

By: Senator(s) Ross

To: Judiciary, Division A;
County Affairs

SENATE BILL NO. 2575

1 AN ACT TO AMEND SECTION 9-11-5, MISSISSIPPI CODE OF 1972, TO
 2 REQUIRE THE COUNTIES TO PROVIDE ADEQUATE SECURITY IN JUSTICE COURT
 3 COURTROOMS; TO AMEND SECTIONS 9-11-9 AND 99-33-1, MISSISSIPPI CODE
 4 OF 1972, TO REVISE JURISDICTION OF JUSTICE COURTS; TO AMEND
 5 SECTIONS 9-11-3 AND 9-11-4, MISSISSIPPI CODE OF 1972, TO REVISE
 6 CONTINUING EDUCATION REQUIREMENTS FOR JUSTICE COURT JUDGES; TO
 7 AMEND SECTION 11-9-143, MISSISSIPPI CODE OF 1972, TO REVISE TRIAL
 8 BY JURY IN JUSTICE COURTS; TO AMEND SECTION 97-37-7, MISSISSIPPI
 9 CODE OF 1972, TO AUTHORIZE JUSTICE COURT JUDGES TO CARRY A
 10 CONCEALED WEAPON ON THE SAME BASIS AS JUDGES OF OTHER COURTS; TO
 11 AMEND SECTION 11-9-107, MISSISSIPPI CODE OF 1972, TO REVISE
 12 SERVICE OF PROCESS IN JUSTICE COURT; TO AMEND SECTION 25-3-36,
 13 MISSISSIPPI CODE OF 1972, TO REVISE THE SALARIES OF JUSTICE COURT
 14 JUDGES; TO AMEND SECTION 25-7-13, MISSISSIPPI CODE OF 1972, TO
 15 INCREASE THE FILING FEE IN CIRCUIT AND COUNTY COURTS TO OFFSET THE
 16 LOSS OF INCOME FROM THE INCREASE IN CIVIL JURISDICTION IN JUSTICE
 17 COURT; TO REPEAL SECTIONS 11-9-143, 11-9-145 AND 11-9-147,
 18 MISSISSIPPI CODE OF 1972, DEALING WITH JURIES IN JUSTICE COURT;
 19 AND FOR RELATED PURPOSES.

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

21 **SECTION 1.** Section 9-11-5, Mississippi Code of 1972, is
 22 amended as follows:

23 9-11-5. (1) The justice court judges shall be provided
 24 courtrooms by the county and all trials shall be held therein.
 25 Such courtrooms shall be in the county courthouse, county office
 26 building or any other building within the county deemed
 27 appropriate by the board of supervisors.

28 (2) The county shall provide office space and furnish each
 29 justice court office, provide necessary office supplies and
 30 furnish adequate security.

31 (3) The board of supervisors of each county may secure
 32 insurance coverage to protect the office of the justice court
 33 clerk against losses due to theft or robbery.

34 **SECTION 2.** Section 9-11-9, Mississippi Code of 1972, is
 35 amended as follows:

36 9-11-9. (1) (a) Justice court judges shall have
37 jurisdiction of all actions for the recovery of debts or damages
38 or personal property, where the principal of the debt, the amount
39 of the demand, or the value of the property sought to be recovered
40 shall not exceed Five Thousand Dollars (\$5,000.00).

41 (b) The justice court judges shall have no pecuniary
42 interest in the outcome of any action once suit has been filed.

43 (2) The criminal jurisdiction of the justice court shall be
44 as provided in Section 99-33-1.

45 **SECTION 3.** Section 99-33-1, Mississippi Code of 1972, is
46 amended as follows:

47 99-33-1. (1) [Repealed]

48 (2) [Repealed]

49 (3) Upon the election of any county to employ a clerk for
50 the justice court of such county in accordance with the provisions
51 of subsection (3) of Section 9-11-27 prior to January 1, 1984, the
52 venue of criminal actions in such county shall be as provided in
53 subsection (5) of this section. Actions filed prior to such time
54 shall be concluded pursuant to the provisions of subsection (1) of
55 this section.

