

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.