

By: Representative Holland

To: Fees and Salaries of
Public Officers; County
Affairs

HOUSE BILL NO. 788

1 AN ACT TO AMEND SECTION 25-3-36, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE THAT THE COMPENSATION FOR JUSTICE COURT JUDGES BE BASED
3 UPON THE MOST RECENT FEDERAL DECENNIAL CENSUS; AND FOR RELATED
4 PURPOSES.

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

6 SECTION 1. Section 25-3-36, Mississippi Code of 1972, is
7 amended as follows:

8 25-3-36. (1) From and after October 1, 2001, every justice
9 court judge shall receive as full compensation for his or her
10 services and in lieu of any and all other fees, costs or
11 compensation heretofore authorized for such justice court judge,
12 an annual salary based upon the population of his or her county
13 according to the most recent federal decennial census; however, no
14 justice court judge shall be paid less than the salary authorized
15 under this section to be paid the justice court judge based upon
16 the population of the county according to the 1980 federal
17 decennial census. The amount of which salary shall be determined
18 as follows:

19 (a) In counties with a population of more than two
20 hundred thousand (200,000), a salary of Forty-six Thousand Two
21 Hundred Ninety-nine Dollars (\$46,299.00).

22 (b) In counties with a population of more than one
23 hundred fifty thousand (150,000) but not more than two hundred
24 thousand (200,000), a salary of Forty-two Thousand Five Hundred
25 Four Dollars (\$42,504.00).

26 (c) In counties with a population of more than
27 seventy-five thousand (75,000) but not more than one hundred fifty



28 thousand (150,000), a salary of Thirty-eight Thousand Seven
29 Hundred Nine Dollars (\$38,709.00).

30 (d) In counties with a population of more than
31 forty-nine thousand (49,000) but not more than seventy-five
32 thousand (75,000), a salary of Thirty-three Thousand Three Hundred
33 Ninety-six Dollars (\$33,396.00).

34 (e) In counties with a population of more than
35 thirty-four thousand (34,000) but not more than forty-nine
36 thousand (49,000), a salary of Twenty-eight Thousand Eight Hundred
37 Forty-two Dollars (\$28,842.00).

38 (f) In counties with a population of more than
39 twenty-four thousand five hundred (24,500) but not more than
40 thirty-four thousand (34,000), a salary of Twenty-seven Thousand
41 Three Hundred Twenty-four Dollars (\$27,324.00).

42 (g) In counties with a population of more than
43 twenty-one thousand (21,000) but not more than twenty-four
44 thousand five hundred (24,500), a salary of Twenty-four Thousand
45 Two Hundred Eighty-eight Dollars (\$24,288.00).

46 (h) In counties with a population of more than sixteen
47 thousand five hundred (16,500) but not more than twenty-one
48 thousand (21,000), a salary of Twenty-one Thousand Two Hundred
49 Fifty-two Dollars (\$21,252.00).

50 (i) In counties with a population of more than twelve
51 thousand (12,000) but not more than sixteen thousand five hundred
52 (16,500), a salary of Eighteen Thousand Two Hundred Sixteen
53 Dollars (\$18,216.00).

54 (j) In counties with a population of more than eight
55 thousand (8,000) but not more than twelve thousand (12,000), a
56 salary of Fifteen Thousand Dollars (\$15,000.00).

57 (k) In counties with a population of eight thousand
58 (8,000) or less, a salary of Twelve Thousand Dollars (\$12,000.00).