56 (4) Subsections (1) and (2) of this section shall stand
57 repealed from and after January 1, 1984; provided, however, that
58 criminal actions brought prior to January 1, 1984, shall be
59 concluded pursuant to subsection (1) of this section.

60 (5) From and after January 1, 1984, justice court judges
61 shall have jurisdiction concurrent with the circuit court of the
62 county over all crimes occurring in the county whereof the
63 punishment prescribed does not extend beyond a fine and
64 imprisonment in the county jail; provided, that if a defendant
65 invokes the right of a trial by jury under Section 31 of the
66 Mississippi Constitution of 1890, jurisdiction shall be in the
67 circuit court.

68 **SECTION 4.** Section 9-11-3, Mississippi Code of 1972, is
69 amended as follows:

70 9-11-3. (1) Except as otherwise provided herein, no justice
71 court judge elected for a full term of office commencing on or
72 after January 1, 1992, shall exercise the judicial functions of
73 his office or be eligible to take the oath of office unless he has
74 filed in the office of the chancery clerk a certificate of
75 completion of a course of training and education conducted by the
76 Mississippi Judicial College of the University of Mississippi Law
77 Center within six (6) months of the beginning of the term for
78 which such justice is elected. A justice court judge who has
79 completed the course of training and education and has satisfied
80 his annual continuing education course requirements, and who is
81 then elected for a succeeding term of office subsequent to the
82 initial term for which he completed the training course, shall not
83 be required to repeat the training and education course upon
84 reelection.

85 (2) In addition to meeting the requirements of subsection
86 (1) of this section, after taking office, each justice court judge
87 shall be required to attend twenty-seven (27) hours of continuing
88 education as set forth in Section 9-11-4 and file annually in the
89 office of the chancery clerk a certificate of completion of
90 twenty-seven (27) hours of continuing education conducted by the
91 Mississippi Judicial College.

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

95 (4) Upon the failure of any justice court judge to complete
96 the training and file with the chancery clerk the certificates of
97 completion as provided in subsections (1) and (2) of this section,
98 such justice court judge shall, in addition to any other fine or
99 punishment provided by law for such conduct, not be entitled to

100 compensation for the period of time during which such certificates
101 remain unfiled.

102 **SECTION 5.** Section 9-11-4, Mississippi Code of 1972, is
103 amended as follows:

104 9-11-4. (1) The Mississippi Judicial College of the
105 University of Mississippi Law Center shall prepare and conduct
106 courses of training for basic and continuing education for justice
107 court judges of this state. The basic course of training shall be
108 known as the "Justice Court Judge Training Course" and shall
109 consist of at least thirty-two (32) hours of training. The
110 continuing education course shall be known as the "Continuing
111 Education Course for Justice Court Judges," and shall consist of
112 at least twenty-seven (27) hours of training. The content of the
113 basic and continuing education courses and when and where such
114 courses are to be conducted shall be determined by the Judicial
115 College. The Judicial College shall issue certificates of
116 completion to those justice court judges who complete such
117 courses.

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

123 **SECTION 6.** Section 11-9-143, Mississippi Code of 1972, is
124 amended as follows:

125 11-9-143. * * * There shall be no trial by jury, civil or
126 criminal, in justice court.

127 **SECTION 7.** Section 97-37-7, Mississippi Code of 1972, is
128 amended as follows:

129 97-37-7. (1) (a) It shall not be a violation of Section
130 97-37-1 or any other statute for pistols, firearms or other
131 suitable and appropriate weapons to be carried by duly constituted
132 bank guards, company guards, watchmen, railroad special agents or

133 duly authorized representatives who are not sworn law enforcement
134 officers, agents or employees of a patrol service, guard service,
135 or a company engaged in the business of transporting money,
136 securities or other valuables, while actually engaged in the
137 performance of their duties as such, provided that such persons
138 have made a written application and paid a nonrefundable permit
139 fee of One Hundred Dollars (\$100.00) to the Department of Public
140 Safety.

