

By: Representatives Compretta, Mitchell

To: Fees and Salaries of
Public Officers; County
Affairs

HOUSE BILL NO. 27

1 AN ACT TO AMEND SECTION 25-3-36, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE THE COMPENSATION FOR JUSTICE COURT JUDGES TO BE BASED UPON
3 POPULATION ACCORDING TO THE 2000 FEDERAL DECENNIAL CENSUS; AND FOR
4 RELATED PURPOSES.

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

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

8 25-3-36. (1) From and after the effective date of House
9 Bill No. _____, 2002 Regular Session, every justice court judge
10 shall receive as full compensation for his or her services * * *
11 an annual salary based upon the population of his or her county
12 according to the 2000 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 1990 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 and two (2) justice court judges for the county
60 shall pay each justice court judge an amount equal to that * * *
61 provided in this subsection for judges in the next higher



62 population category per year, if the justice court judge maintains
63 regular office hours and is personally present in the office the
64 judge maintains for at least thirty (30) hours per week. In any
65 county having a population greater than eight thousand (8,000) but
66 less than eight thousand five hundred (8,500) according to the
67 1990 federal decennial census and in which U.S. Highway 61 and
68 Mississippi Highway 4 intersect, the board of supervisors * * *,
69 in its discretion, may pay such justice court judges an additional
70 amount not to exceed the sum of Eleven Thousand Five Hundred Fifty
71 Dollars (\$11,550.00) per year * * *. In any county having a
72 population greater than ten thousand (10,000) but less than ten
73 thousand five hundred (10,500) according to the 1990 federal
74 decennial census and in which Mississippi Highway 3 and
75 Mississippi Highway 6 intersect, the board of supervisors * * *,
76 in its discretion, may pay such justice court judges an additional
77 amount not to exceed One Thousand Four Hundred Fifty Dollars
78 (\$1,450.00) per year * * *. In any county having a population
79 greater than twenty-four thousand seven hundred (24,700) and less
80 than twenty-four thousand nine hundred (24,900), according to the
81 1990 federal census, wherein Mississippi Highways 15 and 16
82 intersect, the board of supervisors shall pay such justice court
83 judge an additional amount equal to Two Thousand Five Hundred
84 Dollars (\$2,500.00) per year.

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



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

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

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

122 (6) Any justice court judge who is unable to attend and hold
123 court by reason of being under suspension by the Commission on
124 Judicial Performance or the Mississippi Supreme Court shall not
125 receive a salary while under such suspension.



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

133 **SECTION 3.** This act shall take effect and be in force from
134 and after the date it is effectuated under Section 5 of the Voting
135 Rights Act of 1965, as amended and extended.

