

Miss. Code Ann. § 25-3-9

MISSISSIPPI CODE of 1972

*** Current through the 2015 Regular Session ***

TITLE 25. PUBLIC OFFICERS AND EMPLOYEES; PUBLIC RECORDS
CHAPTER 3. SALARIES AND COMPENSATION
GENERAL PROVISIONS

Miss. Code Ann. § 25-3-9 (2015)

§ 25-3-9. Salaries of county prosecuting attorneys

(1) Except as provided in subsections (2), (3) and (4) of this section, the county prosecuting attorney may receive for his services an annual salary to be paid by the board of supervisors as follows:

(a) For counties with a total population of more than two hundred thousand (200,000), a salary not to exceed Twenty-eight Thousand Five Hundred Dollars (\$ 28,500.00).

(b) For counties with a total population of more than one hundred thousand (100,000) and not more than two hundred thousand (200,000), a salary not to exceed Twenty-six Thousand Five Hundred Dollars (\$ 26,500.00).

(c) For counties with a total population of more than fifty thousand (50,000) and not more than one hundred thousand (100,000), a salary not to exceed Twenty-one Thousand Seven Hundred Dollars (\$ 21,700.00).

(d) For counties with a total population of more than thirty-five thousand (35,000) and not more than fifty thousand (50,000), a salary not to exceed Twenty Thousand Four Hundred Dollars (\$ 20,400.00).

(e) For counties with a total population of more than twenty-five thousand (25,000) and not more than thirty-five thousand (35,000), a salary not to exceed Nineteen Thousand Three Hundred Dollars (\$ 19,300.00).

(f) For counties with a total population of more than fifteen thousand (15,000) and not more than twenty-five thousand (25,000), a salary not to exceed Seventeen Thousand Seven Hundred Dollars (\$ 17,700.00).

(g) For counties with a total population of more than ten thousand (10,000) and not more than fifteen thousand (15,000), a salary not to exceed Sixteen Thousand One Hundred Dollars (\$ 16,100.00).

(h) For counties with a total population of more than six thousand (6,000) and not more than ten thousand (10,000), a salary not to exceed Fourteen Thousand Five Hundred Dollars (\$ 14,500.00).

(i) For counties with a total population of six thousand (6,000) or less, the board of supervisors, in its discretion, may appoint a county prosecuting attorney, and it may pay such county prosecuting attorney an annual salary not to exceed Twelve Thousand Nine Hundred Dollars (\$ 12,900.00).

In all cases of conviction there shall be taxed against the convicted defendant, as an item of cost, the sum of Three Dollars (\$ 3.00), which shall be turned in to the county treasury as a

part of the general county funds; however, the Three Dollars (\$ 3.00) shall not be taxed in any case in which it is not the specific duty of the **county attorney** to appear and prosecute.

From and after October 1, 1993, in addition to the salaries provided for in this subsection, the board of supervisors of any county, in its discretion, may pay the county prosecuting attorney an additional amount not to exceed ten percent (10%) of the maximum allowable salary prescribed herein.

(2) In the following counties, the county prosecuting attorney shall receive for his services an annual salary to be paid by the board of supervisors, as follows:

(a) In any county bordering upon the Mississippi River and having a population of not less than thirty thousand (30,000) and not more than thirty-five thousand five hundred (35,500) according to the federal census of 1990, and in counties having a population of not more than thirty-seven thousand (37,000) according to the federal census of 1990 in which Interstate Highway 55 and U.S. Highway 98 intersect, the county prosecuting attorney shall receive a salary equal to the justice court judge of such county; and in any county wherein is located the state's oldest state-supported institution of higher learning and wherein Mississippi State Highways 7 and 6 intersect, the county prosecuting attorney shall receive an annual salary equal to that of a member of the board of supervisors of such county.

(b) In counties having a population in excess of fifty thousand (50,000) in the 1960 federal census, wherein is located a state-supported university and in which U.S. Highways 49 and 11 intersect, the salary of the county prosecuting attorney shall be not less than Seventeen Thousand Four Hundred Dollars (\$ 17,400.00) per year. The Board of Supervisors of Forrest County, Mississippi, may, in its discretion, and by agreement with the county prosecuting attorney, employ the county prosecuting attorney as a full-time elected official during his/her term of office, designate additional duties and responsibilities of the office and pay additional compensation up to, but not in excess of, ninety percent (90%) of the annual compensation and salary of the county court judge and the youth court judge of Forrest County as authorized by law and provide a reasonable office and reasonable office expenses to the county prosecuting attorney. The salary authorized by this paragraph (b) for the county prosecuting attorney shall be the sole and complete salary for such prosecuting attorney in each county to which this paragraph applies, notwithstanding any other provision of law to the contrary.

(c) In any county wherein is housed the seat of state government, wherein U.S. Highways 80 and 49 intersect, and having two (2) judicial districts, the board of supervisors, in its discretion, may pay the county prosecuting attorney an annual salary equal to the annual salary of members of the board of supervisors in the county.

(d) In any county which has two (2) judicial districts and wherein Highway 8 and Highway 15 intersect, having a population of greater than seventeen thousand (17,000), according to the 1980 federal decennial census, the board of supervisors shall pay the county prosecuting attorney a salary equal to that of a member of the board of supervisors of such county; provided that if such county prosecuting attorney is paid a sum for the purpose of defraying office or secretarial expenses, then the salary prescribed herein shall be reduced by that amount.

(e) In any county bordering the State of Tennessee and in which Mississippi Highways No. 4 and 15 intersect, and having a population of less than twenty thousand (20,000) in the 1970 federal census, the salary of the county prosecuting attorney shall be no less than Six Thousand Dollars (\$ 6,000.00).

