

By: Representatives Fillingane, Mitchell

To: Fees and Salaries of  
Public Officers; County  
Affairs

HOUSE BILL NO. 653

1 AN ACT TO AMEND SECTION 25-3-36, MISSISSIPPI CODE OF 1972, TO  
2 REQUIRE THE COMPENSATION FOR JUSTICE COURT JUDGES TO BE BASED UPON  
3 POPULATION ACCORDING TO THE MOST RECENT FEDERAL DECENNIAL CENSUS;  
4 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) From and after the effective date of House  
9 Bill No. \_\_\_\_\_, 2002 Regular Session, every justice court judge  
10 shall receive as full compensation for his or her services \* \* \*  
11 an annual salary based upon the population of his or her county  
12 according to the most recent federal decennial census \* \* \*. The  
13 amount of the salary shall be determined as follows:

14 (a) In counties with a population of more than two  
15 hundred thousand (200,000), a salary of Forty-six Thousand Two  
16 Hundred Ninety-nine Dollars (\$46,299.00).

17 (b) In counties with a population of more than one  
18 hundred fifty thousand (150,000) but not more than two hundred  
19 thousand (200,000), a salary of Forty-two Thousand Five Hundred  
20 Four Dollars (\$42,504.00).

21 (c) In counties with a population of more than  
22 seventy-five thousand (75,000) but not more than one hundred fifty  
23 thousand (150,000), a salary of Thirty-eight Thousand Seven  
24 Hundred Nine Dollars (\$38,709.00).

25 (d) In counties with a population of more than  
26 forty-nine thousand (49,000) but not more than seventy-five  
27 thousand (75,000), a salary of Thirty-three Thousand Three Hundred  
28 Ninety-six Dollars (\$33,396.00).



29           (e) In counties with a population of more than  
30 thirty-four thousand (34,000) but not more than forty-nine  
31 thousand (49,000), a salary of Twenty-eight Thousand Eight Hundred  
32 Forty-two Dollars (\$28,842.00).

33           (f) In counties with a population of more than  
34 twenty-four thousand five hundred (24,500) but not more than  
35 thirty-four thousand (34,000), a salary of Twenty-seven Thousand  
36 Three Hundred Twenty-four Dollars (\$27,324.00).

37           (g) In counties with a population of more than  
38 twenty-one thousand (21,000) but not more than twenty-four  
39 thousand five hundred (24,500), a salary of Twenty-four Thousand  
40 Two Hundred Eighty-eight Dollars (\$24,288.00).

41           (h) In counties with a population of more than sixteen  
42 thousand five hundred (16,500) but not more than twenty-one  
43 thousand (21,000), a salary of Twenty-one Thousand Two Hundred  
44 Fifty-two Dollars (\$21,252.00).

45           (i) In counties with a population of more than twelve  
46 thousand (12,000) but not more than sixteen thousand five hundred  
47 (16,500), a salary of Eighteen Thousand Two Hundred Sixteen  
48 Dollars (\$18,216.00).

49           (j) In counties with a population of more than eight  
50 thousand (8,000) but not more than twelve thousand (12,000), a  
51 salary of Fifteen Thousand Dollars (\$15,000.00).

52           (k) In counties with a population of eight thousand  
53 (8,000) or less, a salary of Twelve Thousand Dollars (\$12,000.00).

54           The board of supervisors of any county having two (2)  
55 judicial districts and two (2) justice court judges for the county  
56 shall pay each justice court judge an amount equal to that \* \* \*  
57 provided in this subsection for judges in the next higher  
58 population category per year, if the justice court judge maintains  
59 regular office hours and is personally present in the office the  
60 judge maintains for at least thirty (30) hours per week. In any  
61 county having a population greater than eight thousand (8,000) but



62 less than eight thousand five hundred (8,500) according to the  
63 1990 federal decennial census and in which U.S. Highway 61 and  
64 Mississippi Highway 4 intersect, the board of supervisors \* \* \*,  
65 in its discretion, may pay such justice court judges an additional  
66 amount not to exceed the sum of Eleven Thousand Five Hundred Fifty  
67 Dollars (\$11,550.00) per year \* \* \*. In any county having a  
68 population greater than ten thousand (10,000) but less than ten  
69 thousand five hundred (10,500) according to the 1990 federal  
70 decennial census and in which Mississippi Highway 3 and  
71 Mississippi Highway 6 intersect, the board of supervisors \* \* \*,  
72 in its discretion, may pay such justice court judges an additional  
73 amount not to exceed One Thousand Four Hundred Fifty Dollars  
74 (\$1,450.00) per year \* \* \*. In any county having a population  
75 greater than twenty-four thousand seven hundred (24,700) and less  
76 than twenty-four thousand nine hundred (24,900), according to the  
77 1990 federal census, wherein Mississippi Highways 15 and 16  
78 intersect, the board of supervisors shall pay such justice court  
79 judge an additional amount equal to Two Thousand Five Hundred  
80 Dollars (\$2,500.00) per year.

81 (2) Notwithstanding the provisions of subsection (1) of this  
82 section, in the event that the number of justice court judges  
83 authorized pursuant to Section 9-11-2(1) is exceeded pursuant to  
84 the provisions of Section 9-11-2(4), the aggregate of the salaries  
85 paid to the justice court judges of such a county shall not exceed  
86 the amount sufficient to pay the number of justice court judges  
87 authorized pursuant to Section 9-11-2(1), and such amount shall be  
88 equally divided among those justice court judges continuing to  
89 hold office under the provisions of Section 9-11-2(4).

90 (3) From and after January 1, 1984, all fees, costs, fines  
91 and penalties charged and collected in the justice court shall be  
92 paid to the clerk of the justice court for deposit, along with  
93 monies from cash bonds and other monies which have been forfeited  
94 in criminal cases, into the general fund of the county as provided



95 in Section 9-11-19; and the clerk of the board of supervisors  
96 shall be authorized and empowered, upon approval by the board of  
97 supervisors, to make disbursements and withdrawals from the  
98 general fund of the county in order to pay any reasonable and  
99 necessary expenses incurred in complying with this section,  
100 including payment of the salaries of justice court judges as  
101 provided by subsection (1) of this section. The provisions of  
102 this subsection shall not, except as to cash bonds and other  
103 monies which have been forfeited in criminal cases, apply to  
104 monies required to be deposited in the justice court clerk  
105 clearing account as provided in Section 9-11-18.

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

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

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

122 **SECTION 2.** The Attorney General of the State of Mississippi  
123 shall submit this act, immediately upon approval by the Governor,  
124 or upon approval by the Legislature subsequent to a veto, to the  
125 Attorney General of the United States or to the United States  
126 District Court for the District of Columbia in accordance with the



127 provisions of the Voting Rights Act of 1965, as amended and  
128 extended.

129       **SECTION 3.** This act shall take effect and be in force from  
130 and after October 1, 2002, if it is effectuated on or before that  
131 date under Section 5 of the Voting Rights Act of 1965, as amended  
132 and extended. If it is effectuated under Section 5 of the Voting  
133 Rights Act of 1965, as amended and extended, after October 1,  
134 2002, this act shall take effect and be in force from and after  
135 the date it is effectuated under Section 5 of the Voting Rights  
136 Act of 1965, as amended and extended.

