

By: Representative Yates

To: Judiciary B

HOUSE BILL NO. 370

1 AN ACT TO AMEND SECTIONS 25-5-3, 25-5-7, 25-5-9, 25-5-13,
 2 25-5-15, 25-5-17, 25-5-19, 25-5-21, 25-5-23, 25-5-25, 25-5-27,
 3 25-5-33 AND 25-5-35, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT
 4 ELECTIVE MUNICIPAL OFFICERS MAY BE SUBJECT TO THE SAME REMOVAL
 5 PROCESS AS ELECTIVE COUNTY OFFICERS; TO AMEND SECTION 21-23-7,
 6 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE MUNICIPAL COURT
 7 SHALL HAVE JURISDICTION OVER ALL CASES REGARDING THE REMOVAL OF
 8 ELECTIVE MUNICIPAL OFFICERS; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** Section 25-5-3, Mississippi Code of 1972, is
 11 amended as follows:

12 25-5-3. The Governor is hereby empowered, in accordance with
 13 the provisions of Section 139 of the Mississippi Constitution of
 14 1890, through the procedure and under the regulations prescribed
 15 in Sections 25-5-3 through 25-5-37 and for the reasons and causes
 16 set forth, to remove any elective county or municipal officer in
 17 this state; and every elective officer of any county or
 18 municipality in this state may be removed from office by the
 19 Governor at any time when done in compliance with the regulations
 20 hereinafter set forth.



21 **SECTION 2.** Section 25-5-7, Mississippi Code of 1972, is
22 amended as follows:

23 25-5-7. Before the Governor shall consider the removal from
24 a county office of any elective county officer or a municipal
25 office of any elective municipal officer, there shall be first
26 filed with him a petition signed by not less than thirty percent
27 (30%) of the qualified electors of said county or municipality
28 demanding the removal of * * * the officer. Such petition shall
29 contain a general statement, in not more than two hundred (200)
30 words, of the ground or grounds on which such removal is demanded,
31 which statement shall be for the information of the officer
32 involved, for the information of the council hereinafter provided,
33 and for the information of the qualified electors of the county or
34 municipality.

35 All removal petitions with reference to only supervisors,
36 justice court judges and constables must be signed by at least
37 fifty-one percent (51%) of the qualified electors of the beat or
38 district from which they were originally elected.

39 Upon the request of any qualified elector, it shall be the
40 duty of the county or municipality and district prosecuting
41 attorney to advise such person as to the provisions of Sections
42 25-5-3 through 25-5-37 and how to comply with the same.

43 **SECTION 3.** Section 25-5-9, Mississippi Code of 1972, is
44 amended as follows:



45 25-5-9. The removal petition shall be in substantially the
46 following form:

47 **REMOVAL PETITION FOR COUNTY OFFICER**

48 (WARNING. - It is a misdemeanor, punishable by fine and
49 imprisonment, for any person to sign any removal petition with any
50 name other than his own, or knowingly to sign his name more than
51 once to such petition, or knowingly to sign such petition when he
52 is not a qualified elector.)

53 Date: _____

54 **TO THE GOVERNOR OF THE STATE OF MISSISSIPPI:**

55 We, the undersigned qualified electors of _____ County,
56 State of Mississippi, respectfully demand that _____, holding
57 the office of _____ in said county, be removed from office by
58 the Governor for the following reasons, to wit: (Setting out the
59 reasons for removal in not more than two hundred (200) words);
60 that a special election, after lawful notice, be called to permit
61 the qualified electors of said county to vote on the question of
62 whether or not the said officer shall be removed;

63 That we each for himself say that: I am a qualified elector
64 of said county, and my voting precinct is correctly written after
65 my name, and that it was stated to me prior to the signing of said
66 petition that after signing the same I would not be permitted to
67 remove my name from said petition.

68 NAME VOTING PRECINCT

69 1. _____



70 2. _____

71 3. _____

72 **REMOVAL PETITION FOR MUNICIPAL OFFICER**

73 (WARNING. - It is a misdemeanor, punishable by fine and
74 imprisonment, for any person to sign any removal petition with any
75 name other than his own, or knowingly to sign his name more than
76 once to such petition, or knowingly to sign such petition when he
77 is not a qualified elector.)