(f) In any county having a population of more than twenty-five thousand (25,000) and in which U.S. Highways 72 and 45 intersect, the salary of the **county attorney** shall be not less than Eight Thousand Dollars (\$ 8,000.00).

In addition, such county prosecuting attorney shall receive the sum of One Thousand Five Hundred Dollars (\$ 1,500.00) per month for the purpose of defraying secretarial expense.

(g) In any county wherein I-20 and State Highway 15 intersect; and in any county wherein I-20 and State Highway 35 intersect, the salary of the county prosecuting attorney shall be not less than Eight Thousand Four Hundred Dollars (\$ 8,400.00).

(h) In any Class 1 county bordering on the Mississippi River, lying in whole or in part within a levee district, wherein U.S. Highways 82 and 61 intersect, bounded by the Sunflower River and Stales Bayou, the board of supervisors, in its discretion, may pay an annual salary equal to the annual salary of members of the board of supervisors in the county. In addition, such county prosecuting attorney shall receive the sum of One Thousand Dollars (\$ 1,000.00) per month for the purpose of defraying secretarial expenses.

(i) In any county bordering on the Gulf of Mexico having two (2) judicial districts, and wherein U.S. Highways 90 and 49 intersect, the salary of the county prosecuting attorney shall be not less than Nineteen Thousand Dollars (\$ 19,000.00) per year. The Board of Supervisors of Harrison County, Mississippi, may, in its discretion, and by agreement with the county prosecuting attorney, employ the county prosecuting attorney and his/her assistant during his/her term of office, and designate additional duties and responsibilities of the office and pay additional compensation up to, but not in excess of, ninety percent (90%) of the annual compensation and salary of the county court judges of Harrison County as authorized by law and provide adequate office space and reasonable office expenses to the county prosecuting attorney and his/her assistant. The salary authorized by this paragraph (i) for the county prosecuting attorney and his/her assistant shall be the sole and complete salary paid by the county for such prosecuting attorney and his/her assistant in each county to which this paragraph applies, notwithstanding any other provision of law to the contrary.

(j) In any county bordering on the State of Alabama, having a population in excess of seventy-five thousand (75,000) according to the 1980 decennial census in which is located an institution of higher learning and a United States military installation and which is traversed by an interstate highway, the salary of the county prosecuting attorney shall not be less than Twelve Thousand Dollars (\$ 12,000.00) nor more than the amount of the annual salary received by a member of the board of supervisors of that county.

(k) In any county with a land area wherein Mississippi Highways 8 and 9 intersect, the salary of the county prosecuting attorney shall be not less than Eight Thousand Five Hundred Dollars (\$ 8,500.00) per year.

(l) In any Class 2 county wherein Mississippi Highways 6 and 3 intersect, the salary of the county prosecuting attorney shall be not less than Twelve Thousand Dollars (\$ 12,000.00) per year nor more than the amount of the annual salary received by a member of the board of supervisors of that county.

(m) In any county wherein Interstate Highway 55 and State Highway 8 intersect, the salary of the county prosecuting attorney shall be not less than Twelve Thousand Dollars (\$ 12,000.00) per year.

(n) In any county wherein U.S. Highway 51 intersects Mississippi Highway 6, and having two (2) judicial districts, the salary of the county prosecuting attorney shall be not less than Three Thousand Six Hundred Dollars (\$ 3,600.00) per year.

(o) In any county bordering on the Alabama state line, having a population of greater than fifteen thousand (15,000) according to the 1970 federal decennial census, wherein U.S. Highway 45 and Mississippi Highway 18 intersect, the salary of the county prosecuting attorney shall be not less than Three Thousand Six Hundred Dollars (\$ 3,600.00) nor greater than that of a member of the board of supervisors of such county. All prior acts, orders and resolutions of

the board of supervisors of such county which authorized the payment of the salary in conformity with the provisions of this paragraph, whether or not heretofore specifically authorized by law are hereby ratified, approved and confirmed.

(p) In any county wherein is located a state-supported institution of higher learning and wherein U.S. Highway 82 and Mississippi Highway 389 intersect, the board of supervisors, in its discretion, may pay the county prosecuting attorney an annual salary equal to the annual salary of members of the board of supervisors in the county.

(q) In any county having two (2) judicial districts wherein Mississippi Highway 32 intersects U.S. Highway 49E, the salary of the county prosecuting attorney shall be not less than Twelve Thousand Seven Hundred Dollars (\$ 12,700.00).

(r) In any county traversed by the Natchez Trace Parkway wherein U.S. Highway 45 and Mississippi Highway 4 intersect, the board of supervisors, in its discretion, may pay the county prosecuting attorney an annual salary equal to the annual salary of justice court judges in the county.

(s) In any county having a population of more than fourteen thousand (14,000) according to the 1970 census and which county is bordered on the north by the State of Tennessee and on the east by the State of Alabama and in which U.S. Highway No. 72 and Highway No. 25 intersect, the board of supervisors, in its discretion, may pay the county prosecuting attorney an annual salary equal to the annual salary of justice court judges in the county.

(t) (i) The Board of Supervisors of Madison County, in its discretion, may pay the county prosecuting attorney an annual salary in the amount of Twenty-eight Thousand Dollars (\$ 28,000.00), if the county prosecuting attorney is not employed on a full-time basis.

(ii) From and after October 1, 1993, in addition to the salary provided for in subparagraph (i) of this paragraph, the board of supervisors, in its discretion, may pay the county prosecuting attorney an additional amount not to exceed ten percent (10%) of the maximum allowable salary prescribed herein.

