

By: Senator(s) Wiggins

To: Judiciary, Division A;
Appropriations

SENATE BILL NO. 2320

1 AN ACT TO CREATE A COUNTY COURT IN AND FOR EVERY COUNTY; TO
2 AMEND SECTION 9-9-1, MISSISSIPPI CODE OF 1972, TO CREATE COUNTY
3 COURT DISTRICTS; TO AMEND SECTION 9-9-5, MISSISSIPPI CODE OF 1972,
4 TO SET FORTH THE QUALIFICATIONS OF JUDGES OF THE COUNTY COURTS; TO
5 AMEND SECTION 9-9-11, MISSISSIPPI CODE OF 1972, TO SET FORTH THE
6 SALARY OF THE COUNTY COURT JUDGES; TO AMEND SECTION 9-9-19,
7 MISSISSIPPI CODE OF 1972, TO PROVIDE FOR TERMS OF COURT; TO AMEND
8 SECTION 9-9-21, MISSISSIPPI CODE OF 1972, TO SET FORTH THE
9 JURISDICTION OF THE COUNTY COURT; TO AMEND SECTIONS 9-9-23,
10 9-1-19, 9-1-23, 9-1-25 AND 9-1-35, MISSISSIPPI CODE OF 1972, TO
11 CONFORM; TO AMEND SECTION 43-21-107, MISSISSIPPI CODE OF 1972, TO
12 CONFORM YOUTH COURT JURISDICTION; TO AMEND SECTION 43-21-123,
13 MISSISSIPPI CODE OF 1972, TO PROVIDE FUNDING FOR THE COUNTY
14 COURTS; TO AMEND SECTIONS 23-15-973 AND 23-15-975, MISSISSIPPI
15 CODE OF 1972, TO CONFORM; TO AMEND SECTION 9-13-1, 9-13-17 AND
16 9-13-19, MISSISSIPPI CODE OF 1972, TO PROVIDE A COURT REPORTER AND
17 CONFORM PROVISIONS CONCERNING COURT REPORTERS; TO DESIGNATE THE
18 CLERK OF THE COUNTY COURT AND THE CLERK OF THE YOUTH COURT; TO
19 BRING FORWARD SECTIONS 9-13-31 AND 43-21-45, MISSISSIPPI CODE OF
20 1972, FOR PURPOSES OF AMENDMENT; TO AMEND SECTIONS 43-21-111,
21 43-21-123, 43-21-125, 43-21-801 and 99-35-1, MISSISSIPPI CODE OF
22 1972, TO CONFORM; TO AMEND SECTION 9-13-61, MISSISSIPPI CODE OF
23 1972, TO DELETE ARCHAIC REFERENCE TO FAMILY COURTS; TO REPEAL
24 SECTION 9-9-3, MISSISSIPPI CODE OF 1972, WHICH ALLOWS FOR
25 ESTABLISHMENT OF A COUNTY COURT BY AGREEMENT OF TWO OR MORE
26 COUNTIES; TO REPEAL SECTION 9-9-9, MISSISSIPPI CODE OF 1972, WHICH
27 RESTRICTS THE PRACTICE OF LAW BY COUNTY COURT JUDGES; TO REPEAL
28 SECTION 9-9-13, MISSISSIPPI CODE OF 1972, WHICH ALLOWS
29 MUNICIPALITIES TO SUPPLEMENT COUNTY COURT JUDGE SALARIES; TO
30 REPEAL SECTION 9-9-14, MISSISSIPPI CODE OF 1972, WHICH ALLOWS AN
31 ADDITIONAL COUNTY COURT JUDGE FOR HARRISON COUNTY; TO REPEAL
32 SECTION 9-9-15, MISSISSIPPI CODE OF 1972, WHICH ALLOWS ADDITIONAL
33 COUNTY COURT JUDGES FOR HINDS COUNTY; TO REPEAL SECTION 9-9-16,
34 MISSISSIPPI CODE OF 1972, WHICH ALLOWS AN ADDITIONAL COUNTY COURT



35 JUDGE FOR WASHINGTON COUNTY; TO REPEAL SECTION 9-9-17, MISSISSIPPI
36 CODE OF 1972, WHICH ALLOWS AN ADDITIONAL JUDGE FOR JACKSON COUNTY;
37 TO REPEAL SECTION 9-9-18, MISSISSIPPI CODE OF 1972, WHICH ALLOWS
38 AN ADDITIONAL COUNTY COURT JUDGE FOR RANKIN COUNTY; TO REPEAL
39 SECTION 9-9-18.1, MISSISSIPPI CODE OF 1972, WHICH ALLOWS AN
40 ADDITIONAL COUNTY COURT JUDGE FOR MADISON COUNTY; TO REPEAL
41 SECTION 9-9-18.2, MISSISSIPPI CODE OF 1972, WHICH ALLOWS A COUNTY
42 COURT JUDGE FOR PEARL RIVER COUNTY; TO REPEAL SECTION 9-9-18.3,
43 MISSISSIPPI CODE OF 1972, WHICH ALLOWS AN ADDITIONAL COUNTY COURT
44 JUDGE FOR LAUDERDALE COUNTY; TO REPEAL SECTION 9-9-18.5,
45 MISSISSIPPI CODE OF 1972, WHICH ALLOWS AN ADDITIONAL COUNTY COURT
46 JUDGE FOR DESOTO COUNTY; TO REPEAL SECTION 9-9-18.6, MISSISSIPPI
47 CODE OF 1972, WHICH ALLOWS AN ADDITIONAL COUNTY COURT JUDGE FOR
48 LEE COUNTY; TO REPEAL SECTIONS 9-9-37, 9-9-39, 9-9-41, 9-9-43 AND
49 9-9-45, MISSISSIPPI CODE OF 1972, WHICH ALLOW COUNTIES TO
50 ESTABLISH OR ABOLISH A COUNTY COURT; AND FOR RELATED PURPOSES.

