

By: Senator(s) Wiggins

To: Judiciary, Division A;
Appropriations

SENATE BILL NO. 2081

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 AMEND SECTIONS 43-21-111, 43-21-123, 43-21-125, 43-21-801 and
20 99-35-1, MISSISSIPPI CODE OF 1972, TO CONFORM; TO AMEND SECTION
21 9-13-61, MISSISSIPPI CODE OF 1972, TO DELETE ARCHAIC REFERENCE TO
22 FAMILY COURTS; TO REPEAL SECTION 9-9-3, MISSISSIPPI CODE OF 1972,
23 WHICH ALLOWS FOR ESTABLISHMENT OF A COUNTY COURT BY AGREEMENT OF
24 TWO OR MORE COUNTIES; TO REPEAL SECTION 9-9-9, MISSISSIPPI CODE OF
25 1972, WHICH RESTRICTS THE PRACTICE OF LAW BY COUNTY COURT JUDGES;
26 TO REPEAL SECTION 9-9-13, MISSISSIPPI CODE OF 1972, WHICH ALLOWS
27 MUNICIPALITIES TO SUPPLEMENT COUNTY COURT JUDGE SALARIES; TO
28 REPEAL SECTION 9-9-14, MISSISSIPPI CODE OF 1972, WHICH ALLOWS AN
29 ADDITIONAL COUNTY COURT JUDGE FOR HARRISON COUNTY; TO REPEAL
30 SECTION 9-9-15, MISSISSIPPI CODE OF 1972, WHICH ALLOWS ADDITIONAL
31 COUNTY COURT JUDGES FOR HINDS COUNTY; TO REPEAL SECTION 9-9-16,
32 MISSISSIPPI CODE OF 1972, WHICH ALLOWS AN ADDITIONAL COUNTY COURT
33 JUDGE FOR WASHINGTON COUNTY; TO REPEAL SECTION 9-9-17, MISSISSIPPI
34 CODE OF 1972, WHICH ALLOWS AN ADDITIONAL JUDGE FOR JACKSON COUNTY;



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

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

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

52 9-9-1. (1) There shall be an inferior court to be known as
53 the county court in and for each * * * county as follows:

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

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

56 (c) * * * District 3 - Alcorn, Benton and Tippah
57 Counties;

58 (d) District 4 - Itawamba, Prentiss and Tishomingo
59 Counties;

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

61 (f) District 6 - Lafayette County;

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

63 (h) District 8 - Lee County;

64 (i) District 9 - Coahoma County;

65 (j) District 10 - Bolivar County;



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



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

92 (ff) District 32 - Adams County;

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

94 Counties;

95 (hh) District 34 - Pike County;

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

97 Counties;

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

99 Marion Counties;

100 (kk) District 37 - Jones County;

101 (ll) District 38 - Lamar County;

102 (mm) District 39 - Forrest County;

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

104 Counties;

105 (oo) District 41 - Pearl River County;

106 (pp) District 42 - Hancock County;

107 (qq) District 43 - Harrison County; and

108 (rr) District 44 - Jackson County.

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

112 (b) The following county court districts shall have two
113 (2) county court judges:

114 (i) The First County Court District, consisting of
115 DeSoto County;



116 (ii) The Eighth County Court District, consisting
117 of Lee County;

118 (iii) The Twentieth County Court District,
119 consisting of Madison County;

120 (iv) The Twenty-second County Court District,
121 consisting of Lauderdale County;

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

124 (vi) The Forty-first County Court District,
125 consisting of Jackson County.

126 (c) The following county court districts shall have
127 three (3) county court judges:

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

130 (ii) The Fortieth County Court District,
131 consisting of Harrison County.

