

By: Senator(s) Carmichael

To: Judiciary, Division A

SENATE BILL NO. 2260

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.