

By: Senator(s) Wiggins

To: Judiciary, Division A;  
Appropriations

SENATE BILL NO. 2386

1 AN ACT TO AMEND SECTIONS 99-15-17 AND 21-23-7, MISSISSIPPI  
2 CODE OF 1972, TO INCREASE THE STATUTORY CAP FOR THE AMOUNT OF  
3 COMPENSATION AVAILABLE FOR APPOINTED COUNSEL; AND FOR RELATED  
4 PURPOSES.

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

6 **SECTION 1.** Section 99-15-17, Mississippi Code of 1972, is  
7 amended as follows:

8 99-15-17. The compensation for counsel for indigents  
9 appointed as provided in Section 99-15-15, shall be approved and  
10 allowed by the appropriate judge and in any one (1) case may not  
11 exceed \* \* \* Five Thousand Dollars (\$5,000.00) for representation  
12 in circuit court whether on appeal or originating in said court.  
13 Provided, however, if said case is not appealed to or does not  
14 originate in a court of record, the maximum compensation shall not  
15 exceed \* \* \* One Thousand Dollars (\$1,000.00) for any one (1)  
16 case, the amount of such compensation to be approved by a judge of  
17 the chancery court, county court or circuit court in the county  
18 where the case arises. Provided, however, in a capital case two  
19 (2) attorneys may be appointed, and the compensation may not



20 exceed \* \* \* Fifteen Thousand Dollars (\$15,000.00) per case. If  
21 the case is appealed to the State Supreme Court by counsel  
22 appointed by the judge, the allowable fee for services on appeal  
23 shall not exceed \* \* \* Five Thousand Dollars (\$5,000.00) per case.  
24 In addition, the judge shall allow reimbursement of actual  
25 expenses. The attorney or attorneys so appointed shall itemize  
26 the time spent in defending said indigents together with an  
27 itemized statement of expenses of such defense, and shall present  
28 same to the appropriate judge. The fees and expenses as allowed  
29 by the appropriate judge shall be paid by the county treasurer out  
30 of the general fund of the county in which the prosecution was  
31 commenced.

32       **SECTION 2.** Section 21-23-7, Mississippi Code of 1972, is  
33 amended as follows:

34       21-23-7. (1) The municipal judge shall hold court in a  
35 public building designated by the governing authorities of the  
36 municipality, or may hold court in an adult detention center as  
37 provided under this subsection, and may hold court every day  
38 except Sundays and legal holidays if the business of the  
39 municipality so requires; provided, however, the municipal judge  
40 may hold court outside the boundaries of the municipality but not  
41 more than within a sixty-mile radius of the municipality to handle  
42 preliminary matters and criminal matters such as initial  
43 appearances and felony preliminary hearings. The municipal judge  
44 may hold court outside the boundaries of the municipality but not



45 more than within a one-mile radius of the municipality for any  
46 purpose; however, a municipal judge may hold court outside the  
47 boundaries of the municipality more than within a one-mile radius  
48 of the municipality when accepting a plea of a defendant at an  
49 adult detention center within the county. The municipal judge  
50 shall have the jurisdiction to hear and determine, without a jury  
51 and without a record of the testimony, all cases charging  
52 violations of the municipal ordinances and state misdemeanor laws  
53 made offenses against the municipality and to punish offenders  
54 therefor as may be prescribed by law. Except as otherwise  
55 provided by law, criminal proceedings shall be brought by sworn  
56 complaint filed in the municipal court. Such complaint shall  
57 state the essential elements of the offense charged and the  
58 statute or ordinance relied upon. Such complaint shall not be  
59 required to conclude with a general averment that the offense is  
60 against the peace and dignity of the state or in violation of the  
61 ordinances of the municipality. He may sit as a committing court  
62 in all felonies committed within the municipality, and he shall  
63 have the power to bind over the accused to the grand jury or to  
64 appear before the proper court having jurisdiction to try the  
65 same, and to set the amount of bail or refuse bail and commit the  
66 accused to jail in cases not bailable. The municipal judge is a  
67 conservator of the peace within his municipality. He may conduct  
68 preliminary hearings in all violations of the criminal laws of  
69 this state occurring within the municipality, and any person



70 arrested for a violation of law within the municipality may be  
71 brought before him for initial appearance. The municipal court  
72 shall have jurisdiction of any case remanded to it by a circuit  
73 court grand jury. The municipal court shall have civil  
74 jurisdiction over actions filed pursuant to and as provided in  
75 Title 93, Chapter 21, Mississippi Code of 1972, the Protection  
76 from Domestic Abuse Act.

