

By: Representative Horan

To: County Affairs

HOUSE BILL NO. 1017

1 AN ACT TO AMEND SECTION 9-11-27, MISSISSIPPI CODE OF 1972, TO  
 2 AUTHORIZE TWO OR MORE COUNTIES TO APPOINT ONE PERSON TO SERVE AS  
 3 CLERK OF THE JUSTICE COURT SYSTEM FOR THE COUNTIES; TO PROVIDE  
 4 THAT SUCH CLERK SHALL BE PAID AN AMOUNT MUTUALLY AGREED UPON AND  
 5 ADOPTED BY RESOLUTION OF THE RESPECTIVE BOARDS OF SUPERVISORS; TO  
 6 PROVIDE THAT SUCH COUNTIES MAY ALSO JOINTLY APPOINT OTHER  
 7 EMPLOYEES OF THE JUSTICE COURT SYSTEM; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 9-11-27, Mississippi Code of 1972, is  
 10 amended as follows:

11 9-11-27. (1) Except as otherwise provided under this  
 12 section, the board of supervisors of each county shall, at its own  
 13 expense, appoint one (1) person to serve as clerk of the justice  
 14 court system of the county, and may appoint such other employees  
 15 for the justice court of the county as it deems necessary,  
 16 including a person or persons to serve as deputy clerk or deputy  
 17 clerks. The board of supervisors of each county with two (2)  
 18 judicial districts may, at its own expense, appoint two (2)  
 19 persons to serve as clerks of the justice court system of the  
 20 county, one (1) for each judicial district, and may appoint such



21 other employees for the justice court system of the county as it  
22 deems necessary including persons to serve as deputy clerks. The  
23 clerk and deputy clerks shall be empowered to file and record  
24 actions and pleadings, to receive and receipt for monies, to  
25 acknowledge affidavits, to issue warrants in criminal cases upon  
26 direction by a justice court judge in the county, to approve the  
27 sufficiency of bonds in civil and criminal cases, to certify and  
28 issue copies of all records, documents and pleadings filed in the  
29 justice court and to issue all process necessary for the operation  
30 of the justice court. The clerk or deputy clerks may refuse to  
31 accept a personal check in payment of any fine or cost or to  
32 satisfy any other payment required to be made to the justice  
33 court. All orders from the justice court judge to the clerk of  
34 the justice court shall be written. All cases, civil and  
35 criminal, shall be assigned by the clerk to the justice court  
36 judges of the county in the manner provided in Section 11-9-105  
37 and Section 99-33-2. A deputy clerk who works in an office  
38 separate from the clerk and who is the head deputy clerk of the  
39 separate office may be designated to be trained as a clerk as  
40 provided in Section 9-11-29.

41 (2) By August 1, 2015, and each year thereafter, the  
42 Administrative Office of Courts shall report the names of all  
43 justice court clerks who have failed to comply with the reporting  
44 requirements of Section 9-1-46 to the boards of supervisors that  
45 selected them. Each clerk shall be given three (3) months from



46 the date on which the board was given notice to come into  
47 compliance with the requirements of Section 9-1-46. The  
48 Administrative Office of Courts shall notify the board of  
49 supervisors of any justice court clerk who fails to come into  
50 compliance after the three-month notice required in this  
51 subsection. Any noncompliant clerks shall be terminated for  
52 failure to comply with Section 9-1-46 reporting requirement.

53 (3) From and after July 1, 2022, two (2) or more counties  
54 may, upon resolution duly adopted by the board of supervisors of  
55 each such counties, agree to appoint one (1) person to serve as  
56 clerk of the justice court system of the counties. When two (2)  
57 or more counties enter into such agreement, each county shall pay  
58 the amount mutually agreed upon and duly adopted by resolution of  
59 the respective boards of supervisors for the justice court clerk.  
60 If the boards of supervisors make an appointment as authorized  
61 under this subsection for a justice court clerk, the boards of  
62 supervisors may also appoint such other employees for the justice  
63 court system of the counties as it deems necessary, including a  
64 person or persons to serve as deputy clerk or deputy clerks. Such  
65 other employees, including a deputy clerk or deputy clerks, shall  
66 be paid an amount mutually agreed upon and duly adopted by  
67 resolution of the respective boards of supervisors.

68 **SECTION 2.** This act shall take effect and be in force from  
69 and after July 1, 2022.