78 _____ Date: _____

79 **TO THE GOVERNOR OF THE STATE OF MISSISSIPPI:**

80 We, the undersigned qualified electors of the City of
81 _____ , State of Mississippi, respectfully demand that
82 _____ , holding the office of _____ in said municipality, be
83 removed from office by the Governor for the following reasons, to
84 wit: (Setting out the reasons for removal in not more than two
85 hundred (200) words); that a special election, after lawful
86 notice, be called to permit the qualified electors of said
87 municipality to vote on the question of whether or not the said
88 officer shall be removed;

89 That we each for himself say that: I am a qualified elector
90 of said municipality, and my voting precinct is correctly written
91 after my name, and that it was stated to me prior to the signing
92 of said petition that after signing the same I would not be
93 permitted to remove my name from said petition.

94 NAME VOTING PRECINCT



95 1. _____

96 2. _____

97 3. _____

98 **SECTION 4.** Section 25-5-13, Mississippi Code of 1972, is
99 amended as follows:

100 25-5-13. Each and every petition, or separately circulated
101 section thereof, containing signatures shall be verified on the
102 last page thereof in substantially the following form:

103 STATE OF MISSISSIPPI
104
105 County/Municipality of _____

106 I, _____, a qualified elector of said county/municipality
107 do now state under oath that every person who signed the foregoing
108 petition signed his or her name thereto in my presence, and that
109 before the signing of said petition the signator was told that
110 after signing the same his or her name could not be removed from
111 said petition; that I believe that each has stated his or her name
112 and precinct correctly, and that so far as I know each signer is a
113 qualified elector of this county/municipality, and I further
114 certify that the date appearing on the foregoing petition is the
115 correct date on which the first signature was affixed to said
116 petition or any section thereof.

117 (Signature) _____

118 Sworn to and subscribed before me, this _____ day of
119 _____, 20____.



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SECTION 5. Section 25-5-15, Mississippi Code of 1972, is

123 amended as follows:

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25-5-15. Before the submission of the petitions to the

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Governor to be filed by him, all sections of the same shall be

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consolidated and delivered to the county registrar of the county

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in which the petition has been circulated or the municipal

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registrar of the municipality in which the petition has been

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circulated. No signatures shall be thereafter added. The county

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or municipal registrar shall compare the signatures of the persons

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appearing on said petition with the names of the qualified

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electors appearing on the poll books of said county or

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municipality, and shall attach to said petition, or to each

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section of the petition if the same has been circulated in

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sections, the following certificate:

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STATE OF MISSISSIPPI

137

County/Municipality of _____

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I, _____, county/municipal registrar in and for the

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county/municipality and state aforesaid, do hereby certify that I

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have compared the signatures on the preceding sheets of the

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removal petition attached hereto, and to the best of my knowledge

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and belief the said petition (or section of petition) contains the

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signatures of _____ qualified electors of said county (or beat,

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as the case may be) /municipality, and I have drawn a line in red



145 ink through the names of those signators who appear by the records
146 in my office not to be qualified electors, or who have died. I
147 further certify that as of the date of the petitions there were
148 _____ qualified electors in this county (or beat, as the case
149 may be) /municipality.

150 Given under my hand and seal of office, this the _____ day
151 of _____, 20____.

152 _____
153 County/Municipal Registrar

154 **SECTION 6.** Section 25-5-17, Mississippi Code of 1972, is
155 amended as follows:

156 25-5-17. Such certificate by the county or municipal
157 registrar shall be prima facie evidence of the facts stated
158 therein and of the qualification of the electors whose signatures
159 are thus certified. The Governor shall consider and count only
160 those signatures on such petition as shall be so certified by the
161 registrar; provided, however, that any officer sought to be
162 removed or any citizen of the county or municipality shall have
163 the privilege of submitting evidence in writing, under oath, to
164 the Governor as to the question of whether or not any signator to
165 the petition was in fact a qualified elector at the time of the
166 signing of the petition, or has since died. The decision of the
167 Governor as to whether or not any particular person was or was not
168 a qualified elector at the time of the signing of the petition, or
169 whether or not any particular person has since died, shall be



170 final and shall not be subject to review. The status of the
171 signator as to whether or not he or she was a qualified elector at
172 the time of signing the petition shall be determined as of the
173 date of the petition and not by any other date.

