

By: Senator(s) Smith

To: Judiciary

SENATE BILL NO. 2336

1 AN ACT TO CODIFY SECTION 9-9-18, MISSISSIPPI CODE OF 1972, TO
2 CREATE AN ADDITIONAL COUNTY JUDGESHIP FOR RANKIN COUNTY; TO AMEND
3 SECTION 9-9-5, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR
4 RELATED PURPOSES.

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

6 **SECTION 1.** The following shall be codified as Section
7 9-9-18, Mississippi Code of 1972:

8 9-9-18. (1) In order to relieve the crowded condition of
9 the docket in the county court and in the youth court of Rankin
10 County and particularly to facilitate and make possible the trial
11 and disposition of the large number of causes on said docket and
12 in the youth court, there shall be two (2) county judges for
13 Rankin County, provided for and elected as herein set out.

14 (2) For purposes of appointment, nomination and election,
15 the two (2) judgeships shall be separate and distinct, to be
16 denominated for purposes of appointment, nomination and election
17 only as Place One and Place Two. There shall be no distinction
18 whatsoever in the powers, duties and emoluments of the two (2)
19 offices of county judge, except that the county judge of Rankin
20 County who has been for the longest time continuously a county
21 judge of said county, shall have the right to assign causes, terms
22 and dockets. Should neither judge have served longer in office
23 than the other, then the judge of the county court of Rankin
24 County who has been for the longest time a member of The
25 Mississippi Bar shall have the right to assign causes, terms and
26 dockets.

27 (3) While there shall be no limitation whatsoever upon the
28 powers and duties of the said county judges other than as cast



29 upon them by the Constitution and laws of this state, the county
30 court in Rankin County, in the discretion of the county judge who
31 has been for the longest time continuously a judge of said court,
32 may be divided into civil, criminal and youth court divisions as a
33 matter of convenience by the entry of an order upon the minutes of
34 the court.

35 (4) The additional judgeship created by this section, or
36 Place Two, shall be filled by a person elected in the regular
37 election of November 2002, and all candidates therefor shall
38 qualify not later than sixty (60) days prior to that election.
39 The person elected in that election shall begin the term of office
40 at the same time as county judges generally, and the office shall
41 not otherwise exist.

42 **SECTION 2.** Section 9-9-5, Mississippi Code of 1972, is
43 amended as follows:

44 9-9-5. (1) The county judge shall possess all of the
45 qualifications of a circuit judge as prescribed by the Mississippi
46 Constitution. In the event of the establishment of a county court
47 by agreement between two (2) or more counties as provided in
48 Section 9-9-3, the judge of said court may be a qualified elector
49 of any one (1) of said counties, and shall have such other
50 qualifications as provided for by law. The county judge shall be
51 elected by the qualified electors of his county at the time and in
52 the manner as circuit judges are elected, unless a different time
53 or manner of qualification or election is specifically provided by
54 law, and he shall hold office for the same term. Vacancies in the
55 office of county judge shall be filled in the * * * manner
56 provided by law for county officers.

57 (2) Provided, however, that in any county having a total
58 population in excess of eleven thousand (11,000) according to the
59 1970 federal decennial census and a total assessed valuation of
60 real and personal property of not less than Sixteen Million
61 Dollars (\$16,000,000.00) and not more than Seventeen Million



62 Dollars (\$17,000,000.00) and in which Mississippi Highway 4 and
63 United States Highway 61 intersect, in which there is a vacancy in
64 the post of county judge resulting from the failure of a candidate
65 to qualify for that post, the board of supervisors of such county
66 may, upon certification of such vacancy to the board, appoint a
67 county judge to serve out the term so vacated who shall be a
68 licensed attorney from such county or an adjoining county. The
69 compensation of such attorney shall be the same he would have
70 otherwise received if elected.

71 (3) In the event that any county wherein is located a state
72 hospital and wherein U.S. Highway 80 and Mississippi Highway 43
73 intersect shall establish a county court, the county judge of such
74 county shall be elected at the general election to be held on
75 Tuesday after the first Monday of November 1982, after qualifying
76 therefor as provided by law. Provided, however, that the board of
77 supervisors of such county may appoint a county judge who shall be
78 a licensed attorney from such county until the office of county
79 judge shall be filled pursuant to said election.

80 **SECTION 3.** This act shall take effect and be in force from
81 and after July 1, 2002.

