

By: Senator(s) Flowers

To: Judiciary, Division A

SENATE BILL NO. 2020  
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 9-11-5, MISSISSIPPI CODE OF 1972, TO  
2 REQUIRE THE COUNTIES TO PROVIDE ADEQUATE SECURITY IN JUSTICE COURT  
3 COURTROOMS; TO AMEND SECTION 99-33-1, MISSISSIPPI CODE OF 1972, TO  
4 REVISE JURISDICTION OF JUSTICE COURTS; TO CREATE THE JUSTICE COURT  
5 STUDY COMMITTEE AND TO REQUIRE A REPORT OF ITS RECOMMENDATIONS;  
6 AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 9-11-5, Mississippi Code of 1972, is  
9 amended as follows:

10 9-11-5. (1) The justice court judges shall be provided  
11 courtrooms by the county and all trials shall be held therein.  
12 Such courtrooms shall be in the county courthouse, county office  
13 building or any other building within the county deemed  
14 appropriate by the board of supervisors.

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

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

21 **SECTION 2.** Section 11-9-143, Mississippi Code of 1972, is  
22 amended as follows:

23 11-9-143. \* \* \* There shall be no trial by jury, civil or  
24 criminal, in justice court.

25 **SECTION 3.** Section 97-37-7, Mississippi Code of 1972, is  
26 amended as follows:

27 97-37-7. (1) (a) It shall not be a violation of Section  
28 97-37-1 or any other statute for pistols, firearms or other  
29 suitable and appropriate weapons to be carried by duly constituted

30 bank guards, company guards, watchmen, railroad special agents or  
31 duly authorized representatives who are not sworn law enforcement  
32 officers, agents or employees of a patrol service, guard service,  
33 or a company engaged in the business of transporting money,  
34 securities or other valuables, while actually engaged in the  
35 performance of their duties as such, provided that such persons  
36 have made a written application and paid a nonrefundable permit  
37 fee of One Hundred Dollars (\$100.00) to the Department of Public  
38 Safety.

39 (b) No permit shall be issued to any person who has  
40 ever been convicted of a felony under the laws of this or any  
41 other state or of the United States. To determine an applicant's  
42 eligibility for a permit, the person shall be fingerprinted. If  
43 no disqualifying record is identified at the state level, the  
44 fingerprints shall be forwarded by the Department of Public Safety  
45 to the Federal Bureau of Investigation for a national criminal  
46 history record check. The department shall charge a fee which  
47 includes the amounts required by the Federal Bureau of  
48 Investigation and the department for the national and state  
49 criminal history record checks and any necessary costs incurred by  
50 the department for the handling and administration of the criminal  
51 history background checks. In the event a legible set of  
52 fingerprints, as determined by the Department of Public Safety and  
53 the Federal Bureau of Investigation, cannot be obtained after a  
54 minimum of three (3) attempts, the Department of Public Safety  
55 shall determine eligibility based upon a name check by the  
56 Mississippi Highway Safety Patrol and a Federal Bureau of  
57 Investigation name check conducted by the Mississippi Safety  
58 Patrol at the request of the Department of Public Safety.

59 (c) A person may obtain a duplicate of a lost or  
60 destroyed permit upon payment of a Fifteen Dollar (\$15.00)  
61 replacement fee to the Department of Public Safety, if he

62 furnishes a notarized statement to the department that the permit  
63 has been lost or destroyed.

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

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

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

84 (2) It shall not be a violation of this or any other statute  
85 for pistols, firearms or other suitable and appropriate weapons to  
86 be carried by Department of Wildlife, Fisheries and Parks law  
87 enforcement officers, railroad special agents who are sworn law  
88 enforcement officers, investigators employed by the Attorney  
89 General, district attorneys, legal assistants to district  
90 attorneys, criminal investigators employed by the district  
91 attorneys, investigators or probation officers employed by the  
92 Department of Corrections, employees of the State Auditor who are  
93 authorized by the State Auditor to perform investigative  
94 functions, or any deputy fire marshal or investigator employed by