174 **SECTION 7.** Section 25-5-19, Mississippi Code of 1972, is
175 amended as follows:

176 25-5-19. The county or municipal registrar shall not retain
177 in his possession any such petition or any section thereof for a
178 longer period than two (2) days for the first two hundred (200)
179 signatures thereon and one (1) additional day for each two hundred
180 (200) additional signatures or fraction thereof, and the time
181 consumed in the examination of such petitions shall not be counted
182 in determining the time between the signing and the filing of the
183 petitions. At the expiration of the examination, the registrar
184 shall forthwith file the same with the Governor, with his
185 certificate attached, and shall obtain a written receipt for the
186 same. The forms herein are not mandatory, but directory, and if
187 substantially followed in any petition it shall be sufficient,
188 disregarding clerical and technical errors. If the registrar be
189 unable to examine the petition, he shall so certify the fact to
190 the county or municipal election commissioners, who shall in the
191 same manner and time perform all the functions herein required of
192 the registrar. In the event the county or municipal registrar is
193 the officer whose removal is sought by said petition, then said
194 petition shall be delivered to one (1) of the county or municipal



195 election commissioners of the county or municipality in which the
196 petition has been circulated, and the county or municipal election
197 commissioners of such county or municipality shall in the same
198 manner and within the same time perform all functions herein
199 required of the registrar. A fee of Five Cents (5¢) per signature
200 shall be allowed for the aforesaid examination of said petitions,
201 to be paid out of the general funds of the county or municipality
202 upon due proof of said examination. Any registrar or any board of
203 county or municipal election commissioners or member thereof who
204 willfully fails or refuses to perform the duty or duties herein
205 required of him or them shall be subject to a civil penalty of One
206 Thousand Dollars (\$1,000.00), to be recovered in the chancery
207 court of the county or the municipal court of the municipality by
208 suit which may be filed by any qualified elector who signed said
209 petition or any section thereof.

210 **SECTION 8.** Section 25-5-21, Mississippi Code of 1972, is
211 amended as follows:

212 25-5-21. When said petitions shall have been filed with the
213 Governor, within ten (10) days of the filing thereof the Governor
214 shall cause true copies thereof (photostatic copies being
215 sufficient) to be personally delivered by some officer of the
216 county or municipality, designated in writing by the Governor, to
217 the officer sought to be removed, and shall in like manner and
218 form cause to be personally served on said officer a notice to
219 appear, if he desires, at a time to be fixed by the Governor to



220 show cause, if any he can, why the question of his removal should
221 not be submitted to a vote of the qualified electors as
222 hereinafter provided, which said notice shall be served upon said
223 officer at least twenty (20) days prior to the date when his
224 appearance is required. The place of hearing shall be the county
225 courthouse of the county in which the officer resides.

226 **SECTION 9.** Section 25-5-23, Mississippi Code of 1972, is
227 amended as follows:

228 25-5-23. At the time and place designated in said notice,
229 the Governor shall cause to be convened a removal council to hear
230 and determine whether there is substantial basis for a removal
231 election consistently with the provisions of Sections 25-5-3
232 through 25-5-37. The removal council shall * * * be composed of
233 three (3) chancery judges appointed by the Governor when the
234 removal is for a county elected officer, and three (3) municipal
235 judges appointed by the Governor when the removal is for a
236 municipal elected officer * * *; * * * no member of either removal
237 council shall reside in the district in which the officer under
238 question resides * * *. The senior chancellor or senior municipal
239 judge shall serve as the presiding judge of the council. The
240 hearing herein provided may continue from day to day and be
241 recessed from time to time, as in the discretion of the council
242 may be ordered. The qualified electors of the county or
243 municipality shall likewise be given notice by proclamation of the
244 Governor of the time and place of such hearing. Any interested



245 citizen or citizens may likewise appear at said time and place and
246 make such representations to the council as, in the discretion of
247 the council, may be material to the issues involved. The council
248 shall promulgate rules for such hearings, which shall be in
249 writing, but all representations shall be made under oath, to be
250 administered by some member of the council. It shall not be
251 necessary that a stenographic record be kept of such
252 representations, either for or against removal, but the testimony
253 taken shall be heard as nearly as practicable in compliance with
254 the usually applicable rules of evidence. All decisions of the
255 council on any question, preliminary or final, including the
256 question of whether just cause for an election has been shown,
257 shall be final and not subject to review.