(iii) The Board of Supervisors of Madison County, in its discretion, may employ the elected county prosecuting attorney on a full-time basis during his or her term of office and may pay compensation to the full-time prosecuting attorney in an amount of not more than ninety percent (90%) of the annual compensation and salary of the county court judges of the county as authorized by law, and may provide adequate office space and reasonable office expenses to the county prosecuting attorney. The salary authorized by this subparagraph (iii) for the county prosecuting attorney shall be the sole and complete salary paid by the county for the prosecuting attorney in Madison County, notwithstanding any other provisions of law to the contrary.

(u) In any county having a population in the 1970 census in excess of thirty-five thousand (35,000) and in which U.S. Highways 49W and 82 intersect, and in which is located a state penitentiary, the annual salary of a county prosecuting attorney shall be Thirty Thousand Four Hundred Twenty Dollars (\$ 30,420.00).

(v) In any county wherein Mississippi Highway 50 intersects U.S. Highway 45-Alternate, and having a population greater than twenty thousand (20,000) according to the 1980 federal decennial census, a salary equal to that of a member of the board of supervisors of such county; provided that if such county prosecuting attorney is paid a sum for the purpose of defraying office or secretarial expenses, then the salary prescribed herein shall be reduced by that amount.

(w) In any county in which the 1975 assessed valuation was Forty Million Seven Hundred Thirty-nine Thousand Four Hundred Sixty-six Dollars (\$ 40,739,466.00) and wherein U.S.

Highway 45 and Mississippi Highway 8 intersect, the salary of the county prosecuting attorney shall be equal to that of a member of the board of supervisors of such county.

(x) In any county bordering on the Mississippi River having a population greater than fifty thousand (50,000) according to the 1980 federal decennial census and also having a national military park and national cemetery, an annual salary of Twenty-five Thousand Dollars (\$ 25,000.00) or a salary equal to that of a member of the board of supervisors in such county, whichever is greater. In addition, such county prosecuting attorney shall receive the sum of One Thousand Dollars (\$ 1,000.00) per month for the purpose of defraying secretarial expenses.

(y) In any county bordering on the Alabama state line, traversed by the Chickasawhay River, and wherein U.S. Highway 45 and U.S. Highway 84 intersect, a salary that shall be equal to the annual salary of a member of the board of supervisors of such county. All prior acts, orders and resolutions of the board of supervisors of such county which authorize the payment of the salary of the county prosecuting attorney in conformity with the provisions of this section as it existed immediately prior to April 12, 1985, are hereby ratified, approved, confirmed and validated.

(z) In any county having a population greater than sixty-five thousand five hundred eighty (65,580) but less than sixty-five thousand five hundred ninety (65,590) according to the 1990 federal decennial census, wherein U.S. Highway 45 intersects with Mississippi Highway 6, an annual salary equal to Thirty Thousand Dollars (\$ 30,000.00).

(aa) In any county where an institution of higher learning is located and wherein U.S. Highway 82 and U.S. Highway 45 intersect, the salary of the county prosecuting attorney shall be not less than that of a member of the board of supervisors in such county, and the board of supervisors may, in its discretion, pay such county prosecuting attorney a salary in an amount not to exceed the amount of the salary of the District Attorney for the Sixteenth Judicial District of Mississippi.

(bb) In any county having a population greater than six thousand (6,000) according to the federal decennial census and wherein U.S. Highway 61 and Highway 24 intersect, the board of supervisors, in its discretion, may pay the county prosecuting attorney an annual salary equal to the annual salary of members of the board of supervisors in the county.

(cc) In any county having a population greater than thirty-one thousand (31,000) according to the 1990 federal decennial census and wherein U.S. Highway 61 and U.S. Highway 49 intersect, a salary of not less than the annual salary of justice court judges in the county.

(dd) (i) The Rankin County prosecuting attorney, if such person is not employed on a full-time basis, shall receive an annual salary of Twenty-nine Thousand Dollars (\$ 29,000.00).

(ii) The Board of Supervisors of Rankin County, in its discretion, may employ the elected county prosecuting attorney and an assistant on a full-time basis during his or her term of office and may pay compensation to such full-time prosecuting attorney in an amount of not more than ninety percent (90%) of the annual compensation and salary of the county court judges of the county as authorized by law, and may provide adequate office space and reasonable office expenses to the county prosecuting attorney and his/her assistant. The Board of Supervisors of Rankin County, in its discretion, may also employ a full-time assistant county prosecuting attorney and may pay such person an annual salary in such amount as determined by the board of supervisors. The salary authorized by this paragraph (dd)(ii) for the elected county prosecuting attorney and an assistant shall be the sole and complete salary paid by the county for the elected prosecuting attorney and assistant in Rankin County, notwithstanding any other provisions of law to the contrary.

(ee) In any county having a population greater than eight thousand (8,000) but less than

eight thousand two hundred (8,200) according to the 1990 federal census, and in which U.S. Highway 61 and Mississippi Highway 4 intersect, the board of supervisors may, in its discretion, pay the county prosecuting attorney an amount not to exceed Fourteen Thousand Dollars (\$ 14,000.00), in addition to the maximum allowable salary for that attorney under subsection (1), beginning on April 1, 1997.

(ff) In any county having a population greater than thirty thousand three hundred (30,300) but less than thirty thousand four hundred (30,400) according to the 1990 federal census, and in which U.S. Highway 78 and Mississippi Highway 7 intersect, a salary of not less than the annual salary of a member of the board of supervisors in such county.