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

52 **SECTION 1.** Section 9-9-1, Mississippi Code of 1972, is
53 amended as follows:

54 9-9-1. (1) There shall be an inferior court to be known as
55 the county court in and for each * * * county as follows:

56 (a) * * * District 1 - DeSoto County;

57 (b) * * * District 2 - Marshall and Tate Counties;

58 (c) * * * District 3 - Alcorn, Benton and Tippah
59 Counties;

60 (d) District 4 - Itawamba, Prentiss and Tishomingo
61 Counties;

62 (e) District 5 - Panola, Quitman and Tunica Counties;

63 (f) District 6 - Lafayette County;

64 (g) District 7 - Pontotoc and Union Counties;

65 (h) District 8 - Lee County;

66 (i) District 9 - Coahoma County;

67 (j) District 10 - Bolivar County;



68 (k) District 11 - Grenada, Tallahatchie and Yalobusha
69 Counties;
70 (l) District 12 - Calhoun, Choctaw, Clay and Webster
71 Counties;
72 (m) District 13 - Chickasaw and Monroe Counties;
73 (n) District 14 - Washington County;
74 (o) District 15 - Humphreys, Issaquena, Sharkey and
75 Sunflower Counties;
76 (p) District 16 - Leflore County;
77 (q) District 17 - Carroll, Holmes and Montgomery
78 Counties;
79 (r) District 18 - Oktibbeha County;
80 (s) District 19 - Lowndes County;
81 (t) District 20 - Attala, Noxubee and Winston Counties;
82 (u) District 21 - Yazoo County;
83 (v) District 22 - Madison County;
84 (w) District 23 - Leake and Scott Counties;
85 (x) District 24 - Kemper, Neshoba and Newton Counties;
86 (y) District 25 - Lauderdale County;
87 (z) District 26 - Warren County;
88 (aa) District 27 - Hinds County;
89 (bb) District 28 - Rankin County;
90 (cc) District 29 - Claiborne, Copiah and Jefferson
91 Counties;
92 (dd) District 30 - Simpson and Smith Counties;



93 (ee) District 31 - Clarke, Jasper and Wayne Counties;

94 (ff) District 32 - Adams County;

95 (gg) District 33 - Amite, Franklin and Wilkinson

96 Counties;

97 (hh) District 34 - Pike County;

98 (ii) District 35 - Lawrence, Lincoln and Walthall

99 Counties;

100 (jj) District 36 - Covington, Jefferson Davis and

101 Marion Counties;

102 (kk) District 37 - Jones County;

103 (ll) District 38 - Lamar County;

104 (mm) District 39 - Forrest County;

105 (nn) District 40 - George, Greene, Perry and Stone

106 Counties;

107 (oo) District 41 - Pearl River County;

108 (pp) District 42 - Hancock County;

109 (qq) District 43 - Harrison County; and

110 (rr) District 44 - Jackson County.

111 (2) (a) Except as provided in paragraphs (b) and (c) of
112 this subsection (2), there shall be one (1) county court judge per
113 county court district.

114 (b) The following county court districts shall have two
115 (2) county court judges:

116 (i) The First County Court District, consisting of
117 DeSoto County;



118 (ii) The Eighth County Court District, consisting
119 of Lee County;

120 (iii) The Twentieth County Court District,
121 consisting of Madison County;

122 (iv) The Twenty-second County Court District,
123 consisting of Lauderdale County;

124 (v) The Twenty-fifth County Court District,
125 consisting of Rankin County; and

126 (vi) The Forty-first County Court District,
127 consisting of Jackson County.

128 (c) The following county court districts shall have
129 three (3) county court judges:

130 (i) The Twenty-fourth County Court District,
131 consisting of Hinds County; and

132 (ii) The Fortieth County Court District,
133 consisting of Harrison County.

134 (* * *3) * * * The county court judges shall be elected by
135 the qualified electors of the county or county court district in
136 the same manner as provided for the election of circuit court
137 judges at an election held at the same time as the * * * regular
138 election of circuit court judges * * *.

139 * * *

140 (4) (a) For the purposes of nomination and election of
141 judgeships in county court districts having multiple judges, the
142 judgeships shall be separate and distinct and designated for



143 purposes of appointment, nomination and election by sequentially
144 numbered places. There shall be no distinction whatsoever in the
145 powers, duties and compensation of any multiple offices of county
146 court judge, except that the county court judge who has been for
147 the longest time continuously a county court judge of the district
148 shall have the right to assign cases, terms and dockets. Should
149 no judge of the county court have served longer in office than the
150 other, then that judge of the county court who has been for the
151 longest time a member of The Mississippi Bar shall be the senior
152 county court judge and have the right to assign cases, terms and
153 dockets.

154 (b) While there shall be no limitation whatsoever upon
155 the powers and duties of the county court judges other than as
156 required by the Constitution and laws of this state, the senior
157 county court judge may divide the county court into civil, equity,
158 criminal and youth court divisions, or any combination thereof, as
159 a matter of convenience by the entry of an order upon the minutes
160 of the court.

161 **SECTION 2.** Section 9-9-5, Mississippi Code of 1972, is
162 amended as follows:

163 9-9-5. * * * The county court judge shall possess all of the
164 qualifications of a circuit judge as prescribed by the Mississippi
165 Constitution. * * * The judge of * * * a county court serving
166 more than one (1) county may be a qualified elector of any one (1)
167 of * * * the constituent counties * * *. The county court judge



168 shall be elected by the qualified electors of * * * the county or
169 county court district at the time and in the manner as circuit
170 judges are elected and * * * shall hold office for the same term.
171 Vacancies in the office of county court judge shall be filled in
172 the same manner as vacancies in the office of circuit judge.

173 * * *

174 **SECTION 3.** Section 9-9-11, Mississippi Code of 1972, is
175 amended as follows:

176 9-9-11. (1) * * * The county court judge shall receive an
177 annual salary * * * in * * * the amount * * * of One Thousand
178 Dollars (\$1,000.00) less than the salary * * * for circuit and
179 chancery judges. * * *

180 * * *

181 (2) (a) Each county that had a county court on January 1,
182 2016, shall transfer from the general funds of those county
183 treasuries to the Administrative Office of Courts the amount of
184 annual compensation of the county court judge or judges as
185 determined by the State Auditor. The amount to be paid annually
186 by each county shall be the compensation paid to the judge or
187 judges of that county for fiscal year 2012. For purposes of this
188 section, the term "compensation" means the gross salary plus all
189 amounts paid for benefits, or otherwise, as a result of employment
190 or as required by employment. However, only salary earned for
191 services rendered shall be reported and credited for retirement
192 purposes. Reimbursement for travel expenses shall not be reported



193 or credited for retirement purposes. The amounts required under
194 this section shall be paid in twelve (12) installments on the last
195 working day of each month. Each county shall transfer to the
196 Administrative Office of Courts one-twelfth (1/12) of the amount
197 required to be paid pursuant to this paragraph (a) by the
198 twentieth day of each month for the salary that is to be paid on
199 the last working day of the month. Any county may pay, in the
200 discretion of the board of supervisors, by the twentieth day of
201 January of any year, the amount due for a full twelve (12) months.

