

By: Representative Ellington

To: County Affairs;
Judiciary B

HOUSE BILL NO. 1336

1 AN ACT TO AMEND SECTION 9-11-9, MISSISSIPPI CODE OF 1972, TO
2 INCREASE THE CIVIL LIMIT JURISDICTION OF THE JUSTICE COURT; TO
3 AMEND SECTION 25-3-36, MISSISSIPPI CODE OF 1972, TO INCREASE THE
4 SALARIES OF JUSTICE COURT JUDGES; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 9-11-9, Mississippi Code of 1972, is
7 amended as follows:

8 9-11-9. Justice court judges shall have jurisdiction of all
9 actions for the recovery of debts or damages or personal property,
10 where the principal of the debt, the amount of the demand, or the
11 value of the property sought to be recovered shall not exceed the
12 following:

13 (a) Until June 30, 2007, Three Thousand Dollars
14 (\$3,000.00);

15 (b) From July 1, 2007, until June 30, 2008, Five
16 Thousand Dollars (\$5,000.00); and

17 (c) From and after July 1, 2008, Seven Thousand Dollars
18 (\$7,000.00).

19 The justice court judges shall have no pecuniary interest in
20 the outcome of any action once suit has been filed.

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

23 25-3-36. (1) Every justice court judge shall receive as
24 full compensation for his or her services and in lieu of any and
25 all other fees, costs or compensation heretofore authorized for
26 such justice court judge, an annual salary based upon the
27 population of his or her county according to the latest federal
28 decennial census; however, no justice court judge shall be paid

29 less than the salary authorized under this section to be paid the
30 justice court judge based upon the population of the county
31 according to the 1980 federal decennial census. Until June 30,
32 2007, the amount of which salary shall be determined as follows:

33 (a) In counties with a population of more than two
34 hundred thousand (200,000), a salary of Sixty-one Thousand One
35 Hundred Fifteen Dollars (\$61,115.00).

36 (b) In counties with a population of more than one
37 hundred fifty thousand (150,000) but not more than two hundred
38 thousand (200,000), a salary of Fifty-six Thousand One Hundred Six
39 Dollars (\$56,106.00).

40 (c) In counties with a population of more than
41 seventy-five thousand (75,000) but not more than one hundred fifty
42 thousand (150,000), a salary of Fifty-one Thousand Ninety-six
43 Dollars (\$51,096.00).

44 (d) In counties with a population of more than
45 forty-nine thousand (49,000) but not more than seventy-five
46 thousand (75,000), a salary of Forty-four Thousand Eighty-three
47 Dollars (\$44,083.00).

48 (e) In counties with a population of more than
49 thirty-four thousand (34,000) but not more than forty-nine
50 thousand (49,000), a salary of Thirty-eight Thousand Seventy-one
51 Dollars (\$38,071.00).

52 (f) In counties with a population of more than
53 twenty-four thousand five hundred (24,500) but not more than
54 thirty-four thousand (34,000), a salary of Thirty-six Thousand
55 Sixty-eight Dollars (\$36,068.00).

56 (g) In counties with a population of more than
57 twenty-one thousand (21,000) but not more than twenty-four
58 thousand five hundred (24,500), a salary of Thirty-two Thousand
59 Sixty-one Dollars (\$32,061.00).

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

62 thousand (21,000), a salary of Twenty-eight Thousand Fifty-two
63 Dollars (\$28,052.00).

64 (i) In counties with a population of more than twelve
65 thousand (12,000) but not more than sixteen thousand five hundred
66 (16,500), a salary of Twenty-four Thousand Forty-five Dollars
67 (\$24,045.00).

68 (j) In counties with a population of more than eight
69 thousand (8,000) but not more than twelve thousand (12,000), a
70 salary of Nineteen Thousand Eight Hundred Dollars (\$19,800.00).

71 (k) In counties with a population of eight thousand
72 (8,000) or less, a salary equal to the members of the board of
73 supervisors of that county.

