

By: Representative Reynolds

To: County Affairs;  
Judiciary B

HOUSE BILL NO. 1332

1 AN ACT TO AMEND SECTION 25-3-36, MISSISSIPPI CODE OF 1972, TO  
2 DELETE THE REQUIREMENT FOR CERTAIN JUSTICE COURT JUDGES TO  
3 MAINTAIN REGULAR OFFICE HOURS AND BE PERSONALLY PRESENT IN THE  
4 OFFICE FOR AT LEAST 30 HOURS PER WEEK BEFORE RECEIVING PAY IN THE  
5 NEXT HIGHER POPULATION CATEGORY; 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) Every justice court judge shall receive as  
10 full compensation for his or her services and in lieu of any and  
11 all other fees, costs or compensation heretofore authorized for  
12 such justice court judge, an annual salary based upon the  
13 population of his or her county according to the latest federal  
14 decennial census; however, no justice court judge shall be paid  
15 less than the salary authorized under this section to be paid the  
16 justice court judge based upon the population of the county  
17 according to the 1980 federal decennial census. The amount of  
18 which salary shall be determined as follows:

19 (a) In counties with a population of more than two  
20 hundred thousand (200,000), a salary of Fifty-five Thousand Five  
21 Hundred Fifty-nine Dollars (\$55,559.00).

22 (b) In counties with a population of more than one  
23 hundred fifty thousand (150,000) but not more than two hundred  
24 thousand (200,000), a salary of Fifty-one Thousand Five Dollars  
25 (\$51,005.00).

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

28 thousand (150,000), a salary of Forty-six Thousand Four Hundred  
29 Fifty-one Dollars (\$46,451.00).

30 (d) In counties with a population of more than  
31 forty-nine thousand (49,000) but not more than seventy-five  
32 thousand (75,000), a salary of Forty Thousand Seventy-five Dollars  
33 (\$40,075.00).

34 (e) In counties with a population of more than  
35 thirty-four thousand (34,000) but not more than forty-nine  
36 thousand (49,000), a salary of Thirty-four Thousand Six Hundred  
37 Ten Dollars (\$34,610.00).

38 (f) In counties with a population of more than  
39 twenty-four thousand five hundred (24,500) but not more than  
40 thirty-four thousand (34,000), a salary of Thirty-two Thousand  
41 Seven Hundred Eighty-nine Dollars (\$32,789.00).

42 (g) In counties with a population of more than  
43 twenty-one thousand (21,000) but not more than twenty-four  
44 thousand five hundred (24,500), a salary of Twenty-nine Thousand  
45 One Hundred Forty-six Dollars (\$29,146.00).

46 (h) In counties with a population of more than sixteen  
47 thousand five hundred (16,500) but not more than twenty-one  
48 thousand (21,000), a salary of Twenty-five Thousand Five Hundred  
49 Two Dollars (\$25,502.00).

50 (i) In counties with a population of more than twelve  
51 thousand (12,000) but not more than sixteen thousand five hundred  
52 (16,500), a salary of Twenty-one Thousand Eight Hundred Fifty-nine  
53 Dollars (\$21,859.00).

54 (j) In counties with a population of more than eight  
55 thousand (8,000) but not more than twelve thousand (12,000), a  
56 salary of Eighteen Thousand Dollars (\$18,000.00).

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

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 \* \* \*.

65           In any county having a population greater than eight thousand  
66   (8,000) but less than eight thousand five hundred (8,500)  
67   according to the 1990 federal decennial census and in which U.S.  
68   Highway 61 and Mississippi Highway 4 intersect, the board of  
69   supervisors, in its discretion, may pay such justice court judges  
70   an additional amount not to exceed the sum of Eleven Thousand Five  
71   Hundred Fifty Dollars (\$11,550.00) per year, payable beginning  
72   April 1, 1997.

73           In any county having a population greater than ten thousand  
74   (10,000) but less than ten thousand five hundred (10,500)  
75   according to the 1990 federal decennial census and in which  
76   Mississippi Highway 3 and Mississippi Highway 6 intersect, the  
77   board of supervisors, in its discretion, may pay such justice  
78   court judges an additional amount not to exceed One Thousand Four  
79   Hundred Fifty Dollars (\$1,450.00) per year, payable beginning  
80   April 1, 1997.

81           In any county having a population greater than twenty-four  
82   thousand seven hundred (24,700) and less than twenty-four thousand  
83   nine hundred (24,900), according to the 1990 federal census,  
84   wherein Mississippi Highways 15 and 16 intersect, the board of  
85   supervisors shall pay such justice court judge an additional  
86   amount equal to Two Thousand Five Hundred Dollars (\$2,500.00) per  
87   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 this section shall be  
115 payable monthly by warrant drawn by the clerk of the board of  
116 supervisors on the general fund of the county; however, the board  
117 of supervisors, by resolution duly adopted and entered on its  
118 minutes, may provide that such salaries shall be paid semimonthly  
119 on the first and fifteenth day of each month. If a pay date falls  
120 on a weekend or legal holiday, salary payments shall be made on  
121 the workday immediately preceding the weekend or legal holiday.

122 (5) Provided, that the salary of any justice court judge  
123 shall not be reduced during his term of office as a result of a  
124 population 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 such suspension.

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

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