

[Miss. Code Ann. § 25-3-36](#)

Current through 2022 Regular Session legislation signed by the Governor and effective upon passage through April 26, 2022, not including changes and corrections made by the Joint Legislative Committee on Compilation, Revision and Publication of Legislation. The final official version of the statutes affected by 2022 legislation will appear on Lexis Advance in the fall of 2022.

Mississippi Code 1972 Annotated > Title 25. Public Officers and Employees; Public Records (Chs. 1 — 65) > Chapter 3. Salaries and Compensation (§§ 25-3-1 — 25-3-103) > General Provisions (§§ 25-3-1 — 25-3-73)

§ 25-3-36. Compensation of justice court judges; disposition of fees, costs, fines and cash bonds; justice court clerk clearing account.

(1) Until October 1, 2008, every justice court judge shall receive as full compensation for his or her services, and in lieu of any and all other fees, costs or compensation heretofore authorized for such justice court judge, an annual salary based upon the population of his or her county according to the latest federal decennial census; however, no justice court judge shall be paid less than the salary authorized under this section to be paid the justice court judge based upon the population of the county according to the 1980 federal decennial census. The amount of which salary shall be determined as follows:

- (a) In counties with a population of more than two hundred thousand (200,000), a salary of Fifty-five Thousand Five Hundred Fifty-nine Dollars (\$55,559.00).
- (b) In counties with a population of more than one hundred fifty thousand (150,000) but not more than two hundred thousand (200,000), a salary of Fifty-one Thousand Five Dollars (\$51,005.00).
- (c) In counties with a population of more than seventy-five thousand (75,000) but not more than one hundred fifty thousand (150,000), a salary of Forty-six Thousand Four Hundred Fifty-one Dollars (\$46,451.00).
- (d) In counties with a population of more than forty-nine thousand (49,000) but not more than seventy-five thousand (75,000), a salary of Forty Thousand Seventy-five Dollars (\$40,075.00).
- (e) In counties with a population of more than thirty-four thousand (34,000) but not more than forty-nine thousand (49,000), a salary of Thirty-four Thousand Six Hundred Ten Dollars (\$34,610.00).
- (f) In counties with a population of more than twenty-four thousand five hundred (24,500) but not more than thirty-four thousand (34,000), a salary of Thirty-two Thousand Seven Hundred Eighty-nine Dollars (\$32,789.00).
- (g) In counties with a population of more than twenty-one thousand (21,000) but not more than twenty-four thousand five hundred (24,500), a salary of Twenty-nine Thousand One Hundred Forty-six Dollars (\$29,146.00).
- (h) In counties with a population of more than sixteen thousand five hundred (16,500) but not more than twenty-one thousand (21,000), a salary of Twenty-five Thousand Five Hundred Two Dollars (\$25,502.00).
- (i) In counties with a population of more than twelve thousand (12,000) but not more than sixteen thousand five hundred (16,500), a salary of Twenty-one Thousand Eight Hundred Fifty-nine Dollars (\$21,859.00).
- (j) In counties with a population of more than eight thousand (8,000) but not more than twelve thousand (12,000), a salary of Eighteen Thousand Dollars (\$18,000.00).

(k) In counties with a population of eight thousand (8,000) or less, a salary of Fourteen Thousand Four Hundred Dollars (\$14,400.00).

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

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

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

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

(2) From and after October 1, 2008, every justice court judge shall receive as full compensation for his or her services, and in lieu of any and all other fees, costs or compensation heretofore authorized for such justice court judge, an annual salary in an amount that is the greater of the following:

(a) The amount paid to a member of the board of supervisors in the same county in which the justice court judge presides; or

(b) One hundred three percent (103%) of the salary authorized under this section as of September 30, 2008, for a justice court judge in that county.

If supervisors of a county receive a salary increase, justice court judges whose salary is determined under this paragraph shall be paid an amount reflecting a commensurate increase.

(3) Notwithstanding the provisions of subsection (1) of this section, in the event that the number of justice court judges authorized pursuant to [Section 9-11-2\(1\)](#) is exceeded pursuant to the provisions of [Section 9-11-2\(4\)](#), the aggregate of the salaries paid to the justice court judges of such a county shall not exceed the amount sufficient to pay the number of justice court judges authorized pursuant to [Section 9-11-2\(1\)](#), and such amount shall be equally divided among those justice court judges continuing to hold office under the provisions of [Section 9-11-2\(4\)](#).

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

(5) The salaries provided for in this section shall be payable monthly by warrant drawn by the clerk of the board of supervisors on the general fund of the county; however, the board of supervisors, by resolution duly adopted and entered on its minutes, may provide that such salaries shall be paid semimonthly on the

first and fifteenth day of each month or every two (2) weeks pursuant to [Section 25-3-29](#). If a pay date falls on a weekend or legal holiday, salary payments shall be made on the workday immediately preceding the weekend or legal holiday.