141 (b) No permit shall be issued to any person who has
142 ever been convicted of a felony under the laws of this or any
143 other state or of the United States. To determine an applicant's
144 eligibility for a permit, the person shall be fingerprinted. If
145 no disqualifying record is identified at the state level, the
146 fingerprints shall be forwarded by the Department of Public Safety
147 to the Federal Bureau of Investigation for a national criminal
148 history record check. The department shall charge a fee which
149 includes the amounts required by the Federal Bureau of
150 Investigation and the department for the national and state
151 criminal history record checks and any necessary costs incurred by
152 the department for the handling and administration of the criminal
153 history background checks. In the event a legible set of
154 fingerprints, as determined by the Department of Public Safety and
155 the Federal Bureau of Investigation, cannot be obtained after a
156 minimum of three (3) attempts, the Department of Public Safety
157 shall determine eligibility based upon a name check by the
158 Mississippi Highway Safety Patrol and a Federal Bureau of
159 Investigation name check conducted by the Mississippi Safety
160 Patrol at the request of the Department of Public Safety.

161 (c) A person may obtain a duplicate of a lost or
162 destroyed permit upon payment of a Fifteen Dollar (\$15.00)
163 replacement fee to the Department of Public Safety, if he
164 furnishes a notarized statement to the department that the permit
165 has been lost or destroyed.

166 (d) (i) No less than ninety (90) days prior to the
167 expiration date of a permit, the Department of Public Safety shall
168 mail to the permit holder written notice of expiration together
169 with the renewal form prescribed by the department. The permit
170 holder shall renew the permit on or before the expiration date by
171 filing with the department the renewal form, a notarized affidavit
172 stating that the permit holder remains qualified, and the renewal
173 fee of Fifty Dollars (\$50.00); provided, however, that honorably
174 retired law enforcement officers shall be exempt from payment of
175 the renewal fee. A permit holder who fails to file a renewal
176 application on or before its expiration date shall pay a late fee
177 of Fifteen Dollars (\$15.00).

178 (ii) Renewal of the permit shall be required every
179 four (4) years. The permit of a qualified renewal applicant shall
180 be renewed upon receipt of the completed renewal application and
181 appropriate payment of fees.

182 (iii) A permit cannot be renewed six (6) months or
183 more after its expiration date, and such permit shall be deemed to
184 be permanently expired; the holder may reapply for an original
185 permit as provided in this section.

186 (2) It shall not be a violation of this or any other statute
187 for pistols, firearms or other suitable and appropriate weapons to
188 be carried by Department of Wildlife, Fisheries and Parks law
189 enforcement officers, railroad special agents who are sworn law
190 enforcement officers, investigators employed by the Attorney
191 General, district attorneys, legal assistants to district
192 attorneys, criminal investigators employed by the district
193 attorneys, investigators or probation officers employed by the
194 Department of Corrections, employees of the State Auditor who are
195 authorized by the State Auditor to perform investigative
196 functions, or any deputy fire marshal or investigator employed by
197 the State Fire Marshal, while engaged in the performance of their
198 duties as such, or by fraud investigators with the Department of

199 Human Services, or by judges of the Mississippi Supreme Court,
200 Court of Appeals, circuit, chancery, county, justice and municipal
201 courts. Before any person shall be authorized under this
202 subsection to carry a weapon, he shall complete a weapons training
203 course approved by the Board of Law Enforcement Officer Standards
204 and Training. Before any criminal investigator employed by a
205 district attorney shall be authorized under this section to carry
206 a pistol, firearm or other weapon, he shall have complied with
207 Section 45-6-11 or any training program required for employment as
208 an agent of the Federal Bureau of Investigation. A law
209 enforcement officer, as defined in Section 45-6-3, shall be
210 authorized to carry weapons in courthouses in performance of his
211 official duties. This section shall in no way interfere with the
212 right of a trial judge to restrict the carrying of firearms in the
213 courtroom.

