

CHAPTER 14

MUNICIPAL COURT*

Section 14-1. Judge---Appointment.

A Municipal Judge shall be appointed by the Mayor and confirmed by the City Council and shall hold his office during the pleasure of the Mayor.

Source: Code 1969, § 32-10

Section 14-2. Same---Oath; Bond.

The Municipal Judge shall take the oath of office and enter into bond in the penal sum of Five Hundred Dollars (\$500.00), payable and conditioned according to law for the faithful discharge of his duties, with sufficient surety to be approved by the City Council.

Source: Code 1969, § 32-11

Section 14-3. Prosecutor.

A Municipal Prosecutor shall be appointed by the Mayor and confirmed by the City Council and shall hold his office during the pleasure of the Mayor.

Section 14-4. Judge and Prosecutor Pro Temp

The Mayor and confirmed by the City Council may appoint a Municipal Judge pro temp and a Municipal Prosecutor pro temp, who shall carry out the duties of the Municipal Judge or the Municipal Prosecutor, respectively, in the event of his absence or his inability to perform them.

Sections 14-5 – 14-10. Reserved.

***Cross References** --- General penalty for violations of Code, § 1-7; responsibilities of Mayor, § 2-36.

State Law Reference --- Municipal Courts, Miss. Code 1972, §21-23-1 et seq.

Section 14-11. Special Fund.

The Crime Prevention and Drug Education Fund (herein said “Fund”) is a special City fund created by the Mayor and Council of the City of Laurel, Mississippi (herein the “City”), which is established under the authority of House Bill No. 1834 (herein the “Act”) as passed by the Mississippi Legislature during the Regular Session of 1998.

Source: Ordinance No. 1322-1998, §14-11, 8-18-98

Section 14-12. Purpose.

Said Fund is available for the deposit of all additional Court costs collected under said Act as authorized by resolution of Council. It shall go into effect on October 1, 1998, and collected as ordered by the Court. Said Fund shall be used and operated as herein specified.

Source: Ordinance No. 1322-1998, §14-12, 8-18-98

Section 14-13. Uses.

The assets of said Fund may be used to make contributions to or fund, or both, any drug education program or crime prevention or other similar programs operated in the City of Laurel which are designed to deter the use and abuse of drugs or deter crime in the City of Laurel either through the Laurel School District or through any other agency of the City or both. Said Fund proceeds may also be used for the promotion and funding of programs of crime prevention and drug education, including the expense of training crime prevention and drug education officers in programs of crime prevention and drug education for the City Police Department, equipment, training education materials, promotional materials, and other similar expenses for the education and training of said officers and for the promotion of said programs. Disbursements may also be made for other uses or items which would impact favorably on said programs of crime prevention and drug education promoted by the City. However, funds shall not be used, budgeted or disbursed for the salary of any officer associated with any of said programs.

Source: Ordinance No. 1322-1998, §14-13, 8-18-98

Section 14-14. Definitions.

The following words and terms when used in this article are intended to mean and shall mean as follows:

Accounting: A written listing of all receipts from whatsoever source and all disbursements for items qualified under this article, the dates of said receipts and disbursements, the source of receipts, the payee of disbursements, and balances by calendar year end.

Act: House Bill No. 1834, which is a local and private act passed by the Mississippi Legislature during the Regular Session of 1998.

Fund: The Crime Prevention and Drug Education Fund which is a special fund established

by the City which is derived from the additional costs of Court placed on all misdemeanor convictions in the Municipal Court of the City which are assessed to fund the program of crime prevention and drug education in the City as specified herein.

Program of Crime Prevention and Drug Education: Such programs of education of all manner of crime prevention, and on drug issues that are carried on by the City Police Department in the City and in the schools located in the City of Laurel, Mississippi, whether that program goes specifically by the name of "D.A.R.E." or any other name, so long as the objective of such program is the education and training of young citizens regarding crime prevention or of the hazards and addictive qualities of all drugs of any kind and nature.

Source: Ordinance No. 1322-1998, §14-14, 8-19-98

Section 14-15. Additional Court Costs.

Before October 1, 1998, the Municipal Judge shall enter an Order on the Court docket under authority of the Act and Section 21-23-7 of Mississippi Code Annotated, of 1972, as amended, for the collection of Two Dollars (\$2.00) as an additional cost of Court upon each person convicted of any misdemeanor in the Municipal Court. Upon entry of said Order, and from and after October 1, 1998, the Municipal Judge shall impose, and the Court Clerk shall collect, said additional costs as a cost of Court on each and every misdemeanor conviction (including traffic offenses).

Source: Ordinance No. 1322-1998, §14-15, 8-19-98

Section 14-16. Operation and Maintenance.

Said additional costs as collected shall be paid into the municipal treasury and deposited into said Fund and shall be subject to budget and appropriation for the purposes herein stated by the City Council. Said Fund shall be established and maintained in a local financial institution. Disbursements may be made from said fund after the use of said Fund has been budgeted and authorized by the Council. Thereafter disbursements will be made through normal Finance Department requisition procedures.

Source: Ordinance No. 1322-1998, §14-16, 8-19-98

Section 14-17. Accounting.

The Municipal Court Clerk shall account to the City Clerk and the Council for all receipts and disbursements of collections of said additional costs in the same manner as is provided by law for receipts and disbursements of other City funds. The Finance Department shall account for the receipts and disbursements from said fund to the Council. Copies of said accountings shall be provided to the Chief of Police and the Mayor. The Chief of Police may appear before the Mayor and City Council at the request of the Mayor, the City Council, or upon his own initiative, to discuss the accountings. It will not be necessary for the Council to take any action on said accounting, that is, to either disapprove or approve it.

Source: Ordinance No. 1322-1998, §14-17, 8-19-98

Section 14-18. Construction.

Nothing in this article shall be construed to affect any suit or proceeding now pending in Court, nor any rights acquired thereby, or liability incurred, nor any cause or causes of action now existing under any act or Ordinance repealed hereby, conflicting herewith, or currently logged in the Ordinances of the City. No right or remedy of any character shall be lost, impaired or affected by this article.

Source: Ordinance No. 1322-1998, §14-18, 8-19-98

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