

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.

