

By: Representative Holland

To: Constitution

HOUSE CONCURRENT RESOLUTION NO. 52

1 A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO SECTION  
2 171, MISSISSIPPI CONSTITUTION OF 1890, TO PROVIDE THAT JUSTICE  
3 COURTS SHALL HAVE JURISDICTION OVER FELONIES AS PRESCRIBED BY THE  
4 LEGISLATURE.

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

9 Amend Section 171, Mississippi Constitution of 1890, to read  
10 as follows:

11 "Section 171. A competent number of justice court judges and  
12 constables shall be chosen in each county in the manner provided  
13 by law, but not less than two (2) such judges in any county, who  
14 shall hold their officer for the term of four (4) years. Each  
15 justice court judge shall have resided two (2) years in the county  
16 next preceding his selection and shall be high school graduate or  
17 have a general equivalency diploma unless he shall have served as  
18 a justice of the peace or been elected to the office of justice of  
19 the peace prior to January 1, 1976. All persons elected to the  
20 office of justice of the peace in November 1975, shall take office  
21 in January 1976, as justice court judges.

22 The maximum civil jurisdiction of the justice court shall  
23 extend to causes in which the principal amount in controversy is  
24 Five Hundred Dollars (\$500.00) or such higher amount as may be  
25 prescribed by law. The justice court shall have jurisdiction  
26 concurrent with the circuit court over all crimes whether felony

27 or misdemeanor; but the Legislature may limit the felony offenses  
28 which may be heard in justice court.

29 In all causes tried in justice court, the right of appeal  
30 shall be secured under such rules and regulations as shall be  
31 prescribed by law, and no justice court judge shall preside at the  
32 trial of any cause where he may be interested, or the parties or  
33 either of them shall be connected with him by affinity or  
34 consanguinity, except by the consent of the justice court judge  
35 and of the parties.

36 All reference in the Mississippi Code to justice of the peace  
37 shall mean justice court judge."

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

43 BE IT FURTHER RESOLVED, That the explanation of this proposed  
44 amendment for the ballot shall read as follows: "This proposed  
45 constitutional amendment will provide that justice court shall  
46 have concurrent jurisdiction with the circuit court over  
47 misdemeanors and felonies as may be prescribed by the  
48 Legislature."