214 (3) It shall not be a violation of this or any other statute
215 for pistols, firearms or other suitable and appropriate weapons,
216 to be carried by any out-of-state, full-time commissioned law
217 enforcement officer who holds a valid commission card from the
218 appropriate out-of-state law enforcement agency and a photo
219 identification. The provisions of this subsection shall only
220 apply if the state where the out-of-state officer is employed has
221 entered into a reciprocity agreement with the state that allows
222 full-time commissioned law enforcement officers in Mississippi to
223 lawfully carry or possess a weapon in such other states. The
224 Commissioner of Public Safety is authorized to enter into
225 reciprocal agreements with other states to carry out the
226 provisions of this subsection.

227 **SECTION 8.** Section 11-9-107, Mississippi Code of 1972, is
228 amended as follows:

229 11-9-107. When any criminal process has not been returned by
230 a constable within ten (10) working days after issuance by the
231 clerk of the justice court, the clerk shall direct the sheriff of

232 his county and his deputies to execute any such process of the
233 justice court; and the sheriff and his deputies shall execute any
234 process so directed to him by any clerk of the justice court.
235 Service of process in a civil suit shall be made and returned
236 according to the Mississippi Rules of Civil Procedure.

237 **SECTION 9.** Section 25-3-36, Mississippi Code of 1972, is
238 amended as follows:

239 25-3-36. (1) Every justice court judge shall receive as
240 full compensation for his or her services and in lieu of any and
241 all other fees, costs or compensation heretofore authorized for
242 such justice court judge, an annual salary based upon the
243 population of his or her county according to the latest federal
244 decennial census; however, no justice court judge shall be paid
245 less than the salary authorized under this section to be paid the
246 justice court judge based upon the population of the county
247 according to the 1980 federal decennial census. The amount of
248 which salary shall be determined as follows:

249 (a) In counties with a population of more than two
250 hundred thousand (200,000), a salary of Fifty-five Thousand Five
251 Hundred Fifty-nine Dollars (\$55,559.00).

252 (b) In counties with a population of more than one
253 hundred fifty thousand (150,000) but not more than two hundred
254 thousand (200,000), a salary of Fifty-one Thousand Five Dollars
255 (\$51,005.00).

256 (c) In counties with a population of more than
257 seventy-five thousand (75,000) but not more than one hundred fifty
258 thousand (150,000), a salary of Forty-six Thousand Four Hundred
259 Fifty-one Dollars (\$46,451.00).

260 (d) In counties with a population of more than
261 forty-nine thousand (49,000) but not more than seventy-five
262 thousand (75,000), a salary of Forty Thousand Seventy-five Dollars
263 (\$40,075.00).

264 (e) In counties with a population of more than
265 thirty-four thousand (34,000) but not more than forty-nine
266 thousand (49,000), a salary of Thirty-four Thousand Six Hundred
267 Ten Dollars (\$34,610.00).

268 (f) In counties with a population of more than
269 twenty-four thousand five hundred (24,500) but not more than
270 thirty-four thousand (34,000), a salary of Thirty-two Thousand
271 Seven Hundred Eighty-nine Dollars (\$32,789.00).

272 (g) In counties with a population of more than
273 twenty-one thousand (21,000) but not more than twenty-four
274 thousand five hundred (24,500), a salary of Twenty-nine Thousand
275 One Hundred Forty-six Dollars (\$29,146.00).

276 (h) In counties with a population of more than sixteen
277 thousand five hundred (16,500) but not more than twenty-one
278 thousand (21,000), a salary of Twenty-five Thousand Five Hundred
279 Two Dollars (\$25,502.00).

280 (i) In counties with a population of more than twelve
281 thousand (12,000) but not more than sixteen thousand five hundred
282 (16,500), a salary of Twenty-one Thousand Eight Hundred Fifty-nine
283 Dollars (\$21,859.00).

284 (j) In counties with a population of more than eight
285 thousand (8,000) but not more than twelve thousand (12,000), a
286 salary of Eighteen Thousand Dollars (\$18,000.00).

287 (k) In counties with a population of eight thousand
288 (8,000) or less, a salary of Fourteen Thousand Four Hundred
289 Dollars (\$14,400.00).

