

By: Representative Blackmon

To: Fees and Salaries of
Public Officers; County
Affairs

HOUSE BILL NO. 1078

1 AN ACT TO AMEND SECTION 25-3-36, MISSISSIPPI CODE OF 1972, TO
2 INCREASE THE SALARIES OF JUSTICE COURT JUDGES; AND FOR RELATED
3 PURPOSES.

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

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

7 25-3-36. (1) From and after October 1, 1998, every justice
8 court judge shall receive as full compensation for his or her
9 services and in lieu of any and all other fees, costs or
10 compensation heretofore authorized for such justice court judge,
11 an annual salary based upon the population of his or her county
12 according to the 1990 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 1980 federal
16 decennial census. The amount of a justice court judge's salary
17 shall be determined as follows:

18 (a) In counties with a population of more than two
19 hundred thousand (200,000), a salary of Fifty-three Thousand Two
20 Hundred Forty-four Dollars (\$53,244.00).

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-eight Thousand Eight Hundred
24 Eighty Dollars (\$48,880.00).

25 (c) In counties with a population of more than
26 seventy-four thousand (74,000) but not more than one hundred fifty

27 thousand (150,000), a salary of Forty-four Thousand Five Hundred
28 Sixteen Dollars (\$44,516.00).

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-eight Thousand Four Hundred
32 Six Dollars (\$38,406.00).

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 Thirty-three Thousand One Hundred
36 Sixty-nine Dollars (\$33,169.00).

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 Thirty-one Thousand
40 Four Hundred Twenty-three Dollars (\$31,423.00).

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-seven Thousand
44 Nine Hundred Thirty-two Dollars (\$27,932.00).

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-four Thousand Four Hundred
48 Forty Dollars (\$24,440.00).

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 Twenty Thousand Nine Hundred Forty-nine
52 Dollars (\$20,949.00).

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 Seventeen Thousand Two Hundred Fifty Dollars
56 (\$17,250.00).

57 (k) In counties with a population of eight thousand
58 (8,000) or less, a salary of Thirteen Thousand Eight Hundred
59 Dollars (\$13,800.00).

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 each justice court judge an amount equal to that * * *
63 provided in this subsection for judges in the next higher
64 population category per year, if the justice court judge maintains
65 regular office hours and is personally present in the office he
66 maintains 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 * * *,
71 in its discretion, may pay such justice court judges an additional
72 amount 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 * * *, in its discretion, may pay such
79 justice court judges an additional amount not to exceed One
80 Thousand Four Hundred Fifty Dollars (\$1,450.00) per year, payable
81 beginning April 1, 1997. In any county having a population
82 greater than twenty-four thousand seven hundred (24,700) and less
83 than twenty-four thousand nine hundred (24,900), according to the
84 1990 federal census, wherein Mississippi Highways 15 and 16
85 intersect, the board of supervisors shall pay such justice court
86 judge an additional amount equal to Two Thousand Five Hundred
87 Dollars (\$2,500.00) per year.

88 (2) Notwithstanding the provisions of subsection (1) of this
89 section, in the event that the number of justice court judges
90 authorized pursuant to Section 9-11-2(1) is exceeded pursuant to
91 the provisions of Section 9-11-2(4), the aggregate of the salaries
92 paid to the justice court judges of such a county shall not exceed

93 the amount sufficient to pay the number of justice court judges
94 authorized pursuant to Section 9-11-2(1) and such amount shall be
95 equally divided among those justice court judges continuing to
96 hold office under the 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 which 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 shall be authorized and empowered, upon approval by the board of
104 supervisors, to make disbursements and withdrawals from the
105 general fund of the county in order to pay any reasonable and
106 necessary expenses incurred in complying with this section,
107 including payment of the salaries of justice court judges as
108 provided by subsection (1) of this section. The provisions of
109 this subsection shall not, except as to cash bonds and other
110 monies which have been forfeited in criminal cases, apply to
111 monies required to be deposited in the justice court clerk
112 clearing account as provided in Section 9-11-18, Mississippi Code
113 of 1972.

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

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

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

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

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