

By: Senator(s) White

To: Judiciary, Division A;
Fees, Salaries and
Administration

SENATE BILL NO. 2955

1 AN ACT TO AMEND SECTIONS 9-11-2, 9-11-5, 9-11-18, 9-11-19,
2 9-11-27 and 9-11-31, MISSISSIPPI CODE OF 1972, TO REMOVE JUSTICE
3 COURTS FROM UNDER THE AUTHORITY OF BOARDS OF SUPERVISORS AND
4 CLARIFY THAT JUSTICE COURTS ARE PART OF THE JUDICIARY; TO AMEND
5 SECTION 9-11-9, MISSISSIPPI CODE OF 1972, TO INCREASE THE CIVIL
6 JURISDICTION OF JUSTICE COURT; TO AMEND SECTIONS 9-11-3 AND
7 9-11-4, MISSISSIPPI CODE OF 1972, TO REVISE JUDICIAL TRAINING
8 REQUIREMENTS FOR JUSTICE COURT JUDGES; TO AMEND SECTION 25-3-36,
9 MISSISSIPPI CODE OF 1972, TO INCREASE THE SALARIES OF JUSTICE
10 COURT JUDGES; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** Section 9-11-2, Mississippi Code of 1972, is
13 amended as follows:

14 9-11-2. (1) From and after January 1, 1984, there shall be
15 a competent number of justice court judges in each county of the
16 state. The number of justice court judges for each county shall
17 be determined as follows:

18 (a) In counties with a population, according to the
19 latest federal decennial census, of thirty-five thousand (35,000)
20 and less, there shall be two (2) justice court judges.

21 (b) In counties with a population, according to the
22 latest federal decennial census, of more than thirty-five thousand
23 (35,000) and less than seventy thousand (70,000), there shall be
24 three (3) justice court judges.

25 (c) In counties with a population, according to the
26 latest federal decennial census, of seventy thousand (70,000) and
27 less than one hundred fifty thousand (150,000), there shall be
28 four (4) justice court judges.

29 (d) In counties with a population, according to the
30 latest federal decennial census, of one hundred fifty thousand
31 (150,000) and more, there shall be five (5) justice court judges.

32 (2) The Supreme Court shall establish single member election
33 districts in the county for the election of each of the justice
34 court judges authorized and required to be elected for the county
35 under the provisions of subsection (1) of this section, and one
36 (1) justice court judge shall be elected for each district by the
37 electors thereof. In any county authorized and required under the
38 provisions of subsection (1)(a) of this section to provide for the
39 election of two (2) justice court judges for the county in which
40 there are two (2) judicial districts, the smaller of such judicial
41 districts, according to population based upon the latest federal
42 decennial census, shall comprise or shall be wholly encompassed
43 within one (1) of such election districts.

44 (3) Nothing in this section shall be construed to authorize
45 or require more than five (5) justice court judges in any one (1)
46 county from and after January 1, 1984, nor to authorize or require
47 an increase or decrease in the number of justice court judges for
48 any county during the term of office of any justice court judge.

49 (4) Notwithstanding the foregoing provisions of this
50 section, in any county whose justice court districts drawn
51 pursuant to subsection (2) of this section are, on November 8,
52 1983, being controverted in a court action or being reviewed
53 pursuant to the procedure established by the Voting Rights Act of
54 1965, as amended and extended, those justice court judges serving
55 on such date shall continue to hold office until:

56 (a) A final adjudication of the court action or
57 approval of the new districts pursuant to the Voting Rights Act;
58 and

59 (b) The election and qualification of successors of
60 such justice court judges as provided by law.

61 **SECTION 2.** Section 9-11-5, Mississippi Code of 1972, is
62 amended as follows:

63 9-11-5. (1) The justice court judges shall be provided
64 courtrooms by the county and all trials shall be held therein.

65 Such courtrooms shall be in the county courthouse, county office
66 building or any other building within the county deemed
67 appropriate by the board of supervisors.

68 (2) The county shall provide office space and furnish each
69 justice court office and provide necessary office supplies.

70 (3) The board of supervisors of each county with the
71 approval of the Supreme Court may secure insurance coverage to
72 protect the office of the justice court clerk against losses due
73 to theft or robbery.

