

By: Representative Yates

To: Judiciary B

HOUSE BILL NO. 1218

1 AN ACT TO AMEND SECTIONS 25-5-3, 25-5-7, 25-5-9, 25-5-13,
 2 25-5-15, 25-5-17, 25-5-19, 25-5-21, 25-5-23, 25-5-25, 25-5-27,
 3 25-5-33 AND 25-5-35, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT
 4 ELECTIVE MUNICIPAL OFFICERS MAY BE SUBJECT TO THE SAME REMOVAL
 5 PROCESS AS ELECTIVE COUNTY OFFICERS; TO AMEND SECTION 21-23-7,
 6 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE MUNICIPAL COURT
 7 SHALL HAVE JURISDICTION OVER ALL CASES REGARDING THE REMOVAL OF
 8 ELECTIVE MUNICIPAL OFFICERS; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** Section 25-5-3, Mississippi Code of 1972, is
 11 amended as follows:

12 25-5-3. The Governor is hereby empowered, in accordance with
 13 the provisions of Section 139 of the Mississippi Constitution of
 14 1890, through the procedure and under the regulations prescribed
 15 in Sections 25-5-3 through 25-5-37 and for the reasons and causes
 16 set forth, to remove any elective county or municipal officer in
 17 this state; and every elective officer of any county or
 18 municipality in this state may be removed from office by the
 19 Governor at any time when done in compliance with the regulations
 20 hereinafter set forth.



21 **SECTION 2.** Section 25-5-7, Mississippi Code of 1972, is
22 amended as follows:

23 25-5-7. Before the Governor shall consider the removal from
24 a county office of any elective county officer or a municipal
25 office of any elective municipal officer, there shall be first
26 filed with him a petition signed by not less than thirty percent
27 (30%) of the qualified electors of said county or municipality
28 demanding the removal of * * * the officer. Such petition shall
29 contain a general statement, in not more than two hundred (200)
30 words, of the ground or grounds on which such removal is demanded,
31 which statement shall be for the information of the officer
32 involved, for the information of the council hereinafter provided,
33 and for the information of the qualified electors of the county or
34 municipality.

35 All removal petitions with reference to only supervisors,
36 justice court judges and constables and all municipal removal
37 petitions which reference only a ward or district must be signed
38 by at least fifty-one percent (51%) of the qualified electors of
39 the beat or district or ward from which they were originally
40 elected.

41 All removal petitions concerning removal of an elected
42 municipal official in a municipality with a population of five
43 hundred (500) or less, according to the latest federal decennial
44 census, shall be signed by fifty-one percent (51%) of the
45 qualified electors of that municipality.



46 Upon the request of any qualified elector, it shall be the
47 duty of the county or municipality and district prosecuting
48 attorney to advise such person as to the provisions of Sections
49 25-5-3 through 25-5-37 and how to comply with the same.

50 **SECTION 3.** Section 25-5-9, Mississippi Code of 1972, is
51 amended as follows:

52 25-5-9. The removal petition shall be in substantially the
53 following form:

54 **REMOVAL PETITION FOR COUNTY OFFICER**

55 (WARNING. - It is a misdemeanor, punishable by fine and
56 imprisonment, for any person to sign any removal petition with any
57 name other than his own, or knowingly to sign his name more than
58 once to such petition, or knowingly to sign such petition when he
59 is not a qualified elector.)

60 Date: _____

61 **TO THE GOVERNOR OF THE STATE OF MISSISSIPPI:**

62 We, the undersigned qualified electors of _____ County,
63 State of Mississippi, respectfully demand that _____, holding
64 the office of _____ in said county, be removed from office by
65 the Governor for the following reasons, to wit: (Setting out the
66 reasons for removal in not more than two hundred (200) words);
67 that a special election, after lawful notice, be called to permit
68 the qualified electors of said county to vote on the question of
69 whether or not the said officer shall be removed;



70 That we each for himself say that: I am a qualified elector
71 of said county, and my voting precinct is correctly written after
72 my name, and that it was stated to me prior to the signing of said
73 petition that after signing the same I would not be permitted to
74 remove my name from said petition.