(gg) In any county having a population greater than thirteen thousand three hundred (13,300) but less than thirteen thousand four hundred (13,400) according to the 1990 federal census, and in which Mississippi Highway 24 and Mississippi Highway 48 intersect, the board of supervisors may, in its discretion, pay the county prosecuting attorney an additional amount not to exceed ten percent (10%) of the maximum allowable salary for that attorney under subsection (1).

(hh) In any county having a population greater than eight thousand three hundred (8,300) but less than eight thousand four hundred (8,400) according to the 1990 federal census, and in which U.S. Highway 84 and U.S. Highway 98 intersect, the board of supervisors may, in its discretion, pay the county prosecuting attorney an additional amount not to exceed ten percent (10%) of the maximum allowable salary for that attorney under subsection (1).

(ii) In any county having a population of more than thirty thousand four hundred (30,400) and which is traversed in whole or in part by I-59, U.S. Highways 98 and 11 and State Highway 13, the annual salary of the county prosecuting attorney shall be Twenty-five Thousand Dollars (\$ 25,000.00).

(jj) In any county having a population greater than twenty thousand (20,000) according to the 1990 federal census and wherein U.S. Highway 78 and Mississippi Highway 25 intersect, the board of supervisors, in its discretion, may pay the county prosecuting attorney an annual salary equal to the annual salary of justice court judges in the county.

(kk) In any county having a population greater than twelve thousand four hundred (12,400) but less than twelve thousand five hundred (12,500) according to the 1990 federal census, and in which U.S. Highway 84 and Mississippi Highway 27 intersect, the board of supervisors may, in its discretion, pay the county prosecuting attorney an additional amount not to exceed ten percent (10%) of the maximum allowable salary for that attorney under subsection (1).

(ll) In any county having a population greater than thirty thousand two hundred (30,200) but less than thirty thousand three hundred (30,300) according to the 1990 federal census, and in which U.S. Interstate 55 and Mississippi Highway 84 intersect, the board of supervisors may, in its discretion, pay the county prosecuting attorney an additional amount not to exceed ten percent (10%) of the maximum allowable salary for that attorney under subsection (1).

(mm) In any county on the Mississippi River levee, having a population greater than forty-one thousand eight hundred (41,800) but less than forty-one thousand nine hundred (41,900) according to the 1990 federal census wherein U.S. Highway 61 and Mississippi Highway 8 intersect, the board of supervisors, in its discretion, may pay the county prosecuting attorney an annual salary equal to the annual salary of members of the board of supervisors in the county. In addition, the board of supervisors, in its discretion, may pay the county prosecuting attorney the sum of One Thousand Dollars (\$ 1,000.00) per month for the purpose of defraying secretarial expenses.

(nn) 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, in its discretion, may pay the county prosecuting attorney an annual salary equal to the annual salary of members of the board of supervisors in the county.

(oo) In any county having a population greater than thirty-seven thousand (37,000) but less than thirty-eight thousand (38,000) according to the 1990 federal census, in which is located a state supported institution of higher learning, and in which U.S. Highway 82 and Mississippi Highway 7 intersect, the board of supervisors may, in its discretion, pay the county prosecuting attorney a salary in an amount not to exceed the amount of the salary of the District Attorney for the Fourth Judicial District of Mississippi.

(pp) In any county in which U.S. Highway 78 and Mississippi Highway 15 intersect and which is traversed by the Tallahatchie River, a salary equal to that of members of the board of supervisors of the county, which salary shall be in addition to any sums received for the purpose of defraying office or secretarial expenses and sums received as youth court prosecutor fees.

(qq) In any county bordering on the State of Tennessee and the State of Arkansas, wherein Interstate Highway 55 and Mississippi Highway 302 intersect, the board of supervisors, in its discretion, may pay the county prosecuting attorney an annual salary equal to the annual salary of justice court judges in the county.

(rr) In any county that is traversed by the Natchez Trace Parkway and in which Mississippi Highway 35 and Mississippi Highway 12 intersect, the board of supervisors, in its discretion, may pay the county prosecuting attorney an annual salary in the amount of the annual salary of justice court judges in the county.

(ss) In any county in which Mississippi Highway 14 and Mississippi Highway 25 intersect, the board of supervisors, in its discretion, may pay the county prosecuting attorney an annual salary in the amount of Twenty-two Thousand Dollars (\$ 22,000.00).

(tt) In any county in which Interstate Highway 59 and U.S. Highway 84 intersect, the board of supervisors, in its discretion, may pay the county prosecuting attorney an annual salary equal to the annual salary of members of the board of supervisors in the county.

(uu) (i) In any county bordering on the Mississippi River having a population greater than fifty thousand (50,000) according to the 1980 federal decennial census and also having a national military park and national cemetery, the board of supervisors of the county shall pay an annual salary of Twenty-five Thousand Dollars (\$ 25,000.00) or a salary equal to that of a member of the board of supervisors, whichever is greater, if not employed on a full-time basis. In addition, the county prosecuting attorney shall be paid the sum of One Thousand Dollars (\$ 1,000.00) per month for the purpose of defraying secretarial expenses, if not employed on a full-time basis; or

(ii) The board of supervisors of the county described in subparagraph (i) of this paragraph, in its discretion, may employ the elected county prosecuting attorney on a full-time basis during his or her term of office and may pay compensation to the full-time prosecuting attorney in an amount of not more than ninety percent (90%) of the annual compensation and salary of the County Court Judge of Warren County as authorized by law, and may provide adequate office space and reasonable office expenses to the county prosecuting attorney. The salary authorized herein by this subparagraph (ii) for the county prosecuting attorney shall be the sole and complete salary paid by the county for the prosecuting attorney in Warren County, notwithstanding any other provisions of law to the contrary.