77 (2) In the discretion of the court, where the objects of  
78 justice would be more likely met, as an alternative to imposition  
79 or payment of fine and/or incarceration, the municipal judge shall  
80 have the power to sentence convicted offenders to work on a public  
81 service project where the court has established such a program of  
82 public service by written guidelines filed with the clerk for  
83 public record. Such programs shall provide for reasonable  
84 supervision of the offender and the work shall be commensurate  
85 with the fine and/or incarceration that would have ordinarily been  
86 imposed. Such program of public service may be utilized in the  
87 implementation of the provisions of Section 99-19-20, and public  
88 service work thereunder may be supervised by persons other than  
89 the sheriff.

90 (3) The municipal judge may solemnize marriages, take oaths,  
91 affidavits and acknowledgments, and issue orders, subpoenas,  
92 summonses, citations, warrants for search and arrest upon a  
93 finding of probable cause, and other such process under seal of  
94 the court to any county or municipality, in a criminal case, to be



95 executed by the lawful authority of the county or the municipality  
96 of the respondent, and enforce obedience thereto. The absence of  
97 a seal shall not invalidate the process.

98 (4) When a person shall be charged with an offense in  
99 municipal court punishable by confinement, the municipal judge,  
100 being satisfied that such person is an indigent person and is  
101 unable to employ counsel, may, in the discretion of the court,  
102 appoint counsel from the membership of The Mississippi Bar  
103 residing in his county who shall represent him. Compensation for  
104 appointed counsel in criminal cases shall be approved and allowed  
105 by the municipal judge and shall be paid by the municipality. The  
106 maximum compensation shall not exceed \* \* \* One Thousand Dollars  
107 (\$1,000.00) for any one (1) case. The governing authorities of a  
108 municipality may, in their discretion, appoint a public  
109 defender(s) who must be a licensed attorney and who shall receive  
110 a salary to be fixed by the governing authorities.

111 (5) The municipal judge of any municipality is hereby  
112 authorized to suspend the sentence and to suspend the execution of  
113 the sentence, or any part thereof, on such terms as may be imposed  
114 by the municipal judge. However, the suspension of imposition or  
115 execution of a sentence hereunder may not be revoked after a  
116 period of two (2) years. The municipal judge shall have the power  
117 to establish and operate a probation program, dispute resolution  
118 program and other practices or procedures appropriate to the  
119 judiciary and designed to aid in the administration of justice.



120 Any such program shall be established by the court with written  
121 policies and procedures filed with the clerk of the court for  
122 public record. Subsequent to original sentencing, the municipal  
123 judge, in misdemeanor cases, is hereby authorized to suspend  
124 sentence and to suspend the execution of a sentence, or any part  
125 thereof, on such terms as may be imposed by the municipal judge,  
126 if (a) the judge or his or her predecessor was authorized to order  
127 such suspension when the sentence was originally imposed; and (b)  
128 such conviction (i) has not been appealed; or (ii) has been  
129 appealed and the appeal has been voluntarily dismissed.

130 (6) Upon prior notice to the municipal prosecuting attorney  
131 and upon a showing in open court of rehabilitation, good conduct  
132 for a period of two (2) years since the last conviction in any  
133 court and that the best interest of society would be served, the  
134 court may, in its discretion, order the record of conviction of a  
135 person of any or all misdemeanors in that court expunged, and upon  
136 so doing the said person thereafter legally stands as though he  
137 had never been convicted of the said misdemeanor(s) and may  
138 lawfully so respond to any query of prior convictions. This order  
139 of expunction does not apply to the confidential records of law  
140 enforcement agencies and has no effect on the driving record of a  
141 person maintained under Title 63, Mississippi Code of 1972, or any  
142 other provision of said Title 63.

