

By: Representative Reeves

To: Judiciary A

HOUSE BILL NO. 1323

1 AN ACT TO AMEND SECTIONS 9-4-3 AND 25-3-57, MISSISSIPPI CODE  
2 OF 1972, TO DEDUCT THE PER DIEM OF JUSTICES OF THE SUPREME COURT  
3 FOR UNTIMELY RENDERING OF DECISIONS; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 9-4-3, Mississippi Code of 1972, is  
6 amended as follows:

7 9-4-3. (1) The Court of Appeals shall have the power to  
8 determine or otherwise dispose of any appeal or other proceeding  
9 assigned to it by the Supreme Court.

10 The jurisdiction of the Court of Appeals is limited to those  
11 matters which have been assigned to it by the Supreme Court.

12 The Supreme Court shall prescribe rules for the assignment of  
13 matters to the Court of Appeals. These rules may provide for the  
14 selective assignment of individual cases and may provide for the  
15 assignment of cases according to subject matter or other general  
16 criteria. However, the Supreme Court shall retain appeals in  
17 cases imposing the death penalty, or cases involving utility  
18 rates, annexations, bond issues, election contests, or a statute  
19 held unconstitutional by the lower court.

20 (2) Decisions of the Court of Appeals are final and are not  
21 subject to review by the Supreme Court, except by writ of  
22 certiorari. The Supreme Court may grant certiorari review only by  
23 the affirmative vote of four (4) of its members. At any time  
24 before final decision by the Court of Appeals, the Supreme Court  
25 may, by order, transfer to the Supreme Court any case pending  
26 before the Court of Appeals.



27 (3) The Court of Appeals shall have jurisdiction to issue  
28 writs of habeas corpus, mandamus, quo warranto, certiorari,  
29 prohibition or any other process when this may be necessary in any  
30 case assigned to it by the Supreme Court.

31 (4) The Court of Appeals shall issue a decision in every  
32 case heard before the Court of Appeals within two hundred seventy  
33 (270) days after the final briefs have been filed with the court.

34 (5) The Supreme Court shall issue a decision in every case  
35 within its original jurisdiction, including all direct and  
36 post-conviction collateral relief appeals or applications in cases  
37 imposing the death penalty, within two hundred seventy (270) days  
38 after the final briefs have been filed with the court. The  
39 Supreme Court shall issue a decision in every case received on  
40 certiorari from the Court of Appeals within one hundred eighty  
41 (180) days after the final briefs have been filed with the court.  
42 If the Supreme Court fails to issue a decision in the time  
43 required by this subsection, the justice or justices involved  
44 shall not receive their per diem for the days of noncompliance.

45 **SECTION 2.** Section 25-3-57, Mississippi Code of 1972, is  
46 amended as follows:

47 25-3-57. In case any judge of the Supreme Court or the Court  
48 of Appeals or of a circuit court or chancery court shall fail to  
49 attend at any term of court which either of them is required by  
50 law to hold, or in case the Attorney General or any district  
51 attorney shall fail to attend at any court which he is required to  
52 attend officially, it shall be the duty of the clerk of such court  
53 to certify the number of days such judge, chancellor, Attorney  
54 General, or district attorney was absent at each term of the court  
55 to the Auditor of Public Accounts, who shall deduct twice the  
56 number of days so certified from the time for which the salary of  
57 such officer may be estimated, unless such officer shall make  
58 oath, and file the same in the Auditor's office, that his absence  
59 was occasioned by sickness of himself or his family, or that his



60 attendance was prevented by high water, the prevalence of an  
61 epidemic or contagious disease, or by accident not within his  
62 control. Per diem shall be deducted from Supreme Court judges for  
63 noncompliance with subsection (5) of Section 9-4-3 as provided in  
64 that section.

65         **SECTION 3.** The Attorney General of the State of Mississippi  
66 shall submit this act, immediately upon approval by the Governor,  
67 or upon approval by the Legislature subsequent to a veto, to the  
68 Attorney General of the United States or to the United States  
69 District Court for the District of Columbia in accordance with the  
70 provisions of the Voting Rights Act of 1965, as amended and  
71 extended.

72         **SECTION 4.** This act shall take effect and be in force from  
73 and after the date it is effectuated under Section 5 of the Voting  
74 Rights Act of 1965, as amended and extended.

