

By: Representative Watson

To: Constitution

HOUSE CONCURRENT RESOLUTION NO. 52

1 A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO SECTION  
2 171, MISSISSIPPI CONSTITUTION OF 1890, TO REVISE THE EDUCATIONAL  
3 REQUIREMENTS AND TERMS OF JUSTICE COURT JUDGES; AND FOR RELATED  
4 PURPOSES.

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 office for the term of six (6) years. Each  
15 justice court judge shall have resided two (2) years in the county  
16 next preceding his selection and shall have a bachelor's degree  
17 from a recognized and accredited four-year college unless he shall  
18 have served as a justice of the peace or been elected to the  
19 office of justice of the peace prior to January 1, 2002. All  
20 persons elected to the office of justice of the peace in November  
21 1975, shall take office 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 whereof the  
27 punishment prescribed does not extend beyond a fine and  
28 imprisonment in the county jail; but the Legislature may confer on



29 the justice court exclusive jurisdiction in such petty  
30 misdemeanors as the Legislature shall see proper.

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

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

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

45 BE IT FURTHER RESOLVED, That the explanation of this proposed  
46 amendment for the ballot shall read as follows: "This proposed  
47 constitutional amendment will require justice court judges elected  
48 after January 1, 2002, to have a bachelor's degree and it will  
49 increase the term of office for justice court judges from four to  
50 six years."