258 The elective officer concerned shall be entitled to be
259 represented by counsel of his choice at said hearing.

260 **SECTION 10.** Section 25-5-25, Mississippi Code of 1972, is
261 amended as follows:

262 25-5-25. The council shall keep minutes of its final
263 judgments, and the disposition of each petition shall be recorded
264 therein. If it be the judgment of the council that sufficient
265 cause has not been shown to justify the removal of the officer,
266 then the petition shall be dismissed and no new petition shall be
267 filed or entertained for a period of one (1) year from the date of
268 the order dismissing the petition.



269 If, however, the council shall be of the opinion that
270 sufficient cause has been shown to justify the removal of the
271 officer, then notice to the qualified electors of the county or
272 municipality involved shall be given, in accordance with the
273 general election laws of the State of Mississippi in the matter of
274 filling vacancies in county or municipal offices, that an election
275 shall be held in said county or municipality to determine the
276 question of whether or not * * * the official shall be removed
277 from office.

278 **SECTION 11.** Section 25-5-27, Mississippi Code of 1972, is
279 amended as follows:

280 25-5-27. The officer named in the removal petition shall
281 continue to perform the duties of his office until the results of
282 said special removal election shall be officially proclaimed. If,
283 however, the officer named in the petition for removal shall offer
284 his resignation before the issuance of the proclamation for the
285 holding of special removal election, it shall be accepted, shall
286 take effect on the date it is offered, and the vacancy shall be
287 filled as provided by law for the filling of any vacancy in an
288 elective county or municipal office. The officer who either
289 resigns or is removed shall not be eligible to fill the vacancy
290 caused by his removal or resignation, or serve as deputy in the
291 office from which he resigns or is removed.

292 **SECTION 12.** Section 25-5-33, Mississippi Code of 1972, is
293 amended as follows:



294 25-5-33. The election commissioners of the county or
295 municipality, or a quorum thereof, shall meet at the office of the
296 county or municipal registrar at 9:00 a.m. of the day following
297 the special removal election, and shall then proceed to canvass,
298 tabulate, and certify the results of the election as now provided
299 by the general election laws of the State of Mississippi. The
300 certificate of said results, showing the total votes cast for the
301 removal of the officer, the total votes cast against the removal
302 of the officer, and the total number of qualified electors in the
303 county or supervisors district or municipality in which said
304 election was held, shall be forwarded to the Governor. If a
305 majority of all qualified electors of said county or supervisors
306 district or municipality in which said election shall have been
307 held shall not have voted in said election, either for or against
308 the removal, or if a majority of the qualified electors voting in
309 the election shall oppose removal, the officer shall not be
310 removed and shall not thereafter during his term of office be
311 subject to another removal election. If a majority of all
312 qualified electors of said county or supervisors district or
313 municipality in which said election shall have been held have
314 voted either for or against removal, and if a majority of the
315 qualified electors voting in said election shall vote for the
316 removal of the officer, then the Governor shall issue his
317 proclamation declaring the office vacant, removing said officer,
318 and appointing a suitable person to fill the vacancy until the



319 same can be filled in a special election to be held not more than
320 sixty (60) days after the aforesaid proclamation of the Governor.
321 No officer shall be subject to a removal petition until he shall
322 have served at least one (1) year of his term.

