

By: Representative Carpenter

To: County Affairs

HOUSE BILL NO. 1149

1 AN ACT TO AMEND SECTIONS 19-7-25, 19-25-65, AND 19-7-31,
 2 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT IN LIEU OF PRINTED LAW
 3 BOOKS BEING MAINTAINED IN THE COURTROOMS OF COURTHOUSES, SUCH
 4 BOOKS MAY BE SOLEY MAINTAINED IN AN ELECTRONIC FORMAT; TO PROVIDE
 5 THAT IN COUNTY PUBLIC LAW LIBRAIRES, LAW BOOKS MAY BE SOLELY
 6 MAINTAINED IN AN ELECTRONIC FORMAT; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 19-7-25, Mississippi Code of 1972, is
 9 amended as follows:

10 19-7-25. (1) Except as otherwise provided in this section,
 11 the board of supervisors of each county shall provide and have
 12 placed in the courtroom of the courthouse a suitable bookcase,
 13 with doors and lock, of sufficient capacity to hold not less than
 14 two hundred (200) law books, in which the Mississippi Reports,
 15 digests thereof, statutes of the state, and other books belonging
 16 or furnished to the county, shall be kept. The board of
 17 supervisors shall purchase any volume of the reports, digests and
 18 statutes which may be lost or destroyed, and shall have bound all
 19 of such books as need to be rebound for preservation, all of which



20 shall be paid for out of the county treasury. Additional
21 bookcases shall be furnished when necessary.

22 (2) Except as otherwise provided in this section, in addition
23 to the board of supervisors maintaining printed books or physical
24 books as described under subsection (1) of this section, the board
25 of supervisors may also maintain such books in an electronic
26 format.

27 (3) In lieu of the board of supervisors maintaining printed
28 books or physical books as described under subsection (1) of this
29 section, the board may solely maintain such books in an electronic
30 format.

31 **SECTION 2.** Section 19-25-65, Mississippi Code of 1972, is
32 amended as follows:

33 19-25-65. (1) (a) Except as otherwise provided in this
34 section, the sheriff shall be the custodian of the books other
35 than record books belonging to the county, and he shall keep the
36 Mississippi Department Reports, census reports, statutes of the
37 state, the "Mississippi Reports," digests, and legislative
38 journals assigned to his county in a suitable and safe bookcase in
39 the courtroom of the courthouse. He shall keep them well bound in
40 leather, or stiff boards with leather back and corners, to be paid
41 for out of the county treasury on the order of the board of
42 supervisors, and he shall preserve them in good condition.

43 (b) Except as otherwise provided in this section, in
44 addition to the sheriff maintaining printed books or physical



45 books as described under paragraph (a) of this subsection, on the
46 order of the board of supervisors, such books may also be
47 maintained in an electronic format.

48 (c) In lieu of the sheriff maintaining printed books or
49 physical books as described under paragraph (a) of this
50 subsection, on the order of the board of supervisors, such books
51 may be solely maintained in an electronic format.

52 (2) The sheriff shall be fined Ten Dollars (\$10.00) by the
53 court, either circuit or chancery, as for a contempt, for each
54 volume belonging to the county and which has passed into his
55 custody that shall be out of the courtroom at any term of court.
56 He shall also receive and preserve in the same way all books of
57 every kind, maps, charts, and other like things that may be
58 donated to the county by the state, the United States, from
59 individuals or other sources. He shall not permit any of the
60 books in his keeping to be carried out of the courthouse.

61 (3) The sheriff shall, in case of binding or rebinding of
62 books belonging to the county, cause the statutes of the state to
63 be labeled "Laws of Mississippi," and the year of their enactment
64 shall appear thereon. If the reports and digests or code are
65 rebound, they shall be labeled as they were originally.

66 (4) In his settlement with the clerk of the board of
67 supervisors for the month of December of each calendar year, the
68 sheriff shall file with the clerk a sworn itemized statement of
69 the volumes of the Mississippi Reports on hand in the county



70 library on the last business day of the month, and for all volumes
71 missing since the settlement for the previous December the clerk
72 shall debit the sheriff in his settlement at the rate of Four
73 Dollars (\$4.00) for each of the missing volumes.

74 **SECTION 3.** Section 19-7-31, Mississippi Code of 1972, is
75 amended as follows:

76 19-7-31. (1) (a) The board of supervisors of each county
77 in the state shall have power, by an appropriate order or orders
78 on its minutes, to establish and maintain in the county courthouse
79 or other suitable public building adjacent or near thereto, a
80 public county law library under such rules, regulations and
81 supervision as it may from time to time ordain and establish, and
82 to that end, the board may accept gifts, grants, donations or
83 bequests of money, furniture, fixtures, books, documents, maps,
84 plats or other property suitable for that purpose.