(3) In any case where a salary, expense allowance or other sum is authorized or paid by the board of supervisors pursuant to this section, that salary, expense allowance or other sum shall not be reduced or terminated during the term for which the **county attorney** was elected.

(4) Notwithstanding any provision of this section to the contrary, no county prosecuting attorney shall receive for his services an annual salary less than the salary paid to a justice court judge in his respective county.

HISTORY: SOURCES: Codes, Hemingway's 1917, § 699; 1930, § 6502; 1942, § 4164; Laws, 1916, ch. 238; Laws, 1926, ch. 154; Laws, 1928, ch. 203; Laws, 1932, ch. 193; Laws, 1948, ch. 262; Laws, 1956, ch. 190; Laws, 1966, ch. 442, § 1; Laws, 1968, ch. 364, § 1; Laws, 1973, ch. 490, § 1; Laws, 1974, ch. 550, § 1; Laws, 1977, ch. 467; Laws, 1980, ch. 513; Laws, 1981, ch. 490, § 1; Laws, 1985, ch. 506; Laws, 1990, ch. 587, § 1; Laws, 1992, ch. 554, § 1; Laws, 1993, ch. 550, § 5; Laws, 1997, ch. 570, § 3; Laws, 1999, ch. 564, § 1; Laws, 2003, ch. 547, § 1; Laws, 2004, ch. 505, § 13; Laws, 2007, ch. 557, § 4; Laws, 2008, ch. 396, § 1, eff August 11, 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.)

By: Representative Baker

To: Judiciary A

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 484

1 AN ACT TO AMEND SECTION 25-3-35, MISSISSIPPI CODE OF 1972, TO
2 INCREASE THE SALARIES OF THE JUSTICES OF THE SUPREME COURT, JUDGES
3 OF THE COURT OF APPEALS, JUDGES OF THE CHANCERY AND CIRCUIT COURTS
4 AND DISTRICT ATTORNEYS ON AN INCREMENTAL BASIS; TO AMEND SECTION
5 9-21-45, MISSISSIPPI CODE OF 1972, TO REVISE THE PURPOSE FOR WHICH
6 MONIES IN THE JUDICIAL SYSTEM OPERATION FUND MAY BE USED TO
7 CONFORM TO THIS ACT; TO AMEND SECTION 25-7-3, MISSISSIPPI CODE OF
8 1972, TO INCREASE THE GENERAL DOCKET FEE FOR FILING AN APPEAL IN A
9 CIVIL OR CRIMINAL CASE; TO AMEND SECTIONS 25-7-9 AND 25-7-13,
10 MISSISSIPPI CODE OF 1972, TO ESTABLISH AN ADDITIONAL FEE FOR EVERY
11 CIVIL CASE FILED WITH THE CHANCERY AND CIRCUIT CLERKS TO BE
12 DEPOSITED INTO THE JUDICIAL SYSTEM OPERATION SPECIAL FUND FOR THE
13 PURPOSE OF PROVIDING ADDITIONAL FUNDS FOR JUDICIAL SALARIES; TO
14 CREATE SECTION 25-9-115, MISSISSIPPI CODE OF 1972, TO REQUIRE
15 CERTAIN FUTURE JUDICIAL SALARY ADJUSTMENTS TO BE MADE BY THE STATE
16 PERSONNEL BOARD; TO AMEND SECTION 25-9-101, MISSISSIPPI CODE OF
17 1972, TO CONFORM; TO AMEND SECTION 9-9-11, MISSISSIPPI CODE OF
18 1972, TO PROVIDE STATE SUPPORT FOR CERTAIN INCREASES IN JUDICIAL
19 SALARIES FOR COUNTY COURT JUDGES; TO AMEND SECTION 99-19-73,
20 MISSISSIPPI CODE OF 1972, TO REVISE THE STATEWIDE MONETARY
21 ASSESSMENTS SO AS TO PROVIDE ADDITIONAL FUNDING FOR DISTRICT
22 ATTORNEYS' AND ASSISTANT DISTRICT ATTORNEYS' SALARIES; AND FOR
23 RELATED PURPOSES.

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

25 **SECTION 1.** Section 25-3-35, Mississippi Code of 1972, is
26 amended as follows:

27 25-3-35. (1) The annual salaries of the following judges
28 are fixed as follows * * *:

29 **From and after January 1, 2013, through December 31, 2013:**

30 Chief Justice of the Supreme Court.....\$126,292.50
31 Presiding Justices of the Supreme Court, each..... 123,600.75
32 Associate Justices of the Supreme Court, each..... 122,460.00

33 **From and after January 1, 2014, through December 31, 2014:**

34 Chief Justice of the Supreme Court.....\$137,195.00
35 Presiding Justices of the Supreme Court, each..... 134,011.50
36 Associate Justices of the Supreme Court, each..... 132,390.00



37 From and after January 1, 2015, through December 31, 2015:
38 Chief Justice of the Supreme Court.....\$148,097.50
39 Presiding Justices of the Supreme Court, each..... 144,422.25
40 Associate Justices of the Supreme Court, each..... 142,320.00

41 From and after January 1, 2016:
42 Chief Justice of the Supreme Court.....\$159,000.00
43 Presiding Justices of the Supreme Court, each..... 154,833.00
44 Associate Justices of the Supreme Court, each..... 152,250.00

45 * * * There are imposed upon the Supreme Court justices the
46 extra duties of taking all necessary action to promote judicial
47 education in schools, drug courts, electronic filing and case
48 management systems as developed by the Administrative Office of
49 Courts, or such other additional duties as may be assigned by the
50 Chief Justice of the Supreme Court. For such extra services each
51 justice, from and after January 1, 2013, shall receive a sum
52 sufficient * * * to aggregate * * *, per annum, the salaries set
53 forth in this subsection (1).

