

By: Representatives Creel, Simpson

To: Fees and Salaries of  
Public Officers; County  
Affairs

HOUSE BILL NO. 1325

1 AN ACT TO AMEND SECTION 25-3-36, MISSISSIPPI CODE OF 1972, TO  
2 INCREASE THE SALARIES OF JUSTICE COURT JUDGES AND TO REVISE THE  
3 SALARY SCALE BASED ON THE POPULATION OF COUNTIES; 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, 1998, 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 1990 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 the salary shall be determined as  
18 follows:

19 (a) In counties with a population of seventy thousand  
20 (70,000) or more, a salary of Forty-eight Thousand Dollars  
21 (\$48,000.00).

22 (b) In counties with a population of thirty-five  
23 thousand (35,000) or more \* \* \* but less than seventy thousand  
24 (70,000), a salary of Thirty-eight Thousand Dollars (\$38,000.00).

25 (c) In counties with a population of less than  
26 thirty-five thousand (35,000), a salary of Twenty-eight Thousand  
27 Dollars (\$28,000.00).

28 \* \* \*

29 The board of supervisors of any county having two (2)  
30 judicial districts and two (2) justice court judges for the county  
31 shall pay each justice court judge an amount equal to that \* \* \*  
32 provided in this subsection for judges in the next higher  
33 population category per year, if the justice court judge maintains  
34 regular office hours and is personally present in the office the  
35 judge maintains for at least thirty (30) hours per week.

36 In any county having a population greater than eight thousand  
37 (8,000) but less than eight thousand five hundred (8,500)  
38 according to the 1990 federal decennial census and in which U.S.  
39 Highway 61 and Mississippi Highway 4 intersect, the board of  
40 supervisors \* \* \*, in its discretion, may pay such justice court  
41 judges an additional amount not to exceed the sum of Eleven  
42 Thousand Five Hundred Fifty Dollars (\$11,550.00) per year \* \* \*.

43 In any county having a population greater than ten thousand  
44 (10,000) but less than ten thousand five hundred (10,500)  
45 according to the 1990 federal decennial census and in which  
46 Mississippi Highway 3 and Mississippi Highway 6 intersect, the  
47 board of supervisors \* \* \*, in its discretion, may pay such  
48 justice court judges an additional amount not to exceed One  
49 Thousand Four Hundred Fifty Dollars (\$1,450.00) per year \* \* \*.

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

57 (2) Notwithstanding the provisions of subsection (1) of this  
58 section, in the event that the number of justice court judges  
59 authorized pursuant to Section 9-11-2(1) is exceeded pursuant to  
60 the provisions of Section 9-11-2(4), the aggregate of the salaries

61 paid to the justice court judges of such a county shall not exceed  
62 the amount sufficient to pay the number of justice court judges  
63 authorized pursuant to Section 9-11-2(1), and such amount shall be  
64 equally divided among those justice court judges continuing to  
65 hold office under the provisions of Section 9-11-2(4).

66 (3) From and after January 1, 1984, all fees, costs, fines  
67 and penalties charged and collected in the justice court shall be  
68 paid to the clerk of the justice court for deposit, along with  
69 monies from cash bonds and other monies which have been forfeited  
70 in criminal cases, into the general fund of the county as provided  
71 in Section 9-11-19; and the clerk of the board of supervisors  
72 shall be authorized and empowered, upon approval by the board of  
73 supervisors, to make disbursements and withdrawals from the  
74 general fund of the county in order to pay any reasonable and  
75 necessary expenses incurred in complying with this section,  
76 including payment of the salaries of justice court judges as  
77 provided by subsection (1) of this section. The provisions of  
78 this subsection shall not, except as to cash bonds and other  
79 monies which have been forfeited in criminal cases, apply to  
80 monies required to be deposited in the justice court clerk  
81 clearing account as provided in Section 9-11-18.

82 (4) The salaries provided for in subsection (1) of this  
83 section shall be payable monthly by warrant drawn by the clerk of  
84 the board of supervisors on the general fund of the county;  
85 however, the board of supervisors, by resolution duly adopted and  
86 entered on its minutes, may provide that such salaries shall be  
87 paid semimonthly on the first and fifteenth day of each month. If  
88 a pay date falls on a weekend or legal holiday, salary payments  
89 shall be made on the workday immediately preceding the weekend or  
90 legal holiday.

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

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

98           SECTION 2. The Attorney General of the State of Mississippi  
99 shall submit this act, immediately upon approval by the Governor,  
100 or upon approval by the Legislature subsequent to a veto, to the  
101 Attorney General of the United States or to the United States  
102 District Court for the District of Columbia in accordance with the  
103 provisions of the Voting Rights Act of 1965, as amended and  
104 extended.

105           SECTION 3. This act shall take effect and be in force from  
106 and after October 1, 2001, if it is effectuated on or before that  
107 date under Section 5 of the Voting Rights Act of 1965, as amended  
108 and extended. If it is effectuated under Section 5 of the Voting  
109 Rights Act of 1965, as amended and extended, after October 1,  
110 2001, this act shall take effect and be in force from and after  
111 the date it is effectuated under Section 5 of the Voting Rights  
112 Act of 1965, as amended and extended.