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

137 * * *

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



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

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

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

161 9-9-5. * * * The county court judge shall possess all of the
162 qualifications of a circuit judge as prescribed by the Mississippi
163 Constitution. * * * The judge of * * * a county court serving
164 more than one (1) county may be a qualified elector of any one (1)
165 of * * * the constituent counties * * *. The county court judge



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

171 * * *

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

174 9-9-11. (1) * * * The county court judge shall receive an
175 annual salary * * * in * * * the amount * * * of One Thousand
176 Dollars (\$1,000.00) less than the salary * * * for circuit and
177 chancery judges. * * *

178 * * *

179 (2) (a) Each county that had a county court on January 1,
180 2016, shall transfer from the general funds of those county
181 treasuries to the Administrative Office of Courts the amount of
182 annual compensation of the county court judge or judges as
183 determined by the State Auditor. The amount to be paid annually
184 by each county shall be the compensation paid to the judge or
185 judges of that county for fiscal year 2012. For purposes of this
186 section, the term "compensation" means the gross salary plus all
187 amounts paid for benefits, or otherwise, as a result of employment
188 or as required by employment. However, only salary earned for
189 services rendered shall be reported and credited for retirement
190 purposes. Reimbursement for travel expenses shall not be reported



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

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

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



215 9-9-19. (1) Except as otherwise provided in this section,
216 in county court districts composed of a single county, a term of
217 court shall be held in the county courthouse of the county,
218 beginning on the second Monday of each month and continuing so
219 long as may be necessary; but in counties where there are two (2)
220 circuit court districts the county court shall meet alternately in
221 the two (2) districts in the county courthouse in the same month
222 and in the same district as the board of supervisors of said
223 county holds its meetings.

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

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

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



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

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

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

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

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

259 9-9-21. (1) (a) The jurisdiction of the county court shall
260 be as follows: It shall have jurisdiction concurrent with the
261 justice court in all matters, civil and criminal of which the
262 justice court has jurisdiction; and it shall have jurisdiction
263 concurrent with the circuit and chancery courts in all matters of
264 law and equity wherein the amount of value of the thing in



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

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



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

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

296 9-9-23. The county court judge shall have power to issue
297 writs, and to try matters, of habeas corpus on application to him
298 or her therefor, or when made returnable before him or her by a
299 superior judge. He or she shall also have the power to order the
300 issuance of writs of certiorari, supersedeas, attachments, and
301 other remedial writs in all cases pending in, or within the
302 jurisdiction of, his or her court. He or she shall have the
303 authority to issue search warrants in his or her county returnable
304 to his or her own court or to any court of a justice of the peace
305 within his or her county in the same manner as is provided by law
306 for the issuance of search warrants by justices of the peace. In
307 all cases pending in, or within the jurisdiction of, his or her
308 court, he or she shall have, in term time * * * and in vacation,
309 the power to order, do or determine to the same extent and in the
310 same manner as a justice of the peace or a circuit judge or a
311 chancellor could do in term time or in vacation in such cases.
312 But he or she shall not have original power to issue writs of
313 injunction, or other remedial writs in equity or in law except in



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

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

328 9-1-19. The judges of the Supreme * * *, circuit and county
329 courts and chancellors and judges of the Court of Appeals, in
330 termtime and in vacation, may severally order the issuance of
331 writs of habeas corpus, mandamus, certiorari, supersedeas and
332 attachments, and grant injunctions and all other remedial writs,
333 in all cases where the same may properly be granted according to
334 right and justice, returnable to any court, whether the suit or
335 proceedings be pending in the district of the judge or chancellor
336 granting the same or not. The fiat of such judge or chancellor
337 shall authorize the issuance of the process for a writ returnable



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

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

342 9-1-23. The judges of the Supreme, circuit and county courts
343 and chancellors and judges of the Court of Appeals shall be
344 conservators of the peace for the state, each with full power to
345 do all acts which conservators of the peace may lawfully do; and
346 the circuit judges * * *, chancellors and county court judges
347 shall reside within their respective districts * * *.

