

By: Representative Harness

To: Judiciary B;
Appropriations A

HOUSE BILL NO. 746

1 AN ACT TO AMEND SECTION 99-15-17, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE COMPENSATION FOR INDIGENT COUNSEL; TO BRING FORWARD
3 SECTION 25-32-5, MISSISSIPPI CODE OF 1972, WHICH PROVIDES THE
4 COMPENSATION FOR PUBLIC DEFENDERS, FOR PURPOSES OF AMENDMENT; TO
5 BRING FORWARD SECTION 25-3-35, MISSISSIPPI CODE OF 1972, WHICH
6 PROVIDES THE COMPENSATION FOR JUDGES AND DISTRICT ATTORNEYS, FOR
7 PURPOSES OF AMENDMENT; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 99-15-17, Mississippi Code of 1972, is
10 amended as follows:

11 99-15-17. The compensation for counsel for indigents
12 appointed as provided in Section 99-15-15, shall be approved and
13 allowed by the appropriate judge and in any one (1) case may
14 not * * * be less than Three Thousand Dollars (\$3,000.00) for
15 representation in circuit court whether on appeal or originating
16 in said court. Provided, however, if said case is not appealed to
17 or does not originate in a court of record, the maximum
18 compensation shall not exceed * * * One Thousand Five Hundred
19 Dollars (\$1,500.00) for any one (1) case, the amount of such
20 compensation to be approved by a judge of the chancery court,



21 county court or circuit court in the county where the case arises.
22 Provided, however, in a capital case two (2) attorneys may be
23 appointed, and the compensation may * * * not be less than Four
24 Thousand Dollars (\$4,000.00) per case. If the case is appealed to
25 the state supreme court by counsel appointed by the judge, the
26 allowable fee for services on appeal shall not * * * be less than
27 Three Thousand Dollars (\$3,000.00) per case. In addition, the
28 judge shall allow reimbursement of actual expenses. The attorney
29 or attorneys so appointed shall itemize the time spent in
30 defending said indigents together with an itemized statement of
31 expenses of such defense, and shall present same to the
32 appropriate judge. The fees and expenses as allowed by the
33 appropriate judge shall be paid by the county treasurer out of the
34 general fund of the county in which the prosecution was commenced.

35 **SECTION 2.** Section 25-32-5, Mississippi Code of 1972, is
36 brought forward as follows:

37 25-32-5. Compensation for the public defender shall be fixed
38 by the board of supervisors or boards of supervisors, if two (2)
39 or more counties are acting jointly; provided, however, the
40 compensation for a public defender, who shall be full-time,
41 representing an entire circuit court district shall not be less
42 than the compensation of the district attorney, the compensation
43 for a public defender representing one (1) county shall not be
44 less than the compensation of the county prosecuting attorney and
45 the compensation for a public defender representing two (2) or



46 more counties, but less than the entire circuit court district,
47 shall not be less than the aggregate of the compensation for
48 county prosecuting attorneys of the counties served, but in no
49 event to exceed the compensation of the district attorney. No
50 full-time public defender or full-time assistant public defenders
51 shall engage nor be associated with any person in the private
52 practice of law. Part-time public defenders or part-time
53 assistant public defenders may engage in the private practice of
54 the law as long as such practice does not relate to the
55 prosecution of criminal matters.

56 **SECTION 3.** Section 25-3-35, Mississippi Code of 1972, is
57 brought forward as follows:

58 25-3-35. (1) The annual salaries of the following judges
59 are fixed as follows:

60 **Through December 31, 2022:**

61 Chief Justice of the Supreme Court.....\$174,000.00
62 Presiding Justices of the Supreme Court, each..... 169,500.00
63 Associate Justices of the Supreme Court, each..... 166,500.00

64 **From and after January 1, 2023:**

65 Chief Justice of the Supreme Court.....\$181,491.00
66 Presiding Justices of the Supreme Court, each..... 176,737.00
67 Associate Justices of the Supreme Court, each 173,800.00

68 There are imposed upon the Supreme Court justices the extra
69 duties of taking all necessary action to promote judicial
70 education in schools, intervention courts, electronic filing and



71 case management systems as developed by the Administrative Office
72 of Courts, or such other additional duties as may be assigned by
73 the Chief Justice of the Supreme Court. For such extra services
74 each justice, from and after January 1, 2023, shall receive a sum
75 sufficient to aggregate, per annum, the salaries set forth in this
76 subsection (1).

77 The fixed salaries in this subsection (1) shall be paid from
78 the State General Fund and from the Judicial System Operation Fund
79 created under Section 9-21-45. No less than: One Hundred Fifteen
80 Thousand Three Hundred Ninety Dollars (\$115,390.00) of the Chief
81 Justice's salary in this subsection (1), One Hundred Thirteen
82 Thousand One Hundred Ninety Dollars (\$113,190.00) of the salary of
83 a presiding justice in this subsection (1), and One Hundred Twelve
84 Thousand Five Hundred Thirty Dollars (\$112,530.00) of the salary
85 of an associate justice in this subsection (1) shall be paid from
86 general fund monies; in addition, the Legislature shall
87 appropriate annually from the Judicial System Operation Fund a sum
88 sufficient to increase the salary of the Chief Justice, a
89 presiding justice and an associate justice to the levels set forth
90 in this subsection (1).

