

By: Representatives Compretta, Mitchell

To: County Affairs; Fees and Salaries of Public Officers

HOUSE BILL NO. 1659

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.

