

By: Senator(s) Tollison

To: Judiciary, Division A

SENATE BILL NO. 2156

1 AN ACT TO AMEND SECTIONS 9-11-2, 9-11-5, 9-11-18, 9-11-19,
 2 9-11-27 AND 9-11-31, MISSISSIPPI CODE OF 1972, TO REMOVE JUSTICE
 3 COURTS FROM UNDER THE AUTHORITY OF BOARDS OF SUPERVISORS AND
 4 CLARIFY THAT JUSTICE COURTS ARE PART OF THE JUDICIARY; TO AMEND
 5 SECTION 9-11-9, MISSISSIPPI CODE OF 1972, TO INCREASE THE CIVIL
 6 JURISDICTION OF JUSTICE COURT; TO AMEND SECTIONS 9-11-3 AND
 7 9-11-4, MISSISSIPPI CODE OF 1972, TO REVISE JUDICIAL TRAINING
 8 REQUIREMENTS FOR JUSTICE COURT JUDGES; TO AMEND SECTION 25-3-36,
 9 MISSISSIPPI CODE OF 1972, TO REVISE THE SALARIES OF JUSTICE COURT
 10 JUDGES; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** Section 9-11-2, Mississippi Code of 1972, is
 13 amended as follows:

14 9-11-2. (1) From and after January 1, 1984, there shall be
 15 a competent number of justice court judges in each county of the
 16 state. The number of justice court judges for each county shall
 17 be determined as follows:

18 (a) In counties with a population, according to the
 19 latest federal decennial census, of thirty-five thousand (35,000)
 20 and less, there shall be two (2) justice court judges.

21 (b) In counties with a population, according to the
 22 latest federal decennial census, of more than thirty-five thousand
 23 (35,000) and less than seventy thousand (70,000), there shall be
 24 three (3) justice court judges.

25 (c) In counties with a population, according to the
 26 latest federal decennial census, of seventy thousand (70,000) and
 27 less than one hundred fifty thousand (150,000), there shall be
 28 four (4) justice court judges.

29 (d) In counties with a population, according to the
 30 latest federal decennial census, of one hundred fifty thousand
 31 (150,000) and more, there shall be five (5) justice court judges.

32 (2) The Supreme Court shall establish single member election
33 districts in the county for the election of each of the justice
34 court judges authorized and required to be elected for the county
35 under the provisions of subsection (1) of this section, and one
36 (1) justice court judge shall be elected for each district by the
37 electors thereof. In any county authorized and required under the
38 provisions of subsection (1)(a) of this section to provide for the
39 election of two (2) justice court judges for the county in which
40 there are two (2) judicial districts, the smaller of such judicial
41 districts, according to population based upon the latest federal
42 decennial census, shall comprise or shall be wholly encompassed
43 within one (1) of such election districts.

44 (3) Nothing in this section shall be construed to authorize
45 or require more than five (5) justice court judges in any one (1)
46 county from and after January 1, 1984, nor to authorize or require
47 an increase or decrease in the number of justice court judges for
48 any county during the term of office of any justice court judge.

49 (4) Notwithstanding the foregoing provisions of this
50 section, in any county whose justice court districts drawn
51 pursuant to subsection (2) of this section are, on November 8,
52 1983, being controverted in a court action or being reviewed
53 pursuant to the procedure established by the Voting Rights Act of
54 1965, as amended and extended, those justice court judges serving
55 on such date shall continue to hold office until:

56 (a) A final adjudication of the court action or
57 approval of the new districts pursuant to the Voting Rights Act;
58 and

59 (b) The election and qualification of successors of
60 such justice court judges as provided by law.

61 **SECTION 2.** Section 9-11-5, Mississippi Code of 1972, is
62 amended as follows:

63 9-11-5. (1) The justice court judges shall be provided
64 courtrooms by the county and all trials shall be held therein.

65 Such courtrooms shall be in the county courthouse, county office
66 building or any other building within the county deemed
67 appropriate by the board of supervisors.

68 (2) The county shall provide office space and furnish each
69 justice court office and provide necessary office supplies.

70 (3) The board of supervisors of each county, with the
71 approval of the Supreme Court, may secure insurance coverage to
72 protect the office of the justice court clerk against losses due
73 to theft or robbery.