75	NAME	VOTING PRECINCT
76	1. _____	_____
77	2. _____	_____
78	3. _____	_____

79 **REMOVAL PETITION FOR MUNICIPAL OFFICER**

80 (WARNING. - It is a misdemeanor, punishable by fine and
81 imprisonment, for any person to sign any removal petition with any
82 name other than his own, or knowingly to sign his name more than
83 once to such petition, or knowingly to sign such petition when he
84 is not a qualified elector.)

85 Date: _____

86 **TO THE GOVERNOR OF THE STATE OF MISSISSIPPI:**

87 We, the undersigned qualified electors of the City of
88 _____ , State of Mississippi, respectfully demand that
89 _____ , holding the office of _____ in said municipality, be
90 removed from office by the Governor for the following reasons, to
91 wit: (Setting out the reasons for removal in not more than two
92 hundred (200) words); that a special election, after lawful
93 notice, be called to permit the qualified electors of said



94 municipality to vote on the question of whether or not the said
95 officer shall be removed;

96 That we each for himself say that: I am a qualified elector
97 of said municipality, and my voting precinct is correctly written
98 after my name, and that it was stated to me prior to the signing
99 of said petition that after signing the same I would not be
100 permitted to remove my name from said petition.

101	<u>NAME</u>	<u>VOTING PRECINCT</u>
102	1. _____	_____
103	2. _____	_____
104	3. _____	_____

105 **SECTION 4.** Section 25-5-13, Mississippi Code of 1972, is
106 amended as follows:

107 25-5-13. Each and every petition, or separately circulated
108 section thereof, containing signatures shall be verified on the
109 last page thereof in substantially the following form:

110 STATE OF MISSISSIPPI
111
112 County/Municipality of _____

113 I, _____, a qualified elector of said county/municipality
114 do now state under oath that every person who signed the foregoing
115 petition signed his or her name thereto in my presence, and that
116 before the signing of said petition the signator was told that
117 after signing the same his or her name could not be removed from
118 said petition; that I believe that each has stated his or her name



119 and precinct correctly, and that so far as I know each signer is a
120 qualified elector of this county/municipality, and I further
121 certify that the date appearing on the foregoing petition is the
122 correct date on which the first signature was affixed to said
123 petition or any section thereof.

124 (Signature) _____

125 Sworn to and subscribed before me, this _____ day of
126 _____, 20____.

127 _____
128 _____

129 **SECTION 5.** Section 25-5-15, Mississippi Code of 1972, is
130 amended as follows:

131 25-5-15. Before the submission of the petitions to the
132 Governor to be filed by him, all sections of the same shall be
133 consolidated and delivered to the county registrar of the county
134 in which the petition has been circulated or the municipal
135 registrar of the municipality in which the petition has been
136 circulated. No signatures shall be thereafter added. The county
137 or municipal registrar shall compare the signatures of the persons
138 appearing on said petition with the names of the qualified
139 electors appearing on the poll books of said county or
140 municipality, and shall attach to said petition, or to each
141 section of the petition if the same has been circulated in
142 sections, the following certificate:

143 STATE OF MISSISSIPPI



144 County/Municipality of _____

145 I, _____, county/municipal registrar in and for the
146 county/municipality and state aforesaid, do hereby certify that I
147 have compared the signatures on the preceding sheets of the
148 removal petition attached hereto, and to the best of my knowledge
149 and belief the said petition (or section of petition) contains the
150 signatures of _____ qualified electors of said county (or beat,
151 as the case may be)/municipality, and I have drawn a line in red
152 ink through the names of those signators who appear by the records
153 in my office not to be qualified electors, or who have died. I
154 further certify that as of the date of the petitions there were
155 _____ qualified electors in this county (or beat, as the case
156 may be)/municipality.

157 Given under my hand and seal of office, this the _____ day
158 of _____, 20____.

159 _____
160 County/Municipal Registrar

161 **SECTION 6.** Section 25-5-17, Mississippi Code of 1972, is
162 amended as follows:

163 25-5-17. Such certificate by the county or municipal
164 registrar shall be prima facie evidence of the facts stated
165 therein and of the qualification of the electors whose signatures
166 are thus certified. The Governor shall consider and count only
167 those signatures on such petition as shall be so certified by the
168 registrar; provided, however, that any officer sought to be



169 removed or any citizen of the county or municipality shall have
170 the privilege of submitting evidence in writing, under oath, to
171 the Governor as to the question of whether or not any signator to
172 the petition was in fact a qualified elector at the time of the
173 signing of the petition, or has since died. The decision of the
174 Governor as to whether or not any particular person was or was not
175 a qualified elector at the time of the signing of the petition, or
176 whether or not any particular person has since died, shall be
177 final and shall not be subject to review. The status of the
178 signator as to whether or not he or she was a qualified elector at
179 the time of signing the petition shall be determined as of the
180 date of the petition and not by any other date.