323 **SECTION 13.** Section 25-5-35, Mississippi Code of 1972, is
324 amended as follows:

325 25-5-35. A person desiring to contest the proclaimed results
326 of a special removal election may, within twenty (20) days after
327 said proclamation, file a petition in the office of the clerk of
328 the chancery court of the county or the clerk of the municipal
329 court of the municipality, setting forth the grounds upon which
330 the election is contested. The chancellor or municipal judge
331 shall forthwith be notified in writing of the filing of such
332 petition and shall forthwith fix a day, not less than ten (10) nor
333 more than twenty (20) days distant, for hearing the contest. If
334 the contest shall be filed by a citizen who voted in the removal
335 election, process according to law for hearings in vacation shall
336 be served on the officer sought to be removed. If the petition be
337 filed by the officer sought to be removed, process in like manner
338 and form shall be had on any one (1) of the citizens shown to have
339 circulated the removal petition or any section thereof. On the
340 day fixed, at the county or municipal courthouse, beginning at
341 9:00 a.m. Central Standard Time, some chancellor of a district
342 other than that of the county of the contest or municipal judge of
343 a district other than that of the municipality of the contest, to



344 be designated in writing by the Chief Justice of the Supreme
345 Court, shall proceed to hear and determine the contest under the
346 laws applicable to general elections. No question shall be
347 considered or adjudicated by the chancellor or municipal judge on
348 such appeal except that of whether the election was lawfully held
349 in compliance with the general election laws of the State of
350 Mississippi, and mere irregularities not affecting the final
351 result shall not serve to invalidate the election. In those cases
352 where the chancellor or municipal judge adjudicates that the
353 election was not lawfully held within the requirements of the
354 general election laws of the state, then, subject to the right of
355 appeal herein prescribed, he shall fix the date of another
356 election on the same question and shall direct the county or
357 municipal election commissioners to proceed accordingly. Appeals
358 from the decree of the chancery or municipal court may be taken to
359 the Supreme Court, but such appeal shall be perfected within
360 fifteen (15) days from the date of the decree sought to be
361 appealed. The Supreme Court shall treat the same as a preference
362 case to be determined with all reasonable expedition. Upon order
363 of the Chief Justice, such appeals may be heard and determined at
364 a time when the court otherwise would be in recess. Pending final
365 determination of the contest, no appeal to the chancery court,
366 municipal court or to the Supreme Court shall supersede the
367 proclaimed results of a special removal election.



368 **SECTION 14.** Section 21-23-7, Mississippi Code of 1972, is
369 amended as follows:

370 21-23-7. (1) The municipal judge shall hold court in a
371 public building designated by the governing authorities of the
372 municipality, or may hold court in an adult detention center as
373 provided under this subsection, and may hold court every day
374 except Sundays and legal holidays if the business of the
375 municipality so requires; provided, however, the municipal judge
376 may hold court outside the boundaries of the municipality but not
377 more than within a sixty-mile radius of the municipality to handle
378 preliminary matters and criminal matters such as initial
379 appearances and felony preliminary hearings. The municipal judge
380 may hold court outside the boundaries of the municipality but not
381 more than within a one-mile radius of the municipality for any
382 purpose; however, a municipal judge may hold court outside the
383 boundaries of the municipality more than within a one-mile radius
384 of the municipality when accepting a plea of a defendant at an
385 adult detention center within the county. The municipal judge
386 shall have the jurisdiction to hear and determine, without a jury
387 and without a record of the testimony, all cases charging
388 violations of the municipal ordinances and state misdemeanor laws
389 made offenses against the municipality and to punish offenders
390 therefor as may be prescribed by law. Except as otherwise
391 provided by law, criminal proceedings shall be brought by sworn
392 complaint filed in the municipal court. Such complaint shall



393 state the essential elements of the offense charged and the
394 statute or ordinance relied upon. Such complaint shall not be
395 required to conclude with a general averment that the offense is
396 against the peace and dignity of the state or in violation of the
397 ordinances of the municipality. He may sit as a committing court
398 in all felonies committed within the municipality, and he shall
399 have the power to bind over the accused to the grand jury or to
400 appear before the proper court having jurisdiction to try the
401 same, and to set the amount of bail or refuse bail and commit the
402 accused to jail in cases not bailable. The municipal judge is a
403 conservator of the peace within his municipality. He may conduct
404 preliminary hearings in all violations of the criminal laws of
405 this state occurring within the municipality, and any person
406 arrested for a violation of law within the municipality may be
407 brought before him for initial appearance. The municipal court
408 shall have jurisdiction of any case remanded to it by a circuit
409 court grand jury. The municipal court shall have civil
410 jurisdiction over actions filed pursuant to and as provided in
411 Chapter 21, Title 93, * * * Mississippi Code of 1972, the
412 Protection from Domestic Abuse Act. The municipal court shall
413 have jurisdiction over all cases regarding the removal of elective
414 municipal officers as provided in Sections 25-5-1 through 25-5-37.