202 (b) Each county that did not have a county court on
203 January 1, 2016, shall transfer from the general funds of those
204 county treasuries to the Administrative Office of Courts the
205 amount the county spent to compensate the youth court referees as
206 determined by the State Auditor for fiscal year 2016 not including
207 reimbursement for travel expenses. The amounts required under
208 this section shall be paid in twelve (12) installments on the last
209 working day of each month. Each county shall transfer to the
210 Administrative Office of Courts one-twelfth (1/12) of the amount
211 required to be paid pursuant to this paragraph (b) by the
212 twentieth day of each month. Any county may pay, in the
213 discretion of the board of supervisors, by the twentieth day of
214 January of any year, the amount due for a full twelve (12) months.

215 **SECTION 4.** Section 9-9-19, Mississippi Code of 1972, is
216 amended as follows:



217 9-9-19. (1) Except as otherwise provided in this section,
218 in county court districts composed of a single county, a term of
219 court shall be held in the county courthouse of the county,
220 beginning on the second Monday of each month and continuing so
221 long as may be necessary; but in counties where there are two (2)
222 circuit court districts the county court shall meet alternately in
223 the two (2) districts in the county courthouse in the same month
224 and in the same district as the board of supervisors of said
225 county holds its meetings.

226 (a) * * * In the County of Jones, * * * a term shall be
227 held in the second judicial district * * * on the second Monday of
228 each month * * *, and * * * in the first judicial district a term
229 shall be held on the fourth Monday of January, the fourth Monday
230 of March, the fourth Monday of April, the fourth Monday of June
231 and the fourth Monday of October.

232 (b) * * * In the County of Hinds, * * * a term shall be
233 held in the first judicial district on the second Monday of each
234 month and in the second judicial district on the second Monday of
235 March, June, September and December, and * * *, when * * * the
236 terms are held concurrently, * * * any of the county court judges
237 of Hinds County may be assigned to hold all or any part of * * *
238 the terms in either of the two (2) judicial districts.

239 (c) * * * In the County of Bolivar, * * * a term shall
240 be held in the first judicial district on the second Monday of
241 April, August and December, and in the second judicial district on



242 the second Monday of January, February, March, May, June, July,
243 September, October and November.

244 (d) * * * In the County of Harrison, * * * a term shall
245 be held in each judicial district concurrently each month.

246 (2) * * * The judge of the county court for good cause shown
247 may, by order spread on the minutes of the county court, designate
248 some place other than the county courthouse for the holding
249 of * * * a term of the county court * * *. The county court judge
250 may call a special term of the county court upon giving ten (10)
251 days' notice, and * * * notice shall be given by posting * * * on
252 the front door of the courthouse in * * * the county and by the
253 publication of * * * notice for one (1) insertion in some
254 newspaper of general circulation in the county.

255 (* * * 3) If a county court * * * district is composed of
256 two (2) or more counties * * *, the terms thereof shall remain
257 continuously open and shall not be closed and the county court
258 judge * * * shall * * * set cases as needed.

259 **SECTION 5.** Section 9-9-21, Mississippi Code of 1972, is
260 amended as follows:

261 9-9-21. (1) (a) The jurisdiction of the county court shall
262 be as follows: It shall have jurisdiction concurrent with the
263 justice court in all matters, civil and criminal of which the
264 justice court has jurisdiction; and it shall have jurisdiction
265 concurrent with the circuit and chancery courts in all matters of
266 law and equity wherein the amount of value of the thing in



267 controversy shall not exceed, exclusive of costs and interest, the
268 sum of Two Hundred Thousand Dollars (\$200,000.00), and the
269 jurisdiction of the county court shall not be affected by any
270 setoff, counterclaim or cross-bill in * * * actions where the
271 amount sought to be recovered in * * * the setoff, counterclaim or
272 cross-bill exceeds Two Hundred Thousand Dollars
273 (\$200,000.00). * * * If a party * * * files a setoff,
274 counterclaim or cross-bill which exceeds Two Hundred Thousand
275 Dollars (\$200,000.00), the party shall give notice to the opposite
276 party or parties as provided in Section 13-3-83, and on motion of
277 all parties filed within twenty (20) days after the filing
278 of * * * the setoff, counterclaim or cross-bill, the county court
279 shall transfer the case to the circuit or chancery court wherein
280 the county court is situated and which would otherwise have
281 jurisdiction. * * *

282 (b) The county court shall have exclusively the
283 jurisdiction * * * in the following matters and causes: namely,
284 eminent domain, the partition of personal property, and actions of
285 unlawful entry and detainer, * * * and the actions of eminent
286 domain and unlawful entry and detainer may be returnable and
287 triable before the * * * court in vacation. The county court
288 shall have jurisdiction over criminal matters in the county
289 assigned by a judge of the circuit court district in which the
290 county is included.



291 (2) * * * If a county court * * * serves two (2) or more
292 counties * * *, it shall be lawful for * * * the court sitting in
293 one (1) county to act upon any and all matters of which it has
294 jurisdiction as provided by law arising in * * * another county
295 under the jurisdiction of * * * the court.

