

By: Representative Reynolds

To: Judiciary B

HOUSE BILL NO. 870

1 AN ACT TO AMEND SECTION 11-51-85, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE NUMBER OF DAYS A PARTY MAY APPEAL A JUSTICE COURT
3 DECISION TO CIRCUIT COURT; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 11-51-85, Mississippi Code of 1972, is
6 amended as follows:

7 11-51-85. Either party may appeal to the circuit court of
8 the county from the judgment of any justice court judge if appeal
9 be demanded and bond given within * * * thirty (30) days after the
10 rendition of the judgment. The party taking the appeal shall give
11 bond with a sufficient surety, to be approved by the clerk of the
12 justice court payable to the opposite party, in the penalty of
13 double the amount of the judgment, or double the value of the
14 property involved, and all costs accrued and likely to accrue in
15 the case, and in no case to be less than One Hundred Dollars
16 (\$100.00), conditioned for the payment of such judgment as the
17 circuit court may render against him; and the appeal, when
18 demanded and bond given, shall operate as a supersedeas of



19 execution on such judgment. Any defendant against whom a civil
20 judgment may have been entered by a justice court judge who, by
21 reason of his poverty, is not able to give bond may nevertheless
22 appeal from such judgment on his making an affidavit that, by
23 reason of his poverty, he is unable to give bond or other security
24 to obtain such appeal, but the appeal in such case shall not
25 operate as a supersedeas of the judgment. The clerk of the
26 justice court shall at once make up a transcript of the record and
27 properly transmit the same to the clerk of the circuit court,
28 within fifteen (15) days after the bond has been filed. In
29 counties where there is a county court, appeals from justice
30 courts shall be to the county court.

31 **SECTION 2.** This act shall take effect and be in force from
32 and after July 1, 2023.