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

350 9-1-25. It shall not be lawful for any judge of the Supreme
351 Court, Court of Appeals * * *, circuit court, county court or a
352 chancellor to exercise the profession or employment of an attorney
353 or counsellor at law, or to be engaged in the practice of law; and
354 any person offending against this prohibition shall be guilty of a
355 high misdemeanor and be removed from office; but this shall not
356 prohibit a chancellor * * *, circuit judge, county court judge or
357 a judge of the Court of Appeals from practicing in any of the
358 courts for a period of six (6) months from the time * * * the
359 judges or chancellors assume office so far as to enable them to
360 bring to a conclusion cases actually pending when they were
361 appointed or elected in which * * * the chancellor or judge was
362 then employed, nor shall a judge of the Supreme Court be hindered



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

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

367 9-1-35. The clerk of the Supreme Court and of the Court of
368 Appeals, at the expense of the state, and the clerk of every
369 circuit * * *, chancery court and county court, at the expense of
370 the county, shall keep a seal, with the style of the court around
371 the margin and the image of an eagle in the center.

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

374 43-21-107. * * * A youth court division is hereby created as
375 a division of the county court of each county * * *, and the
376 county court judge shall be the judge of the youth court. * * *

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

379 43-21-123. Except for expenses provided by state funds * * *
380 or other monies, the board of supervisors * * * shall adequately
381 provide funds for the operation of the youth court * * * in
382 conjunction with the regular * * * county * * * court. * * * On
383 an annual basis at the time requested, the youth court judge or
384 administrator shall prepare and submit to the board of
385 supervisors * * * an annual budget which will identify the number,
386 staff position, title and amount of annual or monthly compensation
387 of each position as well as provide for other expenditures



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

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

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

400 23-15-973. It shall be the duty of the judges of the circuit
401 court to give a reasonable time and opportunity to the candidates
402 for the office of judge of the Supreme Court, judges of the Court
403 of Appeals, circuit judge, county court judge and chancellor to
404 address the people during court terms. In order to give further
405 and every possible emphasis to the fact that the said judicial
406 offices are not political but are to be held without favor and
407 with absolute impartiality as to all persons, and because of the
408 jurisdiction conferred upon the courts by this chapter, the judges
409 thereof should be as far removed as possible from any political
410 affiliations or obligations. It shall be unlawful for any
411 candidate for any of the offices mentioned in this section to
412 align himself with any candidate or candidates for any other



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

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

430 23-15-975. As used in Sections 23-15-974 through 23-15-985
431 of this subarticle, the term "judicial office" includes the office
432 of justice of the Supreme Court, judge of the Court of Appeals,
433 circuit judge, chancellor * * * and county court judge * * *. All
434 such justices and judges shall be full-time positions and such
435 justices and judges shall not engage in the practice of law before
436 any court, administrative agency or other judicial or



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

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

441 9-13-1. Each circuit judge, county court judge and
442 chancellor shall appoint a competent person as shorthand reporter
443 in his district by an entry upon the minutes of the court of an
444 order to that effect, dated and signed by him. The * * *
445 shorthand reporter shall be known as the official court reporter
446 of * * * the district.

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

449 9-13-17. The circuit judge, chancellor * * * or county court
450 judge may, by an order spread upon the minutes and made a part of
451 the records of the court, appoint an additional court reporter for
452 a term or part of a term whose duties, qualifications and
453 compensation shall be the same as is now provided by law for
454 official court reporters. The additional court reporter shall be
455 subject to the control of the judge or chancellor, as is now
456 provided by law for official court reporters, and the judge or
457 chancellor shall have the additional power to terminate the
458 appointment of * * * the additional court reporter, whenever in
459 his opinion the necessity for * * * an additional court reporter
460 ceases to exist, by placing upon the minutes of the court an order
461 to that effect. The regular court reporter shall not draw any



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



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

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

495 9-13-19. (1) Court reporters for circuit, county and
496 chancery courts may be paid an annual salary payable by the
497 Administrative Office of Courts not to exceed Forty-nine Thousand
498 Five Hundred Dollars (\$49,500.00) for court reporters with five
499 (5) years' experience or less; not to exceed Fifty-eight Thousand
500 Five Hundred Dollars (\$58,500.00) for court reporters who have
501 more than five (5) years' experience but less than ten (10) years;
502 and not to exceed Sixty-four Thousand Dollars (\$64,000,00) for
503 court reporters who have ten (10) years or more experience. No
504 amount of the increase in the maximum salary authorized by this
505 section shall be paid from the State General Fund. The board of
506 supervisors of any county is authorized to pay its court reporters
507 the applicable amount of the maximum salary authorized by this
508 section. In addition, any court reporter performing the duties of
509 a court administrator in the same judicial district in which the
510 person is employed as a court reporter may be paid additional
511 compensation for performing the court administrator duties. The



