

By: Representative Porter

To: Judiciary A

HOUSE BILL NO. 1238

1 AN ACT TO AMEND SECTION 9-11-15, MISSISSIPPI CODE OF 1972, TO
2 CLARIFY THAT JUSTICE COURT SHALL BE A COURT OF RECORD; AND FOR
3 RELATED PURPOSES.

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

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

7 9-11-15. (1) Justice court judges shall hold regular terms
8 of their courts, at such times as they may appoint, not exceeding
9 two (2) and not less than one (1) in every month, at the
10 appropriate justice court courtroom established by the board of
11 supervisors; and they may continue to hold their courts from day
12 to day so long as business may require; and all process shall be
13 returnable, and all trials shall take place at such regular terms,
14 except where it is otherwise provided; but where the defendant is
15 a nonresident or transient person, and it shall be shown by the
16 oath of either party that a delay of the trial until the regular
17 term will be of material injury to him, it shall be lawful for the
18 judge to have the parties brought before him at any reasonable



19 time and hear the evidence and give judgment or where the
20 defendant is a nonresident or transient person and the judge and
21 all parties agree, it shall be lawful for the judge to have the
22 parties brought before him on the day a citation is made and hear
23 the evidence and give judgment. Such court shall be a court of
24 record, with all the power incident to a court of record,
25 including power to fine in the amount of fine and length of
26 imprisonment as is authorized for a municipal court in Section
27 21-23-7(11) for contempt of court. Such court shall have a court
28 reporter for the purpose of exercising its powers incident as a
29 court of record.

30 (2) (a) In counties with a population of less than one
31 hundred fifty thousand (150,000), each justice court shall
32 designate at least one-half (1/2) day each month as a traffic
33 court day, sufficient to handle the traffic violations docket of
34 that court, and shall notify all appropriate law enforcement
35 agencies of the date or dates. On the day or days so designated,
36 the justice court shall give priority to all cases involving
37 traffic violations.

38 (b) In counties with a population of one hundred fifty
39 thousand (150,000) or more, each justice court shall designate at
40 least one (1) day each month as a traffic court day, sufficient to
41 handle the traffic violations of that court, and shall notify all
42 appropriate law enforcement agencies of the date or dates. On the
43 day or days so designated, the justice court shall give priority



44 to all cases involving traffic violations. The one (1) day may be
45 one (1) whole day or it may be divided into half days as long as
46 one-half (1/2) day is held in the morning and one-half (1/2) day
47 is held in the afternoon, in the discretion of the court.

48 (3) The justice court may, in its discretion, upon prior
49 notice to the county prosecutor and upon a showing in open court
50 of rehabilitation, good conduct for a period of two (2) years
51 since the last conviction in any court and that the best interest
52 of society would be served, order the record of conviction of a
53 person of any or all misdemeanors in that court expunged, and upon
54 so doing, such person thereafter legally stands as though he or
55 she had never been convicted of the misdemeanor(s) and may
56 lawfully so respond to any query of prior convictions. This order
57 of expunction does not apply to the confidential records of law
58 enforcement agencies and has no effect on the driving record of a
59 person maintained under Title 63, Mississippi Code of 1972, or any
60 other provision of said Title 63.

61 (4) Notwithstanding the provisions of subsection (3) of this
62 section, a person who was convicted in justice court of a
63 misdemeanor before reaching his twenty-third birthday, excluding
64 conviction for a traffic violation, and who is a first offender,
65 may utilize the provisions of Section 99-19-71, to expunge such
66 misdemeanor conviction.

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

