

By: Senator(s) Wiggins

To: Judiciary, Division A

## SENATE BILL NO. 2788

1 AN ACT TO CREATE NEW SECTION 9-19-2, MISSISSIPPI CODE OF  
2 1972, TO DEFINE THE TERM "JUDGE" WITHIN THE CHAPTER OF LAW THAT  
3 ESTABLISHES THE COMMISSION ON JUDICIAL PERFORMANCE; TO AMEND  
4 SECTION 9-19-9, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT IF A  
5 MEMBER OF THE COMMISSION FILES A COMPLAINT, HE OR SHE SHALL BE  
6 DISQUALIFIED AS TO THAT COMPLAINT; TO AMEND SECTION 9-19-21,  
7 MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE COMMISSION ON JUDICIAL  
8 PERFORMANCE TO COMPEL RECORDS WITHIN THE MISSISSIPPI YOUTH COURT  
9 INFORMATION DELIVERY SYSTEM; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** The following shall be codified as Section  
12 9-19-2, Mississippi Code of 1972:

13 9-19-2. For the purposes of this chapter, the term "judge"  
14 includes, but is not limited to, any person, whether or not an  
15 attorney, who performs judicial functions, including a trial court  
16 judge, appellate court judge, magistrate, court commissioner,  
17 special master or referee, arbitrator or a hearing officer.

18 **SECTION 2.** Section 9-19-9, Mississippi Code of 1972, is  
19 amended as follows:



20 9-19-9. If a complaint is filed against a member of the  
21 commission or if a member of the commission files a complaint, he  
22 or she shall be disqualified as to that complaint.

23 **SECTION 3.** Section 9-19-21, Mississippi Code of 1972, is  
24 amended as follows:

25 9-19-21. (1) The commission shall be entitled to compel by  
26 subpoena the attendance and testimony of witnesses, including the  
27 judge as witness, and to provide for the inspection of documents,  
28 books, accounts and other records, including, but not limited to,  
29 records included within the Mississippi Youth Court Information  
30 Delivery System or any successor youth court record system.

31 (2) If the commission, after investigation of a complaint,  
32 determines that there is sufficient evidence to warrant a hearing  
33 to determine whether or not there has been a violation under  
34 Section 177A, Mississippi Constitution of 1890, the commission may  
35 employ counsel to prepare and present the complaint to the  
36 commission, a committee of the commission members, alternates and  
37 other appointed individuals, its master or its factfinder, and to  
38 represent the commission before the supreme court.

39 (3) The commission shall make transcripts of all hearings  
40 that are conducted under subsection (2) of this section. Such  
41 transcripts shall serve as a record in proceedings before the  
42 supreme court.

43 (4) On request of the speaker of the house of  
44 representatives, the president of the senate or the governor, the



45 commission shall make available information for use in  
46 consideration of impeachment or recall election, respectively.

47 (5) No records pertaining to complaints determined by the  
48 commission to be outside its jurisdiction shall be retained over  
49 twelve (12) months after such determination by the commission.

50 **SECTION 4.** This act shall take effect and be in force from  
51 and after July 1, 2025.