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

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



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

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

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

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



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

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

572 **SECTION 18.** In counties in which a county court existed on
573 December 31, 2015, the clerk of the youth court shall be the
574 circuit clerk of the county. In counties in which a county court
575 did not exist on December 31, 2015, the clerk of the youth court
576 shall be the chancery clerk of the county. The clerk of the
577 county court shall otherwise be the clerk of the circuit court.

578 **SECTION 19.** Section 43-21-111, Mississippi Code of 1972, is
579 amended as follows:

580 43-21-111. * * * All youth court judges are required to
581 receive judicial training approved by the Mississippi Judicial
582 College and * * * to receive regular annual continuing education
583 in the field of juvenile justice. The amount of judicial training
584 and annual continuing education which shall be satisfactory to
585 fulfill the requirements of this section shall conform with the



586 amount prescribed by the Rules and Regulations for Mandatory
587 Continuing Judicial Education promulgated by the Supreme Court.
588 The Administrative Office of Courts shall * * * enforce the
589 provisions of this * * * section and * * * maintain records * * *
590 of all * * * judges regarding * * * this training. * * *

591 **SECTION 20.** Section 43-21-123, Mississippi Code of 1972, is
592 amended as follows:

593 43-21-123. Except for expenses provided by state funds
594 and * * * other monies, the board of supervisors * * * shall
595 adequately provide funds for the operation of the youth court
596 division of the * * * county * * * court. * * * Every year the
597 youth court judge or administrator shall prepare and submit to the
598 board of supervisors * * * an annual budget which will identify
599 the number, staff position, title and amount of annual or monthly
600 compensation of each position as well as provide for other
601 expenditures necessary to the functioning and operation of the
602 youth court. When the budget of the youth court or youth court
603 judge is approved by the board of supervisors * * *, then the
604 youth court or youth court judge may employ such persons as
605 provided in the budget from time to time.

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



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

612 **SECTION 21.** Section 43-21-125, Mississippi Code of 1972, is
613 amended as follows:

614 43-21-125. (1) There shall be a Mississippi Council of
615 Youth Court Judges which shall be the official organization of the
616 judges having youth court jurisdiction in this state. The
617 membership of the council shall consist of all the county court
618 judges * * * in the State of Mississippi.

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

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

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

628 (b) Problems that have arisen in connection with the
629 operation of the youth courts in any county or in all counties in
630 order to improve the administration of juvenile justice in the
631 state.

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



635 include financial and statistical data and may include suggestions
636 and recommendations for legislation.

637 (5) The council is authorized to receive and expend any
638 funds which may become available from the federal government to
639 carry out any of the purposes of this chapter, and to this end the
640 council may meet any federal requirements not contrary to state
641 law which may be conditions precedent to receiving such federal
642 funds.

643 (6) The council may cooperate with the federal government in
644 a program for training personnel employed or preparing for
645 employment by the youth court and may receive and expend funds
646 from federal or state sources or from private donations for such
647 purposes. The council may contract with public or nonprofit
648 institutions of higher learning for the training of such
649 personnel, may conduct short-term training courses of its own, may
650 hire experts on a temporary basis for such purpose and may
651 cooperate with the department of youth services or other state
652 departments or agencies in personnel training programs.