74 **SECTION 3.** Section 9-11-18, Mississippi Code of 1972, is
75 amended as follows:

76 9-11-18. (1) There is hereby created in the county
77 depository of each county a clearing account to be designated as
78 the "Justice Court Clerk Clearing Account," in which shall be
79 deposited (a) all such monies as the clerk of the justice court
80 shall receive from any person complying with any writ of
81 garnishment, attachment, execution or other like process
82 authorized by law for the enforcement of a judgment; (b) all such
83 monies as are received in criminal cases in the justice court
84 pursuant to any order requiring payment as restitution to the
85 victims of criminal offenses; (c) all cash bonds as shall be
86 deposited with the court; (d) any portion of any fees required by
87 law to be collected in civil cases which are to pay for the
88 service of process or writs in another county as provided by
89 Section 9-11-20; and (e) any other money as shall be deposited
90 with the court, except fees paid for the services of a constable,
91 which by its nature is not at the time of its deposit public
92 monies, but which is to be held by the court in a trust or
93 custodial capacity in a case or proceeding before the court. The
94 clerk of the justice court shall account for all monies deposited
95 in and disbursed from such account and shall be authorized and
96 empowered to draw and issue checks on such account at such times,
97 in such amounts and to such persons as shall be proper and in

98 accordance with law; provided, however, such monies as are
99 forfeited in criminal cases shall be deposited by the clerk of the
100 justice court * * * in the general fund of the county in the same
101 manner as provided in Section 9-11-19 for fees, costs, fines and
102 penalties charged and collected in the justice court.

103 (2) Any monies deposited with the court in civil cases,
104 which are fees paid for the services of a constable, shall be
105 reported by the clerk of the court in the same manner as provided
106 by Section 9-11-19 and shall be considered as being fees within
107 the meaning of such section. It shall be the duty of the clerk of
108 the justice court to disburse such fees monthly * * * to the
109 constables entitled thereto.

110 (3) The justice court clearing account may bear interest and
111 the clerk of the justice court shall account for all interest
112 earned on such account and deposit such interest * * * in the
113 general fund of the county in the same manner as provided in
114 Section 9-11-19 for fees, costs, fines and penalties charged and
115 collected in the justice court.

116 **SECTION 4.** Section 9-11-19, Mississippi Code of 1972, is
117 amended as follows:

118 9-11-19. (1) It shall be the duty of every clerk of the
119 justice court to receive and account for all fees, costs, fines
120 and penalties charged and collected in the justice court, * * *
121 including cash bonds and other monies which have been forfeited in
122 criminal cases and at least semiannually any delinquent fines and
123 penalties, giving the date, amount, and names of persons from whom
124 such monies were received, and to deposit so much thereof as shall
125 have been received * * * into the general fund of the county. Any
126 clerk of the justice court who shall fail to make such report or
127 to pay the money so received shall, in addition to any other fine
128 or punishment provided by law for such conduct, not be entitled to
129 compensation for the period of time during which such report or
130 money is outstanding.

131 (2) The provisions of this section shall not, except as to
132 cash bonds and other monies which have been forfeited in criminal
133 cases, apply to monies required to be deposited in the justice
134 court clerk clearing account as provided in Section 9-11-18,
135 Mississippi Code of 1972.

136 **SECTION 5.** Section 9-11-27, Mississippi Code of 1972, is
137 amended as follows:

138 9-11-27. The senior justice court judge of each county
139 shall * * * appoint one (1) person to serve as clerk of the
140 justice court system of the county, and may appoint such other
141 employees for the justice court of the county as he deems
142 necessary, including a person or persons to serve as deputy clerk
143 or deputy clerks. The senior justice court judge of each county
144 with two (2) judicial districts may * * * appoint two (2) persons
145 to serve as clerks of the justice court system of the county, one
146 (1) for each judicial district, and may appoint such other
147 employees for the justice court system of the county as he deems
148 necessary including persons to serve as deputy clerks. The clerk
149 and deputy clerks shall be empowered to file and record actions
150 and pleadings, to receive and receipt for monies, to acknowledge
151 affidavits, to issue warrants in criminal cases upon direction by
152 a justice court judge in the county, to approve the sufficiency of
153 bonds in civil and criminal cases, to certify and issue copies of
154 all records, documents and pleadings filed in the justice court
155 and to issue all process necessary for the operation of the
156 justice court. The clerk or deputy clerks may refuse to accept a
157 personal check in payment of any fine or cost or to satisfy any
158 other payment required to be made to the justice court. All
159 orders from the justice court judge to the clerk of the justice
160 court shall be written. All cases, civil and criminal, shall be
161 assigned by the clerk to the justice court judges of the county in
162 the manner provided in Section 11-9-105 and Section 99-33-2. A
163 deputy clerk who works in an office separate from the clerk and

164 who is the head deputy clerk of the separate office may be
165 designated to be trained as a clerk as provided in Section
166 9-11-29.

