAWS OF 1996, AS AMENDED BY  
 7 SECTION 12 OF CHAPTER 503, LAWS OF 1998, TO DELETE THE REPEALER ON  
 8 THE MISSISSIPPI JUDICIAL ADVISORY STUDY COMMITTEE; AND FOR RELATED  
 9 PURPOSES.

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

11 SECTION 1. Section 9-21-21, Mississippi Code of 1972, is  
 12 reenacted as follows:

13 9-21-21. The Mississippi Judicial Advisory Study Committee  
 14 is hereby created. It shall consist of twenty-one (21) voting and  
 15 two (2) nonvoting members who are to be selected as follows:

16 (a) The Chief Justice of the Supreme Court of the State  
 17 of Mississippi shall appoint three (3) members.

18 (b) The Chief Judge of the Court of Appeals shall  
 19 appoint one (1) member who shall be a member of the Court of  
 20 Appeals.

21 (c) One (1) chancery judge shall be elected by the  
 22 Conference of Chancery Judges, one (1) circuit judge shall be  
 23 elected by the Conference of Circuit Judges, one (1) county court  
 24 judge shall be elected by the Conference of County Court Judges,  
 25 and one (1) justice court judge shall be elected by the Conference  
 26 of Justice Court Judges.

27 (d) One (1) chancery clerk shall be elected by the  
 28 Chancery Clerks Association, and one (1) circuit clerk shall be  
 29 elected by the Circuit Clerks Association.

30 (e) The Governor shall appoint three (3) members who  
31 are not to be members of the Mississippi Bar.

32 (f) The Chairman of the Senate Judiciary Committee and  
33 the Chairman of the House of Representatives Judiciary En Banc  
34 Committee shall serve as legislative liaisons and nonvoting  
35 members.

36 (g) The Lieutenant Governor shall appoint two (2)  
37 members, neither of whom is an attorney nor a member of the  
38 Legislature.

39 (h) The Speaker of the House shall appoint two (2)  
40 members, neither of whom is an attorney nor a member of the  
41 Legislature.

42 (i) The Presidents of the Mississippi Bar and the  
43 Magnolia Bar Association shall each appoint two (2) members, all  
44 of whom shall be licensed to practice law in the State of  
45 Mississippi.

46 Members shall be appointed for three-year terms.  
47 Appointments and vacancies on the study committee shall be filled  
48 by the respective selecting and appointing authorities.

49 SECTION 2. Section 9-21-23, Mississippi Code of 1972, is  
50 reenacted as follows:

51 9-21-23. The purpose of the study committee shall be to make  
52 recommendations to the Administrative Office of the Courts in the  
53 administration of the courts, including obtaining statistical  
54 information with reference to cases in the various courts in  
55 Mississippi; conducting research relating to improvement of the  
56 judicial system in the State of Mississippi; and making a  
57 comprehensive study of the judicial system of the state for the  
58 purpose of the improvement thereof. In addition, the study  
59 committee may make such policy recommendations as will promote the  
60 administration of justice and the operation of the courts.

61 SECTION 3. Section 9-21-25, Mississippi Code of 1972, is  
62 reenacted as follows:

63           9-21-25. The Chief Justice shall set and give notice of the  
64 time, date and place of the initial meeting, at which time the  
65 study committee shall elect a chairperson from its members and who  
66 shall preside at the meetings of the study committee. The chair  
67 shall not vote unless necessary to break a tie vote of the study  
68 committee. In addition, the study committee shall elect a vice  
69 chair who shall preside over meetings in the absence of the chair.  
70 The study committee shall elect any other officers which it  
71 considers necessary to carry out the purpose of the study  
72 committee. The study committee may form any committees from its  
73 membership in order to assist the study committee in accomplishing  
74 its purposes as provided in this chapter.

75           SECTION 4. Section 9-21-27, Mississippi Code of 1972, is  
76 reenacted as follows:

77           9-21-27. The study committee shall meet quarterly and at  
78 such other times as meetings may be called by the chair. A  
79 majority of the members shall constitute a quorum at any meeting.  
80 Any final action taken by the study committee shall require the  
81 affirmative vote of a majority of the nonlegislative members.

82           SECTION 5. Section 9-21-29, Mississippi Code of 1972, is  
83 reenacted as follows:

84           9-21-29. The Administrative Office of the Courts shall  
85 provide such support of the Judicial Advisory Study Committee as  
86 is necessary to accomplish the purposes of this chapter,  
87 including, but not limited to, research and clerical assistance.

