

By: Senator(s) Flowers

To: Judiciary, Division A

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2020

1 AN ACT TO AMEND SECTION 9-11-9, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE JURISDICTIONAL AMOUNT OF JUSTICE COURT; TO AMEND
3 SECTION 9-11-5, MISSISSIPPI CODE OF 1972, TO REQUIRE THE COUNTIES
4 TO PROVIDE ADEQUATE SECURITY IN JUSTICE COURT COURTROOMS; TO AMEND
5 SECTION 99-33-1, MISSISSIPPI CODE OF 1972, TO REVISE JURISDICTION
6 OF JUSTICE COURTS; TO AMEND SECTION 11-9-143, MISSISSIPPI CODE OF
7 1972, TO ELIMINATE TRIAL BY JURY IN JUSTICE COURT; TO AMEND
8 SECTION 97-37-7, MISSISSIPPI CODE OF 1972, TO AUTHORIZE JUSTICE
9 COURT JUDGES TO CARRY A CONCEALED WEAPON ON THE SAME BASIS AS
10 JUDGES OF OTHER COURTS; TO CREATE THE JUSTICE COURT STUDY
11 COMMITTEE AND TO REQUIRE A REPORT OF ITS RECOMMENDATIONS; TO
12 REPEAL SECTIONS 11-9-145 AND 11-9-147, MISSISSIPPI CODE OF 1972,
13 DEALING WITH JURIES IN JUSTICE COURT; AND FOR RELATED PURPOSES.

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

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

17 9-11-9. Justice court judges shall have jurisdiction of all
18 actions for the recovery of debts or damages or personal property,
19 where the principal of the debt, the amount of the demand, or the
20 value of the property sought to be recovered shall not exceed Five
21 Thousand Dollars (\$5,000.00), to be determined at the time of
22 filing.

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

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

27 9-11-5. (1) The justice court judges shall be provided
28 courtrooms by the county and all trials shall be held therein.
29 Such courtrooms shall be in the county courthouse, county office
30 building or any other building within the county deemed
31 appropriate by the board of supervisors.

(2) The county shall provide office space and furnish each justice court office, provide necessary office supplies and furnish adequate security when court is in session.

(3) The board of supervisors of each county may secure insurance coverage to protect the office of the justice court clerk against losses due to theft or robbery.

SECTION 3. Section 99-33-1, Mississippi Code of 1972, is amended as follows:

99-33-1. (1) [Repealed]

(2) [Repealed]

(3) Upon the election of any county to employ a clerk for the justice court of such county in accordance with the provisions of subsection (3) of Section 9-11-27 prior to January 1, 1984, the venue of criminal actions in such county shall be as provided in subsection (5) of this section. Actions filed prior to such time shall be concluded pursuant to the provisions of subsection (1) of this section.

(4) Subsections (1) and (2) of this section shall stand repealed from and after January 1, 1984; provided, however, that criminal actions brought prior to January 1, 1984, shall be concluded pursuant to subsection (1) of this section.

(5) From and after January 1, 1984, justice court judges shall have jurisdiction concurrent with the circuit court of the county over all crimes occurring in the county whereof the punishment prescribed does not extend beyond a fine and imprisonment in the county jail; provided, that if a defendant invokes the right of a trial by jury under Section 31 of the Mississippi Constitution of 1890, jurisdiction shall be in the circuit court.

SECTION 4. Section 11-9-143, Mississippi Code of 1972, is amended as follows:

11-9-143. * * * There shall be no trial by jury, civil or criminal, in justice court.

65 **SECTION 5.** Section 97-37-7, Mississippi Code of 1972, is
66 amended as follows:

67 97-37-7. (1) (a) It shall not be a violation of Section
68 97-37-1 or any other statute for pistols, firearms or other
69 suitable and appropriate weapons to be carried by duly constituted
70 bank guards, company guards, watchmen, railroad special agents or
71 duly authorized representatives who are not sworn law enforcement
72 officers, agents or employees of a patrol service, guard service,
73 or a company engaged in the business of transporting money,
74 securities or other valuables, while actually engaged in the
75 performance of their duties as such, provided that such persons
76 have made a written application and paid a nonrefundable permit
77 fee of One Hundred Dollars (\$100.00) to the Department of Public
78 Safety.

