

By: Representatives Holland, Mitchell

To: Fees and Salaries of  
Public Officers; County  
Affairs

HOUSE BILL NO. 720

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 ON  
3 THE POPULATION OF COUNTIES ACCORDING TO THE MOST RECENT FEDERAL  
4 DECENNIAL CENSUS; 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 October 1, 2002, every justice  
9 court judge shall receive as full compensation for his or her  
10 services and in lieu of any and all other fees, costs or  
11 compensation \* \* \* authorized before January 1, 1984, for such  
12 justice court judge, an annual salary based upon the population of  
13 his or her county according to the most recent federal decennial  
14 census; however, no justice court judge shall be paid less than  
15 the salary authorized under this section to be paid the justice  
16 court judge based upon the population of the county according to  
17 the 1980 federal decennial census. The amount of the salary shall  
18 be determined as follows:

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

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 Forty-two Thousand Five Hundred  
25 Four Dollars (\$42,504.00).

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 Thirty-eight Thousand Seven  
29 Hundred Nine Dollars (\$38,709.00).

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 Thirty-three Thousand Three Hundred  
33 Ninety-six Dollars (\$33,396.00).

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 Twenty-eight Thousand Eight Hundred  
37 Forty-two Dollars (\$28,842.00).

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 Twenty-seven Thousand  
41 Three Hundred Twenty-four Dollars (\$27,324.00).

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-four Thousand  
45 Two Hundred Eighty-eight Dollars (\$24,288.00).

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-one Thousand Two Hundred  
49 Fifty-two Dollars (\$21,252.00).

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 Eighteen Thousand Two Hundred Sixteen  
53 Dollars (\$18,216.00).

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 Fifteen Thousand Dollars (\$15,000.00).

57 (k) In counties with a population of eight thousand  
58 (8,000) or less, a salary of Twelve Thousand Dollars (\$12,000.00).

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 the  
65 judge maintains for at least thirty (30) hours per week. In any  
66 county having a population greater than eight thousand (8,000) but  
67 less than eight thousand five hundred (8,500) according to the  
68 1990 federal decennial census and in which U.S. Highway 61 and  
69 Mississippi Highway 4 intersect, the board of supervisors \* \* \*,  
70 in its discretion, may pay such justice court judges an additional  
71 amount not to exceed the sum of Eleven Thousand Five Hundred Fifty  
72 Dollars (\$11,550.00) per year \* \* \*. In any county having a  
73 population greater than ten thousand (10,000) but less than ten  
74 thousand five hundred (10,500) according to the 1990 federal  
75 decennial census and in which Mississippi Highway 3 and  
76 Mississippi Highway 6 intersect, the board of supervisors \* \* \*,  
77 in its discretion, may pay such justice court judges an additional  
78 amount not to exceed One Thousand Four Hundred Fifty Dollars  
79 (\$1,450.00) per year \* \* \*. In any county having a population  
80 greater than twenty-four thousand seven hundred (24,700) and less  
81 than twenty-four thousand nine hundred (24,900), according to the  
82 1990 federal census, wherein Mississippi Highways 15 and 16  
83 intersect, the board of supervisors shall pay such justice court  
84 judge an additional amount equal to Two Thousand Five Hundred  
85 Dollars (\$2,500.00) per year.

86 (2) Notwithstanding the provisions of subsection (1) of this  
87 section, in the event that the number of justice court judges  
88 authorized pursuant to Section 9-11-2(1) is exceeded pursuant to  
89 the provisions of Section 9-11-2(4), the aggregate of the salaries  
90 paid to the justice court judges of such a county shall not exceed  
91 the amount sufficient to pay the number of justice court judges  
92 authorized pursuant to Section 9-11-2(1), and such amount shall be



93 equally divided among those justice court judges continuing to  
94 hold office under the provisions of Section 9-11-2(4).

95 (3) From and after January 1, 1984, all fees, costs, fines  
96 and penalties charged and collected in the justice court shall be  
97 paid to the clerk of the justice court for deposit, along with  
98 monies from cash bonds and other monies which have been forfeited  
99 in criminal cases, into the general fund of the county as provided  
100 in Section 9-11-19; and the clerk of the board of supervisors  
101 shall be authorized and empowered, upon approval by the board of  
102 supervisors, to make disbursements and withdrawals from the  
103 general fund of the county in order to pay any reasonable and  
104 necessary expenses incurred in complying with this section,  
105 including payment of the salaries of justice court judges as  
106 provided by subsection (1) of this section. The provisions of  
107 this subsection shall not, except as to cash bonds and other  
108 monies which have been forfeited in criminal cases, apply to  
109 monies required to be deposited in the justice court clerk  
110 clearing account as provided in Section 9-11-18.

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

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

123 (6) Any justice court judge who is unable to attend and hold  
124 court by reason of being under suspension by the Commission on



125 Judicial Performance or the Mississippi Supreme Court shall not  
126 receive a salary while under such suspension.

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

134       **SECTION 3.** This act shall take effect and be in force from  
135 and after October 1, 2002, if it is effectuated on or before that  
136 date under Section 5 of the Voting Rights Act of 1965, as amended  
137 and extended. If it is effectuated under Section 5 of the Voting  
138 Rights Act of 1965, as amended and extended, after October 1,  
139 2002, this act shall take effect and be in force from and after  
140 the date it is effectuated under Section 5 of the Voting Rights  
141 Act of 1965, as amended and extended.