181 **SECTION 7.** Section 25-5-19, Mississippi Code of 1972, is
182 amended as follows:

183 25-5-19. The county or municipal registrar shall not retain
184 in his possession any such petition or any section thereof for a
185 longer period than two (2) days for the first two hundred (200)
186 signatures thereon and one (1) additional day for each two hundred
187 (200) additional signatures or fraction thereof, and the time
188 consumed in the examination of such petitions shall not be counted
189 in determining the time between the signing and the filing of the
190 petitions. At the expiration of the examination, the registrar
191 shall forthwith file the same with the Governor, with his
192 certificate attached, and shall obtain a written receipt for the
193 same. The forms herein are not mandatory, but directory, and if



194 substantially followed in any petition it shall be sufficient,
195 disregarding clerical and technical errors. If the registrar be
196 unable to examine the petition, he shall so certify the fact to
197 the county or municipal election commissioners, who shall in the
198 same manner and time perform all the functions herein required of
199 the registrar. In the event the county or municipal registrar is
200 the officer whose removal is sought by said petition, then said
201 petition shall be delivered to one (1) of the county or municipal
202 election commissioners of the county or municipality in which the
203 petition has been circulated, and the county or municipal election
204 commissioners of such county or municipality shall in the same
205 manner and within the same time perform all functions herein
206 required of the registrar. A fee of Five Cents (5¢) per signature
207 shall be allowed for the aforesaid examination of said petitions,
208 to be paid out of the general funds of the county or municipality
209 upon due proof of said examination. Any registrar or any board of
210 county or municipal election commissioners or member thereof who
211 willfully fails or refuses to perform the duty or duties herein
212 required of him or them shall be subject to a civil penalty of One
213 Thousand Dollars (\$1,000.00), to be recovered in the chancery
214 court of the county or the municipal court of the municipality by
215 suit which may be filed by any qualified elector who signed said
216 petition or any section thereof.

217 **SECTION 8.** Section 25-5-21, Mississippi Code of 1972, is
218 amended as follows:



219 25-5-21. When said petitions shall have been filed with the
220 Governor, within ten (10) days of the filing thereof the Governor
221 shall cause true copies thereof (photostatic copies being
222 sufficient) to be personally delivered by some officer of the
223 county or municipality, designated in writing by the Governor, to
224 the officer sought to be removed, and shall in like manner and
225 form cause to be personally served on said officer a notice to
226 appear, if he desires, at a time to be fixed by the Governor to
227 show cause, if any he can, why the question of his removal should
228 not be submitted to a vote of the qualified electors as
229 hereinafter provided, which said notice shall be served upon said
230 officer at least twenty (20) days prior to the date when his
231 appearance is required. The place of hearing shall be the county
232 courthouse of the county in which the officer resides.

233 **SECTION 9.** Section 25-5-23, Mississippi Code of 1972, is
234 amended as follows:

235 25-5-23. At the time and place designated in said notice,
236 the Governor shall cause to be convened a removal council to hear
237 and determine whether there is substantial basis for a removal
238 election consistently with the provisions of Sections 25-5-3
239 through 25-5-37. The removal council shall * * * be composed of
240 three (3) chancery judges appointed by the Governor when the
241 removal is for a county elected officer, and three (3) municipal
242 judges appointed by the Governor when the removal is for a
243 municipal elected officer * * *; * * * no member of either removal



244 council shall reside in the district in which the officer under
245 question resides * * *. The senior chancellor or senior municipal
246 judge shall serve as the presiding judge of the council. The
247 hearing herein provided may continue from day to day and be
248 recessed from time to time, as in the discretion of the council
249 may be ordered. The qualified electors of the county or
250 municipality shall likewise be given notice by proclamation of the
251 Governor of the time and place of such hearing. Any interested
252 citizen or citizens may likewise appear at said time and place and
253 make such representations to the council as, in the discretion of
254 the council, may be material to the issues involved. The council
255 shall promulgate rules for such hearings, which shall be in
256 writing, but all representations shall be made under oath, to be
257 administered by some member of the council. It shall not be
258 necessary that a stenographic record be kept of such
259 representations, either for or against removal, but the testimony
260 taken shall be heard as nearly as practicable in compliance with
261 the usually applicable rules of evidence. All decisions of the
262 council on any question, preliminary or final, including the
263 question of whether just cause for an election has been shown,
264 shall be final and not subject to review.