79 (b) No permit shall be issued to any person who has
80 ever been convicted of a felony under the laws of this or any
81 other state or of the United States. To determine an applicant's
82 eligibility for a permit, the person shall be fingerprinted. If
83 no disqualifying record is identified at the state level, the
84 fingerprints shall be forwarded by the Department of Public Safety
85 to the Federal Bureau of Investigation for a national criminal
86 history record check. The department shall charge a fee which
87 includes the amounts required by the Federal Bureau of
88 Investigation and the department for the national and state
89 criminal history record checks and any necessary costs incurred by
90 the department for the handling and administration of the criminal
91 history background checks. In the event a legible set of
92 fingerprints, as determined by the Department of Public Safety and
93 the Federal Bureau of Investigation, cannot be obtained after a
94 minimum of three (3) attempts, the Department of Public Safety
95 shall determine eligibility based upon a name check by the
96 Mississippi Highway Safety Patrol and a Federal Bureau of

Investigation name check conducted by the Mississippi Safety Patrol at the request of the Department of Public Safety.

(c) A person may obtain a duplicate of a lost or destroyed permit upon payment of a Fifteen Dollar (\$15.00) replacement fee to the Department of Public Safety, if he furnishes a notarized statement to the department that the permit has been lost or destroyed.

(d) (i) No less than ninety (90) days prior to the expiration date of a permit, the Department of Public Safety shall mail to the permit holder written notice of expiration together with the renewal form prescribed by the department. The permit holder shall renew the permit on or before the expiration date by filing with the department the renewal form, a notarized affidavit stating that the permit holder remains qualified, and the renewal fee of Fifty Dollars (\$50.00); provided, however, that honorably retired law enforcement officers shall be exempt from payment of the renewal fee. A permit holder who fails to file a renewal application on or before its expiration date shall pay a late fee of Fifteen Dollars (\$15.00).

(ii) Renewal of the permit shall be required every four (4) years. The permit of a qualified renewal applicant shall be renewed upon receipt of the completed renewal application and appropriate payment of fees.

(iii) A permit cannot be renewed six (6) months or more after its expiration date, and such permit shall be deemed to be permanently expired; the holder may reapply for an original permit as provided in this section.

(2) It shall not be a violation of this or any other statute for pistols, firearms or other suitable and appropriate weapons to be carried by Department of Wildlife, Fisheries and Parks law enforcement officers, railroad special agents who are sworn law enforcement officers, investigators employed by the Attorney General, district attorneys, legal assistants to district

attorneys, criminal investigators employed by the district attorneys, investigators or probation officers employed by the Department of Corrections, employees of the State Auditor who are authorized by the State Auditor to perform investigative functions, or any deputy fire marshal or investigator employed by the State Fire Marshal, while engaged in the performance of their duties as such, or by fraud investigators with the Department of Human Services, or by judges of the Mississippi Supreme Court, Court of Appeals, circuit, chancery, county, justice and municipal courts. Before any person shall be authorized under this subsection to carry a weapon, he shall complete a weapons training course approved by the Board of Law Enforcement Officer Standards and Training. Before any criminal investigator employed by a district attorney shall be authorized under this section to carry a pistol, firearm or other weapon, he shall have complied with Section 45-6-11 or any training program required for employment as an agent of the Federal Bureau of Investigation. A law enforcement officer, as defined in Section 45-6-3, shall be authorized to carry weapons in courthouses in performance of his official duties. This section shall in no way interfere with the right of a trial judge to restrict the carrying of firearms in the courtroom.

(3) It shall not be a violation of this or any other statute for pistols, firearms or other suitable and appropriate weapons, to be carried by any out-of-state, full-time commissioned law enforcement officer who holds a valid commission card from the appropriate out-of-state law enforcement agency and a photo identification. The provisions of this subsection shall only apply if the state where the out-of-state officer is employed has entered into a reciprocity agreement with the state that allows full-time commissioned law enforcement officers in Mississippi to lawfully carry or possess a weapon in such other states. The Commissioner of Public Safety is authorized to enter into

reciprocal agreements with other states to carry out the provisions of this subsection.

SECTION 6. (1) The Mississippi Justice Court Study Committee is hereby created. It shall consist of nine (9) members who are to be selected as follows:

(a) One (1) appellate judge appointed by the Chief Justice of the Supreme Court, who shall chair the committee.

