

By: Senator(s) Michel

To: Municipalities

SENATE BILL NO. 2759

1 AN ACT TO AMEND SECTION 21-23-3, MISSISSIPPI CODE OF 1972, TO  
2 DELETE THE REQUIREMENT OF EQUAL PAY FOR ALL MUNICIPAL JUDGES IN  
3 MUNICIPALITIES AUTHORIZED TO APPOINT FIVE MUNICIPAL JUDGES; AND  
4 FOR RELATED PURPOSES.

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

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

8 21-23-3. In all municipalities having a population of ten  
9 thousand (10,000) or more, according to the latest available  
10 federal census, there shall be a municipal judge and a prosecuting  
11 attorney, both of whom shall be appointed by the governing  
12 authority of the municipality at the time provided for the  
13 appointment of other officers. The municipal judge shall be a  
14 qualified elector of the county in which the municipality is  
15 located and shall be an attorney at law. The municipal judge and  
16 prosecuting attorney shall receive a salary, to be paid by the  
17 municipality, and to be fixed by the governing authority of the  
18 municipality.

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

26 Provided, however, the governing authority of any  
27 municipality having a population in excess of ten thousand  
28 (10,000) persons according to the latest available federal census

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

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

43        **SECTION 2.** This act shall take effect and be in force from  
44 and after July 1, 2006.