

By: Representative Reeves

To: Constitution

HOUSE CONCURRENT RESOLUTION NO. 3

1 A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO SECTION  
2 171, MISSISSIPPI CONSTITUTION OF 1890, TO REQUIRE PERSONS ELECTED  
3 TO THE OFFICE OF JUSTICE COURT JUDGE TO HAVE BEEN A PRACTICING  
4 ATTORNEY FOR AT LEAST FIVE YEARS UNLESS HE OR SHE SERVED OR WAS  
5 ELECTED TO THE OFFICE OF JUSTICE COURT JUDGE BEFORE JANUARY 1,  
6 2005; TO AUTHORIZE THE MAXIMUM CIVIL JURISDICTION IN JUSTICE COURT  
7 TO BE ESTABLISHED BY GENERAL LAW; AND FOR RELATED PURPOSES.

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

12 Amend Section 171, Mississippi Constitution of 1890, to read  
13 as follows:

14 "Section 171. A competent number of justice court judges and  
15 constables shall be chosen in each county in the manner provided  
16 by law, but not less than two (2) such judges in any county, who  
17 shall hold their office for the term of four (4) years. Each  
18 justice court judge shall have resided two (2) years in the county  
19 next preceding his selection and shall have been a practicing  
20 attorney for at least five (5) years unless he shall have served  
21 as a justice court judge or been elected to the office of justice  
22 court judge prior to January 1, 2005. \* \* \*

23 The maximum civil jurisdiction of the justice court shall  
24 extend to causes in which the principal amount in controversy is  
25 \* \* \* such \* \* \* amount as may be prescribed by law. The justice  
26 court shall have jurisdiction concurrent with the circuit court  
27 over all crimes whereof the punishment prescribed does not extend  
28 beyond a fine and imprisonment in the county jail; but the

29 Legislature may confer on the justice court exclusive jurisdiction  
30 in such petty 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 2006, 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 requires persons elected to the office of  
48 justice court judge to have been a practicing attorney for at  
49 least five years unless he or she served or was elected to the  
50 office of justice court judge before January 1, 2005. The  
51 amendment also authorizes the maximum civil jurisdiction in  
52 justice court to be established by general law."

53 BE IT FURTHER RESOLVED, That the Attorney General of the  
54 State of Mississippi shall submit this resolution, immediately  
55 upon approval by the Legislature, to the Attorney General of the  
56 United States or to the United States District Court for the  
57 District of Columbia in accordance with the provisions of the  
58 Voting Rights Act of 1965, as amended and extended.