74 **SECTION 3.** Section 9-11-18, Mississippi Code of 1972, is
75 amended as follows:

76 9-11-18. (1) There is hereby created in the county
77 depository of each county a clearing account to be designated as
78 the "Justice Court Clerk Clearing Account," in which shall be
79 deposited (a) all such monies as the clerk of the justice court
80 shall receive from any person complying with any writ of
81 garnishment, attachment, execution or other like process
82 authorized by law for the enforcement of a judgment; (b) all such
83 monies as are received in criminal cases in the justice court
84 pursuant to any order requiring payment as restitution to the
85 victims of criminal offenses; (c) all cash bonds as shall be
86 deposited with the court; (d) any portion of any fees required by
87 law to be collected in civil cases which are to pay for the
88 service of process or writs in another county as provided by
89 Section 9-11-20; and (e) any other money as shall be deposited
90 with the court, except fees paid for the services of a constable,
91 which by its nature is not at the time of its deposit public
92 monies, but which is to be held by the court in a trust or
93 custodial capacity in a case or proceeding before the court. The
94 clerk of the justice court shall account for all monies deposited
95 in and disbursed from such account and shall be authorized and
96 empowered to draw and issue checks on such account at such times,
97 in such amounts and to such persons as shall be proper and in

98 accordance with law; provided, however, such monies as are
99 forfeited in criminal cases shall be deposited by the clerk of the
100 justice court * * * in the general fund of the county in the same
101 manner as provided in Section 9-11-19 for fees, costs, fines and
102 penalties charged and collected in the justice court.

103 (2) Any monies deposited with the court in civil cases,
104 which are fees paid for the services of a constable, shall be
105 reported by the clerk of the court in the same manner as provided
106 by Section 9-11-19 and shall be considered as being fees within
107 the meaning of such section. It shall be the duty of the clerk of
108 the justice court to disburse such fees monthly * * * to the
109 constables entitled thereto.

110 (3) The justice court clearing account may bear interest and
111 the clerk of the justice court shall account for all interest
112 earned on such account and deposit such interest * * * in the
113 general fund of the county in the same manner as provided in
114 Section 9-11-19 for fees, costs, fines and penalties charged and
115 collected in the justice court.

116 **SECTION 4.** Section 9-11-19, Mississippi Code of 1972, is
117 amended as follows:

118 9-11-19. (1) It shall be the duty of every clerk of the
119 justice court to receive and account for all fees, costs, fines
120 and penalties charged and collected in the justice court, * * *
121 including cash bonds and other monies which have been forfeited in
122 criminal cases and at least semiannually any delinquent fines and
123 penalties, giving the date, amount and names of persons from whom
124 such monies were received, and to deposit so much thereof as shall
125 have been received * * * into the general fund of the county. Any
126 clerk of the justice court who shall fail to make such report or
127 to pay the money so received shall, in addition to any other fine
128 or punishment provided by law for such conduct, not be entitled to
129 compensation for the period of time during which such report or
130 money is outstanding.

131 (2) The provisions of this section shall not, except as to
132 cash bonds and other monies which have been forfeited in criminal
133 cases, apply to monies required to be deposited in the justice
134 court clerk clearing account as provided in Section 9-11-18,
135 Mississippi Code of 1972.

136 **SECTION 5.** Section 9-11-27, Mississippi Code of 1972, is
137 amended as follows:

138 9-11-27. The senior justice court judge of each county
139 shall * * * appoint one (1) person to serve as clerk of the
140 justice court system of the county, and may appoint such other
141 employees for the justice court of the county as he deems
142 necessary, including a person or persons to serve as deputy clerk
143 or deputy clerks. The senior justice court judge of each county
144 with two (2) judicial districts may * * * appoint two (2) persons
145 to serve as clerks of the justice court system of the county, one
146 (1) for each judicial district, and may appoint such other
147 employees for the justice court system of the county as he deems
148 necessary including persons to serve as deputy clerks. The clerk
149 and deputy clerks shall be empowered to file and record actions
150 and pleadings, to receive and receipt for monies, to acknowledge
151 affidavits, to issue warrants in criminal cases upon direction by
152 a justice court judge in the county, to approve the sufficiency of
153 bonds in civil and criminal cases, to certify and issue copies of
154 all records, documents and pleadings filed in the justice court
155 and to issue all process necessary for the operation of the
156 justice court. The clerk or deputy clerks may refuse to accept a
157 personal check in payment of any fine or cost or to satisfy any
158 other payment required to be made to the justice court. All
159 orders from the justice court judge to the clerk of the justice
160 court shall be written. All cases, civil and criminal, shall be
161 assigned by the clerk to the justice court judges of the county in
162 the manner provided in Section 11-9-105 and Section 99-33-2. A
163 deputy clerk who works in an office separate from the clerk and

164 who is the head deputy clerk of the separate office may be
165 designated to be trained as a clerk as provided in Section
166 9-11-29.