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

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

History

Laws, 1981, ch. 471, §§ 5, 6; Laws, 1982, ch. 423, § 4; Laws, 1983, 2nd Ex Sess. ch. 7, § 2; Laws, 1984, ch. 502, § 5; Laws, 1985, ch. 365; Laws, 1988, ch. 502, § 1; [Laws, 1991, ch. 594, § 2](#); [Laws, 1992, ch. 476, § 1](#); [Laws, 1993, ch. 550, § 7](#); [Laws, 1997, ch. 570, § 6](#); [Laws, 1998, ch. 459, § 1](#); [Laws, 2004, ch. 505, § 4](#); [Laws, 2008, ch. 319, § 7](#), eff July 24, 2008 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the amendment of this section); [Laws, 2020, ch. 435, § 5](#), eff from and after passage (approved July 2, 2020).

Annotations

Notes

Editor's Notes —

[Laws of 2008, ch. 319, § 1](#), provides:

“SECTION 1. This act shall be known as the “Justice Court Reform Act of 2008.”

On June 12, 1998, the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, as amended and extended, to the amendment of this section by [Laws of 1998, ch. 459, § 1](#).

On August 19, 2004, the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965 to the amendment of this section by [Laws of 2004, ch. 505, § 4](#).

On July 24, 2008, the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965 to the amendment of this section by [Laws of 2007, ch. 319, § 7](#).

Subsection (4) of [Section 9-11-2](#), referenced in this section, was deleted by § 1 of Chapter 515, Laws of 2014, effective July 1, 2014.

Amendment Notes —

The 2004 amendment changed the dollars amounts throughout the section; deleted “From and after October 1, 1998” at the beginning of (1); in the second paragraph of (1)(k), substituted “each justice court judge” for “the justice court judges,” “provided in this section” for “hereinabove provided” and “judge maintains regular office hours and is” for “judges maintain regular office hours and are”; deleted “subsection (1) of” following “provided for in” in (4); and made other minor changes.

The 2008 amendment, in (1), added “Until October 1, 2008” at the beginning, and made a minor stylistic change; added (2); and redesignated former (2) through (6) as present (3) through (7).

The 2020 amendment, effective July 2, 2020, in (5), added “or every two (2) weeks pursuant to Section 25-3-29” at the end of the first sentence.

Opinion Notes

OPINIONS OF THE ATTORNEY GENERAL

Statutory language is self-executing and therefore, at such time as federal authority officially publishes decennial census, board of supervisors shall authorize clerk to make all necessary salary adjustments, if any, for payment of justice court judges next monthly salary. Blakney, April 26, 1990, A.G. Op. #90-0281.

Under statute as amended by House Bill No. 1074, 1993 Miss. Laws, Chapter 550, no justice court judge is to receive less compensation than that received prior to the 1990 census; therefore, even though 1990 population of county dropped below 49,000, justice court judges in that county will continue to receive an annual compensation of \$26,400.00 instead of \$25,080.00 as provided for by House Bill No. 1074 for counties where population ranges from 34,000 to 49,000. Sherard, June 16, 1993, A.G. Op. #93-0417.

[Section 25-3-36](#) sets forth the compensation to be paid to justice court judges. This compensation is based on the population of the county according to the 1990 federal decennial census. There is no provision that gives the Board of Supervisors any authority to increase the salaries of the justice court judges due to an increased caseload. Adkins, July 12, 1996, A.G. Op. #96-0457.

Pay raises for county prosecuting attorneys, sheriffs and justice court justices may be made retroactively effective to April 1, 1997, once Laws, 1997, Chapter 570 becomes effectuated under Section 5 of the Voting Rights Act. Dulaney, July 25, 1997, A.G. Op. #97-0403.

A county which has two justice court clerks and maintains two dockets and two separate buildings for justice court does not have two judicial districts; therefore, the justice court judges in that county are not entitled to the next higher level of payment as set forth in [Miss. Code Section 25-3-36](#). Buchanan, Aug. 1, 1997, A.G. Op. #97-0479.

In a situation where a decrease in population has led to a reclassification of the county for justice court judge salaries, the justice court judges may be paid the amount that such judges were making prior to the promulgation of the census under the law as it existed at that time, or may be paid the salary designated under the latest version of [Section 25-3-36](#) for the classification they presently fit, whichever is greater. Lee, Nov. 14, 1997, A.G. Op. #97-0707.

A justice court judge is an ex officio notary public, but may not receive additional fees for such services. Hatfield, August 10, 1998, A.G. Op. #98-0460.

A justice court judge's salary is determined by using the population of the county from either the 1980 or 1990 census, whichever is higher; accordingly, a county board of supervisors was required to increase the salaries of Justice Court Judges effective October 1, 1998. Lee, December 18, 1998, A.G. Op. #98-0740.

There are no provisions for a board of supervisors to increase the salary of a justice court judge due to increased caseload or increased population according to the 2000 federal decennial census. Gordon, June 7, 2002, A.G. Op. #02-0331.

Research References & Practice Aids

Cross References —

Money paid into the justice court clerk clearing account, see [§ 9-11-18](#).

Appointment of justice court clerk, see § 9-11-27.

Authority of Supreme Court to disqualify a judge from serving without loss of salary, see [§ 9-19-13](#).

Fee for marriage ceremony performed outside of and away from courtroom, see [§ 25-7-25](#).

RESEARCH REFERENCES

Am. Jur.

15 Am. Jur. Pl & Pr Forms (Rev), Judges, Form 8.1 (complaint to declare justice of peace as holdover magistrate and ordering backpay until successor appointed).

CJS.

51 C.J.S., Justices of the Peace §§ 15-17.

Mississippi Code 1972 Annotated

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