74 The salaries of the justice court judges shall be increased
75 by ten percent (10%) on July 1, 2007, and by an additional ten
76 percent (10%) July 1, 2008. Such increase in salary shall be
77 concurrent with the justice court civil limit increase provided in
78 Section 9-11-9.

79 The board of supervisors of any county having two (2)
80 judicial districts and two (2) justice court judges for the county
81 shall pay each justice court judge an amount equal to that
82 provided in this subsection for judges in the next higher
83 population category per year, if the justice court judge maintains
84 regular office hours and is personally present in the office they
85 maintain for at least thirty (30) hours per week.

86 In any county having a population greater than eight thousand
87 (8,000) but less than eight thousand five hundred (8,500)
88 according to the 1990 federal decennial census and in which U.S.
89 Highway 61 and Mississippi Highway 4 intersect, the board of
90 supervisors, in its discretion, may pay such justice court judges
91 an additional amount not to exceed the sum of Eleven Thousand Five
92 Hundred Fifty Dollars (\$11,550.00) per year, payable beginning
93 April 1, 1997.

94 In any county having a population greater than ten thousand
95 (10,000) but less than ten thousand five hundred (10,500)
96 according to the 1990 federal decennial census and in which
97 Mississippi Highway 3 and Mississippi Highway 6 intersect, the
98 board of supervisors, in its discretion, may pay such justice
99 court judges an additional amount not to exceed One Thousand Four
100 Hundred Fifty Dollars (\$1,450.00) per year, payable beginning
101 April 1, 1997.

102 In any county having a population greater than twenty-four
103 thousand seven hundred (24,700) and less than twenty-four thousand
104 nine hundred (24,900), according to the 1990 federal census,
105 wherein Mississippi Highways 15 and 16 intersect, the board of
106 supervisors shall pay such justice court judge an additional
107 amount equal to Two Thousand Five Hundred Dollars (\$2,500.00) per
108 year.

109 (2) Notwithstanding the provisions of subsection (1) of this
110 section, in the event that the number of justice court judges
111 authorized pursuant to Section 9-11-2(1) is exceeded pursuant to
112 the provisions of Section 9-11-2(4), the aggregate of the salaries
113 paid to the justice court judges of such a county shall not exceed
114 the amount sufficient to pay the number of justice court judges
115 authorized pursuant to Section 9-11-2(1), and such amount shall be
116 equally divided among those justice court judges continuing to
117 hold office under the provisions of Section 9-11-2(4).

118 (3) From and after January 1, 1984, all fees, costs, fines
119 and penalties charged and collected in the justice court shall be
120 paid to the clerk of the justice court for deposit, along with
121 monies from cash bonds and other monies which have been forfeited
122 in criminal cases, into the general fund of the county as provided
123 in Section 9-11-19; and the clerk of the board of supervisors
124 shall be authorized and empowered, upon approval by the board of
125 supervisors, to make disbursements and withdrawals from the
126 general fund of the county in order to pay any reasonable and

127 necessary expenses incurred in complying with this section,
128 including payment of the salaries of justice court judges as
129 provided by subsection (1) of this section. The provisions of
130 this subsection shall not, except as to cash bonds and other
131 monies which have been forfeited in criminal cases, apply to
132 monies required to be deposited in the justice court clerk
133 clearing account as provided in Section 9-11-18, Mississippi Code
134 of 1972.

135 (4) The salaries provided for in this section shall be
136 payable monthly by warrant drawn by the clerk of the board of
137 supervisors on the general fund of the county; however, the board
138 of supervisors, by resolution duly adopted and entered on its
139 minutes, may provide that such salaries shall be paid semimonthly
140 on the first and fifteenth day of each month. If a pay date falls
141 on a weekend or legal holiday, salary payments shall be made on
142 the workday immediately preceding the weekend or legal holiday.

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

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

150 **SECTION 3.** The Attorney General of the State of Mississippi
151 shall submit this act, immediately upon approval by the Governor,
152 or upon approval by the Legislature subsequent to a veto, to the
153 Attorney General of the United States or to the United States
154 District Court for the District of Columbia in accordance with the
155 provisions of the Voting Rights Act of 1965, as amended and
156 extended.

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