91 The fixed salaries as specified in this subsection (1) shall
92 be the exclusive and total compensation which can be reported to
93 the Public Employees' Retirement System for retirement purposes;
94 however, any judge in office on December 31, 2003, may continue to



95 report his expense allowance as part of his compensation for
96 retirement purposes.

97 (2) The annual salaries of the judges of the Court of
98 Appeals of Mississippi are fixed as follows:

99 **Through December 31, 2022:**

100 Chief Judge of the Court of Appeals.....\$161,500.00
101 Associate Judges of the Court of Appeals, each.... 158,500.00

102 **From and after January 1, 2023:**

103 Chief Judge of the Court of Appeals \$169,349.00
104 Associate Judges of the Court of Appeals, each.... 168,467.00

105 From and after January 1, 2023, each judge shall receive a
106 sum sufficient to aggregate, per annum, the salaries set forth in
107 this subsection (2).

108 The fixed salaries in this subsection (2) shall be paid from
109 the State General Fund and from the Judicial System Operation Fund
110 created under Section 9-21-45. No less than One Hundred Eight
111 Thousand One Hundred Thirty Dollars (\$108,130.00) of the Chief
112 Judge's salary in this subsection (2) shall be paid from general
113 fund monies; in addition, the Legislature shall appropriate
114 annually from the Judicial System Operation Fund a sum sufficient
115 to increase the Chief Judge's salary to the level set forth in
116 this subsection (2). No less than One Hundred Five Thousand Fifty
117 Dollars (\$105,050.00) of the salary of an associate judge in this
118 subsection (2) shall be paid from general fund monies; in
119 addition, the Legislature shall appropriate annually from the



120 Judicial System Operation Fund a sum sufficient to increase the
121 salary of an associate judge to the level set forth in this
122 subsection (2).

123 The fixed salaries as specified in this subsection (2) shall
124 be the exclusive and total compensation which can be reported to
125 the Public Employees' Retirement System for retirement purposes;
126 however, any judge in office on December 31, 2003, may continue to
127 report his expense allowance as part of his compensation for
128 retirement purposes.

129 (3) The annual salaries of the chancery and circuit court
130 judges are fixed as follows:

131 **Through December 31, 2022:**

132 Chancery Judges, each.....\$149,000.00
133 Circuit Judges, each..... 149,000.00

134 **From and after January 1, 2023:**

135 Chancery Judges, each.....\$158,000.00
136 Circuit Judges, each..... 158,000.00

137 In addition to their present official duties, the circuit and
138 chancery judges shall take necessary action to promote judicial
139 education in schools, intervention courts, electronic filing and
140 case management systems as developed by the Administrative Office
141 of Courts, or such other additional duties as may be assigned by
142 the Chief Justice of the Supreme Court. For such extra services
143 each judge, from and after January 1, 2023, shall receive a sum



144 sufficient to aggregate, per annum, the salaries set forth in this
145 subsection (3).

146 The fixed salaries in this subsection (3) shall be paid from
147 the State General Fund and from the Judicial System Operation Fund
148 created under Section 9-21-45. No less than One Hundred Four
149 Thousand One Hundred Seventy Dollars (\$104,170.00) of the salary
150 of a chancery or circuit judge in this subsection (3) shall be
151 paid from general fund monies; in addition, the Legislature shall
152 appropriate annually from the Judicial System Operation Fund a sum
153 sufficient to increase the salary of a chancery or circuit judge
154 to the levels set forth in this subsection (3).

155 (4) From and after January 1, 2019, and every four (4) years
156 thereafter, the annual salaries of the judges in subsections (1),
157 (2) and (3) shall be fixed at the level of compensation
158 recommended by the State Personnel Board according to the board's
159 most recent report on judicial salaries, as required under Section
160 25-9-115, to the extent that sufficient funds are available. The
161 annual salaries fixed in accordance with this subsection (4) shall
162 not become effective until the commencement of the next
163 immediately succeeding term of office.

164 (5) The Supreme Court shall prepare a payroll for chancery
165 judges and circuit judges and submit such payroll to the
166 Department of Finance and Administration.

167 (6) The annual salary of the full-time district attorneys
168 shall be:



169 **From and after January 1, 2016, through December 31, 2022:**

170 One Hundred Twenty-five Thousand Nine Hundred Dollars
171 (\$125,900.00).

172 **From and after January 1, 2023:**

173 One Hundred Thirty-four Thousand Four Hundred Dollars
174 (\$134,400.00).

175 (7) The annual salary of the full-time legal assistants
176 shall be not less than Fifteen Thousand Dollars (\$15,000.00) nor
177 more than eighty percent (80%) of the salary of the district
178 attorney for legal assistants who have been licensed to practice
179 law for five (5) years or less; eighty-five percent (85%) of the
180 salary of the district attorney for legal assistants who have been
181 licensed to practice law for at least five (5) years but less than
182 fifteen (15) years; and ninety percent (90%) of the salary of the
183 district attorney for legal assistants who have been licensed to
184 practice law for at least fifteen (15) years or more.

185 **SECTION 4.** This act shall take effect and be in force from
186 and after July 1, 2024.