54 The fixed salaries in this subsection (1) shall be paid from
55 the State General Fund and from the Judicial System Operation Fund
56 created under Section 9-21-45. No less than: One Hundred Fifteen
57 Thousand Three Hundred Ninety Dollars (\$115,390.00) of the Chief
58 Justice's salary in this subsection (1), One Hundred Thirteen
59 Thousand One Hundred Ninety Dollars (\$113,190.00) of the salary of
60 a Presiding Justice in this subsection (1), and One Hundred Twelve
61 Thousand Five Hundred Thirty Dollars (\$112,530.00) of the salary
62 of an Associate Justice in this subsection (1) shall be paid from
63 General Fund monies; in addition, the Legislature shall
64 appropriate annually from the Judicial System Operation Fund a sum
65 sufficient to increase the salary of the Chief Justice, a
66 Presiding Justice and an Associate Justice to the levels set forth
67 in this subsection (1).

68 The fixed salaries as specified in this subsection (1) shall
69 be the exclusive and total compensation which can be reported to



70 the Public Employees' Retirement System for retirement purposes;
71 however, any judge in office on December 31, 2003, may continue to
72 report his expense allowance as part of his compensation for
73 retirement purposes.

74 (2) The annual salaries of the judges of the Court of
75 Appeals of Mississippi are fixed as follows * * *:

76 **From and after January 1, 2013, through December 31, 2013:**

77 Chief Judge of the Court of Appeals.....\$117,992.00
78 Associate Judges of the Court of Appeals, each.... 114,994.25

79 **From and after January 1, 2014, through December 31, 2014:**

80 Chief Judge of the Court of Appeals.....\$127,854.00
81 Associate Judges of the Court of Appeals, each.... 124,938.50

82 **From and after January 1, 2015, through December 31, 2015:**

83 Chief Judge of the Court of Appeals.....\$137,716.00
84 Associate Judges of the Court of Appeals, each.... 134,882.75

85 **From and after January 1, 2016:**

86 Chief Judge of the Court of Appeals.....\$147,578.00
87 Associate Judges of the Court of Appeals, each.... 144,827.00

88 From and after January 1, 2013, each judge shall receive a
89 sum sufficient to aggregate, per annum, the salaries set forth in
90 this subsection (2).

91 The fixed salaries in this subsection (2) shall be paid from
92 the State General Fund and from the Judicial System Operation Fund
93 created under Section 9-21-45. No less than One Hundred Eight
94 Thousand One Hundred Thirty Dollars (\$108,130.00) of the Chief
95 Judge's salary in this subsection (2) shall be paid from General
96 Fund monies; in addition, the Legislature shall appropriate
97 annually from the Judicial System Operation Fund a sum sufficient
98 to increase the Chief Judge's salary to the level set forth in
99 this subsection (2). No less than One Hundred Five Thousand Fifty
100 Dollars (\$105,050.00) of the salary of an Associate Judge in this
101 subsection (2) shall be paid from General Fund monies; in
102 addition, the Legislature shall appropriate annually from the



103 Judicial System Operation Fund a sum sufficient to increase the
104 salary of an Associate Judge to the level set forth in this
105 subsection (2).

106 The fixed salaries as specified in this subsection (2) shall
107 be the exclusive and total compensation which can be reported to
108 the Public Employees' Retirement System for retirement purposes;
109 however, any judge in office on December 31, 2003, may continue to
110 report his expense allowance as part of his compensation for
111 retirement purposes.

112 (3) The annual salaries of the chancery and circuit court
113 judges are fixed as follows * * *:

| | |
|-----|--|
| 114 | <u>From and after January 1, 2013, through December 31, 2013:</u> |
| 115 | Chancery Judges, each.....\$112,127.50 |
| 116 | Circuit Judges, each..... <u>112,127.50</u> |
| 117 | <u>From and after January 1, 2014, through December 31, 2014:</u> |
| 118 | <u>Chancery Judges, each.....\$120,085.00</u> |
| 119 | <u>Circuit Judges, each..... <u>120,085.00</u></u> |
| 120 | <u>From and after January 1, 2015, through December 31, 2015:</u> |
| 121 | <u>Chancery Judges, each.....\$128,042.50</u> |
| 122 | <u>Circuit Judges, each..... <u>128,042.50</u></u> |
| 123 | <u>From and after January 1, 2016:</u> |
| 124 | <u>Chancery Judges, each.....\$136,000.00</u> |
| 125 | <u>Circuit Judges, each..... <u>136,000.00</u></u> |

126 In addition to their present official duties, the circuit and
127 chancery judges shall take necessary action to promote judicial
128 education in schools, drug courts, electronic filing and case
129 management systems as developed by the Administrative Office of
130 Courts, or such other additional duties as may be assigned by the
131 Chief Justice of the Supreme Court. For such extra services each
132 judge, from and after January 1, 2013, shall receive a sum
133 sufficient * * * to aggregate * * *, per annum * * *, the salaries
134 set forth in this subsection (3).



