

By: Representative Ryals

To: Fees and Salaries of
Public Officers; County
Affairs

HOUSE BILL NO. 1354

1 AN ACT TO AMEND SECTION 25-3-36, MISSISSIPPI CODE OF 1972, TO
2 INCREASE THE SALARIES OF JUSTICE COURT JUDGES IN COUNTIES HAVING
3 TWO JUDICIAL DISTRICTS; AND FOR RELATED PURPOSES.

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

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

7 25-3-36. (1) From and after October 1, 1998, every justice
8 court judge shall receive as full compensation for his or her
9 services and in lieu of any and all other fees, costs or
10 compensation heretofore authorized for such justice court judge,
11 an annual salary based upon the population of his or her county
12 according to the 1990 federal decennial census; however, no
13 justice court judge shall be paid less than the salary authorized
14 under this section to be paid the justice court judge based upon
15 the population of the county according to the 1980 federal
16 decennial census. The amount of the salary shall be determined as
17 follows:

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

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

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

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

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

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

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

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

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

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

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

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

58 The board of supervisors of any county having two (2)
59 judicial districts * * * shall pay each justice court judge an

60 amount equal to that * * * provided in this subsection for judges
61 in the next higher population category per year, if the justice
62 court judge maintains regular office hours and is personally
63 present in the office the judge maintains for at least thirty (30)
64 hours per week.

65 In any county having a population greater than eight thousand
66 (8,000) but less than eight thousand five hundred (8,500)
67 according to the 1990 federal decennial census and in which U.S.
68 Highway 61 and Mississippi Highway 4 intersect, the board of
69 supervisors * * * , in its discretion, may pay such justice court
70 judges an additional amount not to exceed the sum of Eleven
71 Thousand Five Hundred Fifty Dollars (\$11,550.00) per year * * *.

72 In any county having a population greater than ten thousand
73 (10,000) but less than ten thousand five hundred (10,500)
74 according to the 1990 federal decennial census and in which
75 Mississippi Highway 3 and Mississippi Highway 6 intersect, the
76 board of supervisors * * * , in its discretion, may pay such
77 justice court judges an additional amount not to exceed One
78 Thousand Four Hundred Fifty Dollars (\$1,450.00) per year * * *.

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

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

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

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

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

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

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

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

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

135 SECTION 3. The Attorney General of the State of Mississippi
136 shall submit this act, immediately upon approval by the Governor,
137 or upon approval by the Legislature subsequent to a veto, to the
138 Attorney General of the United States or to the United States
139 District Court for the District of Columbia in accordance with the
140 provisions of the Voting Rights Act of 1965, as amended and
141 extended.