

By: Representative Franks

To: Fees and Salaries of
Public Officers; County
Affairs

HOUSE BILL NO. 1392

1 AN ACT TO AMEND SECTION 25-7-25, MISSISSIPPI CODE OF 1972, TO
2 REVISE FEES CHARGED IN JUSTICE COURT; TO AMEND SECTION 25-7-25,
3 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTIONS;
4 AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 25-7-25, Mississippi Code of 1972, is
7 amended as follows:

8 25-7-25. Costs and fees in the justice court shall be
9 charged as follows and shall be paid in advance to the clerk of
10 the justice court in accordance with the provisions of Section
11 9-11-10:

12 (a) A uniform total fee in all civil cases, whether
13 contested or uncontested, which shall include all services in
14 connection therewith, except as hereinafter stated, each... \$30.00

15 (b) For more than one (1) defendant, for service of
16 process on each defendant..... 5.00

17 (c) After final judgment has been enrolled, further
18 proceedings involving levy of execution on judgments, and
19 attachment and garnishment proceedings..... 15.00

20 (d) For all services in connection with the issuance of
21 a peace bond..... 25.00

22 (e) For celebrating a marriage, and certificate
23 thereof..... 10.00

24 (f) Commission to take depositions..... 5.00

25 (g) Appeal with proceedings and bond..... 5.00

26 (h) A clerk's fee to be collected in all criminal cases
27 in which the defendant is convicted, as follows:

28 (i) For all violations in Title 63 other than
29 driving under the influence of intoxicating liquor or reckless
30 driving..... 5.00

31 (ii) All other criminal cases..... 25.00

32 (i) In addition to the salary provided for in
33 subsection (1) of Section 25-3-36, each justice court judge may
34 receive a fee of not more than Twenty-five Dollars (\$25.00) for
35 each marriage ceremony he performs in the courtroom or offices of
36 the justice court at any time the courtroom or offices are open to
37 the public. This fee shall be paid by the parties to the
38 marriage. Each justice court judge may receive money or
39 gratuities for marriage ceremonies performed outside of and away
40 from the courtroom and the offices of the justice court, that the
41 parties to the marriage request to have performed at any time the
42 courtroom or offices of the justice court are closed. These
43 monies or gratuities, in an amount agreed upon by the parties to
44 the marriage, are not considered fees for the justice court and
45 are not subject to the requirements set forth in the provisions of
46 Section 9-11-10.

47 (j) In addition to the salary provided for in
48 subsection (1) of Section 25-3-36, each justice court judge shall
49 receive a fee of Five Dollars (\$5.00) in all civil cases filed in
50 the justice court.

51 **SECTION 2.** Section 25-3-36, Mississippi Code of 1972, is
52 amended as follows:

53 25-3-36. (1) From and after October 1, 1998, every justice
54 court judge shall receive as full compensation, except as provided
55 under Section 25-7-25, for his or her services and in lieu of any
56 and all other fees, costs or compensation heretofore authorized
57 for such justice court judge, an annual salary based upon the
58 population of his or her county according to the 1990 federal
59 decennial census; however, no justice court judge shall be paid
60 less than the salary authorized under this section to be paid the

61 justice court judge based upon the population of the county
62 according to the 1980 federal decennial census. The amount of
63 which salary shall be determined as follows:

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

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

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

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

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

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

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

91 (h) In counties with a population of more than sixteen
92 thousand five hundred (16,500) but not more than twenty-one

93 thousand (21,000), a salary of Twenty-one Thousand Two Hundred
94 Fifty-two Dollars (\$21,252.00).

95 (i) In counties with a population of more than twelve
96 thousand (12,000) but not more than sixteen thousand five hundred
97 (16,500), a salary of Eighteen Thousand Two Hundred Sixteen
98 Dollars (\$18,216.00).

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

102 (k) In counties with a population of eight thousand
103 (8,000) or less, a salary of Twelve Thousand Dollars (\$12,000.00).

