

By: Representatives Franks, Holland

To: Fees and Salaries of
Public Officers; County
Affairs

HOUSE BILL NO. 1039

1 AN ACT TO AMEND SECTION 25-3-36, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT A JUSTICE COURT JUDGE'S SALARY SHALL BE BASED ON ITS
3 COUNTY'S POPULATION ACCORDING TO THE LATEST FEDERAL DECENNIAL
4 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, 1998, 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 heretofore authorized for such justice court judge,
12 an annual salary based upon the population of his or her county
13 according to the latest federal decennial census; however, no
14 justice court judge's salary shall be reduced below the salary
15 that such justice court judge was receiving immediately before the
16 effective date of House Bill _____, 2004 Regular Session. The
17 amount of the salary shall be determined as follows:

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

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

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

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

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

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

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

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

49 (i) In counties with a population of more than twelve
50 thousand (12,000) but not more than sixteen thousand five hundred
51 (16,500), a salary of Eighteen Thousand Two Hundred Sixteen
52 Dollars (\$18,216.00).

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

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

58 The board of supervisors of any county having two (2)
59 judicial districts and two (2) justice court judges for the county
60 shall pay the justice court judges an amount equal to that
61 hereinabove provided for judges in the next higher population

62 category per year, if said justice court judges maintain regular
63 office hours and are personally present in the office they
64 maintain for at least thirty (30) hours per week. In any county
65 having a population greater than eight thousand (8,000) but less
66 than eight thousand five hundred (8,500) according to the 1990
67 federal decennial census and in which U.S. Highway 61 and
68 Mississippi Highway 4 intersect, the board of supervisors may, in
69 its discretion, pay such justice court judges an additional amount
70 not to exceed the sum of Eleven Thousand Five Hundred Fifty
71 Dollars (\$11,550.00) per year, payable beginning April 1, 1997.
72 In any county having a population greater than ten thousand
73 (10,000) but less than ten thousand five hundred (10,500)
74 according to the 1990 federal decennial census and in which
75 Mississippi Highway 3 and Mississippi Highway 6 intersect, the
76 board of supervisors may, in its discretion, pay such justice
77 court judges an additional amount not to exceed One Thousand Four
78 Hundred Fifty Dollars (\$1,450.00) per year, payable beginning
79 April 1, 1997. In any county having a population greater than
80 twenty-four thousand seven hundred (24,700) and less than
81 twenty-four thousand nine hundred (24,900), according to the 1990
82 federal census, wherein Mississippi Highways 15 and 16 intersect,
83 the board of supervisors shall pay such justice court judge an
84 additional amount equal to Two Thousand Five Hundred Dollars
85 (\$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, Mississippi Code
111 of 1972.

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

121 (5) Provided, that the salary of any justice court judge
122 shall not be reduced during his term of office as a result of a
123 population change following a federal decennial census.

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

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

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