265 The elective officer concerned shall be entitled to be
266 represented by counsel of his choice at said hearing.

267 **SECTION 10.** Section 25-5-25, Mississippi Code of 1972, is
268 amended as follows:



269 25-5-25. The council shall keep minutes of its final
270 judgments, and the disposition of each petition shall be recorded
271 therein. If it be the judgment of the council that sufficient
272 cause has not been shown to justify the removal of the officer,
273 then the petition shall be dismissed and no new petition shall be
274 filed or entertained for a period of one (1) year from the date of
275 the order dismissing the petition.

276 If, however, the council shall be of the opinion that
277 sufficient cause has been shown to justify the removal of the
278 officer, then notice to the qualified electors of the county or
279 municipality involved shall be given, in accordance with the
280 general election laws of the State of Mississippi in the matter of
281 filling vacancies in county or municipal offices, that an election
282 shall be held in said county or municipality to determine the
283 question of whether or not * * * the official shall be removed
284 from office.

285 **SECTION 11.** Section 25-5-27, Mississippi Code of 1972, is
286 amended as follows:

287 25-5-27. The officer named in the removal petition shall
288 continue to perform the duties of his office until the results of
289 said special removal election shall be officially proclaimed. If,
290 however, the officer named in the petition for removal shall offer
291 his resignation before the issuance of the proclamation for the
292 holding of special removal election, it shall be accepted, shall
293 take effect on the date it is offered, and the vacancy shall be



294 filled as provided by law for the filling of any vacancy in an
295 elective county or municipal office. The officer who either
296 resigns or is removed shall not be eligible to fill the vacancy
297 caused by his removal or resignation, or serve as deputy in the
298 office from which he resigns or is removed.

299 **SECTION 12.** Section 25-5-33, Mississippi Code of 1972, is
300 amended as follows:

301 25-5-33. The election commissioners of the county or
302 municipality, or a quorum thereof, shall meet at the office of the
303 county or municipal registrar at 9:00 a.m. of the day following
304 the special removal election, and shall then proceed to canvass,
305 tabulate, and certify the results of the election as now provided
306 by the general election laws of the State of Mississippi. The
307 certificate of said results, showing the total votes cast for the
308 removal of the officer, the total votes cast against the removal
309 of the officer, and the total number of qualified electors in the
310 county or supervisors district or municipality in which said
311 election was held, shall be forwarded to the Governor. If a
312 majority of all qualified electors of said county or supervisors
313 district or municipality in which said election shall have been
314 held shall not have voted in said election, either for or against
315 the removal, or if a majority of the qualified electors voting in
316 the election shall oppose removal, the officer shall not be
317 removed and shall not thereafter during his term of office be
318 subject to another removal election. If a majority of all



319 qualified electors of said county or supervisors district or
320 municipality in which said election shall have been held have
321 voted either for or against removal, and if a majority of the
322 qualified electors voting in said election shall vote for the
323 removal of the officer, then the Governor shall issue his
324 proclamation declaring the office vacant, removing said officer,
325 and appointing a suitable person to fill the vacancy until the
326 same can be filled in a special election to be held not more than
327 sixty (60) days after the aforesaid proclamation of the Governor.
328 No officer shall be subject to a removal petition until he shall
329 have served at least one (1) year of his term.