415 (2) In the discretion of the court, where the objects of
416 justice would be more likely met, as an alternative to imposition
417 or payment of fine and/or incarceration, the municipal judge shall



418 have the power to sentence convicted offenders to work on a public
419 service project where the court has established such a program of
420 public service by written guidelines filed with the clerk for
421 public record. Such programs shall provide for reasonable
422 supervision of the offender and the work shall be commensurate
423 with the fine and/or incarceration that would have ordinarily been
424 imposed. Such program of public service may be utilized in the
425 implementation of the provisions of Section 99-19-20, and public
426 service work thereunder may be supervised by persons other than
427 the sheriff.

428 (3) The municipal judge may solemnize marriages, take oaths,
429 affidavits and acknowledgments, and issue orders, subpoenas,
430 summonses, citations, warrants for search and arrest upon a
431 finding of probable cause, and other such process under seal of
432 the court to any county or municipality, in a criminal case, to be
433 executed by the lawful authority of the county or the municipality
434 of the respondent, and enforce obedience thereto. The absence of
435 a seal shall not invalidate the process.

436 (4) When a person shall be charged with an offense in
437 municipal court punishable by confinement, the municipal judge,
438 being satisfied that such person is an indigent person and is
439 unable to employ counsel, may, in the discretion of the court,
440 appoint counsel from the membership of The Mississippi Bar
441 residing in his county who shall represent him. Compensation for
442 appointed counsel in criminal cases shall be approved and allowed



443 by the municipal judge and shall be paid by the municipality. The
444 maximum compensation shall not exceed Two Hundred Dollars
445 (\$200.00) for any one (1) case. The governing authorities of a
446 municipality may, in their discretion, appoint a public
447 defender(s) who must be a licensed attorney and who shall receive
448 a salary to be fixed by the governing authorities.

449 (5) The municipal judge of any municipality is hereby
450 authorized to suspend the sentence and to suspend the execution of
451 the sentence, or any part thereof, on such terms as may be imposed
452 by the municipal judge. However, the suspension of imposition or
453 execution of a sentence hereunder may not be revoked after a
454 period of two (2) years. The municipal judge shall have the power
455 to establish and operate a probation program, dispute resolution
456 program and other practices or procedures appropriate to the
457 judiciary and designed to aid in the administration of justice.
458 Any such program shall be established by the court with written
459 policies and procedures filed with the clerk of the court for
460 public record. Subsequent to original sentencing, the municipal
461 judge, in misdemeanor cases, is hereby authorized to suspend
462 sentence and to suspend the execution of a sentence, or any part
463 thereof, on such terms as may be imposed by the municipal judge,
464 if (a) the judge or his or her predecessor was authorized to order
465 such suspension when the sentence was originally imposed; and (b)
466 such conviction (i) has not been appealed; or (ii) has been
467 appealed and the appeal has been voluntarily dismissed.



468 (6) Upon prior notice to the municipal prosecuting attorney
469 and upon a showing in open court of rehabilitation, good conduct
470 for a period of two (2) years since the last conviction in any
471 court and that the best interest of society would be served, the
472 court may, in its discretion, order the record of conviction of a
473 person of any or all misdemeanors in that court expunged, and upon
474 so doing the said person thereafter legally stands as though he
475 had never been convicted of the said misdemeanor(s) and may
476 lawfully so respond to any query of prior convictions. This order
477 of expunction does not apply to the confidential records of law
478 enforcement agencies and has no effect on the driving record of a
479 person maintained under Title 63, Mississippi Code of 1972, or any
480 other provision of said Title 63.

481 (7) Notwithstanding the provisions of subsection (6) of this
482 section, a person who was convicted in municipal court of a
483 misdemeanor before reaching his twenty-third birthday, excluding
484 conviction for a traffic violation, and who is a first offender,
485 may utilize the provisions of Section 99-19-71, to expunge such
486 misdemeanor conviction.