88           SECTION 6. Section 9-21-31, Mississippi Code of 1972, is  
89 reenacted as follows:

90           9-21-31. (1) In addition to the duties set forth in Section  
91 9-21-23, the study committee shall file an annual report with the  
92 Mississippi Supreme Court no later than June 30 of each year of  
93 its existence. The document shall report on the operational and  
94 administrative state of the court system, with emphasis on the  
95 state of the case docket. The report shall also make specific

96 recommendations for improvement in the administration and  
97 operation of the courts.

98 (2) The study committee is authorized and empowered for the  
99 accomplishment of its purposes to undertake any studies, reviews,  
100 inquiries, hearings, examinations, surveys or analyses as it may  
101 deem pertinent, relevant and justified. The study committee shall  
102 propose and prepare in detailed form from time to time for the  
103 consideration of the Legislature of the State of Mississippi such  
104 amendments to existing law, such statutes, and such constitutional  
105 amendments as in the judgment of the study committee will improve  
106 the judicial system of the State of Mississippi and promote the  
107 administration of civil and criminal justice therein.

108 (3) The study committee shall submit a report to the  
109 Legislature of the State of Mississippi not later than the first  
110 Tuesday after the first Monday in January of the year 1994 and  
111 each year of its existence thereafter, which reports shall make  
112 specific proposals and recommendations for the improvement of the  
113 judicial system of the State of Mississippi and for the  
114 administration of criminal and civil justice in the courts  
115 thereof, such reports to be based upon the information received  
116 and the research conducted by the study committee.

117 SECTION 7. Section 9-21-33, Mississippi Code of 1972, is  
118 reenacted as follows:

119 9-21-33. The study committee is authorized to call upon any  
120 and all existing courts, agencies, departments, divisions,  
121 officers, employees, boards, bureaus, commissions and institutions  
122 of the State of Mississippi, or any political subdivision,  
123 thereof, to furnish such information, data and assistance as will  
124 enable it to carry out its powers and duties hereunder and all  
125 such agencies, departments, divisions, officers, employees,  
126 boards, bureaus, commissions and institutions of the State of  
127 Mississippi and its political subdivisions are hereby directed to  
128 cooperate with the study committee and render such information,

129 data, aid and assistance as may be requested by the study  
130 committee.

131 SECTION 8. Section 9-21-35, Mississippi Code of 1972, is  
132 reenacted as follows:

133 9-21-35. The study committee shall have the power to enlist  
134 the services of any agency, either public or private, or any  
135 individual or educational institution, bar association, research  
136 organization, foundation, or educational or civic organization for  
137 assistance in accomplishing the purposes of this chapter,  
138 conducting research studies, gathering information or printing and  
139 publishing its reports. The study committee is authorized to make  
140 and sign any agreements or contracts to do or perform any actions  
141 that may be necessary, desirable or proper to carry out the  
142 purposes and objectives of this chapter.

143 SECTION 9. Section 9-21-37, Mississippi Code of 1972, is  
144 reenacted as follows:

145 9-21-37. The study committee may employ any agents, clerks,  
146 researchers, counsel, consultants and other personnel necessary  
147 for the performance of the duties of the study committee and fix  
148 their respective rates of compensation, all subject to the  
149 approval of the State Personnel Board and within the amounts made  
150 available by appropriation therefor or received from other  
151 sources.

152 SECTION 10. Section 9-21-39, Mississippi Code of 1972, is  
153 reenacted as follows:

154 9-21-39. Members of the study committee shall receive a per  
155 diem as provided in Section 25-3-69 for actual attendance upon  
156 meetings of the study committee, together with reimbursement for  
157 traveling and subsistence expenses incurred as provided in Section  
158 25-3-41, Mississippi Code of 1972, except that members of the  
159 study committee who are members of the Legislature shall not  
160 receive per diem for attendance while the Legislature is in  
161 session and no member whose regular compensation is payable by the

162 state or any political subdivision of the state shall receive per  
163 diem for attendance upon meetings of the study committee.

164 SECTION 11. Section 9-21-41, Mississippi Code of 1972, is  
165 reenacted as follows:

166 9-21-41. The study committee is authorized and empowered to  
167 receive and expend any funds appropriated to it by the Legislature  
168 and any funds received by it from any other source in carrying out  
169 the objectives and purposes of this chapter.

170 SECTION 12. Section 22 of Chapter 610, Laws of 1993, as  
171 amended by Section 12 of Chapter 315, Laws of 1996, as amended by  
172 Section 12 of Chapter 503, Laws of 1998, is amended as follows:

173 Section 22. This act shall take effect and be in force from  
174 and after passage \* \* \*.

175 SECTION 13. This act shall take effect and be in force from  
176 and after its passage.