290 The board of supervisors of any county having two (2)
291 judicial districts and two (2) justice court judges for the county
292 shall pay each justice court judge an amount equal to that
293 provided in this subsection for judges in the next higher
294 population category per year, if the justice court judge maintains
295 regular office hours and is personally present in the office they
296 maintain for at least thirty (30) hours per week.

297 In any county having a population greater than eight thousand
298 (8,000) but less than eight thousand five hundred (8,500)
299 according to the 1990 federal decennial census and in which U.S.
300 Highway 61 and Mississippi Highway 4 intersect, the board of
301 supervisors, in its discretion, may pay such justice court judges
302 an additional amount not to exceed the sum of Eleven Thousand Five
303 Hundred Fifty Dollars (\$11,550.00) per year, payable beginning
304 April 1, 1997.

305 In any county having a population greater than ten thousand
306 (10,000) but less than ten thousand five hundred (10,500)
307 according to the 1990 federal decennial census and in which
308 Mississippi Highway 3 and Mississippi Highway 6 intersect, the
309 board of supervisors, in its discretion, may pay such justice
310 court judges an additional amount not to exceed One Thousand Four
311 Hundred Fifty Dollars (\$1,450.00) per year, payable beginning
312 April 1, 1997.

313 In any county having a population greater than twenty-four
314 thousand seven hundred (24,700) and less than twenty-four thousand
315 nine hundred (24,900), according to the 1990 federal census,
316 wherein Mississippi Highways 15 and 16 intersect, the board of
317 supervisors shall pay such justice court judge an additional
318 amount equal to Two Thousand Five Hundred Dollars (\$2,500.00) per
319 year.

320 (2) Notwithstanding the provisions of subsection (1) of this
321 section, in the event that the number of justice court judges
322 authorized pursuant to Section 9-11-2(1) is exceeded pursuant to
323 the provisions of Section 9-11-2(4), the aggregate of the salaries
324 paid to the justice court judges of such a county shall not exceed
325 the amount sufficient to pay the number of justice court judges
326 authorized pursuant to Section 9-11-2(1), and such amount shall be
327 equally divided among those justice court judges continuing to
328 hold office under the provisions of Section 9-11-2(4).

329 (3) From and after January 1, 1984, all fees, costs, fines
330 and penalties charged and collected in the justice court shall be
331 paid to the clerk of the justice court for deposit, along with
332 monies from cash bonds and other monies which have been forfeited
333 in criminal cases, into the general fund of the county as provided
334 in Section 9-11-19; and the clerk of the board of supervisors
335 shall be authorized and empowered, upon approval by the board of
336 supervisors, to make disbursements and withdrawals from the
337 general fund of the county in order to pay any reasonable and
338 necessary expenses incurred in complying with this section,
339 including payment of the salaries of justice court judges as
340 provided by subsection (1) of this section. The provisions of
341 this subsection shall not, except as to cash bonds and other
342 monies which have been forfeited in criminal cases, apply to
343 monies required to be deposited in the justice court clerk
344 clearing account as provided in Section 9-11-18, Mississippi Code
345 of 1972.

346 (4) The salaries provided for in this section shall be
347 payable monthly by warrant drawn by the clerk of the board of
348 supervisors on the general fund of the county; however, the board
349 of supervisors, by resolution duly adopted and entered on its
350 minutes, may provide that such salaries shall be paid semimonthly
351 on the first and fifteenth day of each month. If a pay date falls
352 on a weekend or legal holiday, salary payments shall be made on
353 the workday immediately preceding the weekend or legal holiday.

354 (5) Provided, that the salary of any justice court judge
355 shall not be reduced during his term of office as a result of a
356 population change following a federal decennial census.

357 (6) Any justice court judge who is unable to attend and hold
358 court by reason of being under suspension by the Commission on
359 Judicial Performance or the Mississippi Supreme Court shall not
360 receive a salary while under such suspension.

361 (7) In addition to the salary provided in subsection (1) of
362 this section, the board of supervisors of any county, in its
363 discretion, may pay an annual supplement, whether monthly or
364 otherwise, to the justice court judges of the county in an amount
365 not to exceed ten percent (10%) of the salary provided in
366 subsection (1). The amount of the supplement shall be spread upon
367 the minutes of the board and shall be equal for all justice court
368 judges.

