

By: Representative Green

To: Fees and Salaries of
Public Officers; County
Affairs

HOUSE BILL NO. 1544

1 AN ACT TO AMEND SECTION 25-3-36, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE THE BOARD OF SUPERVISORS OF CERTAIN COUNTIES TO PAY THE
3 JUSTICE COURT JUDGE AN ADDITIONAL ANNUAL SUPPLEMENT TO SUCH
4 JUSTICE COURT JUDGE'S SALARY; 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) Every justice court judge shall receive as
9 full compensation for his or her services and in lieu of any and
10 all other fees, costs or compensation heretofore authorized for
11 such justice court judge, an annual salary based upon the
12 population of his or her county according to the latest federal
13 decennial census; however, no justice court judge shall be paid
14 less than the salary authorized under this section to be paid the
15 justice court judge based upon the population of the county
16 according to the 1980 federal decennial census. The amount of
17 which salary 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-five Thousand Five
20 Hundred Fifty-nine Dollars (\$55,559.00).

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 Fifty-one Thousand Five Dollars
24 (\$51,005.00).

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 Forty-six Thousand Four Hundred
28 Fifty-one Dollars (\$46,451.00).

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 Forty Thousand Seventy-five Dollars
32 (\$40,075.00).

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-four Thousand Six Hundred
36 Ten Dollars (\$34,610.00).

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-two Thousand
40 Seven Hundred Eighty-nine Dollars (\$32,789.00).

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-nine Thousand
44 One Hundred Forty-six Dollars (\$29,146.00).

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-five Thousand Five Hundred
48 Two Dollars (\$25,502.00).

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-one Thousand Eight Hundred Fifty-nine
52 Dollars (\$21,859.00).

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 Eighteen Thousand Dollars (\$18,000.00).

56 (k) In counties with a population of eight thousand
57 (8,000) or less, a salary of Fourteen Thousand Four Hundred
58 Dollars (\$14,400.00).

59 The board of supervisors of any county having two (2)
60 judicial districts and two (2) justice court judges for the county
61 shall pay each justice court judge an amount equal to that

62 provided in this subsection for judges in the next higher
63 population category per year, if the justice court judge maintains
64 regular office hours and is personally present in the office they
65 maintain for at least thirty (30) hours per week.

66 In any county having a population greater than eight thousand
67 (8,000) but less than eight thousand five hundred (8,500)
68 according to the 1990 federal decennial census and in which U.S.
69 Highway 61 and Mississippi Highway 4 intersect, the board of
70 supervisors, in its discretion, may pay such justice court judges
71 an additional amount not to exceed the sum of Eleven Thousand Five
72 Hundred Fifty Dollars (\$11,550.00) per year, payable beginning
73 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 justice
79 court 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.

82 In any county having a population greater than twenty-four
83 thousand seven hundred (24,700) and less than twenty-four thousand
84 nine hundred (24,900), according to the 1990 federal census,
85 wherein Mississippi Highways 15 and 16 intersect, the board of
86 supervisors shall pay such justice court judge an additional
87 amount equal to Two Thousand Five Hundred Dollars (\$2,500.00) per
88 year.

89 In any county having a population greater than thirteen
90 thousand five hundred (13,500) and less than thirteen thousand six
91 hundred (13,600), according to the 2000 federal census, wherein
92 Mississippi Highways 24 and 48 intersect, the board of supervisors
93 shall pay such justice court judge an amount equal to Ten Thousand
94 Dollars (\$10,000.00) per year more than the amount that such

95 justice court judge was receiving before the effective date of
96 House Bill No. 1544, 2005 Regular Session.

97 (2) Notwithstanding the provisions of subsection (1) of this
98 section, in the event that the number of justice court judges
99 authorized pursuant to Section 9-11-2(1) is exceeded pursuant to
100 the provisions of Section 9-11-2(4), the aggregate of the salaries
101 paid to the justice court judges of such a county shall not exceed
102 the amount sufficient to pay the number of justice court judges
103 authorized pursuant to Section 9-11-2(1), and such amount shall be
104 equally divided among those justice court judges continuing to
105 hold office under the provisions of Section 9-11-2(4).

106 (3) From and after January 1, 1984, all fees, costs, fines
107 and penalties charged and collected in the justice court shall be
108 paid to the clerk of the justice court for deposit, along with
109 monies from cash bonds and other monies which have been forfeited
110 in criminal cases, into the general fund of the county as provided
111 in Section 9-11-19; and the clerk of the board of supervisors
112 shall be authorized and empowered, upon approval by the board of
113 supervisors, to make disbursements and withdrawals from the
114 general fund of the county in order to pay any reasonable and
115 necessary expenses incurred in complying with this section,
116 including payment of the salaries of justice court judges as
117 provided by subsection (1) of this section. The provisions of
118 this subsection shall not, except as to cash bonds and other
119 monies which have been forfeited in criminal cases, apply to
120 monies required to be deposited in the justice court clerk
121 clearing account as provided in Section 9-11-18, Mississippi Code
122 of 1972.

123 (4) The salaries provided for in this section shall be
124 payable monthly by warrant drawn by the clerk of the board of
125 supervisors on the general fund of the county; however, the board
126 of supervisors, by resolution duly adopted and entered on its
127 minutes, may provide that such salaries shall be paid semimonthly

128 on the first and fifteenth day of each month. If a pay date falls
129 on a weekend or legal holiday, salary payments shall be made on
130 the workday immediately preceding the weekend or legal holiday.

131 (5) Provided, that the salary of any justice court judge
132 shall not be reduced during his term of office as a result of a
133 population change following a federal decennial census.

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

138 **SECTION 2.** The Attorney General of the State of Mississippi
139 shall submit this act, immediately upon approval by the Governor,
140 or upon approval by the Legislature subsequent to a veto, to the
141 Attorney General of the United States or to the United States
142 District Court for the District of Columbia in accordance with the
143 provisions of the Voting Rights Act of 1965, as amended and
144 extended.

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