104 The board of supervisors of any county having two (2)
105 judicial districts and two (2) justice court judges for the county
106 shall pay the justice court judges an amount equal to that
107 hereinabove provided for judges in the next higher population
108 category per year, if said justice court judges maintain regular
109 office hours and are personally present in the office they
110 maintain for at least thirty (30) hours per week. In any county
111 having a population greater than eight thousand (8,000) but less
112 than eight thousand five hundred (8,500) according to the 1990
113 federal decennial census and in which U.S. Highway 61 and
114 Mississippi Highway 4 intersect, the board of supervisors may, in
115 its discretion, pay such justice court judges an additional amount
116 not to exceed the sum of Eleven Thousand Five Hundred Fifty
117 Dollars (\$11,550.00) per year, payable beginning April 1, 1997.
118 In any county having a population greater than ten thousand
119 (10,000) but less than ten thousand five hundred (10,500)
120 according to the 1990 federal decennial census and in which
121 Mississippi Highway 3 and Mississippi Highway 6 intersect, the
122 board of supervisors may, in its discretion, pay such justice
123 court judges an additional amount not to exceed One Thousand Four
124 Hundred Fifty Dollars (\$1,450.00) per year, payable beginning
125 April 1, 1997. In any county having a population greater than

126 twenty-four thousand seven hundred (24,700) and less than
127 twenty-four thousand nine hundred (24,900), according to the 1990
128 federal census, wherein Mississippi Highways 15 and 16 intersect,
129 the board of supervisors shall pay such justice court judge an
130 additional amount equal to Two Thousand Five Hundred Dollars
131 (\$2,500.00) per year.

132 (2) Notwithstanding the provisions of subsection (1) of this
133 section, in the event that the number of justice court judges
134 authorized pursuant to Section 9-11-2(1) is exceeded pursuant to
135 the provisions of Section 9-11-2(4), the aggregate of the salaries
136 paid to the justice court judges of such a county shall not exceed
137 the amount sufficient to pay the number of justice court judges
138 authorized pursuant to Section 9-11-2(1) and such amount shall be
139 equally divided among those justice court judges continuing to
140 hold office under the provisions of Section 9-11-2(4).

141 (3) From and after January 1, 1984, all fees, costs, fines
142 and penalties charged and collected in the justice court shall be
143 paid to the clerk of the justice court for deposit, along with
144 monies from cash bonds and other monies which have been forfeited
145 in criminal cases, into the general fund of the county as provided
146 in Section 9-11-19; and the clerk of the board of supervisors
147 shall be authorized and empowered, upon approval by the board of
148 supervisors, to make disbursements and withdrawals from the
149 general fund of the county in order to pay any reasonable and
150 necessary expenses incurred in complying with this section,
151 including payment of the salaries of justice court judges as
152 provided by subsection (1) of this section. The provisions of
153 this subsection shall not, except as to cash bonds and other
154 monies which have been forfeited in criminal cases, apply to
155 monies required to be deposited in the justice court clerk
156 clearing account as provided in Section 9-11-18, Mississippi Code
157 of 1972.

158 (4) The salaries provided for in subsection (1) of this
159 section shall be payable monthly by warrant drawn by the clerk of
160 the board of supervisors on the general fund of the county;
161 however, the board of supervisors, by resolution duly adopted and
162 entered on its minutes, may provide that such salaries shall be
163 paid semimonthly on the first and fifteenth day of each month. If
164 a pay date falls on a weekend or legal holiday, salary payments
165 shall be made on the workday immediately preceding the weekend or
166 legal holiday.

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

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

174 **SECTION 3.** The Attorney General of the State of Mississippi
175 shall submit this act, immediately upon approval by the Governor,
176 or upon approval by the Legislature subsequent to a veto, to the
177 Attorney General of the United States or to the United States
178 District Court for the District of Columbia in accordance with the
179 provisions of the Voting Rights Act of 1965, as amended and
180 extended.

181 **SECTION 4.** This act shall take effect and be in force from
182 and after the date it is effectuated under Section 5 of the Voting
183 Rights Act of 1965, as amended and extended.