369 **SECTION 10.** Section 25-7-13, Mississippi Code of 1972, is
370 amended as follows:

371 25-7-13. (1) The clerks of the circuit court shall charge
372 the following fees:

373 (a) Docketing, filing, marking and registering each
374 complaint, petition and indictment..... \$80.00

375 The fee set forth in this paragraph shall be the total fee
376 for all services performed by the clerk up to and including entry
377 of judgment with respect to each complaint, petition or
378 indictment, including all answers, claims, orders, continuances
379 and other papers filed therein, issuing each writ, summons,
380 subpoena or other such instruments, swearing witnesses, taking and
381 recording bonds and pleas, and recording judgments, orders, fiats
382 and certificates; the fee shall be payable upon filing and shall
383 accrue to the clerk at the time of collection. The clerk or his
384 successor in office shall perform all duties set forth above
385 without additional compensation or fee.

386 (b) Docketing and filing each motion to renew judgment,
387 suggestion for a writ of garnishment, suggestion for a writ of
388 execution and judgment debtor actions and issuing all process,
389 filing and recording orders or other papers and swearing
390 witnesses..... \$30.00

391 (c) For every civil case filed, an additional fee to be
392 deposited to the credit of the Comprehensive Electronic Court
393 Systems Fund established in Section 9-21-14..... \$10.00

394 (2) Except as provided in subsection (1) of this section,
395 the clerks of the circuit court shall charge the following fees:

396 (a) Filing and marking each order or other paper and
397 recording and indexing same..... \$ 2.00

398 (b) Issuing each writ, summons, subpoena, citation,
399 capias and other such instruments..... \$ 1.00

400 (c) Administering an oath and taking bond..... \$ 2.00

401 (d) Certifying copies of filed documents, for each
402 complete document..... \$ 1.00

403 (e) Recording orders, fiats, licenses, certificates,
404 oaths and bonds:

405 First page..... \$ 2.00

406 Each additional page..... \$ 1.00

407 (f) Furnishing copies of any papers of record or on
408 file and entering marginal notations on documents of record:

409 If performed by the clerk or his employee,
410 per page..... \$ 1.00

411 If performed by any other person, per page.. \$.25

412 (g) Judgment roll entry..... \$ 5.00

413 (h) Taxing cost and certificate..... \$ 1.00

414 (i) For taking and recording application for marriage
415 license, for filing and recording consent of parents when required
416 by law, for filing and recording medical certificate, filing and
417 recording proof of age, recording and issuing license, recording
418 and filing returns..... \$20.00

419 The clerk shall deposit Fourteen Dollars (\$14.00) of each fee
420 collected for a marriage license in the Victims of Domestic
421 Violence Fund established in Section 93-21-117, on a monthly
422 basis.

423 (j) For certified copy of marriage license and search
424 of record, the same fee charged by the Bureau of Vital Statistics
425 of the State Board of Health.

426 (k) For public service not particularly provided for,
427 the circuit court may allow the clerk, per annum, to be paid by
428 the county on presentation of the circuit court's order, the
429 following amount..... \$5,000.00

430 However, in the counties having two (2) judicial districts,
431 such above allowance shall be made for each judicial district.

432 (l) For drawing jurors and issuing venire, to be paid
433 by the county..... \$ 5.00

434 (m) For each day's attendance upon the circuit court
435 term, for himself and necessary deputies allowed by the court,
436 each to be paid by the county..... \$50.00

437 (n) Summons, each juror to be paid by the county upon
438 the allowance of the court..... \$ 1.00

439 (o) For issuing each grand jury subpoena, to be paid by
440 the county on allowance by the court, not to exceed Twenty-five
441 Dollars (\$25.00) in any one (1) term of court..... \$ 1.00

442 (p) For each civil filing, to be deposited into the
443 Civil Legal Assistance Fund..... \$ 5.00

444 (3) On order of the court, clerks and deputies may be
445 allowed five (5) extra days for attendance upon the court to get
446 up records.

