

By: Senator(s) Butler

To: Fees, Salaries and Administration

SENATE BILL NO. 2469

1 AN ACT TO AMEND SECTION 25-3-36, MISSISSIPPI CODE OF 1972, TO  
2 INCREASE THE SALARIES OF JUSTICE COURT JUDGES; AND FOR RELATED  
3 PURPOSES.

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

5 **SECTION 1.** Section 25-3-36, Mississippi Code of 1972, is  
6 amended as follows:

7 25-3-36. (1) From and after October 1, 1998, every justice  
8 court judge shall receive as full compensation for his or her  
9 services and in lieu of any and all other fees, costs or  
10 compensation heretofore authorized for such justice court judge,  
11 an annual salary based upon the population of his or her county  
12 according to the latest federal decennial census; however, no  
13 justice court judge shall be paid less than the salary authorized  
14 under this section to be paid the justice court judge based upon  
15 the population of the county according to the 1980 federal  
16 decennial census. The amount of which salary shall be determined  
17 as follows:

18 (a) In counties with a population of more than two  
19 hundred thousand (200,000), a salary of Fifty-three Thousand Two  
20 Hundred Forty-four Dollars (\$53,244.00).

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-eight Thousand Eight Hundred  
24 Eighty Dollars (\$48,880.00).

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 Forty-four Thousand Five Hundred  
28 Fifteen Dollars (\$44,515.00).

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-eight Thousand Four Hundred  
32 Five Dollars (\$38,405.00).

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 Thirty-three Thousand One Hundred  
36 Sixty-eight Dollars (\$33,168.00).

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 Thirty-one Thousand  
40 Four Hundred Twenty-three Dollars (\$31,423.00).

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-seven Thousand  
44 Nine Hundred Thirty-one Dollars (\$27,931.00).

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-four Thousand Four Hundred  
48 Forty Dollars (\$24,440.00).

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 Twenty Thousand Nine Hundred Forty-eight  
52 Dollars (\$20,948.00).

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 Seventeen Thousand Two Hundred Fifty Dollars  
56 (\$17,250.00).

57 (k) In counties with a population of eight thousand  
58 (8,000) or less, a salary of Thirteen Thousand Eight Hundred  
59 Dollars (\$13,800.00). The board of supervisors of any county

60 having two (2) judicial districts and two (2) justice court judges  
61 for the county shall pay the justice court judges an amount equal  
62 to that hereinabove provided for judges in the next higher  
63 population category per year, if said justice court judges  
64 maintain regular office hours and are personally present in the  
65 office they maintain for at least thirty (30) hours per week. In  
66 any county having a population greater than eight thousand (8,000)  
67 but 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 may, in  
70 its discretion, pay such justice court judges an additional amount  
71 not to exceed the sum of Eleven Thousand Five Hundred Fifty  
72 Dollars (\$11,550.00) per year, payable beginning April 1, 1997.  
73 In any county having a population greater than ten thousand  
74 (10,000) but less than ten thousand five hundred (10,500)  
75 according to the 1990 federal decennial census and in which  
76 Mississippi Highway 3 and Mississippi Highway 6 intersect, the  
77 board of supervisors may, in its discretion, pay such justice  
78 court judges an additional amount not to exceed One Thousand Four  
79 Hundred Fifty Dollars (\$1,450.00) per year, payable beginning  
80 April 1, 1997. In any county having a population greater than  
81 twenty-four thousand seven hundred (24,700) and less than  
82 twenty-four thousand nine hundred (24,900), according to the 1990  
83 federal census, wherein Mississippi Highways 15 and 16 intersect,  
84 the board of supervisors shall pay such justice court judge an  
85 additional amount equal to Two Thousand Five Hundred Dollars  
86 (\$2,500.00) per year.

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

93 authorized pursuant to Section 9-11-2(1) and such amount shall be  
94 equally divided among those justice court judges continuing to  
95 hold office under the provisions of Section 9-11-2(4).

96 (3) From and after January 1, 1984, all fees, costs, fines  
97 and penalties charged and collected in the justice court shall be  
98 paid to the clerk of the justice court for deposit, along with  
99 monies from cash bonds and other monies which have been forfeited  
100 in criminal cases, into the general fund of the county as provided  
101 in Section 9-11-19; and the clerk of the board of supervisors  
102 shall be authorized and empowered, upon approval by the board of  
103 supervisors, to make disbursements and withdrawals from the  
104 general fund of the county in order to pay any reasonable and  
105 necessary expenses incurred in complying with this section,  
106 including payment of the salaries of justice court judges as  
107 provided by subsection (1) of this section. The provisions of  
108 this subsection shall not, except as to cash bonds and other  
109 monies which have been forfeited in criminal cases, apply to  
110 monies required to be deposited in the justice court clerk  
111 clearing account as provided in Section 9-11-18, Mississippi Code  
112 of 1972.

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

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

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

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

136           **SECTION 3.** This act shall take effect and be in force from  
137 and after the date it is effectuated under Section 5 of the Voting  
138 Rights Act of 1965, as amended and extended, or October 1, 2004,  
139 whichever occurs later.