487 (8) In the discretion of the court, a plea of nolo
488 contendere may be entered to any charge in municipal court. Upon
489 the entry of a plea of nolo contendere the court shall convict the
490 defendant of the offense charged and shall proceed to sentence the
491 defendant according to law. The judgment of the court shall
492 reflect that the conviction was on a plea of nolo contendere. An



493 appeal may be made from a conviction on a plea of nolo contendere
494 as in other cases.

495 (9) Upon execution of a sworn complaint charging a
496 misdemeanor, the municipal court may, in its discretion and in
497 lieu of an arrest warrant, issue a citation requiring the
498 appearance of the defendant to answer the charge made against him.
499 On default of appearance, an arrest warrant may be issued for the
500 defendant. The clerk of the court or deputy clerk may issue such
501 citations.

502 (10) The municipal court shall have the power to make rules
503 for the administration of the court's business, which rules, if
504 any, shall be in writing filed with the clerk of the court and
505 shall include the enactment of rules related to the court's
506 authority to issue domestic abuse protection orders pursuant to
507 Section 93-21-1 et seq.

508 (11) The municipal court shall have the power to impose
509 punishment of a fine of not more than One Thousand Dollars
510 (\$1,000.00) or six (6) months imprisonment, or both, for contempt
511 of court. The municipal court may have the power to impose
512 reasonable costs of court, not in excess of the following:

513 Dismissal of any affidavit, complaint or charge	
514 in municipal court.....	\$ 50.00
515 Suspension of a minor's driver's license in lieu of	
516 conviction.....	\$ 50.00
517 Service of scire facias or return "not found".....	\$ 20.00



518 Causing search warrant to issue or causing
519 prosecution without reasonable cause or refusing to
520 cooperate after initiating action.....\$ 100.00
521 Certified copy of the court record.....\$ 5.00
522 Service of arrest warrant for failure to answer
523 citation or traffic summons.....\$ 25.00
524 Jail cost per day - actual jail cost paid by the municipality
525 but not to exceed..... \$ 35.00
526 Service of court documents related to the filing
527 of a petition or issuance of a protection from domestic
528 abuse order under Chapter 21, Title 93, * * * Mississippi Code of
529 1972\$ 25.00
530 Any other item of court cost.....\$ 50.00
531 No filing fee or such cost shall be imposed for the bringing
532 of an action in municipal court.

533 (12) A municipal court judge shall not dismiss a criminal
534 case but may transfer the case to the justice court of the county
535 if the municipal court judge is prohibited from presiding over the
536 case by the Canons of Judicial Conduct and provided that venue and
537 jurisdiction are proper in the justice court. Upon transfer of
538 any such case, the municipal court judge shall give the municipal
539 court clerk a written order to transmit the affidavit or complaint
540 and all other records and evidence in the court's possession to
541 the justice court by certified mail or to instruct the arresting
542 officer to deliver such documents and records to the justice



543 court. There shall be no court costs charged for the transfer of
544 the case to the justice court.

545 (13) A municipal court judge shall expunge the record of any
546 case in which an arrest was made, the person arrested was released
547 and the case was dismissed or the charges were dropped, there was
548 no disposition of such case or the person was found not guilty at
549 trial.

550 (14) For violations of municipal ordinances related to real
551 property, the municipal judge shall have the power to order a
552 defendant to remedy violations within a reasonable time period as
553 set by the judge, and at the discretion of the judge, the judge
554 may simultaneously authorize the municipality, at its request, the
555 option to remedy the violation itself, through the use of its own
556 employees or its contractors, without further notice should the
557 defendant fail to fully do so within the time period set by the
558 judge. Subsequent to the municipality remedying the violation,
559 the municipality may petition the court to assess documented
560 cleanup costs to the defendant, and, if, following a hearing on
561 such petition, the judge determines (a) the violations were not
562 remedied by the defendant within the time required by the court,
563 (b) that the municipality remedied the violation itself after such
564 time period expired and (c) that the costs incurred by the
565 municipality were reasonable, the court may assess the costs to
566 the defendant as a judgement, which may be enrolled in the office
567 of the circuit clerk.



568 **SECTION 15.** This act shall take effect and be in force from
569 and after July 1, 2023.

