

By: Senator(s) Turner

To: Judiciary

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2988

1 AN ACT TO AMEND SECTIONS 9-5-1, 9-7-1, 9-9-1 AND 23-15-1015,
2 MISSISSIPPI CODE OF 1972, TO REVISE THE TERMS OF OFFICE OF
3 CHANCELLORS AND CIRCUIT AND COUNTY COURT JUDGES; AND FOR RELATED
4 PURPOSES.

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

6 SECTION 1. Section 9-5-1, Mississippi Code of 1972, is
7 amended as follows:

8 9-5-1. A chancellor shall be elected for and from each of
9 the chancery court districts as provided in this chapter and the
10 listing of individual precincts shall be those precincts as they
11 existed on October 1, 1990. He shall hold court in any other
12 district with the consent of the chancellor thereof when in their
13 opinion the public interest may be thereby promoted. The terms of
14 all chancellors elected at the regular election for the year 1930
15 shall begin on the first day of January, 1931, and their terms of
16 office shall continue for four (4) years; provided, however, that
17 the terms of all chancellors elected at the regular election for
18 the year 2002 shall begin on the first day of January, 2003, and
19 their terms of office shall continue for eight (8) years. A
20 chancellor shall be a resident of the district in which he serves
21 but shall not be required to be a resident of a subdistrict if the
22 district is divided into subdistricts.

23 SECTION 2. Section 9-7-1, Mississippi Code of 1972, is
24 amended as follows:

25 9-7-1. A circuit judge shall be elected for and from each
26 circuit court district and the listing of individual precincts
27 shall be those precincts as they existed on October 1, 1990. He

28 may hold court in any other district with the consent of the judge
29 thereof, when in their opinion the public interest may require.
30 The terms of all circuit judges hereafter elected shall begin on
31 the first day of January 1931 and their terms of office shall
32 continue for four (4) years; provided, however, that the terms of
33 all circuit judges elected at the regular election for the year
34 2002 shall begin on the first day of January, 2003, and their
35 terms of office shall continue for eight (8) years. A circuit
36 judge shall be a resident of the district in which he or she
37 serves but shall not be required to be a resident of a subdistrict
38 if the district is divided into subdistricts.

39 SECTION 3. Section 9-9-1, Mississippi Code of 1972, is
40 amended as follows:

41 9-9-1. (1) There shall be an inferior court to be known as
42 the county court in and for each of the following counties:

43 (a) Each county of the state wherein a county court is
44 in existence on July 1, 1985; and

45 (b) From and after January 1, 1987, each county which
46 has a population exceeding fifty thousand (50,000) inhabitants as
47 shown by the latest federal decennial census.

48 (2) A county judge for a county which is required to
49 establish a county court under paragraph (1)(b) of this section
50 shall be elected by the qualified electors of such county for the
51 same term and in the same manner as provided for the election of
52 circuit court judges at an election held at the same time as the
53 next regular election of circuit court judges first occurring
54 after the date upon which it can be determined that a county court
55 is required under the provisions of paragraph (1)(b) of this
56 section to be established in such county.

57 (3) The provisions of this section shall not be construed so
58 as to require that a county court be established in any county in
59 which the board of supervisors has agreed and contracted with the
60 board of supervisors of any other county or counties to support

61 and maintain one (1) county court for such counties as provided in
62 Section 9-9-3.

63 SECTION 4. Section 23-15-1015, Mississippi Code of
64 1972, is amended as follows:

65 23-15-1015. On Tuesday after the first Monday in November
66 1986, and every four (4) years thereafter and concurrently with
67 the election for representatives in Congress, there shall be held
68 an election in every county for judges of the several circuit and
69 chancery court districts; provided, however, that the terms of
70 judges of the several circuit and chancery court districts shall
71 be eight (8) years beginning with the January 2003 term. The laws
72 regulating the general elections shall, except as otherwise
73 provided for in Sections 23-15-974 through 23-15-985, apply to and
74 govern elections of judges of the circuit and chancery courts.

75 SECTION 5. The Attorney General of the State of Mississippi
76 shall submit this act, immediately upon approval by the Governor,
77 or upon approval by the Legislature subsequent to a veto, to the
78 Attorney General of the United States or to the United States
79 District Court for the District of Columbia in accordance with the
80 provisions of the Voting Rights Act of 1965, as amended and
81 extended.

82 SECTION 6. This act shall take effect and be in force from
83 and after the date it is effectuated under Section 5 of the Voting
84 Rights Act of 1965, as amended and extended, provided that Senate
85 Concurrent Resolution No. 540, 2001 Regular Session, is ratified
86 by the electorate.