167 **SECTION 6.** Section 9-11-31, Mississippi Code of 1972, is
168 amended as follows:

169 9-11-31. (1) When any justice court judge is unable, by
170 reason of being under any suspension by the Commission on Judicial
171 Performance or the Mississippi Supreme Court, or by reason of
172 sickness or other disability, to attend and hold court at the time
173 and place required by law to do so for a period of time in excess
174 of thirty (30) consecutive days, and due to such inability to
175 attend and hold court there is no judge to hold court in such
176 county, the Supreme Court shall appoint another justice court
177 judge of the county or an adjoining county or a municipal court
178 judge to attend and hold said court and perform all the duties of
179 such judge during such suspension or disability.

180 (2) Any presently sitting justice court judge appointed
181 pursuant to subsection (1) of this section shall receive no
182 additional compensation for his or her service. Any other person
183 so appointed shall, for the period of his service, receive
184 compensation from the county for each day's service a sum equal to
185 1/260ths of the current salary in effect for justice court judges.

186 **SECTION 7.** Section 9-11-9, Mississippi Code of 1972, is
187 amended as follows:

188 **[Until July 1, 2007, this section shall read as follows:]**

189 9-11-9. Justice court judges shall have jurisdiction of all
190 actions for the recovery of debts or damages or personal property,
191 where the principal of the debt, the amount of the demand, or the
192 value of the property sought to be recovered shall not exceed
193 Three Thousand Dollars (\$3,000.00).

194 The justice court judges shall have no pecuniary interest in
195 the outcome of any action once suit has been filed.

196 [From and after July 1, 2007, and until July 1, 2008, this
197 section shall read as follows:]

198 9-11-9. Justice court judges shall have jurisdiction of all
199 actions for the recovery of debts or damages or personal property,
200 where the principal of the debt, the amount of the demand, or the
201 value of the property sought to be recovered shall not exceed Five
202 Thousand Dollars (\$5,000.00).

203 The justice court judges shall have no pecuniary interest in
204 the outcome of any action once suit has been filed.

205 [From and after July 1, 2009, this section shall read as
206 follows:]

207 9-11-9. Justice court judges shall have jurisdiction of all
208 actions for the recovery of debts or damages or personal property,
209 where the principal of the debt, the amount of the demand, or the
210 value of the property sought to be recovered shall not exceed
211 Seven Thousand Dollars (\$7,000.00).

212 The justice court judges shall have no pecuniary interest in
213 the outcome of any action once suit has been filed.

214 **SECTION 8.** Section 9-11-3, Mississippi Code of 1972, is
215 amended as follows:

216 9-11-3. (1) Except as otherwise provided herein, no justice
217 court judge elected for a full term of office commencing on or
218 after January 1, 1992, shall exercise the judicial functions of
219 his office or be eligible to take the oath of office unless he has
220 filed in the office of the chancery clerk a certificate of
221 completion of a course of training and education conducted by the
222 Mississippi Judicial College of the University of Mississippi Law
223 Center within six (6) months of the beginning of the term for
224 which such justice is elected. A justice court judge who has
225 completed the course of training and education and has satisfied
226 his annual continuing education course requirements, and who is
227 then elected for a succeeding term of office subsequent to the
228 initial term for which he completed the training course, shall not

229 be required to repeat the training and education course upon
230 reelection.

231 (2) In addition to meeting the requirements of subsection
232 (1) of this section, after taking office, each justice court judge
233 shall be required to file annually in the office of the chancery
234 clerk a certificate of completion of four (4) courses of
235 continuing education conducted by the Mississippi Judicial
236 College.

237 (3) The requirements for obtaining each of the certificates
238 in subsections (1) and (2) of this section shall be as provided in
239 Section 9-11-4.

240 (4) Upon the failure of any justice court judge to file with
241 the chancery clerk the certificates of completion as provided in
242 subsections (1) and (2) of this section, such justice court judge
243 shall, in addition to any other fine or punishment provided by law
244 for such conduct, not be entitled to compensation for the period
245 of time during which such certificates remain unfiled.