135 The fixed salaries in this subsection (3) shall be paid from
136 the State General Fund and from the Judicial System Operation Fund
137 created under Section 9-21-45. No less than One Hundred Four
138 Thousand One Hundred Seventy Dollars (\$104,170.00) of the salary
139 of a Chancery or Circuit Judge in this subsection (3) shall be
140 paid from General Fund monies; in addition, the Legislature shall
141 appropriate annually from the Judicial System Operation Fund a sum
142 sufficient to increase the salary of a Chancery or Circuit Judge
143 to the levels set forth in this subsection (3).

144 (4) From and after January 1, 2019, and every four (4) years
145 thereafter, the annual salaries of the judges in subsections (1),
146 (2) and (3) shall be fixed at the level of compensation
147 recommended by the State Personnel Board according to the board's
148 most recent report on judicial salaries, as required under Section
149 25-9-115, to the extent that sufficient funds are available. The
150 annual salaries fixed in accordance with this subsection (4) shall
151 not become effective until the commencement of the next
152 immediately succeeding term of office.

153 (5) The Supreme Court shall prepare a payroll for chancery
154 judges and circuit judges and submit such payroll to the
155 Department of Finance and Administration.

156 (6) The annual salary of the full-time district attorneys
157 shall be * * *:

158 **From and after January 1, 2013, through December 31, 2013:**
159 One Hundred Three Thousand Three Hundred Twenty-two Dollars
160 (\$103,322.00).

161 **From and after January 1, 2014, through December 31, 2014:**
162 One Hundred Ten Thousand Eight Hundred Forty-eight Dollars
163 (\$110,848.00).

164 **From and after January 1, 2015, through December 31, 2015:**
165 One Hundred Eighteen Thousand Three Hundred Seventy-four
166 Dollars (\$118,374.00).

167 **From and after January 1, 2016:**



168 One Hundred Twenty-five Thousand Nine Hundred Dollars
169 (\$125,900.00).

170 (7) The annual salary of the full-time legal assistants
171 shall be not less than Fifteen Thousand Dollars (\$15,000.00) nor
172 more than eighty percent (80%) of the salary of the district
173 attorney for legal assistants who have been licensed to practice
174 law for five (5) years or less; eighty-five percent (85%) of the
175 salary of the district attorney for legal assistants who have been
176 licensed to practice law for at least five (5) years but less than
177 fifteen (15) years; and ninety percent (90%) of the salary of the
178 district attorney for legal assistants who have been licensed to
179 practice law for at least fifteen (15) years or more.

180 **SECTION 2.** Section 9-21-45, Mississippi Code of 1972, is
181 amended as follows:

182 9-21-45. (1) There is created in the State Treasury a
183 special fund designated as the Judicial System Operation Fund.
184 The funds shall be administered by the Supreme Court through the
185 Administrative Office of Courts. The fund shall consist of monies
186 deposited therein as provided in Section 99-19-72 and monies from
187 any other source designated for deposit into the fund. The
188 Administrative Office of Courts may also accept monies from any
189 public or private source for deposit into the fund. Money
190 remaining in the fund at the end of a fiscal year shall not lapse
191 into the State General Fund, and any interest earned from the
192 investment of monies in the fund shall be deposited to the credit
193 of the fund.

194 (2) Monies in the fund shall be subject to appropriation by
195 the Legislature and may only be used for the purpose of the
196 operation of the judicial system in the state as determined
197 necessary by the Supreme Court and to provide additional funds for
198 the judicial salaries set forth in Section 25-3-25 and Section
199 9-9-11(8). Monies in the fund used for the purposes described in



200 this section shall be in addition to other funds available from
201 any other source for such purposes.

202 **SECTION 3.** Section 25-7-3, Mississippi Code of 1972, is
203 amended as follows:

204 25-7-3. The Clerk of the Supreme Court shall charge the
205 following fees:

- | | | |
|-----|--|-----------------|
| 206 | (a) General docket fee, for filing the record on appeal | |
| 207 | in a civil or criminal case..... | <u>\$200.00</u> |
| 208 | (b) Miscellaneous docket fee..... | <u>50.00</u> |
| 209 | (c) Confidential miscellaneous docket fee..... | <u>200.00</u> |
| 210 | (d) Admission of new attorneys..... | 30.00 |
| 211 | (e) Act of Congress certificate..... | <u>25.00</u> |
| 212 | (f) Certificate of admission replacement..... | <u>25.00</u> |
| 213 | (g) Certificate of good standing replacement.... | 10.00 |
| 214 | (h) Attest stamp..... | <u>5.00</u> |
| 215 | (i) Order from Minute Book..... | <u>10.00</u> |
| 216 | (j) Regular copying..... | .50 per page |
| 217 | (k) Copying from bound volumes or | |
| 218 | records..... | 2.00 per page |
| 219 | (l) Copy of mandate..... | <u>10.00</u> |
| 220 | (m) Minimum copy charge..... | 1.00 |
| 221 | (n) Notary fee..... | 2.50 |
| 222 | (o) Decision list charge..... | 5.00 |
| 223 | (p) Handling charge and retrieval and delivery charges | |
| 224 | on completed Supreme Court records (to be retained out of deposit) | |
| 225 | On-site retrieval..... | 10.00 |
| 226 | Off-site retrieval..... | 15.00 |
| 227 | (q) Forfeited deposits on completed Supreme Court | |
| 228 | records..... | <u>100.00</u> |
| 229 | (r) Petition for rehearing..... | <u>50.00</u> |

230 Said general docket fee shall be collected from the appellant
231 by the clerk of the lower court and forwarded to the Clerk of the
232 Supreme Court. The Clerk of the Supreme Court shall charge the



