

By: Representative Fillingane

To: Fees and Salaries of
Public Officers

HOUSE BILL NO. 1441

1 AN ACT TO AMEND SECTION 25-3-36, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT THE SALARIES OF JUSTICE COURT JUDGES SHALL BE BASED
3 UPON THE POPULATION OF THE COUNTIES ACCORDING TO THE MOST RECENT
4 FEDERAL DECENNIAL CENSUS, INSTEAD OF ACCORDING TO THE 1990 FEDERAL
5 DECENNIAL CENSUS; AND FOR RELATED PURPOSES.

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

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

9 25-3-36. (1) From and after October 1, 1998, every justice
10 court judge shall receive as full compensation for his or her
11 services and in lieu of any and all other fees, costs or
12 compensation heretofore authorized for the justice court judge, an
13 annual salary based upon the population of his or her county
14 according to the most recent federal decennial census; however, no
15 justice court judge shall be paid less than the salary authorized
16 under this section to be paid the justice court judge based upon
17 the population of the county according to the 1980 federal
18 decennial census. The amount of the salary shall be determined as
19 follows:

20 (a) In counties with a population of more than two
21 hundred thousand (200,000), a salary of Forty-six Thousand Two
22 Hundred Ninety-nine Dollars (\$46,299.00).

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

27 (c) In counties with a population of more than
28 seventy-five thousand (75,000) but not more than one hundred fifty



29 thousand (150,000), a salary of Thirty-eight Thousand Seven
30 Hundred Nine Dollars (\$38,709.00).

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

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

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

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

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

51 (i) In counties with a population of more than twelve
52 thousand (12,000) but not more than sixteen thousand five hundred
53 (16,500), a salary of Eighteen Thousand Two Hundred Sixteen
54 Dollars (\$18,216.00).

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

58 (k) In counties with a population of eight thousand
59 (8,000) or less, a salary of Twelve Thousand Dollars (\$12,000.00).

60 The board of supervisors of any county having two (2)
61 judicial districts and two (2) justice court judges for the county



62 shall pay the justice court judges an amount equal to that
63 hereinabove provided for judges in the next higher population
64 category per year, if the justice court judges maintain regular
65 office hours and are personally present in the office they
66 maintain for at least thirty (30) hours per week. In any county
67 having a population greater than eight thousand (8,000) but less
68 than eight thousand five hundred (8,500) according to the 1990
69 federal decennial census and in which U.S. Highway 61 and
70 Mississippi Highway 4 intersect, the board of supervisors may, in
71 its discretion, pay the justice court judges an additional amount
72 not to exceed the sum of Eleven Thousand Five Hundred Fifty
73 Dollars (\$11,550.00) per year, payable beginning April 1, 1997.
74 In any county having a population greater than ten thousand
75 (10,000) but less than ten thousand five hundred (10,500)
76 according to the 1990 federal decennial census and in which
77 Mississippi Highway 3 and Mississippi Highway 6 intersect, the
78 board of supervisors may, in its discretion, pay the justice court
79 judges an additional amount not to exceed One Thousand Four
80 Hundred Fifty Dollars (\$1,450.00) per year, payable beginning
81 April 1, 1997. In any county having a population greater than
82 twenty-four thousand seven hundred (24,700) and less than
83 twenty-four thousand nine hundred (24,900), according to the 1990
84 federal census, in which Mississippi Highways 15 and 16 intersect,
85 the board of supervisors shall pay the justice court judge an
86 additional amount equal to Two Thousand Five Hundred Dollars
87 (\$2,500.00) per year.

88 (2) Notwithstanding the provisions of subsection (1) of this
89 section, if the number of justice court judges authorized under
90 Section 9-11-2(1) is exceeded under the provisions of Section
91 9-11-2(4), the aggregate of the salaries paid to the justice court
92 judges of such a county shall not exceed the amount sufficient to
93 pay the number of justice court judges authorized under Section
94 9-11-2(1) and that amount shall be equally divided among those



95 justice court judges continuing to hold office under the
96 provisions of Section 9-11-2(4).

97 (3) From and after January 1, 1984, all fees, costs, fines
98 and penalties charged and collected in the justice court shall be
99 paid to the clerk of the justice court for deposit, along with
100 monies from cash bonds and other monies that have been forfeited
101 in criminal cases, into the general fund of the county as provided
102 in Section 9-11-19; and the clerk of the board of supervisors
103 may, upon approval by the board of supervisors, * * * make
104 disbursements and withdrawals from the general fund of the county
105 in order to pay any reasonable and necessary expenses incurred in
106 complying with this section, including payment of the salaries of
107 justice court judges as provided by subsection (1) of this
108 section. The provisions of this subsection shall not, except as
109 to cash bonds and other monies that have been forfeited in
110 criminal cases, apply to monies required to be deposited in the
111 justice court clerk clearing account as provided in Section
112 9-11-18.

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

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

125 (6) Any justice court judge who is unable to attend and hold
126 court by reason of being under suspension by the Commission on



127 Judicial Performance or the Mississippi Supreme Court shall not
128 receive a salary while under that suspension.

129 **SECTION 2.** This act shall take effect and be in force from
130 and after July 1, 2003.