296 **SECTION 6.** Section 9-9-23, Mississippi Code of 1972, is
297 amended as follows:

298 9-9-23. The county court judge shall have power to issue
299 writs, and to try matters, of habeas corpus on application to him
300 or her therefor, or when made returnable before him or her by a
301 superior judge. He shall also have the power to order the
302 issuance of writs of certiorari, supersedeas, attachments, and
303 other remedial writs in all cases pending in, or within the
304 jurisdiction of, his or her court. He or she shall have the
305 authority to issue search warrants in his or her county returnable
306 to his or her own court or to any court of a justice of the peace
307 within his or her county in the same manner as is provided by law
308 for the issuance of search warrants by justices of the peace. In
309 all cases pending in, or within the jurisdiction of, his or her
310 court, he or she shall have, in term time * * * and in vacation,
311 the power to order, do or determine to the same extent and in the
312 same manner as a justice of the peace or a circuit judge or a
313 chancellor could do in term time or in vacation in such cases.
314 But he or she shall not have original power to issue writs of
315 injunction, or other remedial writs in equity or in law except in



316 those cases hereinabove specified as being within his or her
317 jurisdiction. * * * When any judge or chancellor authorized to
318 issue * * * writs of injunction * * * or any other equitable or
319 legal remedial writs * * * reserved under this section, shall so
320 direct in writing the hearing of application therefor may be by
321 him or her referred to the county court judge, in which event
322 the * * * direction of the superior judge shall vest in the * * *
323 county court judge all authority to take * * * action on * * * the
324 application as the * * * superior judge could have taken under the
325 right and the law, had the * * * application been at all times
326 before the * * * superior judge * * *, and jurisdiction * * *
327 shall cease upon the denying or granting of the application.

328 **SECTION 7.** Section 9-1-19, Mississippi Code of 1972, is
329 amended as follows:

330 9-1-19. The judges of the Supreme * * *, circuit and county
331 courts and chancellors and judges of the Court of Appeals, in
332 termtime and in vacation, may severally order the issuance of
333 writs of habeas corpus, mandamus, certiorari, supersedeas and
334 attachments, and grant injunctions and all other remedial writs,
335 in all cases where the same may properly be granted according to
336 right and justice, returnable to any court, whether the suit or
337 proceedings be pending in the district of the judge or chancellor
338 granting the same or not. The fiat of such judge or chancellor
339 shall authorize the issuance of the process for a writ returnable



340 to the proper court or before the proper officer; and all such
341 process or writs may be granted, issued and executed on Sunday.

342 **SECTION 8.** Section 9-1-23, Mississippi Code of 1972, is
343 amended as follows:

344 9-1-23. The judges of the Supreme, circuit and county courts
345 and chancellors and judges of the Court of Appeals shall be
346 conservators of the peace for the state, each with full power to
347 do all acts which conservators of the peace may lawfully do; and
348 the circuit judges * * *, chancellors and county court judges
349 shall reside within their respective districts * * *.

350 **SECTION 9.** Section 9-1-25, Mississippi Code of 1972, is
351 amended as follows:

352 9-1-25. It shall not be lawful for any judge of the Supreme
353 Court, Court of Appeals * * *, circuit court, county court or a
354 chancellor to exercise the profession or employment of an attorney
355 or counsellor at law, or to be engaged in the practice of law; and
356 any person offending against this prohibition shall be guilty of a
357 high misdemeanor and be removed from office; but this shall not
358 prohibit a chancellor * * *, circuit judge, county court judge or
359 a judge of the Court of Appeals from practicing in any of the
360 courts for a period of six (6) months from the time * * * the
361 judges or chancellors assume office so far as to enable them to
362 bring to a conclusion cases actually pending when they were
363 appointed or elected in which * * * the chancellor or judge was
364 then employed, nor shall a judge of the Supreme Court be hindered



365 from appearing in the courts of the United States in any case in
366 which he was engaged when he was appointed or elected judge.

367 **SECTION 10.** Section 9-1-35, Mississippi Code of 1972, is
368 amended as follows:

369 9-1-35. The clerk of the Supreme Court and of the Court of
370 Appeals, at the expense of the state, and the clerk of every
371 circuit * * *, chancery court and county court, at the expense of
372 the county, shall keep a seal, with the style of the court around
373 the margin and the image of an eagle in the center.

374 **SECTION 11.** Section 43-21-107, Mississippi Code of 1972, is
375 amended as follows:

376 43-21-107. * * * A youth court division is hereby created as
377 a division of the county court of each county * * *, and the
378 county court judge shall be the judge of the youth court. * * *

379 **SECTION 12.** Section 43-21-123, Mississippi Code of 1972, is
380 amended as follows:

381 43-21-123. Except for expenses provided by state funds * * *
382 or other monies, the board of supervisors * * * shall adequately
383 provide funds for the operation of the youth court * * * in
384 conjunction with the regular * * * county * * * court. * * * On
385 an annual basis at the time requested, the youth court judge or
386 administrator shall prepare and submit to the board of
387 supervisors * * * an annual budget which will identify the number,
388 staff position, title and amount of annual or monthly compensation
389 of each position as well as provide for other expenditures



390 necessary to the functioning and operation of the youth court.
391 When the budget of the youth court or youth court judge is
392 approved by the board of supervisors * * *, then the youth court
393 or youth court judge may employ such persons as provided in the
394 budget from time to time.

395 The board of supervisors * * * are * * * authorized to
396 reimburse the youth court judges and other youth court employees
397 or personnel for reasonable travel and expenses incurred in the
398 performance of their duties and in attending educational meetings
399 offering professional training to such persons as budgeted.

400 **SECTION 13.** Section 23-15-973, Mississippi Code of 1972, is
401 amended as follows:

402 23-15-973. It shall be the duty of the judges of the circuit
403 court to give a reasonable time and opportunity to the candidates
404 for the office of judge of the Supreme Court, judges of the Court
405 of Appeals, circuit judge, county court judge and chancellor to
406 address the people during court terms. In order to give further
407 and every possible emphasis to the fact that the said judicial
408 offices are not political but are to be held without favor and
409 with absolute impartiality as to all persons, and because of the
410 jurisdiction conferred upon the courts by this chapter, the judges
411 thereof should be as far removed as possible from any political
412 affiliations or obligations. It shall be unlawful for any
413 candidate for any of the offices mentioned in this section to
414 align himself with any candidate or candidates for any other



415 office or with any political faction or any political party at any
416 time during any primary or general election campaign. Likewise it
417 shall be unlawful for any candidate for any other office nominated
418 or to be nominated at any primary election, wherein any candidate
419 for any of the judicial offices in this section mentioned, is or
420 are to be nominated, to align himself with any one or more of the
421 candidates for said offices or to take any part whatever in any
422 nomination for any one or more of said judicial offices, except to
423 cast his individual vote. Any candidate for any office, whether
424 nominated with or without opposition, at any primary wherein a
425 candidate for any one (1) of the judicial offices herein mentioned
426 is to be nominated who shall deliberately, knowingly and willfully
427 violate the provisions of this section shall forfeit his
428 nomination, or if elected at the following general election by
429 virtue of said nomination, his election shall be void.