167 **SECTION 6.** Section 9-11-31, Mississippi Code of 1972, is
168 amended as follows:

169 9-11-31. (1) When any justice court judge is unable, by
170 reason of being under any suspension by the Commission on Judicial
171 Performance or the Mississippi Supreme Court, or by reason of
172 sickness or other disability, to attend and hold court at the time
173 and place required by law to do so for a period of time in excess
174 of thirty (30) consecutive days, and due to such inability to
175 attend and hold court there is no judge to hold court in such
176 county, the Supreme Court shall appoint another justice court
177 judge of the county or an adjoining county or a municipal court
178 judge to attend and hold said court and perform all the duties of
179 such judge during such suspension or disability.

180 (2) Any presently sitting justice court judge appointed
181 pursuant to subsection (1) of this section shall receive no
182 additional compensation for his or her service. Any other person
183 so appointed shall, for the period of his service, receive
184 compensation from the county for each day's service a sum equal to
185 1/260ths of the current salary in effect for justice court judges.

186 **SECTION 7.** Section 9-11-9, Mississippi Code of 1972, is
187 amended as follows:

188 **[Until July 1, 2008, this section shall read as follows:]**

189 9-11-9. Justice court judges shall have jurisdiction of all
190 actions for the recovery of debts or damages or personal property,
191 where the principal of the debt, the amount of the demand, or the
192 value of the property sought to be recovered shall not exceed
193 Three Thousand Five Hundred Dollars (\$3,500.00).

194 The justice court judges shall have no pecuniary interest in
195 the outcome of any action once suit has been filed.

196 [From and after July 1, 2008, and until July 1, 2009, this
197 section shall read as follows:]

198 9-11-9. Justice court judges shall have jurisdiction of all
199 actions for the recovery of debts or damages or personal property,
200 where the principal of the debt, the amount of the demand, or the
201 value of the property sought to be recovered shall not exceed Five
202 Thousand Dollars (\$5,000.00).

203 The justice court judges shall have no pecuniary interest in
204 the outcome of any action once suit has been filed.

205 [From and after July 1, 2009, this section shall read as
206 follows:]

207 9-11-9. Justice court judges shall have jurisdiction of all
208 actions for the recovery of debts or damages or personal property,
209 where the principal of the debt, the amount of the demand, or the
210 value of the property sought to be recovered shall not exceed
211 Seven Thousand Dollars (\$7,000.00).

212 The justice court judges shall have no pecuniary interest in
213 the outcome of any action once suit has been filed.

214 **SECTION 8.** Section 9-11-3, Mississippi Code of 1972, is
215 amended as follows:

216 9-11-3. (1) Except as otherwise provided herein, no justice
217 court judge elected for a full term of office commencing on or
218 after January 1, 1992, shall exercise the judicial functions of
219 his office or be eligible to take the oath of office unless he has
220 filed in the office of the chancery clerk a certificate of
221 completion of a course of training and education conducted by the
222 Mississippi Judicial College of the University of Mississippi Law
223 Center within six (6) months of the beginning of the term for
224 which such justice is elected. A justice court judge who has
225 completed the course of training and education and has satisfied
226 his annual continuing education course requirements, and who is
227 then elected for a succeeding term of office subsequent to the
228 initial term for which he completed the training course, shall not

229 be required to repeat the training and education course upon
230 reelection.

231 (2) In addition to meeting the requirements of subsection
232 (1) of this section, after taking office, each justice court judge
233 shall be required to attend twenty-seven (27) hours of continuing
234 education as set forth in Section 9-11-4 and file annually in the
235 office of the chancery clerk a certificate of completion of
236 twenty-seven (27) hours of continuing education conducted by the
237 Mississippi Judicial College.

238 (3) The requirements for obtaining each of the certificates
239 in subsections (1) and (2) of this section shall be as provided in
240 Section 9-11-4.

241 (4) Upon the failure of any justice court judge to complete
242 the training and file with the chancery clerk the certificates of
243 completion as provided in subsections (1) and (2) of this section,
244 such justice court judge shall, in addition to any other fine or
245 punishment provided by law for such conduct, not be entitled to
246 compensation for the period of time during which such certificates
247 remain unfiled.

248 **SECTION 9.** Section 9-11-4, Mississippi Code of 1972, is
249 amended as follows:

250 9-11-4. (1) The Mississippi Judicial College of the
251 University of Mississippi Law Center shall prepare and conduct
252 courses of training for basic and continuing education for justice
253 court judges of this state. The basic course of training shall be
254 known as the "Justice Court Judge Training Course" and shall
255 consist of at least thirty-two (32) hours of training. The
256 continuing education course shall be known as the "Continuing
257 Education Course for Justice Court Judges," and shall consist of
258 at least twenty-seven (27) hours of training. The content of the
259 basic and continuing education courses and when and where such
260 courses are to be conducted shall be determined by the Judicial
261 College. The Judicial College shall issue certificates of

262 completion to those justice court judges who complete such
263 courses.

