

By: Senator(s) Burton

To: Judiciary, Division A

SENATE BILL NO. 2238

1 AN ACT TO CREATE NEW SECTION 9-9-18.3, MISSISSIPPI CODE OF  
2 1972, TO PROVIDE FOR AN ADDITIONAL COUNTY COURT JUDGE FOR  
3 LAUDERDALE COUNTY; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** The following shall be codified as Section  
6 9-9-18.3, Mississippi Code of 1972:

7 9-9-18.3. (1) In order to relieve the crowded condition of  
8 the docket in the county court and in the youth court of  
9 Lauderdale County and particularly to facilitate and make possible  
10 the trial and disposition of the large number of causes on the  
11 docket and in the youth court, there shall be two (2) county  
12 judges for Lauderdale County, provided for and elected as herein  
13 set out.

14 (2) For the purposes of nomination and election, the two (2)  
15 judgeships shall be separate and distinct, the existing judgeship  
16 and its succession to be denominated for purposes of appointment,  
17 nomination and election only as "Place One" and the judgeship  
18 hereby created and its succession for said selfsame purposes and  
19 none other to be designated as "Place Two." There shall be no  
20 distinction whatsoever in the powers, duties and emoluments of the  
21 two (2) offices of county judge, except that the county judge of  
22 Lauderdale County who has been for the longest time continuously a  
23 county judge of the county shall have the right to assign causes,  
24 terms and dockets. Should neither judge of the county court have  
25 served longer in office than the other, then that judge of this  
26 county court who has been for the longest time a member of The

27 Mississippi Bar shall have the right to assign causes, terms and  
28 dockets.

29 (3) While there shall be no limitation whatsoever upon the  
30 powers and duties of the county judges other than as cast upon  
31 them by the Constitution and laws of this state, the county court  
32 of Lauderdale County may, in the discretion of the county judge  
33 who has been for the longest time continuously a judge of the  
34 court, be divided into civil, equity, criminal and youth court  
35 divisions as a matter of convenience by the entry of an order upon  
36 the minutes of the court.

37 (4) The initial holder of the additional judgeship created  
38 by this section, or "Place Two," shall be elected in the regular  
39 election of November 2006; candidates therefor shall qualify to  
40 run not later than forty-five (45) days before that election. The  
41 person elected shall begin the term of office in January of 2007  
42 at the same time as county judges generally, and there shall be no  
43 vacancy of the office before that time. The two (2) judges shall  
44 otherwise be elected, and any vacancy in office filled, as  
45 provided for county judges generally.

46 (5) The Board of Supervisors of Lauderdale County may, in  
47 its discretion, set aside, appropriate and expend monies from the  
48 general fund to be used in the payment of salaries of judges,  
49 clerks, reporters, officers and employees of the youth court  
50 division of the county court, including the related facilities of  
51 the youth court division of the county court, and such funds shall  
52 be expended for no other purposes. The county shall not be  
53 reimbursed for the amount of any such levy provided for by this  
54 section under the terms of the Homestead Exemption Law.

55 **SECTION 2.** The Attorney General of the State of Mississippi  
56 shall submit this act, immediately upon approval by the Governor,  
57 or upon approval by the Legislature subsequent to a veto, to the  
58 Attorney General of the United States or to the United States  
59 District Court for the District of Columbia in accordance with the

60 provisions of the Voting Rights Act of 1965, as amended and  
61 extended.

62         **SECTION 3.** This act shall take effect and be in force from  
63 and after the date it is effectuated under Section 5 of the Voting  
64 Rights Act of 1965, as amended and extended.