

By: Senator(s) Horhn

To: County Affairs

SENATE BILL NO. 2384

1 AN ACT TO AMEND SECTION 25-7-61, MISSISSIPPI CODE OF 1972, TO  
2 REVISE THE AMOUNT OF JUROR PAY; AND FOR RELATED PURPOSES.

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

4 SECTION 1. Section 25-7-61, Mississippi Code of 1972, is  
5 amended as follows:

6 [Effective until January 1, 2008, this section shall read as  
7 follows:]

8 25-7-61. (1) Fees of jurors shall be payable as follows:

9 (a) Grand jurors and petit jurors in the chancery,  
10 county, circuit and special eminent domain courts shall be paid an  
11 amount to be set by the board of supervisors, not to be less than  
12 Fifty Dollars (\$50.00) per day, \* \* \* plus mileage authorized in  
13 Section 25-3-41. In the trial of all cases where jurors are in  
14 charge of bailiffs and are not permitted to separate, the sheriff  
15 with the approval of the trial judge may pay for room and board of  
16 jurors on panel for actual time of trial.

17 No grand juror shall receive any compensation except mileage  
18 unless he shall have been sworn as provided by Section 13-5-45;  
19 and no petit, juror except those jurors called on special venires,  
20 shall receive any compensation authorized under this subsection  
21 except mileage unless he shall have been sworn as provided by  
22 Section 13-5-71.

23 (b) Jurors making inquisitions of \* \* \* unsound mind  
24 and jurors on coroner's inquest shall be paid Twenty-five Dollars  
25 (\$25.00) per day plus mileage authorized in Section 25-3-41 by the  
26 county treasurer on order of the board of supervisors on

27 certificate of the clerk of the chancery court in which such  
28 inquisition is held.

29 (c) Jurors in the justice courts shall be paid  
30 Twenty-five Dollars (\$25.00) per day \* \* \*. In all criminal cases  
31 in the justice court wherein the prosecution fails, the fees of  
32 jurors shall be paid by the county treasurer on order of the board  
33 of supervisors on certificate of the county attorney in all  
34 counties that have county attorneys, otherwise by the justice  
35 court judge.

36 (2) Any juror may return the fees provided as compensation  
37 for service as a juror to the county which paid for such person's  
38 service as a juror. The fees returned to the county may be  
39 earmarked for a particular purpose to be selected by the juror,  
40 including:

41 (a) The local public library;

42 (b) Local law enforcement;

43 (c) The Mississippi Burn Care Fund created in Section  
44 7-9-70, Mississippi Code of 1972; or

45 (d) Any other governmental agency.

46 **[Effective from and after January 1, 2008, this section shall**  
47 **read as follows:]**

48 25-7-61. (1) Fees of jurors shall be payable as follows:

49 (a) Grand jurors and petit jurors in the chancery,  
50 county, circuit and special eminent domain courts shall be paid an  
51 amount to be set by the board of supervisors, not to be less than  
52 Fifty Dollars (\$50.00) per day \* \* \*, plus mileage authorized in  
53 Section 25-3-41. In the trial of all cases where jurors are in  
54 charge of bailiffs and are not permitted to separate, the sheriff,  
55 with the approval of the trial judge, may pay for room and board  
56 of jurors on panel for actual time of trial.

57 No grand juror shall receive any compensation except mileage  
58 unless he shall have been sworn as provided by Section 13-5-45;  
59 and no petit juror, except those jurors called on special venires,

60 shall receive any compensation authorized under this subsection  
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67 certificate of the clerk of the chancery court in which such  
68 inquisition is held.

69 (c) Jurors in the justice courts shall be paid  
70 Twenty-five Dollars (\$25.00) per day \* \* \*. In all criminal cases  
71 in the justice court wherein the prosecution fails, the fees of  
72 jurors shall be paid by the county treasurer on order of the board  
73 of supervisors on certificate of the county attorney in all  
74 counties that have county attorneys, otherwise by the justice  
75 court judge.

