

By: Senator(s) Turner

To: Judiciary

SENATE BILL NO. 2672

1 AN ACT TO AMEND SECTION 9-7-44, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE AN ADDITIONAL JUDGE FOR THE SIXTEENTH CIRCUIT COURT
3 DISTRICT; TO AMEND SECTIONS 23-15-849 AND 9-1-103, MISSISSIPPI
4 CODE OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 9-7-44, Mississippi Code of 1972, is
7 amended as follows:

8 9-7-44. (1) There shall be two (2) judges for the Sixteenth
9 Circuit Court District; however, from and after December 1, 2002,
10 there shall be three (3) judges for the Sixteenth Circuit Court
11 District.

12 (2) The initial holder of the third judgeship created by
13 this section shall be appointed by the Governor for a term to
14 expire at the same time as the expiration of the terms of circuit
15 judges elected in the November 2002 election.

16 **SECTION 2.** Section 23-15-849, Mississippi Code of 1972, is
17 amended as follows:

18 23-15-849. (1) Vacancies in the Office of Judge of the
19 Supreme Court or Court of Appeals or Circuit Judge, or Chancellor,
20 shall be filled for the unexpired term by the qualified electors
21 at the next regular election for state officers or for
22 representatives in Congress occurring more than nine (9) months
23 after the existence of the vacancy to be filled, and the term of
24 office of the person elected to fill a vacancy shall commence on
25 the first Monday in January following his election. Upon the
26 occurring of such a vacancy, the Governor shall appoint a
27 qualified person from the district in which the vacancy exists to
28 hold the office and discharge the duties thereof until the vacancy



29 shall be filled by election as * * * provided in this subsection,
30 unless the law creating a new judicial office in which there has
31 not heretofore been an incumbent provides otherwise.

32 (2) Elections to fill vacancies in the Office of Judge of
33 the Supreme Court or Court of Appeals shall be held, conducted,
34 returned and the persons elected commissioned in accordance with
35 the law governing regular elections for judges of the Supreme
36 Court or Court of Appeals insofar as they may be applicable.

37 **SECTION 3.** Section 9-1-103, Mississippi Code of 1972, is
38 amended as follows:

39 9-1-103. Whenever a vacancy shall occur in any judicial
40 office by reason of death of an incumbent, resignation or
41 retirement of an incumbent, removal of an incumbent from office,
42 or creation of a new judicial office in which there has not
43 heretofore been an incumbent and for which no provision to the
44 contrary has been made by law, the Governor shall have the
45 authority to appoint a qualified person to fill such vacancy to
46 serve for the unexpired term or until such vacancy is filled by
47 election as provided in Section 23-15-849, Mississippi Code of
48 1972. When a vacancy shall occur for any of the reasons
49 enumerated in this section, the clerk of the court shall notify
50 the Governor of such vacancy immediately.

51 **SECTION 4.** The Attorney General of the State of Mississippi
52 shall submit this act, immediately upon approval by the Governor,
53 or upon approval by the Legislature subsequent to a veto, to the
54 Attorney General of the United States or to the United States
55 District Court for the District of Columbia in accordance with the
56 provisions of the Voting Rights Act of 1965, as amended and
57 extended.

58 **SECTION 5.** This act shall take effect and be in force from
59 and after the date it is effectuated under Section 5 of the Voting
60 Rights Act of 1965, as amended and extended.