246 **SECTION 9.** Section 9-11-4, Mississippi Code of 1972, is
247 amended as follows:

248 9-11-4. (1) The Mississippi Judicial College of the
249 University of Mississippi Law Center shall prepare and conduct
250 courses of training for basic and continuing education for justice
251 court judges of this state. The basic course of training shall be
252 known as the "Justice Court Judge Training Course" and shall
253 consist of at least thirty-two (32) hours of training. The
254 continuing education course shall be known as the "Continuing
255 Education Course for Justice Court Judges," and shall consist of
256 at least twenty-four (24) hours of training. Justice court judges
257 shall attend at least four (4) courses each year. The content of
258 the basic and continuing education courses and when and where such
259 courses are to be conducted shall be determined by the Judicial
260 College. The Judicial College shall issue certificates of

261 completion to those justice court judges who complete such
262 courses.

263 (2) All costs and expenses for preparing and conducting the
264 basic and continuing education courses provided for in subsection
265 (1) of this section shall be paid out of any funds which are made
266 available to the Judicial College upon authorization and
267 appropriation by the Legislature.

268 **SECTION 10.** Section 25-3-36, Mississippi Code of 1972, is
269 amended as follows:

270 25-3-36. (1) Every justice court judge shall receive as
271 full compensation for his or her services and in lieu of any and
272 all other fees, costs or compensation heretofore authorized for
273 such justice court judge, an annual salary based upon the
274 population of his or her county according to the latest federal
275 decennial census; however, no justice court judge shall be paid
276 less than the salary authorized under this section to be paid the
277 justice court judge based upon the population of the county
278 according to the 1980 federal decennial census. Until June 30,
279 2007, the amount of which salary shall be determined as follows:

280 (a) In counties with a population of more than two
281 hundred thousand (200,000), a salary of Sixty-one Thousand One
282 Hundred Fifteen Dollars (\$61,115.00).

283 (b) In counties with a population of more than one
284 hundred fifty thousand (150,000) but not more than two hundred
285 thousand (200,000), a salary of Fifty-six Thousand One Hundred Six
286 Dollars (\$56,106.00).

287 (c) In counties with a population of more than
288 seventy-five thousand (75,000) but not more than one hundred fifty
289 thousand (150,000), a salary of Fifty-one Thousand Ninety-six
290 Dollars (\$51,096.00).

291 (d) In counties with a population of more than
292 forty-nine thousand (49,000) but not more than seventy-five

293 thousand (75,000), a salary of Forty-four Thousand Eighty-three
294 Dollars (\$44,083.00).

295 (e) In counties with a population of more than
296 thirty-four thousand (34,000) but not more than forty-nine
297 thousand (49,000), a salary of Thirty-eight Thousand Seventy-one
298 Dollars (\$38,071.00).

299 (f) In counties with a population of more than
300 twenty-four thousand five hundred (24,500) but not more than
301 thirty-four thousand (34,000), a salary of Thirty-six Thousand
302 Sixty-eight Dollars (\$36,068.00).

303 (g) In counties with a population of more than
304 twenty-one thousand (21,000) but not more than twenty-four
305 thousand five hundred (24,500), a salary of Thirty-two Thousand
306 Sixty-one Dollars (\$32,061.00).

307 (h) In counties with a population of more than sixteen
308 thousand five hundred (16,500) but not more than twenty-one
309 thousand (21,000), a salary of Twenty-eight Thousand Fifty-two
310 Dollars (\$28,052.00).

311 (i) In counties with a population of more than twelve
312 thousand (12,000) but not more than sixteen thousand five hundred
313 (16,500), a salary of Twenty-four Thousand Forty-five Dollars
314 (\$24,045.00).

315 (j) In counties with a population of more than eight
316 thousand (8,000) but not more than twelve thousand (12,000), a
317 salary of Nineteen Thousand Eight Hundred Dollars (\$19,800.00).

318 (k) In counties with a population of eight thousand
319 (8,000) or less, a salary equal to the members of the board of
320 supervisors of that county.

321 The salaries of the justice court judges shall be increased
322 by ten percent (10%) on July 1, 2007, and by an additional ten
323 percent (10%) July 1, 2008. Such increase in salary shall be
324 concurrent with the justice court civil limit increase provided in
325 Section 9-11-9.