95 the State Fire Marshal, while engaged in the performance of their  
96 duties as such, or by fraud investigators with the Department of  
97 Human Services, or by judges of the Mississippi Supreme Court,  
98 Court of Appeals, circuit, chancery, county, justice and municipal  
99 courts. Before any person shall be authorized under this  
100 subsection to carry a weapon, he shall complete a weapons training  
101 course approved by the Board of Law Enforcement Officer Standards  
102 and Training. Before any criminal investigator employed by a  
103 district attorney shall be authorized under this section to carry  
104 a pistol, firearm or other weapon, he shall have complied with  
105 Section 45-6-11 or any training program required for employment as  
106 an agent of the Federal Bureau of Investigation. A law  
107 enforcement officer, as defined in Section 45-6-3, shall be  
108 authorized to carry weapons in courthouses in performance of his  
109 official duties. This section shall in no way interfere with the  
110 right of a trial judge to restrict the carrying of firearms in the  
111 courtroom.

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

125 **SECTION 4.** (1) The Mississippi Justice Court Study  
126 Committee is hereby created. It shall consist of nine (9) members  
127 who are to be selected as follows:

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

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

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

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

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

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

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

144           (2) The purpose of the study committee shall be to make  
145 recommendations to the Legislature as to the best and most  
146 appropriate compensation for justice court judges and circuit  
147 court clerks; the best and proper jurisdictional limits for civil  
148 suits in justice court; the appropriate educational requirements  
149 for justice court judges; the possibility and advisability of  
150 eliminating jury trials in justice court; and the impact on the  
151 circuit court clerks' fees and salaries of any adjustment in civil  
152 or criminal jurisdiction. In addition, the study committee is  
153 charged with the examination of the operational needs, including  
154 budget and staffing, of the justice courts.

155           (3) (a) The chair shall set and give notice of the time,  
156 date and place of the initial meeting. The chair shall not vote  
157 unless necessary to break a tie vote of the committee. The  
158 committee shall elect a vice chair who shall preside over meetings  
159 in the absence of the chair and any other officers which it  
160 considers necessary to carry out the purpose of the committee.

161 The committee may form any committees from its membership in order  
162 to assist the committee in accomplishing its purposes as provided  
163 in this section.

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

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

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

174 (b) The committee is authorized and empowered for the  
175 accomplishment of its purposes to undertake any studies, reviews,  
176 inquiries, hearings, examinations, surveys or analyses as it may  
177 deem pertinent, relevant and justified. The committee shall  
178 propose and prepare in detailed form for the consideration of the  
179 Legislature such amendments to existing law, such statutes, and  
180 such constitutional amendments as in the judgment of the committee  
181 will promote the administration of justice.

182 (6) The committee is authorized to call upon any and all  
183 existing courts, agencies, departments, divisions, officers,  
184 employees, boards, bureaus, commissions and institutions of the  
185 State of Mississippi, or any political subdivision thereof, to  
186 furnish such information, data and assistance as will enable it to  
187 carry out its powers and duties hereunder and all such agencies,  
188 departments, divisions, officers, employees, boards, bureaus,  
189 commissions and institutions of the State of Mississippi and its  
190 political subdivisions are hereby directed to cooperate with the  
191 committee and render such information, data, aid and assistance as  
192 may be requested by the committee.

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

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

207           (9) The committee shall stand dissolved on December 31,  
208 2007.

209           **SECTION 5.** The Attorney General of the State of Mississippi  
210 shall submit Sections 1 through 4 of this act, immediately upon  
211 approval by the Governor, or upon approval by the Legislature  
212 subsequent to a veto, to the Attorney General of the United States  
213 or to the United States District Court for the District of  
214 Columbia in accordance with the provisions of the Voting Rights  
215 Act of 1965, as amended and extended.

216           **SECTION 6.** Section 4 of this act shall take effect and be in  
217 force from and after its passage. The remainder of this act shall  
218 take effect and be in force from and after January 1, 2008, or the  
219 date it is effectuated under Section 5 of the Voting Rights Act of  
220 1965, as amended and extended, whichever is later.