

By: Representative Fillingane

To: Fees and Salaries of
Public Officers

HOUSE BILL NO. 1442

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 MOST RECENT FEDERAL DECENNIAL CENSUS;
4 AND FOR 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. _____, 2003 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 most recent federal decennial census * * *. The
13 amount of the salary shall be determined as follows:

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

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

21 (c) In counties with a population of more than
22 seventy-five thousand (75,000) but not more than one hundred fifty
23 thousand (150,000), a salary of Thirty-eight Thousand Seven
24 Hundred Nine Dollars (\$38,709.00).

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



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

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

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

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

45 (i) In counties with a population of more than twelve
46 thousand (12,000) but not more than sixteen thousand five hundred
47 (16,500), a salary of Eighteen Thousand Two Hundred Sixteen
48 Dollars (\$18,216.00).

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

52 (k) In counties with a population of eight thousand
53 (8,000) or less, a salary of Twelve Thousand Dollars (\$12,000.00).

54 The board of supervisors of any county having two (2)
55 judicial districts and two (2) justice court judges for the county
56 shall pay each justice court judge an amount equal to that * * *
57 provided in this subsection for judges in the next higher
58 population category per year, if the justice court judge maintains
59 regular office hours and is personally present in the office the
60 judge maintains for at least thirty (30) hours per week. In any
61 county having a population greater than eight thousand (8,000) but



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

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

90 (3) From and after January 1, 1984, all fees, costs, fines
91 and penalties charged and collected in the justice court shall be
92 paid to the clerk of the justice court for deposit, along with
93 monies from cash bonds and other monies which have been forfeited
94 in criminal cases, into the general fund of the county as provided



95 in Section 9-11-19; and the clerk of the board of supervisors
96 shall be authorized and empowered, upon approval by the board of
97 supervisors, to make disbursements and withdrawals from the
98 general fund of the county in order to pay any reasonable and
99 necessary expenses incurred in complying with this section,
100 including payment of the salaries of justice court judges as
101 provided by subsection (1) of this section. The provisions of
102 this subsection shall not, except as to cash bonds and other
103 monies which have been forfeited in criminal cases, apply to
104 monies required to be deposited in the justice court clerk
105 clearing account as provided in Section 9-11-18.

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

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

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

122 **SECTION 2.** The Attorney General of the State of Mississippi
123 shall submit this act, immediately upon approval by the Governor,
124 or upon approval by the Legislature subsequent to a veto, to the
125 Attorney General of the United States or to the United States
126 District Court for the District of Columbia in accordance with the



127 provisions of the Voting Rights Act of 1965, as amended and
128 extended.

129 **SECTION 3.** This act shall take effect and be in force from
130 and after October 1, 2003, if it is effectuated on or before that
131 date under Section 5 of the Voting Rights Act of 1965, as amended
132 and extended. If it is effectuated under Section 5 of the Voting
133 Rights Act of 1965, as amended and extended, after October 1,
134 2003, this act shall take effect and be in force from and after
135 the date it is effectuated under Section 5 of the Voting Rights
136 Act of 1965, as amended and extended.