430 **SECTION 14.** Section 23-15-975, Mississippi Code of 1972, is
431 amended as follows:

432 23-15-975. As used in Sections 23-15-974 through 23-15-985
433 of this subarticle, the term "judicial office" includes the office
434 of justice of the Supreme Court, judge of the Court of Appeals,
435 circuit judge, chancellor * * * and county court judge * * *. All
436 such justices and judges shall be full-time positions and such
437 justices and judges shall not engage in the practice of law before
438 any court, administrative agency or other judicial or



439 quasi-judicial forum except as provided by law for finalizing
440 pending cases after election to judicial office.

441 **SECTION 15.** Section 9-13-1, Mississippi Code of 1972, is
442 amended as follows:

443 9-13-1. Each circuit judge, county court judge and
444 chancellor shall appoint a competent person as shorthand reporter
445 in his district by an entry upon the minutes of the court of an
446 order to that effect, dated and signed by him. The * * *
447 shorthand reporter shall be known as the official court reporter
448 of * * * the district.

449 **SECTION 16.** Section 9-13-17, Mississippi Code of 1972, is
450 amended as follows:

451 9-13-17. The circuit judge, chancellor * * * or county court
452 judge may, by an order spread upon the minutes and made a part of
453 the records of the court, appoint an additional court reporter for
454 a term or part of a term whose duties, qualifications and
455 compensation shall be the same as is now provided by law for
456 official court reporters. The additional court reporter shall be
457 subject to the control of the judge or chancellor, as is now
458 provided by law for official court reporters, and the judge or
459 chancellor shall have the additional power to terminate the
460 appointment of * * * the additional court reporter, whenever in
461 his opinion the necessity for * * * an additional court reporter
462 ceases to exist, by placing upon the minutes of the court an order
463 to that effect. The regular court reporter shall not draw any



464 compensation while the assistant court reporter alone is serving;
465 however, * * * if the assistant court reporter is serving because
466 of the illness of the regular court reporter, the court may
467 authorize payment of * * * the assistant court reporter from the
468 Administrative Office of Courts without diminution of the salary
469 of the regular court reporter, for a period not to exceed
470 forty-five (45) days in any one (1) calendar year. However, in
471 any circuit, chancery * * * or county * * * court district within
472 the State of Mississippi, if the judge or chancellor * * *
473 determines that in order to relieve the continuously crowded
474 docket in * * * that district, or for other good cause shown, the
475 appointment of an additional court reporter is necessary for the
476 proper administration of justice, he may, with the advice and
477 consent of the board of supervisors if the court district is
478 composed of a single county and with the advice and consent of at
479 least one-half (1/2) of the boards of supervisors if the court
480 district is composed of more than one (1) county, by an order
481 spread upon the minutes and made a part of the records of the
482 court, appoint an additional court reporter. The additional court
483 reporter shall serve at the will and pleasure of the judge or
484 chancellor, may be a resident of any county of the state, and
485 shall be paid a salary designated by the judge or chancellor not
486 to exceed the salary authorized by Section 9-13-19. The salary of
487 the additional court reporter shall be paid by the Administrative
488 Office of Courts, as provided in Section 9-13-19; and mileage



489 shall be paid to the additional court reporter by the county as
490 provided in the same section. The office of * * * an additional
491 court reporter appointed under this section shall not be abolished
492 or compensation reduced during the term of office of the
493 appointing judge or chancellor without the consent and approval of
494 the appointing judge or chancellor.

495 **SECTION 17.** Section 9-13-19, Mississippi Code of 1972, is
496 amended as follows:

497 9-13-19. (1) Court reporters for circuit, county and
498 chancery courts may be paid an annual salary payable by the
499 Administrative Office of Courts not to exceed Forty-nine Thousand
500 Five Hundred Dollars (\$49,500.00) for court reporters with five
501 (5) years' experience or less; not to exceed Fifty-eight Thousand
502 Five Hundred Dollars (\$58,500.00) for court reporters who have
503 more than five (5) years' experience but less than ten (10) years;
504 and not to exceed Sixty-four Thousand Dollars (\$64,000,00) for
505 court reporters who have ten (10) years or more experience. No
506 amount of the increase in the maximum salary authorized by this
507 section shall be paid from the State General Fund. The board of
508 supervisors of any county is authorized to pay its court reporters
509 the applicable amount of the maximum salary authorized by this
510 section. In addition, any court reporter performing the duties of
511 a court administrator in the same judicial district in which the
512 person is employed as a court reporter may be paid additional
513 compensation for performing the court administrator duties. The



514 annual amount of the additional compensation shall be set by vote
515 of the judges and chancellors for whom the court administrator
516 duties are performed, with consideration given to the number of
517 hours per month devoted by the court reporter to performing the
518 duties of a court administrator. The additional compensation
519 shall be submitted to the Administrative Office of Courts for
520 approval.

521 (2) The several counties in each respective court district
522 shall transfer from the general funds of those county treasuries
523 to the Administrative Office of Courts a proportionate amount to
524 be paid toward the annual compensation of the court reporter,
525 including any additional compensation paid for the performance of
526 court administrator duties. The amount to be paid by each county
527 shall be determined by the number of weeks in which court is held
528 in each county in proportion to the total number of weeks court is
529 held in the district. For purposes of this section, the term
530 "compensation" means the gross salary plus all amounts paid for
531 benefits, or otherwise, as a result of employment or as required
532 by employment, but does not include transcript fees otherwise
533 authorized to be paid by or through the counties. However, only
534 salary earned for services rendered shall be reported and credited
535 for retirement purposes. Amounts paid for transcript fees,
536 benefits or otherwise, including reimbursement for travel
537 expenses, shall not be reported or credited for retirement
538 purposes.



539 For example, if there are thirty-eight (38) scheduled court
540 weeks in a particular district, a county in which court is
541 scheduled five (5) weeks out of the year would have to pay
542 five-thirty-eighths (5/38) of the total annual compensation.

