

By: Representative Reeves

To: Constitution

HOUSE CONCURRENT RESOLUTION NO. 48

1 A CONCURRENT RESOLUTION PROPOSING TO AMEND SECTION 146,
2 MISSISSIPPI CONSTITUTION OF 1890, TO REQUIRE THAT THE MISSISSIPPI
3 SUPREME COURT AND THE COURT OF APPEALS ISSUE A DECISION IN EVERY
4 CASE WITHIN A SPECIFIED TIME AFTER THE FINAL BRIEF IS FILED WITH
5 THE COURT; AND FOR RELATED PURPOSES.

6 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF
7 MISSISSIPPI, That the following amendment to the Mississippi
8 Constitution of 1890 is proposed to the qualified electors of the
9 state:

10 Amend Section 146, Mississippi Constitution of 1890, to read
11 as follows:

12 "Section 146. The Supreme Court shall have such jurisdiction
13 as properly belongs to a court of appeals and shall exercise no
14 jurisdiction on matters other than those specifically provided by
15 this Constitution or by general law. The Legislature may by general
16 law provide for the Supreme Court to have original and appellate
17 jurisdiction as to any appeal directly from an administrative agency
18 charged by law with the responsibility for approval or disapproval
19 of rates sought to be charged the public by any public utility. The
20 Supreme Court shall consider cases and proceedings for modification
21 of public utility rates in an expeditious manner regardless of their
22 position on the court docket. The Supreme Court shall issue a
23 decision in every case within its original jurisdiction, including
24 all direct and post-conviction collateral relief appeals or
25 applications in cases imposing the death penalty within two hundred
26 seventy (270) days after the final briefs have been filed with the
27 court. The Supreme Court shall issue a decision in every case
28 received on certiorari from the Court of Appeals within one hundred

29 eighty (180) days after the final brief has been filed with the
30 court. The Court of Appeals, shall issue a decision in every case
31 before the Court of Appeals within two hundred seventy (270) days
32 after the final brief has been filed with the court."

33 BE IT FURTHER RESOLVED, That this proposed amendment shall
34 be submitted by the Secretary of State to the qualified electors
35 at an election to be held on the first Tuesday after the first
36 Monday of November 2002, as provided by Section 273 of the
37 Constitution and by general law.

38 BE IT FURTHER RESOLVED, That the explanation of this
39 proposed amendment for the ballot shall read as follows: "This
40 proposed constitutional amendment requires the State Supreme
41 Court and the Court of Appeals to issue a decision in every case
42 within a specified time after the final brief is filed with the
43 court."