447 (4) The clerk's fees in state cases where the state fails in
448 the prosecution, or in cases of felony where the defendant is
449 convicted and the cost cannot be made out of his estate, in an
450 amount not to exceed Four Hundred Dollars (\$400.00) in one (1)
451 year, shall be paid out of the county treasury on approval of the
452 circuit court, and the allowance thereof by the board of
453 supervisors of the county. In counties having two (2) judicial
454 districts, such allowance shall be made in each judicial district;
455 however, the maximum thereof shall not exceed Eight Hundred
456 Dollars (\$800.00). Clerks in the circuit court, in cases where
457 appeals are taken in criminal cases and no appeal bond is filed,
458 shall be allowed by the board of supervisors of the county after

459 approval of their accounts by the circuit court, in addition to
460 the above fees, for making such transcript the rate of Two Dollars
461 (\$2.00) per page.

462 (5) The clerk of the circuit court may retain as his
463 commission on all money coming into his hands, by law or order of
464 the court, a sum to be fixed by the court not exceeding one-half
465 of one percent (1/2 of 1%) on all such sums.

466 (6) For making final records required by law, including, but
467 not limited to, circuit and county court minutes, and furnishing
468 transcripts of records, the circuit clerk shall charge Two Dollars
469 (\$2.00) per page. The same fees shall be allowed to all officers
470 for making and certifying copies of records or papers which they
471 are authorized to copy and certify.

472 (7) The circuit clerk shall prepare an itemized statement of
473 fees for services performed, cost incurred, or for furnishing
474 copies of any papers of record or on file, and shall submit the
475 statement to the parties or, if represented, to their attorneys
476 within sixty (60) days. A bill for same shall accompany the
477 statement.

478 **SECTION 11.** (1) The Mississippi Justice Court Judge
479 Compensation Study Committee is hereby created. It shall consist
480 of fifteen (15) voting and two (2) nonvoting members who are to be
481 selected as follows:

482 (a) Four (4) justice court judges elected by the
483 Conference of Justice Court Judges, only one (1) of whom is also
484 an attorney.

485 (b) One (1) chancellor elected by the Conference of
486 Chancery Judges.

487 (c) One (1) circuit judge elected by the Conference of
488 Circuit Judges.

489 (d) One (1) county court judge elected by the
490 Conference of County Court Judges.

491 (e) The Chairman of the Senate Judiciary Committee,
492 Division A, and the Chairman of the House of Representatives
493 Judiciary A Committee, or their designees, shall serve as
494 legislative liaisons and nonvoting members.

495 (f) The Lieutenant Governor shall appoint two (2)
496 members, neither of whom is an attorney nor a member of the
497 Legislature.

498 (g) The Speaker of the House shall appoint two (2)
499 members, neither of whom is an attorney nor a member of the
500 Legislature.

501 (h) The Presidents of The Mississippi Bar and the
502 Magnolia Bar Association shall each appoint one (1) member, each
503 of whom shall be licensed to practice law in the State of
504 Mississippi.

505 (i) One (1) prosecutor elected by the Prosecutors'
506 Association.

507 (j) The Governor shall appoint one (1) Public Defender
508 who works at the trial level.

509 Members shall be appointed for a two-year term. Appointments
510 and vacancies on the study committee shall be filled by the
511 respective selecting and appointing authorities.

512 (2) The purpose of the study committee shall be to make
513 recommendations to the Legislature as to the best and most
514 appropriate compensation for justice court judges; conducting
515 research relating to improvement of the administration of justice
516 at the justice court level; and making a comprehensive study of
517 the state justice court system for the purpose of the improvement
518 thereof. In addition, the study committee is charged with the
519 examination of the operational needs, including budget and
520 staffing, of the justice courts.

521 (3) (a) The Governor shall set and give notice of the time,
522 date and place of the initial meeting, at which time the study
523 committee shall elect a chairperson from its members who shall

524 preside at the meetings of the committee. The chair shall not
525 vote unless necessary to break a tie vote of the committee. The
526 committee shall elect a vice chair who shall preside over meetings
527 in the absence of the chair and any other officers which it
528 considers necessary to carry out the purpose of the committee.
529 The committee may form any committees from its membership in order
530 to assist the committee in accomplishing its purposes as provided
531 in this section.