543 (3) The salary and any additional compensation for the
544 performance of court administrator duties shall be paid in twelve
545 (12) installments on the last working day of each month after it
546 has been duly authorized by the appointing judge or chancellor and
547 an order duly placed on the minutes of the court. Each county
548 shall transfer to the Administrative Office of Courts one-twelfth
549 (1/12) of the amount required to be paid pursuant to subsection
550 (2) of this section by the twentieth day of each month for the
551 salary that is to be paid on the last working day of the month.
552 The Administrative Office of Courts shall pay to the court
553 reporter the total amount of salary due for that month. Any
554 county may pay, in the discretion of the board of supervisors, by
555 the twentieth day of January of any year, the amount due for a
556 full twelve (12) months.

557 (4) From and after October 1, 1996, all circuit, county and
558 chancery court reporters will be employees of the Administrative
559 Office of Courts.

560 (5) No circuit, county or chancery court reporter shall be
561 entitled to any compensation for any special or extended term of
562 court after passage of this section.



563 (6) No * * * circuit, county or chancery court reporter
564 shall practice law in the court within which he or she is the
565 court reporter.

566 (7) For all travel required in the performance of official
567 duties, the circuit, county or chancery court reporter shall be
568 paid mileage by the county in which the duties were performed at
569 the same rate as provided for state employees in Section 25-3-41.
570 The court reporter shall file in the office of the clerk of the
571 court which he serves a certificate of mileage expense incurred
572 during that term and payment of such expense to the court reporter
573 shall be paid on allowance by the judge of such court.

574 **SECTION 18.** Section 9-13-61, Mississippi Code of 1972, is
575 amended as follows:

576 9-13-61. There shall be an official court reporter for each
577 county * * * court judge in the State of Mississippi, to be
578 appointed by such judge, for the purpose of performing the
579 necessary and required stenographic work of the court or division
580 thereof over which the appointing judge is presiding, said work to
581 be performed under the direction of such judge and in the same
582 manner and to the same effect as is provided in the chapter on
583 court reporting.

584 Except as hereinafter provided, the reporters of said courts
585 shall receive an annual salary of not less than Twenty-four
586 Thousand Dollars (\$24,000.00) and may, at the discretion of the
587 board of supervisors, receive a monthly salary equal to that of



588 the reporter of the circuit court district wherein the county
589 lies, the same to be paid monthly by the county out of its general
590 fund.

591 Provided, however, that in any Class 1 county having a
592 population in excess of fifty-six thousand (56,000) persons
593 according to the 1970 federal decennial census, the reporter shall
594 receive a monthly salary equal to that of the reporter of the
595 circuit court district wherein the county or family court lies,
596 the same to be paid monthly by the county out of its general fund.

597 Provided further, that in any Class 1 county bordering on the
598 Mississippi River and which has situated therein a national
599 military park and national military cemetery, and having a
600 population in excess of forty-four thousand (44,000) according to
601 the 1970 federal decennial census, the reporter shall receive a
602 monthly salary equal to that of the reporter of the circuit court
603 district wherein the county lies, the same to be paid monthly by
604 the county out of its general fund.

605 Provided further, that in any Class 1 county bordering on the
606 Mississippi River wherein U.S. Highways 61 and 84 intersect, and
607 having a population in excess of thirty-seven thousand (37,000) in
608 the 1960 federal decennial census, the reporter shall receive a
609 monthly salary equal to that of the reporter of the circuit court
610 district wherein the county lies, the same to be paid monthly by
611 the county out of its general fund.



612 Provided further, that in addition to the foregoing
613 compensation, all county * * * court reporters shall be paid the
614 same fees for transcript of the record on appeals as are now or
615 hereafter paid circuit court reporters for like or similar work.

616 **SECTION 19.** In counties in which a county court existed on
617 December 31, 2015, the clerk of the youth court shall be the
618 circuit clerk of the county. In counties in which a county court
619 did not exist on December 31, 2015, the clerk of the youth court
620 shall be the chancery clerk of the county. The clerk of the
621 county court shall otherwise be the clerk of the circuit court.

622 **SECTION 20.** Section 9-13-31, Mississippi Code of 1972, is
623 brought forward as follows:

624 9-13-31. In all criminal cases, and (a) in all civil cases,
625 and (b) matters in probate, and (c) in matters of special
626 proceedings, wherein property or demands of as much as Fifty
627 Dollars (\$50.00) may be in issue, no party shall be required
628 without his consent to go to trial in a circuit or chancery court
629 unless the case is attended by a court reporter; provided,
630 however, that the judge of any chancery court may dispense with
631 the requirement of a court reporter in hearings on temporary
632 support and maintenance and/or temporary child custody in domestic
633 cases unless one (1) or both of the parties request a court
634 reporter. And in and by means of the court reporter's shorthand
635 notes, it shall be competent and effectual, for the purposes of
636 appeal and all otherwise, to make of the record every part of the



637 proceedings arising and done during the trial, from the opening
638 until the conclusion thereof, including motions so arising to
639 amend the pleadings, except amendments to indictments, and the
640 ruling of the court thereon and all other motions and steps that
641 may occur in the trial, in addition to the oral testimony. And in
642 such a trial, provided objections are duly made and noted, no
643 exceptions need be taken, either for the purposes of appeal or
644 otherwise, or if taken shall not be noted, to any ruling or
645 decision of the court, and this provision shall include the
646 rulings of a court on objections to testimony. If any ruling or
647 decision of the court as to any matter arising during the trial
648 appear in the copy of the court reporter's notes, it shall not be
649 necessary to take any exceptions or bill of exceptions thereto.
650 Exceptions and bills of exception shall be necessary only when it
651 is desired to reserve exceptions to some ruling or decision of the
652 court which would not otherwise appear of record. No bill of
653 exceptions need be taken to the action of the court in overruling
654 a motion for a new trial. In all cases tried either in the
655 circuit or chancery court in which the evidence is taken down by
656 an official court reporter, all pleadings and all papers filed or
657 introduced in the case, all orders of the court entered on the
658 minutes, all instructions and a copy of the court reporter's notes
659 shall constitute the record and no bill of exceptions shall be
660 necessary in order to make any of the above matters part of the
661 record.