330 **SECTION 13.** Section 25-5-35, Mississippi Code of 1972, is
331 amended as follows:

332 25-5-35. A person desiring to contest the proclaimed results
333 of a special removal election may, within twenty (20) days after
334 said proclamation, file a petition in the office of the clerk of
335 the chancery court of the county or the clerk of the municipal
336 court of the municipality, setting forth the grounds upon which
337 the election is contested. The chancellor or municipal judge
338 shall forthwith be notified in writing of the filing of such
339 petition and shall forthwith fix a day, not less than ten (10) nor
340 more than twenty (20) days distant, for hearing the contest. If
341 the contest shall be filed by a citizen who voted in the removal
342 election, process according to law for hearings in vacation shall
343 be served on the officer sought to be removed. If the petition be



344 filed by the officer sought to be removed, process in like manner
345 and form shall be had on any one (1) of the citizens shown to have
346 circulated the removal petition or any section thereof. On the
347 day fixed, at the county or municipal courthouse, beginning at
348 9:00 a.m. Central Standard Time, some chancellor of a district
349 other than that of the county of the contest or municipal judge of
350 a district other than that of the municipality of the contest, to
351 be designated in writing by the Chief Justice of the Supreme
352 Court, shall proceed to hear and determine the contest under the
353 laws applicable to general elections. No question shall be
354 considered or adjudicated by the chancellor or municipal judge on
355 such appeal except that of whether the election was lawfully held
356 in compliance with the general election laws of the State of
357 Mississippi, and mere irregularities not affecting the final
358 result shall not serve to invalidate the election. In those cases
359 where the chancellor or municipal judge adjudicates that the
360 election was not lawfully held within the requirements of the
361 general election laws of the state, then, subject to the right of
362 appeal herein prescribed, he shall fix the date of another
363 election on the same question and shall direct the county or
364 municipal election commissioners to proceed accordingly. Appeals
365 from the decree of the chancery or municipal court may be taken to
366 the Supreme Court, but such appeal shall be perfected within
367 fifteen (15) days from the date of the decree sought to be
368 appealed. The Supreme Court shall treat the same as a preference



369 case to be determined with all reasonable expedition. Upon order
370 of the Chief Justice, such appeals may be heard and determined at
371 a time when the court otherwise would be in recess. Pending final
372 determination of the contest, no appeal to the chancery court,
373 municipal court or to the Supreme Court shall supersede the
374 proclaimed results of a special removal election.

375 **SECTION 14.** Section 21-23-7, Mississippi Code of 1972, is
376 amended as follows:

377 21-23-7. (1) The municipal judge shall hold court in a
378 public building designated by the governing authorities of the
379 municipality, or may hold court in an adult detention center as
380 provided under this subsection, and may hold court every day
381 except Sundays and legal holidays if the business of the
382 municipality so requires; provided, however, the municipal judge
383 may hold court outside the boundaries of the municipality but not
384 more than within a sixty-mile radius of the municipality to handle
385 preliminary matters and criminal matters such as initial
386 appearances and felony preliminary hearings. The municipal judge
387 may hold court outside the boundaries of the municipality but not
388 more than within a one-mile radius of the municipality for any
389 purpose; however, a municipal judge may hold court outside the
390 boundaries of the municipality more than within a one-mile radius
391 of the municipality when accepting a plea of a defendant at an
392 adult detention center within the county. The municipal judge
393 shall have the jurisdiction to hear and determine, without a jury



394 and without a record of the testimony, all cases charging
395 violations of the municipal ordinances and state misdemeanor laws
396 made offenses against the municipality and to punish offenders
397 therefor as may be prescribed by law. Except as otherwise
398 provided by law, criminal proceedings shall be brought by sworn
399 complaint filed in the municipal court. Such complaint shall
400 state the essential elements of the offense charged and the
401 statute or ordinance relied upon. Such complaint shall not be
402 required to conclude with a general averment that the offense is
403 against the peace and dignity of the state or in violation of the
404 ordinances of the municipality. He may sit as a committing court
405 in all felonies committed within the municipality, and he shall
406 have the power to bind over the accused to the grand jury or to
407 appear before the proper court having jurisdiction to try the
408 same, and to set the amount of bail or refuse bail and commit the
409 accused to jail in cases not bailable. The municipal judge is a
410 conservator of the peace within his municipality. He may conduct
411 preliminary hearings in all violations of the criminal laws of
412 this state occurring within the municipality, and any person
413 arrested for a violation of law within the municipality may be
414 brought before him for initial appearance. The municipal court
415 shall have jurisdiction of any case remanded to it by a circuit
416 court grand jury. The municipal court shall have civil
417 jurisdiction over actions filed pursuant to and as provided in
418 Chapter 21, Title 93, * * * Mississippi Code of 1972, the



419 Protection from Domestic Abuse Act. The municipal court shall
420 have jurisdiction over all cases regarding the removal of elective
421 municipal officers as provided in Sections 25-5-1 through 25-5-37.