59 The board of supervisors of any county having two (2)
60 judicial districts and two (2) justice court judges for the county



61 shall pay each justice court judge an amount equal to that
62 hereinabove provided for judges in the next higher population
63 category per year, if the justice court judge maintains regular
64 office hours and is personally present in the office the judge
65 maintains for at least thirty (30) hours per week. In any county
66 having a population greater than eight thousand (8,000) but less
67 than eight thousand five hundred (8,500) according to the 1990
68 federal decennial census and in which U.S. Highway 61 and
69 Mississippi Highway 4 intersect, the board of supervisors may, in
70 its discretion, pay such justice court judges an additional amount
71 not to exceed the sum of Eleven Thousand Five Hundred Fifty
72 Dollars (\$11,550.00) per year, payable beginning April 1, 1997.
73 In any county having a population greater than ten thousand
74 (10,000) but less than ten thousand five hundred (10,500)
75 according to the 1990 federal decennial census and in which
76 Mississippi Highway 3 and Mississippi Highway 6 intersect, the
77 board of supervisors may, in its discretion, pay such justice
78 court judges an additional amount not to exceed One Thousand Four
79 Hundred Fifty Dollars (\$1,450.00) per year, payable beginning
80 April 1, 1997. In any county having a population greater than
81 twenty-four thousand seven hundred (24,700) and less than
82 twenty-four thousand nine hundred (24,900), according to the 1990
83 federal census, wherein Mississippi Highways 15 and 16 intersect,
84 the board of supervisors shall pay such justice court judge an
85 additional amount equal to Two Thousand Five Hundred Dollars
86 (\$2,500.00) per year.

87 (2) Notwithstanding the provisions of subsection (1) of this
88 section, in the event that the number of justice court judges
89 authorized pursuant to Section 9-11-2(1) is exceeded pursuant to
90 the provisions of Section 9-11-2(4), the aggregate of the salaries
91 paid to the justice court judges of such a county shall not exceed
92 the amount sufficient to pay the number of justice court judges
93 authorized pursuant to Section 9-11-2(1), and such amount shall be



94 equally divided among those justice court judges continuing to
95 hold office under the provisions of Section 9-11-2(4).

96 (3) From and after January 1, 1984, all fees, costs, fines
97 and penalties charged and collected in the justice court shall be
98 paid to the clerk of the justice court for deposit, along with
99 monies from cash bonds and other monies which have been forfeited
100 in criminal cases, into the general fund of the county as provided
101 in Section 9-11-19; and the clerk of the board of supervisors
102 shall be authorized and empowered, upon approval by the board of
103 supervisors, to make disbursements and withdrawals from the
104 general fund of the county in order to pay any reasonable and
105 necessary expenses incurred in complying with this section,
106 including payment of the salaries of justice court judges as
107 provided by subsection (1) of this section. The provisions of
108 this subsection shall not, except as to cash bonds and other
109 monies which have been forfeited in criminal cases, apply to
110 monies required to be deposited in the justice court clerk
111 clearing account as provided in Section 9-11-18.

112 (4) The salaries provided for in subsection (1) of this
113 section shall be payable monthly by warrant drawn by the clerk of
114 the board of supervisors on the general fund of the county;
115 however, the board of supervisors, by resolution duly adopted and
116 entered on its minutes, may provide that such salaries shall be
117 paid semimonthly on the first and fifteenth day of each month. If
118 a pay date falls on a weekend or legal holiday, salary payments
119 shall be made on the workday immediately preceding the weekend or
120 legal holiday.

121 (5) * * * The salary of * * * justice court judge shall not
122 be reduced during his term of office as a result of a population
123 change following a federal decennial census.

124 (6) Any justice court judge who is unable to attend and hold
125 court by reason of being under suspension by the Commission on



126 Judicial Performance or the Mississippi Supreme Court shall not
127 receive a salary while under such suspension.

128 SECTION 2. This act shall take effect and be in force from
129 and after October 1, 2001, if it is effectuated on or before that
130 date under Section 5 of the Voting Rights Act of 1965, as amended
131 and extended. If it is effectuated under Section 5 of the Voting
132 Rights Act of 1965, as amended and extended, after October 1,
133 2001, this act shall take effect and be in force from and after
134 the date it is effectuated under Section 5 of the Voting Rights
135 Act of 1965, as amended and extended.

