AN ACT TO AMEND SECTION 25-3-36, MISSISSIPPI CODE OF 1972, TO INCREASE THE SALARIES OF JUSTICE COURT JUDGES AND TO REVISE THE SALARY SCALE BASED ON THE POPULATION OF COUNTIES; AND FOR RELATED PURPOSES.

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

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

25-3-36. (1) From and after October 1, 1998, every justice court judge shall receive as full compensation for his or her services and in lieu of any and all other fees, costs or compensation heretofore authorized for such justice court judge, an annual salary based upon the population of his or her county according to the 1990 federal decennial census; however, no justice court judge shall be paid less than the salary authorized under this section to be paid the justice court judge based upon the population of the county according to the 1980 federal decennial census. The amount of the salary shall be determined as follows:

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

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

(c) In counties with a population of less than thirty-five thousand (35,000), a salary of Twenty-eight Thousand Dollars ($28,000.00).
The board of supervisors of any county having two (2) judicial districts and two (2) justice court judges for the county shall pay each justice court judge an amount equal to that provided in this subsection for judges in the next higher population category per year, if the justice court judge maintains regular office hours and is personally present in the office the judge maintains for at least thirty (30) hours per week.

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

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

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

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

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

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

(5) * * * The salary of a justice court judge shall not be
reduced during his term of office as a result of a population
change following a federal decennial census.
Any justice court judge who is unable to attend and hold court by reason of being under suspension by the Commission on Judicial Performance or the Mississippi Supreme Court shall not receive a salary while under such suspension.

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

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