422 (2) In the discretion of the court, where the objects of
423 justice would be more likely met, as an alternative to imposition
424 or payment of fine and/or incarceration, the municipal judge shall
425 have the power to sentence convicted offenders to work on a public
426 service project where the court has established such a program of
427 public service by written guidelines filed with the clerk for
428 public record. Such programs shall provide for reasonable
429 supervision of the offender and the work shall be commensurate
430 with the fine and/or incarceration that would have ordinarily been
431 imposed. Such program of public service may be utilized in the
432 implementation of the provisions of Section 99-19-20, and public
433 service work thereunder may be supervised by persons other than
434 the sheriff.

435 (3) The municipal judge may solemnize marriages, take oaths,
436 affidavits and acknowledgments, and issue orders, subpoenas,
437 summonses, citations, warrants for search and arrest upon a
438 finding of probable cause, and other such process under seal of
439 the court to any county or municipality, in a criminal case, to be
440 executed by the lawful authority of the county or the municipality
441 of the respondent, and enforce obedience thereto. The absence of
442 a seal shall not invalidate the process.



443 (4) When a person shall be charged with an offense in
444 municipal court punishable by confinement, the municipal judge,
445 being satisfied that such person is an indigent person and is
446 unable to employ counsel, may, in the discretion of the court,
447 appoint counsel from the membership of The Mississippi Bar
448 residing in his county who shall represent him. Compensation for
449 appointed counsel in criminal cases shall be approved and allowed
450 by the municipal judge and shall be paid by the municipality. The
451 maximum compensation shall not exceed Two Hundred Dollars
452 (\$200.00) for any one (1) case. The governing authorities of a
453 municipality may, in their discretion, appoint a public
454 defender(s) who must be a licensed attorney and who shall receive
455 a salary to be fixed by the governing authorities.

456 (5) The municipal judge of any municipality is hereby
457 authorized to suspend the sentence and to suspend the execution of
458 the sentence, or any part thereof, on such terms as may be imposed
459 by the municipal judge. However, the suspension of imposition or
460 execution of a sentence hereunder may not be revoked after a
461 period of two (2) years. The municipal judge shall have the power
462 to establish and operate a probation program, dispute resolution
463 program and other practices or procedures appropriate to the
464 judiciary and designed to aid in the administration of justice.
465 Any such program shall be established by the court with written
466 policies and procedures filed with the clerk of the court for
467 public record. Subsequent to original sentencing, the municipal



468 judge, in misdemeanor cases, is hereby authorized to suspend
469 sentence and to suspend the execution of a sentence, or any part
470 thereof, on such terms as may be imposed by the municipal judge,
471 if (a) the judge or his or her predecessor was authorized to order
472 such suspension when the sentence was originally imposed; and (b)
473 such conviction (i) has not been appealed; or (ii) has been
474 appealed and the appeal has been voluntarily dismissed.

475 (6) Upon prior notice to the municipal prosecuting attorney
476 and upon a showing in open court of rehabilitation, good conduct
477 for a period of two (2) years since the last conviction in any
478 court and that the best interest of society would be served, the
479 court may, in its discretion, order the record of conviction of a
480 person of any or all misdemeanors in that court expunged, and upon
481 so doing the said person thereafter legally stands as though he
482 had never been convicted of the said misdemeanor(s) and may
483 lawfully so respond to any query of prior convictions. This order
484 of expunction does not apply to the confidential records of law
485 enforcement agencies and has no effect on the driving record of a
486 person maintained under Title 63, Mississippi Code of 1972, or any
487 other provision of said Title 63.

488 (7) Notwithstanding the provisions of subsection (6) of this
489 section, a person who was convicted in municipal court of a
490 misdemeanor before reaching his twenty-third birthday, excluding
491 conviction for a traffic violation, and who is a first offender,



492 may utilize the provisions of Section 99-19-71, to expunge such
493 misdemeanor conviction.