532 (b) The committee shall meet quarterly and at such
533 other times as meetings may be called by the chair. A majority of
534 the members shall constitute a quorum at any meeting. Any final
535 action taken by the study committee shall require the affirmative
536 vote of a majority of the nonlegislative members.

537 (4) The Administrative Office of Courts shall provide such
538 support of the Mississippi Justice Court Compensation Study
539 Committee as is necessary to accomplish the purposes of this act,
540 including, but not limited to, research and clerical assistance.

541 (5) (a) In addition to the other duties specified, the
542 committee shall file reports with the Legislature not later than
543 December 15, 2007, and December 15, 2008, detailing its findings
544 and recommendations.

545 (b) The committee is authorized and empowered for the
546 accomplishment of its purposes to undertake any studies, reviews,
547 inquiries, hearings, examinations, surveys or analyses as it may
548 deem pertinent, relevant and justified. The committee shall
549 propose and prepare in detailed form for the consideration of the
550 Legislature such amendments to existing law, such statutes, and
551 such constitutional amendments as in the judgment of the committee
552 will promote the administration of justice.

553 (6) The committee is authorized to call upon any and all
554 existing courts, agencies, departments, divisions, officers,
555 employees, boards, bureaus, commissions and institutions of the
556 State of Mississippi, or any political subdivision thereof, to

557 furnish such information, data and assistance as will enable it to
558 carry out its powers and duties hereunder and all such agencies,
559 departments, divisions, officers, employees, boards, bureaus,
560 commissions and institutions of the State of Mississippi and its
561 political subdivisions are hereby directed to cooperate with the
562 committee and render such information, data, aid and assistance as
563 may be requested by the committee.

564 (7) The committee shall have the power to enlist the
565 services of any agency, either public or private, or any
566 individual or educational institution, bar association, research
567 organization, foundation or educational or civic organization for
568 assistance in accomplishing the purposes of this act, conducting
569 research studies, gathering information or printing and publishing
570 its reports. The committee is authorized to make and sign any
571 agreements or contracts to do or perform any actions that may be
572 necessary, desirable or proper to carry out the purposes and
573 objectives of this section.

574 (8) The committee may employ any agents, clerks,
575 researchers, counsel, consultants and other personnel necessary
576 for the performance of the duties of the study committee and fix
577 their respective rates of compensation, all subject to the
578 approval of the State Personnel Board and within the amounts made
579 available by appropriation therefor or received from other
580 sources.

581 (9) Members of the committee shall receive a per diem as
582 provided in Section 25-3-69 for actual attendance upon meetings of
583 the study committee, together with reimbursement for traveling and
584 subsistence expenses incurred as provided in Section 25-3-41,
585 except that members of the study committee who are members of the
586 Legislature shall not receive per diem for attendance while the
587 Legislature is in session and no member whose regular compensation
588 is payable by the state or any political subdivision of the state

589 shall receive per diem for attendance upon meetings of the study
590 committee.

591 (10) The committee is authorized and empowered to receive
592 and expend any funds appropriated to it by the Legislature and any
593 funds received by it from any other source in carrying out the
594 objectives and purposes of this act.

595 (11) The committee shall stand dissolved on December 31,
596 2008.

597 **SECTION 12.** Sections 11-9-143, 11-9-145 and 11-9-147,
598 Mississippi Code of 1972, dealing with juries in justice court,
599 are repealed.

600 **SECTION 13.** The Attorney General of the State of Mississippi
601 shall submit this act, immediately upon approval by the Governor,
602 or upon approval by the Legislature subsequent to a veto, to the
603 Attorney General of the United States or to the United States
604 District Court for the District of Columbia in accordance with the
605 provisions of the Voting Rights Act of 1965, as amended and
606 extended.

607 **SECTION 14.** This act shall take effect and be in force from
608 and after October 1, 2007, or the date it is effectuated under
609 Section 5 of the Voting Rights Act of 1965, as amended and
610 extended, whichever is later.