76 (2) Any juror may return the fees provided as compensation  
77 for service as a juror to the county which paid for such person's  
78 service as a juror. The fees returned to the county may be  
79 earmarked for a particular purpose to be selected by the juror,  
80 including:

81 (a) The local public library;

82 (b) Local law enforcement;

83 (c) The Mississippi Burn Care Fund created in Section  
84 7-9-70, Mississippi Code of 1972; or

85 (d) Any other governmental agency.

86 (3) The Administrative Office of Courts shall promulgate  
87 rules to establish a Lengthy Trial Fund to be used to provide full  
88 or partial wage replacement or wage supplementation to jurors who  
89 serve as petit jurors in civil cases for more than ten (10) days.

90 (a) The court rules shall provide for the following:

91 (i) The selection and appointment of an  
92 administrator for the fund.

93 (ii) Procedures for the administration of the  
94 fund, including payments of salaries of the administrator and  
95 other necessary personnel.

96 (iii) Procedures for the accounting, auditing and  
97 investment of money in the Lengthy Trial Fund.

98 (iv) A report by the Administrative Office of  
99 Courts on the administration of the Lengthy Trial Fund in its  
100 annual report on the judicial branch, setting forth the money  
101 collected for and disbursed from the fund.

102 (b) The administrator shall use any monies deposited in  
103 the Lengthy Trial Fund to pay full or partial wage replacement or  
104 supplementation to jurors whose employers pay less than full  
105 regular wages when the period of jury service lasts more than ten  
106 (10) days.

107 (c) To the extent funds are available in the Lengthy  
108 Trial Fund, and in accordance with any rules or regulations  
109 promulgated by the Administrative Office of Courts, the court may  
110 pay replacement or supplemental wages out of the Lengthy Trial  
111 Fund not to exceed Three Hundred Dollars (\$300.00) per day per  
112 juror beginning on the eleventh day of jury service. In addition,  
113 for any jurors who qualify for payment by virtue of having served  
114 on a jury for more than ten (10) days, the court, upon finding  
115 that such service posed a significant financial hardship to a  
116 juror, even in light of payments made with respect to jury service  
117 after the tenth day, may award replacement or supplemental wages  
118 out of the Lengthy Trial Fund not to exceed One Hundred Dollars  
119 (\$100.00) per day from the fourth to the tenth day of jury  
120 service.

121 (d) Any juror who is serving or has served on a jury  
122 that qualifies for payment from the Lengthy Trial Fund, provided  
123 the service commenced on or after January 1, 2008, may submit a  
124 request for payment from the Lengthy Trial Fund on a form that the  
125 administrator provides. Payment shall be limited to the

126 difference between the jury fee specified in subsection (1) of  
127 this section and the actual amount of wages a juror earns, up to  
128 the maximum level payable, minus any amount the juror actually  
129 receives from the employer during the same time period.

130 (i) The form shall disclose the juror's regular  
131 wages, the amount the employer will pay during the term of jury  
132 service starting on the eleventh day and thereafter, the amount of  
133 replacement or supplemental wages requested, and any other  
134 information the administrator deems necessary for proper payment.

135 (ii) The juror also shall be required to submit  
136 verification from the employer as to the wage information provided  
137 to the administrator, for example, the employee's most recent  
138 earnings statement or similar document, prior to initiation of  
139 payment from the fund.

140 (iii) If an individual is self-employed or  
141 receives compensation other than wages, the individual may provide  
142 a sworn affidavit attesting to his or her approximate gross weekly  
143 income, together with such other information as the administrator  
144 may require, in order to verify weekly income.

145 (4) Nothing in this section shall be construed to impose an  
146 obligation on any county to place monies in the Lengthy Trial Fund  
147 or to pay replacement or supplemental wages to any juror from  
148 county funds.

149 **SECTION 2.** This act shall take effect and be in force from  
150 and after July 1, 2007.