

By: Representative Watson

To: Constitution

COMMITTEE SUBSTITUTE
FOR
HOUSE CONCURRENT RESOLUTION NO. 52

1 A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO SECTION
2 171, MISSISSIPPI CONSTITUTION OF 1890, TO REVISE THE EDUCATIONAL
3 REQUIREMENTS OF JUSTICE COURT JUDGES; AND FOR RELATED PURPOSES.

4 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF
5 MISSISSIPPI, That the following amendment to the Mississippi
6 Constitution of 1890 is proposed to the qualified electors of the
7 state:

8 Amend Section 171, Mississippi Constitution of 1890, to read
9 as follows:

10 "Section 171. A competent number of justice court judges and
11 constables shall be chosen in each county in the manner provided
12 by law, but not less than two (2) such judges in any county, who
13 shall hold their office for the term of four (4) years. Each
14 justice court judge shall have resided two (2) years in the county
15 next preceding his selection and, unless he shall have served as a
16 justice of the peace or justice court judge or been elected to the
17 office of justice of the peace or justice court judge prior to
18 January 1, 2004, shall have a bachelor's degree from a recognized
19 and accredited four-year college.

20 The maximum civil jurisdiction of the justice court shall
21 extend to causes in which the principal amount in controversy is
22 Five Hundred Dollars (\$500.00) or such higher amount as may be
23 prescribed by law. The justice court shall have jurisdiction
24 concurrent with the circuit court over all crimes whereof the
25 punishment prescribed does not extend beyond a fine and
26 imprisonment in the county jail; but the Legislature may confer on



27 the justice court exclusive jurisdiction in such petty
28 misdemeanors as the Legislature shall see proper.

29 In all causes tried in justice court, the right of appeal
30 shall be secured under such rules and regulations as shall be
31 prescribed by law, and no justice court judge shall preside at the
32 trial of any cause where he may be interested, or the parties or
33 either of them shall be connected with him by affinity or
34 consanguinity, except by the consent of the justice court judge
35 and of the parties.

36 All reference in the Mississippi Code to justice of the peace
37 shall mean justice court judge."

38 BE IT FURTHER RESOLVED, That this proposed amendment shall be
39 submitted by the Secretary of State to the qualified electors at
40 an election to be held on the first Tuesday after the first Monday
41 of November 2002, as provided by Section 273 of the Constitution
42 and by general law.

43 BE IT FURTHER RESOLVED, That the explanation of this proposed
44 amendment for the ballot shall read as follows: "This proposed
45 constitutional amendment requires justice court judges elected to
46 a term of office beginning from and after January 1, 2004, to have
47 a bachelor's degree unless such person has served or been elected
48 to the office of justice of the peace or justice court judge
49 before January 1, 2004."

50 BE IT FURTHER RESOLVED, That the Attorney General of the
51 State of Mississippi shall submit this resolution, immediately
52 upon adoption by the Legislature, to the Attorney General of the
53 United States or to the United States District Court for the
54 District of Columbia, in accordance with the provisions of the
55 Voting Rights Act of 1965, as amended and extended.