143 (7) Notwithstanding the provisions of subsection (6) of this  
144 section, a person who was convicted in municipal court of a



145 misdemeanor before reaching his twenty-third birthday, excluding  
146 conviction for a traffic violation, and who is a first offender,  
147 may utilize the provisions of Section 99-19-71, to expunge such  
148 misdemeanor conviction.

149 (8) In the discretion of the court, a plea of nolo  
150 contendere may be entered to any charge in municipal court. Upon  
151 the entry of a plea of nolo contendere the court shall convict the  
152 defendant of the offense charged and shall proceed to sentence the  
153 defendant according to law. The judgment of the court shall  
154 reflect that the conviction was on a plea of nolo contendere. An  
155 appeal may be made from a conviction on a plea of nolo contendere  
156 as in other cases.

157 (9) Upon execution of a sworn complaint charging a  
158 misdemeanor, the municipal court may, in its discretion and in  
159 lieu of an arrest warrant, issue a citation requiring the  
160 appearance of the defendant to answer the charge made against him.  
161 On default of appearance, an arrest warrant may be issued for the  
162 defendant. The clerk of the court or deputy clerk may issue such  
163 citations.

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



170 (11) The municipal court shall have the power to impose  
171 punishment of a fine of not more than One Thousand Dollars  
172 (\$1,000.00) or six (6) months imprisonment, or both, for contempt  
173 of court. The municipal court may have the power to impose  
174 reasonable costs of court, not in excess of the following:

175	Dismissal of any affidavit, complaint or charge	
176	in municipal court.....	\$ 50.00
177	Suspension of a minor's driver's license in lieu of	
178	conviction.....	\$ 50.00
179	Service of scire facias or return "not found".....	\$ 20.00
180	Causing search warrant to issue or causing	
181	prosecution without reasonable cause or refusing to	
182	cooperate after initiating action.....	\$ 100.00
183	Certified copy of the court record.....	\$ 5.00
184	Service of arrest warrant for failure to answer	
185	citation or traffic summons.....	\$ 25.00
186	Jail cost per day - actual jail cost paid by the municipality	
187	but not to exceed.....	\$ 35.00
188	Service of court documents related to the filing	
189	of a petition or issuance of a protection from domestic	
190	abuse order under Title 93, Chapter 21, Mississippi Code	
191	of 1972 .....	\$ 25.00
192	Any other item of court cost.....	\$ 50.00
193	No filing fee or such cost shall be imposed for the bringing	
194	of an action in municipal court.	





195           (12) A municipal court judge shall not dismiss a criminal  
196 case but may transfer the case to the justice court of the county  
197 if the municipal court judge is prohibited from presiding over the  
198 case by the Canons of Judicial Conduct and provided that venue and  
199 jurisdiction are proper in the justice court. Upon transfer of  
200 any such case, the municipal court judge shall give the municipal  
201 court clerk a written order to transmit the affidavit or complaint  
202 and all other records and evidence in the court's possession to  
203 the justice court by certified mail or to instruct the arresting  
204 officer to deliver such documents and records to the justice  
205 court. There shall be no court costs charged for the transfer of  
206 the case to the justice court.

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

212           (14) For violations of municipal ordinances related to real  
213 property, the municipal judge shall have the power to order a  
214 defendant to remedy violations within a reasonable time period as  
215 set by the judge, and at the discretion of the judge, the judge  
216 may simultaneously authorize the municipality, at its request, the  
217 option to remedy the violation itself, through the use of its own  
218 employees or its contractors, without further notice should the  
219 defendant fail to fully do so within the time period set by the



220 judge. Subsequent to the municipality remedying the violation,  
221 the municipality may petition the court to assess documented  
222 cleanup costs to the defendant, and, if, following a hearing on  
223 such petition, the judge determines (a) the violations were not  
224 remedied by the defendant within the time required by the court,  
225 (b) that the municipality remedied the violation itself after such  
226 time period expired and (c) that the costs incurred by the  
227 municipality were reasonable, the court may assess the costs to  
228 the defendant as a judgement, which may be enrolled in the office  
229 of the circuit clerk.

230 **SECTION 3.** This act shall take effect and be in force from  
231 and after July 1, 2024.

