To: Fees, Salaries and Administration

MISSISSIPPI LEGISLATURE                        REGULAR SESSION 2001
By: Senator(s) Hyde-Smith

SENATE BILL NO. 2773

AN ACT TO AMEND SECTION 25-3-36, MISSISSIPPI CODE OF 1972, TO
REVISE THE SALARIES OF JUSTICE COURT JUDGES; 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 which 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).

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The board of supervisors of any county having two (2) judicial districts and two (2) justice court judges for the county shall pay the justice court judges an amount equal to that hereinabove provided for judges in the next higher population category per year, if said justice court judges maintain regular office hours and are personally present in the office they maintain 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 may, in its discretion, 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, payable beginning April 1, 1997.

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 may, in its discretion, pay such justice court judges an additional amount not to exceed One Thousand Four Hundred Fifty Dollars ($1,450.00) per year, payable beginning April 1, 1997. 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, Mississippi Code of 1972.

(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) Provided, that the salary of any 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. 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 the
date it is effectuated 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.