662 **SECTION 21.** Section 43-21-45, Mississippi Code of 1972, is
663 brought forward as follows:

664 43-21-45. In any Class 1 county having a total population in
665 excess of eighty thousand (80,000) according to the 1950 census
666 and having a total assessed valuation in excess of Forty-eight
667 Million Dollars (\$48,000,000.00), and in which there is both a
668 youth court and a federal military base or encampment; and in any
669 Class 1 county having a total population in excess of fifty-two
670 thousand seven hundred twenty (52,720) in the 1960 federal
671 decennial census and in which there is located both a
672 state-supported university and a Mississippi National Guard Camp,
673 the board of supervisors of any such county may, in its
674 discretion, set aside, appropriate and expend moneys from the
675 general fund to be used in the payment of salaries and/or travel
676 expenses of a youth counsellor, or counsellors, and the salary of
677 a clerk-reporter of the youth court of such county, and such funds
678 shall be expended for no other purpose.

679 **SECTION 22.** Section 43-21-111, Mississippi Code of 1972, is
680 amended as follows:

681 43-21-111. * * * All youth court judges are required to
682 receive judicial training approved by the Mississippi Judicial
683 College and * * * to receive regular annual continuing education
684 in the field of juvenile justice. The amount of judicial training
685 and annual continuing education which shall be satisfactory to
686 fulfill the requirements of this section shall conform with the



687 amount prescribed by the Rules and Regulations for Mandatory
688 Continuing Judicial Education promulgated by the Supreme Court.
689 The Administrative Office of Courts shall * * * enforce the
690 provisions of this * * * section and * * * maintain records * * *
691 of all * * * judges regarding * * * this training. * * *

692 **SECTION 23.** Section 43-21-123, Mississippi Code of 1972, is
693 amended as follows:

694 43-21-123. Except for expenses provided by state funds
695 and * * * other monies, the board of supervisors * * * shall
696 adequately provide funds for the operation of the youth court
697 division of the * * * county * * * court. * * * Every year the
698 youth court judge or administrator shall prepare and submit to the
699 board of supervisors * * * an annual budget which will identify
700 the number, staff position, title and amount of annual or monthly
701 compensation of each position as well as provide for other
702 expenditures necessary to the functioning and operation of the
703 youth court. When the budget of the youth court or youth court
704 judge is approved by the board of supervisors * * *, then the
705 youth court or youth court judge may employ such persons as
706 provided in the budget from time to time.

707 The board of supervisors of any county in which there is
708 located a youth court * * * are each authorized to reimburse the
709 youth court judges and other youth court employees or personnel
710 for reasonable travel and expenses incurred in the performance of



711 their duties and in attending educational meetings offering
712 professional training to such persons as budgeted.

713 **SECTION 24.** Section 43-21-125, Mississippi Code of 1972, is
714 amended as follows:

715 43-21-125. (1) There shall be a Mississippi Council of
716 Youth Court Judges which shall be the official organization of the
717 judges having youth court jurisdiction in this state. The
718 membership of the council shall consist of all the county court
719 judges * * * in the State of Mississippi.

720 (2) The Mississippi Council of Youth Court Judges is
721 authorized to adopt and, from time to time, amend such rules,
722 regulations or bylaws as it considers necessary to the conduct of
723 its affairs.

724 (3) The council may elect officers and provide for such
725 meetings of the council as it deems necessary. The council shall
726 meet at least annually for the consideration of:

727 (a) Any and all matters pertaining to the discharge of
728 the official duties and obligations of its members; and

729 (b) Problems that have arisen in connection with the
730 operation of the youth courts in any county or in all counties in
731 order to improve the administration of juvenile justice in the
732 state.

733 (4) The council shall publish and submit to the Governor,
734 the Chief Justice of the Supreme Court, and the Mississippi
735 Judicial Council an annual report of the operations which shall



736 include financial and statistical data and may include suggestions
737 and recommendations for legislation.

738 (5) The council is authorized to receive and expend any
739 funds which may become available from the federal government to
740 carry out any of the purposes of this chapter, and to this end the
741 council may meet any federal requirements not contrary to state
742 law which may be conditions precedent to receiving such federal
743 funds.

744 (6) The council may cooperate with the federal government in
745 a program for training personnel employed or preparing for
746 employment by the youth court and may receive and expend funds
747 from federal or state sources or from private donations for such
748 purposes. The council may contract with public or nonprofit
749 institutions of higher learning for the training of such
750 personnel, may conduct short-term training courses of its own, may
751 hire experts on a temporary basis for such purpose and may
752 cooperate with the department of youth services or other state
753 departments or agencies in personnel training programs.

754 **SECTION 25.** Section 43-21-801, Mississippi Code of 1972, is
755 amended as follows:

756 43-21-801. (1) There is established the Youth Court Support
757 Program. The purpose of the program shall be to ensure that all
758 youth courts have sufficient support funds to carry on the
759 business of the youth court. * * *

760 * * *



761 (* * *2) * * * Each county court is eligible for youth
762 court support funds. The Administrative Office of Courts shall
763 allocate Sixty Thousand Dollars (\$60,000.00) per year to each
764 county court district. The funds shall be utilized to provide
765 compensation to an intake officer who shall be responsible for
766 ensuring that all intake and case information for the Division of
767 Youth Services, truancy matters and the Division of Family and
768 Children's Services is entered into the Mississippi Youth Court
769 Information Delivery System (MYCIDS) in an accurate and timely
770 manner. If the county court already has an intake officer or
771 other staff person responsible for entering all cases of the
772 Division of Youth Services, truancy matters and the Division of
773 Family and Children's Services into MYCIDS, the senior county
774 court judge may certify that such a person is already on staff.
775 In such a case, the senior county court judge shall have
776 discretion to direct the expenditure of those funds in hiring
777 other support staff to carry on the business of the court.

778 (* * *a) For the purposes of this paragraph, "support
779 staff" means court administrators, law clerks, legal research
780 assistants, secretaries, resource administrators or case managers
781 appointed by a youth court judge, or any combination thereof, but
782 shall not mean school attendance officers.

783 (* * *b) The appointment of support staff shall be
784 evidenced by the entry of an order on the minutes of the court.
785 The support staff so appointed shall serve at the will and



786 pleasure of the senior county court judge but shall be * * *
787 employees of the county.

788 (* * *c) The Administrative Office of Courts must
789 approve the positions, job descriptions and salaries before the
790 positions may be filled. The Administrative Office of Courts
791 shall not approve any plan that does not first require the
792 expenditure of funds from the Youth Court Support Fund before
793 expenditure of county funds is authorized for that purpose.