85 (b) The board of supervisors shall have power to
86 exchange or sell duplicate volumes or sets of any such books or
87 furniture, and in case of sale, to invest the proceeds in other
88 suitable books or furniture. The board may also purchase or lease
89 from time to time additional books, furniture, or equipment for
90 the public law library.

91 (c) The board of supervisors may also maintain the
92 books prescribed under this section in an electronic format.

93 (d) In lieu of the board of supervisors maintaining the
94 books prescribed in this subsection in a printed or physical



95 format, the board may soley maintain such books in an electronic
96 format.

97 (2) For the purpose of providing suitable quarters for the
98 public law library, the board of supervisors may, in its
99 discretion, expend such sums as may be deemed necessary or proper
100 for that purpose, and may also employ a suitable person as
101 librarian and pay the law librarian such salary as the board, in
102 its discretion, may determine. The board may employ additional
103 librarians or other employees on either a part-time or full-time
104 basis and may pay these additional employees as the board, in its
105 discretion, may determine. The board of supervisors, in their
106 discretion, may contract with the county or municipal library for
107 any staff or facilities as they deem necessary for the overall
108 management and operation of the county law library. The board of
109 supervisors may contract with the State Law Library for law
110 library services that may be offered by the State Law Library.

111 (3) If the public law library is established, all books,
112 documents, furniture and other property then belonging to the
113 county library, as provided for in Section 19-7-25, shall be
114 transferred to and become part of the public law library, and all
115 books, documents and publications donated by the state to the
116 county library shall also become a part of the public law library.
117 In that case, Sections 19-7-25 and 19-25-65, relating to the
118 county library, shall be superseded in that county for as long as
119 the public law library is maintained in the county.



120 (4) The board of supervisors of any county that establishes
121 a public law library, in its discretion, may levy, by way of
122 resolution, additional court costs not exceeding Two Dollars and
123 Fifty Cents (\$2.50) per case for each case, both civil and
124 criminal, filed in the chancery, circuit and county courts or any
125 of these in the county, and may levy, by way of resolution,
126 additional court costs not exceeding One Dollar and Fifty Cents
127 (\$1.50) per case for each case, both civil and criminal, filed in
128 the justice courts of the county, for the support of the library
129 authorized in the county. If the additional court costs
130 authorized in this section are levied, the clerk or judge of those
131 courts shall collect those costs for all cases filed in his court
132 and forward same to the chancery clerk, who shall deposit the same
133 in a special account in a county depository for support and
134 maintenance of the library, and the chancery clerk shall be
135 accountable for those funds. However, no such levy shall be made
136 against any cause of action the purpose of which is to commit any
137 person with mental illness, or alcoholic or narcotic addiction to
138 any institution for custodial or medical care, and no such tax
139 shall be collected under this subsection on any cause of action
140 that the proper clerk handling same deems to be in its very nature
141 charitable and in which cause the clerk has not collected his own
142 legal fees.

143 (5) To accomplish the purposes of this section, the board of
144 supervisors may enter into such arrangement or arrangements with



145 the county bar association of any such county as may seem
146 advisable for the care and operation of the law library, and the
147 board may receive and consider, from time to time, such
148 recommendations as the bar association may deem appropriate
149 regarding the library.

150 (6) The board of supervisors of each county in which there
151 are two (2) judicial districts, in its discretion, may maintain a
152 law library in each judicial district. In those counties the
153 board, in its discretion, may pay from the county general fund or
154 from the special fund authorized in this section all the costs
155 authorized in this section, provided that the board shall not
156 spend in each judicial district less than the amount of the
157 special court costs authorized in this section and collected in
158 each such district.

159 (7) The governing authorities of any municipality, in their
160 discretion, by resolution duly adopted and entered on their
161 official minutes, may levy additional court costs not exceeding
162 One Dollar and Fifty Cents (\$1.50) per case for each conviction in
163 the municipal court of the municipality, for the support and
164 maintenance of the county law library in the county within which
165 the municipality is located. The additional costs shall be
166 collected by the clerk of the court, forwarded to the chancery
167 clerk of the county for deposit in a special account in the county
168 depository, and expended for support and maintenance of the county
169 law library in the same manner and in accordance with the same



170 procedure as provided for costs similarly collected in the
171 chancery, circuit, county and justice courts of the county.

172 (8) Funds collected under this section may also be used for
173 electronic and technological purposes related to the law library,
174 including, but not limited to, computers, hardware, software,
175 internet, online subscription services, legal research tools and
176 electronic records.

177 **SECTION 4.** This act shall take effect and be in force from
178 and after July 1, 2024.