653 **SECTION 22.** Section 43-21-801, Mississippi Code of 1972, is
654 amended as follows:

655 43-21-801. (1) There is established the Youth Court Support
656 Program. The purpose of the program shall be to ensure that all
657 youth courts have sufficient support funds to carry on the
658 business of the youth court. * * *

659 * * *



660 (* * *2) * * * Each county court is eligible for youth
661 court support funds. The Administrative Office of Courts shall
662 allocate Sixty Thousand Dollars (\$60,000.00) per year to each
663 county court district. The funds shall be utilized to provide
664 compensation to an intake officer who shall be responsible for
665 ensuring that all intake and case information for the Division of
666 Youth Services, truancy matters and the Division of Family and
667 Children's Services is entered into the Mississippi Youth Court
668 Information Delivery System (MYCIDS) in an accurate and timely
669 manner. If the county court already has an intake officer or
670 other staff person responsible for entering all cases of the
671 Division of Youth Services, truancy matters and the Division of
672 Family and Children's Services into MYCIDS, the senior county
673 court judge may certify that such a person is already on staff.
674 In such a case, the senior county court judge shall have
675 discretion to direct the expenditure of those funds in hiring
676 other support staff to carry on the business of the court.

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

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



685 pleasure of the senior county court judge but shall be * * *
686 employees of the county.

687 (* * *c) The Administrative Office of Courts must
688 approve the positions, job descriptions and salaries before the
689 positions may be filled. The Administrative Office of Courts
690 shall not approve any plan that does not first require the
691 expenditure of funds from the Youth Court Support Fund before
692 expenditure of county funds is authorized for that purpose.

693 (* * *d) The Administrative Office of Courts may
694 approve expenditure from the fund for additional equipment for
695 support staff appointed pursuant to this paragraph if funds are
696 available for the additional expenditure * * *. Title to any
697 tangible property procured with funds authorized under this
698 paragraph shall be and forever remain in the county to be used by
699 the youth court and support staff.

700 * * *

701 (* * *3) Application to receive funds under this section
702 shall be submitted in accordance with procedures established by
703 the Administrative Office of Courts. * * * Approval of the use of
704 any of the youth court support funds distributed under this
705 section shall be made by the Administrative Office of Courts in
706 accordance with procedures established by the Administrative
707 Office of Courts.

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



710 which shall consist of funds appropriated or otherwise made
711 available by the Legislature in any manner and funds from any
712 other source designated for deposit into such fund. Unexpended
713 amounts remaining in the fund at the end of a fiscal year shall
714 not lapse into the State General Fund, and any investment earnings
715 or interest earned on amounts in the fund shall be deposited to
716 the credit of the fund. Monies in the fund shall be distributed
717 to the youth courts by the Administrative Office of Courts for the
718 purposes described in this section.

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

723 (c) No youth court judge * * * shall be eligible to
724 receive funding from the Youth Court Support Fund who has not
725 received annual continuing education in the field of juvenile
726 justice in an amount to conform with the requirements of the Rules
727 and Regulations for Mandatory Continuing Judicial Education
728 promulgated by the Supreme Court. The Administrative Office of
729 Courts shall maintain records of all * * * youth court judges
730 regarding such training and shall not disburse funds to any
731 county * * * or county court district for the budget of a youth
732 court judge * * * who is not in compliance with the judicial
733 training requirements.



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

739 **SECTION 23.** Section 99-35-1, Mississippi Code of 1972, is
740 amended as follows:

741 99-35-1. In all cases of conviction of a criminal offense
742 against the laws of the state by the judgment of a justice court,
743 or by a municipal court, for the violation of an ordinance
744 thereof, an appeal may be taken within forty (40) days from the
745 date of such judgment of conviction to the county court of the
746 county * * * which shall stay the judgment appealed from. Any
747 person appealing a judgment of a justice court or a municipal
748 court under this section shall post bond for court costs relating
749 to such appeal. The amount of such bond shall be determined by
750 the justice court judge or municipal judge, payable to the state
751 in an amount of not less than One Hundred Dollars (\$100.00) nor
752 more than One Thousand Dollars (\$1,000.00).

753 On appearance of the appellant in the * * * county court the
754 case shall be tried anew and disposed of as other cases pending
755 therein.