794 (* * *d) The Administrative Office of Courts may
795 approve expenditure from the fund for additional equipment for
796 support staff appointed pursuant to this paragraph if funds are
797 available for the additional expenditure * * *. Title to any
798 tangible property procured with funds authorized under this
799 paragraph shall be and forever remain in the county to be used by
800 the youth court and support staff.

801 * * *

802 (* * *3) Application to receive funds under this section
803 shall be submitted in accordance with procedures established by
804 the Administrative Office of Courts. * * * Approval of the use of
805 any of the youth court support funds distributed under this
806 section shall be made by the Administrative Office of Courts in
807 accordance with procedures established by the Administrative
808 Office of Courts.

809 (* * *4) (a) There is created in the State Treasury a
810 special fund to be designated as the "Youth Court Support Fund,"



811 which shall consist of funds appropriated or otherwise made
812 available by the Legislature in any manner and funds from any
813 other source designated for deposit into such fund. Unexpended
814 amounts remaining in the fund at the end of a fiscal year shall
815 not lapse into the State General Fund, and any investment earnings
816 or interest earned on amounts in the fund shall be deposited to
817 the credit of the fund. Monies in the fund shall be distributed
818 to the youth courts by the Administrative Office of Courts for the
819 purposes described in this section.

820 (b) * * * During each regular legislative
821 session * * *, the Legislature shall appropriate * * * Two Million
822 Six Hundred Forty Thousand Dollars (\$2,640,000.00) to the Youth
823 Court Support Fund.

824 (c) No youth court judge * * * shall be eligible to
825 receive funding from the Youth Court Support Fund who has not
826 received annual continuing education in the field of juvenile
827 justice in an amount to conform with the requirements of the Rules
828 and Regulations for Mandatory Continuing Judicial Education
829 promulgated by the Supreme Court. The Administrative Office of
830 Courts shall maintain records of all * * * youth court judges
831 regarding such training and shall not disburse funds to any
832 county * * * or county court district for the budget of a youth
833 court judge * * * who is not in compliance with the judicial
834 training requirements.



835 (* * *5) Any recipient of funds from the Youth Court
836 Support Fund shall not be eligible for continuing disbursement of
837 funds if the recipient is not in compliance with the terms,
838 conditions and reporting requirements set forth in the procedures
839 promulgated by the Administrative Office of Courts.

840 **SECTION 26.** Section 99-35-1, Mississippi Code of 1972, is
841 amended as follows:

842 99-35-1. In all cases of conviction of a criminal offense
843 against the laws of the state by the judgment of a justice court,
844 or by a municipal court, for the violation of an ordinance
845 thereof, an appeal may be taken within forty (40) days from the
846 date of such judgment of conviction to the county court of the
847 county * * * which shall stay the judgment appealed from. Any
848 person appealing a judgment of a justice court or a municipal
849 court under this section shall post bond for court costs relating
850 to such appeal. The amount of such bond shall be determined by
851 the justice court judge or municipal judge, payable to the state
852 in an amount of not less than One Hundred Dollars (\$100.00) nor
853 more than One Thousand Dollars (\$1,000.00).

854 On appearance of the appellant in the * * * county court the
855 case shall be tried anew and disposed of as other cases pending
856 therein.

857 **SECTION 27.** Section 9-9-3, Mississippi Code of 1972, which
858 allows for establishment by agreement of a county court by two or
859 more counties, is repealed.



860 **SECTION 28.** Section 9-9-9, Mississippi Code of 1972, which
861 restricts the practice of law by county court judges, is repealed.

862 **SECTION 29.** Section 9-9-13, Mississippi Code of 1972, which
863 allows municipalities to supplement county court judge salaries,
864 is repealed.

865 **SECTION 30.** Section 9-9-14, Mississippi Code of 1972, which
866 allows an additional county court judge for Harrison County, is
867 repealed.

868 **SECTION 31.** Section 9-9-15, Mississippi Code of 1972, which
869 allows additional county court judges for Hinds County, is
870 repealed.

871 **SECTION 32.** Section 9-9-16, Mississippi Code of 1972, which
872 allows an additional county court judge for Washington County, is
873 repealed.

874 **SECTION 33.** Section 9-9-17, Mississippi Code of 1972, which
875 allows an additional judge for Jackson County, is repealed.

876 **SECTION 34.** Section 9-9-18, Mississippi Code of 1972, which
877 allows an additional county court judge for Rankin County, is
878 repealed.

879 **SECTION 35.** Section 9-9-18.1, Mississippi Code of 1972,
880 which allows an additional county court judge for Madison County,
881 is repealed.

882 **SECTION 36.** Section 9-9-18.2, Mississippi Code of 1972,
883 which allows a county court judge for Pearl River County, is
884 repealed.



885 **SECTION 37.** Section 9-9-18.3, Mississippi Code of 1972,
886 which allows an additional county court judge for Lauderdale
887 County, is repealed.

888 **SECTION 38.** Section 9-9-18.5, Mississippi Code of 1972,
889 which allows an additional county court judge for DeSoto County,
890 is repealed.

891 **SECTION 39.** Section 9-9-18.6, Mississippi Code of 1972,
892 which allows an additional county court judge for Lee County, is
893 repealed.

894 **SECTION 40.** Sections 9-9-37, 9-9-39, 9-9-41, 9-9-43 and
895 9-9-45, Mississippi Code of 1972, which allow counties to
896 establish or abolish a county court, are repealed.

897 **SECTION 41.** (1) Candidates for the county court judgeships
898 created by this act shall run for those offices in a special
899 election to be conducted in November 2023. Candidates shall
900 qualify as provided by Section 23-15-977 and shall run for office
901 and be elected as provided in Sections 23-15-974 through 23-15-985
902 (Nonpartisan Judicial Election Act).

903 (2) The initial terms of offices of the county court
904 judgeships created by this act shall begin on January 1, 2024, and
905 their terms of office shall continue for three (3) years.

906 (3) After the initial terms set forth in subsection (2) of
907 this section, the subsequent terms of the offices of the county
908 court judgeships created by this act shall begin on January 1,
909 2027, and their terms shall continue for four (4) years.



910 **SECTION 42.** Section 41 of this act shall take effect and be
911 in force from and after July 1, 2022, and the remainder of this
912 act shall take effect and be in force from and after January 1,
913 2024.

