HOUSE BILL NO. 1354

AN ACT TO AMEND SECTION 25-3-36, MISSISSIPPI CODE OF 1972, TO INCREASE THE SALARIES OF JUSTICE COURT JUDGES IN COUNTIES HAVING TWO JUDICIAL DISTRICTS; 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 more than two hundred thousand (200,000), a salary of Forty-six Thousand Two Hundred Ninety-nine Dollars ($46,299.00).

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

(c) In counties with a population of more than seventy-five thousand (75,000) but not more than one hundred fifty
thousand (150,000), a salary of Thirty-eight Thousand Seven
Hundred Nine Dollars ($38,709.00).

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

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

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

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

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

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

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

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

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

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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.

(6) 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. 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.

SECTION 3. 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.