494 (8) In the discretion of the court, a plea of nolo
495 contendere may be entered to any charge in municipal court. Upon
496 the entry of a plea of nolo contendere the court shall convict the
497 defendant of the offense charged and shall proceed to sentence the
498 defendant according to law. The judgment of the court shall
499 reflect that the conviction was on a plea of nolo contendere. An
500 appeal may be made from a conviction on a plea of nolo contendere
501 as in other cases.

502 (9) Upon execution of a sworn complaint charging a
503 misdemeanor, the municipal court may, in its discretion and in
504 lieu of an arrest warrant, issue a citation requiring the
505 appearance of the defendant to answer the charge made against him.
506 On default of appearance, an arrest warrant may be issued for the
507 defendant. The clerk of the court or deputy clerk may issue such
508 citations.

509 (10) The municipal court shall have the power to make rules
510 for the administration of the court's business, which rules, if
511 any, shall be in writing filed with the clerk of the court and
512 shall include the enactment of rules related to the court's
513 authority to issue domestic abuse protection orders pursuant to
514 Section 93-21-1 et seq.

515 (11) The municipal court shall have the power to impose
516 punishment of a fine of not more than One Thousand Dollars



517 (\$1,000.00) or six (6) months imprisonment, or both, for contempt
518 of court. The municipal court may have the power to impose
519 reasonable costs of court, not in excess of the following:

520	Dismissal of any affidavit, complaint or charge	
521	in municipal court.....	\$ 50.00
522	Suspension of a minor's driver's license in lieu of	
523	conviction.....	\$ 50.00
524	Service of scire facias or return "not found".....	\$ 20.00
525	Causing search warrant to issue or causing	
526	prosecution without reasonable cause or refusing to	
527	cooperate after initiating action.....	\$ 100.00
528	Certified copy of the court record.....	\$ 5.00
529	Service of arrest warrant for failure to answer	
530	citation or traffic summons.....	\$ 25.00
531	Jail cost per day - actual jail cost paid by the municipality	
532	but not to exceed.....	\$ 35.00
533	Service of court documents related to the filing	
534	of a petition or issuance of a protection from domestic	
535	abuse order under <u>Chapter 21</u> , Title 93, * * * Mississippi Code of	
536	1972	\$ 25.00
537	Any other item of court cost.....	\$ 50.00
538	No filing fee or such cost shall be imposed for the bringing	
539	of an action in municipal court.	

540 (12) A municipal court judge shall not dismiss a criminal
541 case but may transfer the case to the justice court of the county



542 if the municipal court judge is prohibited from presiding over the
543 case by the Canons of Judicial Conduct and provided that venue and
544 jurisdiction are proper in the justice court. Upon transfer of
545 any such case, the municipal court judge shall give the municipal
546 court clerk a written order to transmit the affidavit or complaint
547 and all other records and evidence in the court's possession to
548 the justice court by certified mail or to instruct the arresting
549 officer to deliver such documents and records to the justice
550 court. There shall be no court costs charged for the transfer of
551 the case to the justice court.

552 (13) A municipal court judge shall expunge the record of any
553 case in which an arrest was made, the person arrested was released
554 and the case was dismissed or the charges were dropped, there was
555 no disposition of such case or the person was found not guilty at
556 trial.

557 (14) For violations of municipal ordinances related to real
558 property, the municipal judge shall have the power to order a
559 defendant to remedy violations within a reasonable time period as
560 set by the judge, and at the discretion of the judge, the judge
561 may simultaneously authorize the municipality, at its request, the
562 option to remedy the violation itself, through the use of its own
563 employees or its contractors, without further notice should the
564 defendant fail to fully do so within the time period set by the
565 judge. Subsequent to the municipality remedying the violation,
566 the municipality may petition the court to assess documented



567 cleanup costs to the defendant, and, if, following a hearing on
568 such petition, the judge determines (a) the violations were not
569 remedied by the defendant within the time required by the court,
570 (b) that the municipality remedied the violation itself after such
571 time period expired and (c) that the costs incurred by the
572 municipality were reasonable, the court may assess the costs to
573 the defendant as a judgement, which may be enrolled in the office
574 of the circuit clerk.

575 **SECTION 15.** This act shall take effect and be in force from
576 and after July 1, 2024.

