

By: Senator(s) Hyde-Smith

To: Fees, Salaries and Administration

SENATE BILL NO. 2773

1 AN ACT TO AMEND SECTION 25-3-36, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE SALARIES OF JUSTICE COURT JUDGES; AND FOR RELATED
3 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 which salary shall be determined
17 as follows:

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

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

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

27 * * *

28 The board of supervisors of any county having two (2)
29 judicial districts and two (2) justice court judges for the county
30 shall pay the justice court judges an amount equal to that
31 hereinabove provided for judges in the next higher population
32 category per year, if said justice court judges maintain regular
33 office hours and are personally present in the office they
34 maintain for at least thirty (30) hours per week. In any county
35 having a population greater than eight thousand (8,000) but less
36 than eight thousand five hundred (8,500) according to the 1990
37 federal decennial census and in which U.S. Highway 61 and
38 Mississippi Highway 4 intersect, the board of supervisors may, in
39 its discretion, pay such justice court judges an additional amount
40 not to exceed the sum of Eleven Thousand Five Hundred Fifty
41 Dollars (\$11,550.00) per year, payable beginning April 1, 1997.
42 In any county having a population greater than ten thousand
43 (10,000) but less than ten thousand five hundred (10,500)
44 according to the 1990 federal decennial census and in which
45 Mississippi Highway 3 and Mississippi Highway 6 intersect, the
46 board of supervisors may, in its discretion, pay such justice
47 court judges an additional amount not to exceed One Thousand Four
48 Hundred Fifty Dollars (\$1,450.00) per year, payable beginning
49 April 1, 1997. In any county having a population greater than
50 twenty-four thousand seven hundred (24,700) and less than
51 twenty-four thousand nine hundred (24,900), according to the 1990
52 federal census, wherein Mississippi Highways 15 and 16 intersect,
53 the board of supervisors shall pay such justice court judge an
54 additional amount equal to Two Thousand Five Hundred Dollars
55 (\$2,500.00) per year.

56 (2) Notwithstanding the provisions of subsection (1) of this
57 section, in the event that the number of justice court judges
58 authorized pursuant to Section 9-11-2(1) is exceeded pursuant to
59 the provisions of Section 9-11-2(4), the aggregate of the salaries
60 paid to the justice court judges of such a county shall not exceed

61 the amount sufficient to pay the number of justice court judges
62 authorized pursuant to Section 9-11-2(1) and such amount shall be
63 equally divided among those justice court judges continuing to
64 hold office under the provisions of Section 9-11-2(4).

65 (3) From and after January 1, 1984, all fees, costs, fines
66 and penalties charged and collected in the justice court shall be
67 paid to the clerk of the justice court for deposit, along with
68 monies from cash bonds and other monies which have been forfeited
69 in criminal cases, into the general fund of the county as provided
70 in Section 9-11-19; and the clerk of the board of supervisors
71 shall be authorized and empowered, upon approval by the board of
72 supervisors, to make disbursements and withdrawals from the
73 general fund of the county in order to pay any reasonable and
74 necessary expenses incurred in complying with this section,
75 including payment of the salaries of justice court judges as
76 provided by subsection (1) of this section. The provisions of
77 this subsection shall not, except as to cash bonds and other
78 monies which have been forfeited in criminal cases, apply to
79 monies required to be deposited in the justice court clerk
80 clearing account as provided in Section 9-11-18, Mississippi Code
81 of 1972.

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) Provided, that the salary of any justice court judge
92 shall not be reduced during his term of office as a result of a
93 population 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 the
107 date it is effectuated under Section 5 of the Voting Rights Act of
108 1965, as amended and extended. If it is effectuated under Section
109 5 of the Voting Rights Act of 1965, as amended and extended, after
110 October 1, 2001, this act shall take effect and be in force from
111 and after the date it is effectuated under Section 5 of the Voting
112 Rights Act of 1965, as amended and extended.