(b) Two (2) justice court judges appointed by the Conference of Justice Court Judges.

(c) Two (2) circuit court clerks appointed by the Circuit Clerks Association.

(d) One (1) circuit judge appointed by the Conference of Circuit Judges.

(e) One (1) county court judge appointed by the Conference of County Court Judges.

(f) Two (2) supervisors appointed by the Mississippi Association of Supervisors.

(g) The Chairman of the Senate Judiciary Committee, Division A, and the Chairman of the House of Representatives Judiciary A Committee, or their designees, shall serve as legislative liaisons and nonvoting members.

(2) The purpose of the study committee shall be to make recommendations to the Legislature as to the best and most appropriate compensation for justice court judges and circuit court clerks; the best and proper jurisdictional limits for civil suits in justice court; the appropriate educational requirements for justice court judges; and the impact on the circuit court clerks' fees and salaries of any adjustment in civil or criminal jurisdiction. In addition, the study committee is charged with the examination of the operational needs, including budget and staffing, of the justice courts.

(3) (a) The chair shall set and give notice of the time, date and place of the initial meeting. The chair shall not vote

196 unless necessary to break a tie vote of the committee. The
197 committee shall elect a vice chair who shall preside over meetings
198 in the absence of the chair and any other officers which it
199 considers necessary to carry out the purpose of the committee.
200 The committee may form any committees from its membership in order
201 to assist the committee in accomplishing its purposes as provided
202 in this section.

203 (b) The committee shall meet at least quarterly and at
204 such other times as meetings may be called by the chair. A
205 majority of the members shall constitute a quorum at any meeting.

206 (4) The Administrative Office of Courts shall provide such
207 support of the Mississippi Justice Court Study Committee as is
208 necessary to accomplish the purposes of this act, including, but
209 not limited to, research and clerical assistance.

210 (5) (a) In addition to the other duties specified, the
211 committee shall file a report with the Legislature not later than
212 December 1, 2007, detailing its findings and recommendations.

213 (b) The committee is authorized and empowered for the
214 accomplishment of its purposes to undertake any studies, reviews,
215 inquiries, hearings, examinations, surveys or analyses as it may
216 deem pertinent, relevant and justified. The committee shall
217 propose and prepare in detailed form for the consideration of the
218 Legislature such amendments to existing law, such statutes, and
219 such constitutional amendments as in the judgment of the committee
220 will promote the administration of justice.

221 (6) The committee is authorized to call upon any and all
222 existing courts, agencies, departments, divisions, officers,
223 employees, boards, bureaus, commissions and institutions of the
224 State of Mississippi, or any political subdivision thereof, to
225 furnish such information, data and assistance as will enable it to
226 carry out its powers and duties hereunder and all such agencies,
227 departments, divisions, officers, employees, boards, bureaus,
228 commissions and institutions of the State of Mississippi and its

political subdivisions are hereby directed to cooperate with the committee and render such information, data, aid and assistance as may be requested by the committee.

(7) The committee shall have the power to enlist the services of any agency, either public or private, or any individual or educational institution, bar association, research organization, foundation or educational or civic organization for assistance in accomplishing the purposes of this act, conducting research studies, gathering information or printing and publishing its reports. The committee is authorized to make and sign any agreements or contracts to do or perform any actions that may be necessary, desirable or proper to carry out the purposes and objectives of this section.

(8) The committee is authorized and empowered to receive and expend any funds appropriated to it by the Legislature and any funds received by it from any other source in carrying out the objectives and purposes of this act.

(9) The committee shall stand dissolved on December 31, 2007.

SECTION 7. Sections 11-9-145 and 11-9-147, Mississippi Code of 1972, dealing with juries in justice court, are repealed.

SECTION 8. The Attorney General of the State of Mississippi shall submit this act, immediately upon approval by the Governor, or upon approval by the Legislature subsequent to a veto, to the Attorney General of the United States or to the United States District Court for the District of Columbia in accordance with the provisions of the Voting Rights Act of 1965, as amended and extended.

SECTION 9. Section 6 of this act shall take effect and be in force from and after its passage. The remainder of this act shall take effect and be in force from and after January 1, 2008, or the date it is effectuated under Section 5 of the Voting Rights Act of 1965, as amended and extended, whichever is later.