

By: Representative Reeves

To: Municipalities

HOUSE BILL NO. 1033

1 AN ACT TO AMEND SECTION 21-23-3, MISSISSIPPI CODE OF 1972, TO
2 REMOVE THE PROVISION OF LAW THAT REQUIRES MUNICIPALITIES HAVING A
3 POPULATION IN EXCESS OF 50,000 ACCORDING TO THE LATEST FEDERAL
4 DECENNIAL CENSUS TO COMPENSATE ALL MUNICIPAL JUDGES THE SAME; AND
5 FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 21-23-3, Mississippi Code of 1972, is
8 amended as follows:

9 21-23-3. In all municipalities having a population of ten
10 thousand (10,000) or more, according to the latest available
11 federal census, there shall be a municipal judge and a prosecuting
12 attorney, both of whom shall be appointed by the governing
13 authorities of the municipality at the time provided for the
14 appointment of other officers. Such municipal judge shall be a
15 qualified elector of the county in which the municipality is
16 located and shall be an attorney at law. Such municipal judge and
17 prosecuting attorney shall receive a salary, to be paid by the
18 municipality, and to be fixed by the governing authorities of the
19 municipality.

20 In any proceeding in which a conflict of interest arises for
21 the prosecuting attorney, or any other reason dictates that he
22 recuse himself, the mayor of the municipality may appoint a
23 special prosecuting attorney for that particular proceeding. Such
24 special prosecuting attorney shall be compensated for his services
25 in the same manner and amount as allowed under Section 21-23-7 for
26 appointed counsel for indigent persons.

27 Provided, however, the governing authorities of any
28 municipality having a population in excess of ten thousand

29 (10,000) persons according to the latest available federal census
30 and situated in a county having an area in excess of nine hundred
31 thirty-five (935) square miles and having a county court may, in
32 their discretion, follow the provisions as set out in Section
33 21-23-5 for municipalities having a population of less than ten
34 thousand (10,000).

35 Provided, further, the governing authorities of any
36 municipality having a population in excess of fifty thousand
37 (50,000) according to the latest federal decennial census may, in
38 their discretion, provide for the appointment of not more than
39 five (5) municipal judges for said municipality, each of whom
40 shall * * * exercise the same authority and prerogatives of their
41 office, regardless of the presence or absence of the other
42 municipal judges.

43 **SECTION 2.** The Attorney General of the State of Mississippi
44 shall submit this act, immediately upon approval by the Governor,
45 or upon approval by the Legislature subsequent to a veto, to the
46 Attorney General of the United States or to the United States
47 District Court for the District of Columbia in accordance with the
48 provisions of the Voting Rights Act of 1965, as amended and
49 extended.

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