264 (2) All costs and expenses for preparing and conducting the
265 basic and continuing education courses provided for in subsection
266 (1) of this section shall be paid out of any funds which are made
267 available to the Judicial College upon authorization and
268 appropriation by the Legislature.

269 **SECTION 10.** Section 25-3-36, Mississippi Code of 1972, is
270 amended as follows:

271 25-3-36. (1) Every justice court judge shall receive as
272 full compensation for his or her services and in lieu of any and
273 all other fees, costs or compensation heretofore authorized for
274 such justice court judge, an annual salary * * * determined as
275 follows:

276 (a) Until July 1, 2008:

277 (i) In counties having five (5) justice court
278 judges, Sixty-one Thousand One Hundred Fifteen Dollars
279 (\$61,115.00).

280 (ii) In counties having four (4) justice court
281 judges, Fifty-six Thousand One Hundred Six Dollars (\$56,106.00).

282 (iii) In counties having three (3) justice court
283 judges, Fifty-one Thousand Ninety-six Dollars (\$51,096.00).

284 (iv) In counties having two (2) justice court
285 judges, Thirty-four Thousand Dollars (\$34,000.00).

286 (b) From July 1, 2008, until July 1, 2009:

287 (i) In counties having five (5) justice court
288 judges, Sixty-seven Thousand Two Hundred Twenty Dollars
289 (\$67,220.00).

290 (ii) In counties having four (4) justice court
291 judges, Sixty-one Thousand Seven Hundred Dollars (\$61,700.00).

292 (iii) In counties having three (3) justice court
293 judges, Fifty-six Thousand Two Hundred Dollars (\$56,200.00).

294 (iv) In counties having two (2) justice court
295 judges, Thirty-seven Thousand Four Hundred Dollars (\$37,400.00).

296 (c) From and after July 1, 2009:

297 (i) In counties having five (5) justice court
298 judges, Seventy-three Thousand Nine Hundred Fifty Dollars
299 (\$73,950.00).

300 (ii) In counties having four (4) justice court
301 judges, Sixty-seven Thousand Eight Hundred Ninety Dollars
302 (\$67,890.00).

303 (iii) In counties having three (3) justice court
304 judges, Sixty-one Thousand Eight Hundred Twenty-six Dollars
305 (\$61,826.00).

306 (iv) In counties having two (2) justice court
307 judges, Forty-one Thousand One Hundred Forty Dollars (\$41,140.00).

308 * * *

309 (2) From and after January 1, 1984, all fees, costs, fines
310 and penalties charged and collected in the justice court shall be
311 paid to the clerk of the justice court for deposit, along with
312 monies from cash bonds and other monies which have been forfeited
313 in criminal cases, into the general fund of the county as provided
314 in Section 9-11-19; and the clerk of the board of supervisors
315 shall be authorized and empowered, upon approval by the board of
316 supervisors, to make disbursements and withdrawals from the
317 general fund of the county in order to pay any reasonable and
318 necessary expenses incurred in complying with this section,
319 including payment of the salaries of justice court judges as
320 provided by subsection (1) of this section. The provisions of
321 this subsection shall not, except as to cash bonds and other
322 monies which have been forfeited in criminal cases, apply to
323 monies required to be deposited in the justice court clerk
324 clearing account as provided in Section 9-11-18, Mississippi Code
325 of 1972.

326 (3) The salaries provided for in this section shall be
327 payable monthly by warrant drawn by the clerk of the board of
328 supervisors on the general fund of the county; however, the board
329 of supervisors, by resolution duly adopted and entered on its
330 minutes, may provide that such salaries shall be paid semimonthly
331 on the first and fifteenth day of each month. If a pay date falls
332 on a weekend or legal holiday, salary payments shall be made on
333 the workday immediately preceding the weekend or legal holiday.

334 (4) Provided, that the salary of any justice court judge
335 shall not be reduced during his term of office as a result of a
336 population change following a federal decennial census.

337 (5) Any justice court judge who is unable to attend and hold
338 court by reason of being under suspension by the Commission on
339 Judicial Performance or the Mississippi Supreme Court shall not
340 receive a salary while under such suspension.

341 **SECTION 11.** The Attorney General of the State of Mississippi
342 shall submit this act, immediately upon approval by the Governor,
343 or upon approval by the Legislature subsequent to a veto, to the
344 Attorney General of the United States or to the United States
345 District Court for the District of Columbia in accordance with the
346 provisions of the Voting Rights Act of 1965, as amended and
347 extended.

348 **SECTION 12.** This act shall take effect and be in force from
349 and after the date it is effectuated under Section 5 of the Voting
350 Rights Act of 1965, as amended and extended.