756 **SECTION 24.** Section 9-13-61, Mississippi Code of 1972, is
757 amended as follows:



758 9-13-61. There shall be an official court reporter for each
759 county * * * court judge in the State of Mississippi, to be
760 appointed by such judge, for the purpose of performing the
761 necessary and required stenographic work of the court or division
762 thereof over which the appointing judge is presiding, said work to
763 be performed under the direction of such judge and in the same
764 manner and to the same effect as is provided in the chapter on
765 court reporting.

766 Except as hereinafter provided, the reporters of said courts
767 shall receive an annual salary of not less than Twenty-four
768 Thousand Dollars (\$24,000.00) and may, at the discretion of the
769 board of supervisors, receive a monthly salary equal to that of
770 the reporter of the circuit court district wherein the county
771 lies, the same to be paid monthly by the county out of its general
772 fund.

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

779 Provided further, that in any Class 1 county bordering on the
780 Mississippi River and which has situated therein a national
781 military park and national military cemetery, and having a
782 population in excess of forty-four thousand (44,000) according to



783 the 1970 federal decennial census, the reporter shall receive a
784 monthly salary equal to that of the reporter of the circuit court
785 district wherein the county lies, the same to be paid monthly by
786 the county out of its general fund.

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

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

798 **SECTION 25.** Section 9-9-3, Mississippi Code of 1972, which
799 allows for establishment by agreement of a county court by two or
800 more counties, is repealed.

801 **SECTION 26.** Section 9-9-9, Mississippi Code of 1972, which
802 restricts the practice of law by county court judges, is repealed.

803 **SECTION 27.** Section 9-9-13, Mississippi Code of 1972, which
804 allows municipalities to supplement county court judge salaries,
805 is repealed.



806 **SECTION 28.** Section 9-9-14, Mississippi Code of 1972, which
807 allows an additional county court judge for Harrison County, is
808 repealed.

809 **SECTION 29.** Section 9-9-15, Mississippi Code of 1972, which
810 allows additional county court judges for Hinds County, is
811 repealed.

812 **SECTION 30.** Section 9-9-16, Mississippi Code of 1972, which
813 allows an additional county court judge for Washington County, is
814 repealed.

815 **SECTION 31.** Section 9-9-17, Mississippi Code of 1972, which
816 allows an additional judge for Jackson County, is repealed.

817 **SECTION 32.** Section 9-9-18, Mississippi Code of 1972, which
818 allows an additional county court judge for Rankin County, is
819 repealed.

820 **SECTION 33.** Section 9-9-18.1, Mississippi Code of 1972,
821 which allows an additional county court judge for Madison County,
822 is repealed.

823 **SECTION 34.** Section 9-9-18.2, Mississippi Code of 1972,
824 which allows a county court judge for Pearl River County, is
825 repealed.

826 **SECTION 35.** Section 9-9-18.3, Mississippi Code of 1972,
827 which allows an additional county court judge for Lauderdale
828 County, is repealed.



829 **SECTION 36.** Section 9-9-18.5, Mississippi Code of 1972,
830 which allows an additional county court judge for DeSoto County,
831 is repealed.

832 **SECTION 37.** Section 9-9-18.6, Mississippi Code of 1972,
833 which allows an additional county court judge for Lee County, is
834 repealed.

835 **SECTION 38.** Sections 9-9-37, 9-9-39, 9-9-41, 9-9-43 and
836 9-9-45, Mississippi Code of 1972, which allow counties to
837 establish or abolish a county court, are repealed.

838 **SECTION 39.** (1) Candidates for the county court judgeships
839 created by this act shall run for those offices in a special
840 election to be conducted in November 2023. Candidates shall
841 qualify as provided by Section 23-15-977 and shall run for office
842 and be elected as provided in Sections 23-15-974 through 23-15-985
843 (Nonpartisan Judicial Election Act).

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

847 (3) After the initial terms set forth in subsection (2) of
848 this section, the subsequent terms of the offices of the county
849 court judgeships created by this act shall begin on January 1,
850 2027, and their terms shall continue for four (4) years.

851 **SECTION 40.** Section 39 of this act shall take effect and be
852 in force from and after passage, and the remainder of this act
853 shall take effect and be in force from and after January 1, 2024.

