

By: Representative Baker (74th)

To: Judiciary A

HOUSE BILL NO. 365

1 AN ACT TO AMEND SECTION 9-11-15, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT JUSTICE COURTS SHALL NOT CONDUCT JURY TRIALS; TO
3 REPEAL SECTIONS 11-9-143, 11-9-145 AND 11-9-147, MISSISSIPPI CODE
4 OF 1972, WHICH PROVIDE FOR JURY TRIALS IN JUSTICE COURT; AND FOR
5 RELATED PURPOSES.

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

7 **SECTION 1.** Section 9-11-15, Mississippi Code of 1972, is
8 amended as follows:

9 9-11-15. Justice court judges shall hold regular terms of
10 their courts, at such times as they may appoint, not exceeding two
11 (2) and not less than one (1) in every month, at the appropriate
12 justice court courtroom established by the board of supervisors;
13 and they may continue to hold their courts from day to day so long
14 as business may require; and all process shall be returnable, and
15 all trials shall take place at such regular terms, except where it
16 is otherwise provided; but where the defendant is a nonresident or
17 transient person, and it shall be shown by the oath of either
18 party that a delay of the trial until the regular term will be of
19 material injury to him, it shall be lawful for the judge to have
20 the parties brought before him at any reasonable time and hear the
21 evidence and give judgment or where the defendant is a nonresident
22 or transient person and the judge and all parties agree, it shall
23 be lawful for the judge to have the parties brought before him on
24 the day a citation is made and hear the evidence and give
25 judgment. Such court shall be a court of record, with all the
26 power incident to a court of record, including power to fine in
27 the amount of fine and length of imprisonment as is authorized for

28 a municipal court in Section 21-23-7(11) for contempt of court,
29 but such court shall not conduct jury trials.

30 **SECTION 2.** Sections 11-9-143, 11-9-145 and 11-9-147,
31 Mississippi Code of 1972, which provide for trial by jury in
32 justice court, are repealed.

33 **SECTION 3.** This act shall take effect and be in force from
34 and after July 1, 2007.