326 The board of supervisors of any county having two (2)
327 judicial districts and two (2) justice court judges for the county
328 shall pay each justice court judge an amount equal to that
329 provided in this subsection for judges in the next higher
330 population category per year, if the justice court judge maintains
331 regular office hours and is personally present in the office they
332 maintain for at least thirty (30) hours per week.

333 In any county having a population greater than eight thousand
334 (8,000) but less than eight thousand five hundred (8,500)
335 according to the 1990 federal decennial census and in which U.S.
336 Highway 61 and Mississippi Highway 4 intersect, the board of
337 supervisors, in its discretion, may pay such justice court judges
338 an additional amount not to exceed the sum of Eleven Thousand Five
339 Hundred Fifty Dollars (\$11,550.00) per year, payable beginning
340 April 1, 1997.

341 In any county having a population greater than ten thousand
342 (10,000) but less than ten thousand five hundred (10,500)
343 according to the 1990 federal decennial census and in which
344 Mississippi Highway 3 and Mississippi Highway 6 intersect, the
345 board of supervisors, in its discretion, may pay such justice
346 court judges an additional amount not to exceed One Thousand Four
347 Hundred Fifty Dollars (\$1,450.00) per year, payable beginning
348 April 1, 1997.

349 In any county having a population greater than twenty-four
350 thousand seven hundred (24,700) and less than twenty-four thousand
351 nine hundred (24,900), according to the 1990 federal census,
352 wherein Mississippi Highways 15 and 16 intersect, the board of
353 supervisors shall pay such justice court judge an additional
354 amount equal to Two Thousand Five Hundred Dollars (\$2,500.00) per
355 year.

356 (2) Notwithstanding the provisions of subsection (1) of this
357 section, in the event that the number of justice court judges
358 authorized pursuant to Section 9-11-2(1) is exceeded pursuant to

359 the provisions of Section 9-11-2(4), the aggregate of the salaries
360 paid to the justice court judges of such a county shall not exceed
361 the amount sufficient to pay the number of justice court judges
362 authorized pursuant to Section 9-11-2(1), and such amount shall be
363 equally divided among those justice court judges continuing to
364 hold office under the provisions of Section 9-11-2(4).

365 (3) From and after January 1, 1984, all fees, costs, fines
366 and penalties charged and collected in the justice court shall be
367 paid to the clerk of the justice court for deposit, along with
368 monies from cash bonds and other monies which have been forfeited
369 in criminal cases, into the general fund of the county as provided
370 in Section 9-11-19; and the clerk of the board of supervisors
371 shall be authorized and empowered, upon approval by the board of
372 supervisors, to make disbursements and withdrawals from the
373 general fund of the county in order to pay any reasonable and
374 necessary expenses incurred in complying with this section,
375 including payment of the salaries of justice court judges as
376 provided by subsection (1) of this section. The provisions of
377 this subsection shall not, except as to cash bonds and other
378 monies which have been forfeited in criminal cases, apply to
379 monies required to be deposited in the justice court clerk
380 clearing account as provided in Section 9-11-18, Mississippi Code
381 of 1972.

382 (4) The salaries provided for in this section shall be
383 payable monthly by warrant drawn by the clerk of the board of
384 supervisors on the general fund of the county; however, the board
385 of supervisors, by resolution duly adopted and entered on its
386 minutes, may provide that such salaries shall be paid semimonthly
387 on the first and fifteenth day of each month. If a pay date falls
388 on a weekend or legal holiday, salary payments shall be made on
389 the workday immediately preceding the weekend or legal holiday.

390 (5) Provided, that the salary of any justice court judge
391 shall not be reduced during his term of office as a result of a
392 population change following a federal decennial census.

393 (6) Any justice court judge who is unable to attend and hold
394 court by reason of being under suspension by the Commission on
395 Judicial Performance or the Mississippi Supreme Court shall not
396 receive a salary while under such suspension.

397 **SECTION 11.** The Attorney General of the State of Mississippi
398 shall submit this act, immediately upon approval by the Governor,
399 or upon approval by the Legislature subsequent to a veto, to the
400 Attorney General of the United States or to the United States
401 District Court for the District of Columbia in accordance with the
402 provisions of the Voting Rights Act of 1965, as amended and
403 extended.

404 **SECTION 12.** This act shall take effect and be in force from
405 and after the date it is effectuated under Section 5 of the Voting
406 Rights Act of 1965, as amended and extended.