233 maximum amount allowable by law for services rendered where
234 charges for such services are provided by statute; for any other
235 services rendered, the amount charged shall be consistent with the
236 cost of providing such services. All fees shall be paid in the
237 form of cash, cashier's check, or money order or by a check on the
238 account of an attorney payable to the Clerk of the Supreme Court.
239 All fees authorized to be assessed and collected by the Clerk of
240 the Supreme Court shall be deposited into the State General Fund,
241 except that One Hundred Dollars (\$100.00) of the general docket
242 fee set under paragraph (a), Twenty-five Dollars (\$25.00) of the
243 miscellaneous docket fee set under paragraph (b), One Hundred
244 Dollars (\$100.00) of the confidential miscellaneous fee set under
245 paragraph (c), Fifteen Dollars (\$15.00) of the act of congress
246 certificate set under paragraph (e), Ten Dollars (\$10.00) of the
247 certificate of admission replacement set under paragraph (f), Two
248 Dollars and Fifty Cents (\$2.50) of the attest stamp set under
249 paragraph (h), Five Dollars (\$5.00) of the order from minute book
250 set under paragraph (i), Seven Dollars (\$7.00) of the copy of
251 mandate set under paragraph (l), Fifty Dollars (\$50.00) of the
252 forfeited deposits on completed Supreme Court records set under
253 paragraph (q), Twenty-five Dollars (\$25.00) of the petition for
254 rehearing fee under paragraph (r), and the total amount charged
255 for any other services rendered shall be deposited to the credit
256 of the Judicial System Operation Fund established in Section
257 9-21-45.

258 **SECTION 4.** Section 25-7-9, Mississippi Code of 1972, is
259 amended as follows:

260 25-7-9. (1) The clerks of the chancery courts shall charge
261 the following fees:

262 (a) For the act of certifying copies of filed
263 documents, for each complete document.....\$ 1.00

264 (b) (i) Recording each deed, will, lease, amendment,
265 subordination, lien, release, cancellation, order, decree, oath,



266 etc., per book and page listed where applicable; for the first
 267 fifteen (15) pages.....\$ 10.00
 268 Each additional page.....\$ 1.00
 269 (ii) Sectional index entries per section or
 270 subdivision lot.....\$ 1.00
 271 (c) Recording each deed of trust, for the first fifteen
 272 (15) pages.....\$ 15.00
 273 Each additional page.....\$ 1.00
 274 Sectional index entries per section or subdivision
 275 lot.....\$ 1.00
 276 (d) (i) Recording oil and gas leases, cancellations,
 277 etc., including indexing in general indices; for the first
 278 fifteen (15) pages.....\$ 18.00
 279 Each additional page.....\$ 1.00
 280 (ii) Sectional index entries per section or
 281 subdivision lot.....\$ 1.00
 282 (iii) Recording each oil and gas assignment
 283 per assignee.....\$ 18.00
 284 (e) (i) Furnishing copies of any papers of record or
 285 on file:
 286 If performed by the clerk or his employee,
 287 per page.....\$.50
 288 If performed by any other person, per page.....\$.25
 289 (ii) Entering marginal notations on
 290 documents of record.....\$ 1.00
 291 (f) For each day's attendance on the board of
 292 supervisors, for himself and one (1) deputy, each.....\$ 20.00
 293 (g) For other services as clerk of the board of
 294 supervisors an allowance shall be made to him (payable
 295 semiannually at the July and January meetings) out of the county
 296 treasury, an annual sum not exceeding.....\$3,000.00
 297 (h) For each day's attendance on the chancery court, to
 298 be approved by the chancellor:



299 For the first chancellor sitting only, clerk and two (2)
300 deputies, each.....\$ 50.00

301 For the second chancellor sitting, clerk only..\$ 50.00

302 Provided that the fees herein prescribed shall be the total
303 remuneration for the clerk and his deputies for attending chancery
304 court.

305 (i) On order of the court, clerks and not more than two
306 (2) deputies may be allowed five (5) extra days for each term of
307 court for attendance upon the court to get up records.

308 (j) For public service not otherwise specifically
309 provided for, the chancery court may by order allow the clerk to
310 be paid by the county on the order of the board of supervisors, an
311 annual sum not exceeding.....\$5,000.00

312 (k) For each civil filing, to be deposited into the
313 Civil Legal Assistance Fund.....\$ 5.00

314 The chancery clerk shall itemize on the original document a
315 detailed fee bill of all charges due or paid for filing, recording
316 and abstracting same. No person shall be required to pay such
317 fees until same have been so itemized, but those fees may be
318 demanded before the document is recorded.

319 (2) The following fees shall be a total fee for all services
320 performed by the clerk with respect to a complaint which shall be
321 payable upon filing and shall accrue to the chancery clerk at the
322 time of filing. The clerk or his successor in office shall
323 perform all duties set forth without additional compensation or
324 fee to wit:

325 (a) Divorce to be contested.....\$75.00

326 (b) Divorce uncontested.....\$30.00

327 (c) Alteration of birth or marriage certificate..\$25.00

328 (d) Removal of minority.....\$25.00

329 (e) Guardianship or conservatorship.....\$75.00

330 (f) Estate of deceased, intestate.....\$75.00

331 (g) Estate of deceased, testate.....\$75.00



- 332 (h) Adoption.....\$75.00
- 333 (i) Land dispute.....\$75.00
- 334 (j) Injunction.....\$75.00
- 335 (k) Settlement of small claim.....\$30.00
- 336 (l) Contempt in child support.....\$75.00
- 337 (m) Partition suit.....\$75.00
- 338 (n) Any cross-complaint.....\$25.00
- 339 (o) Commitment.....\$75.00

340 (3) For every civil case filed:

341 (a) An additional fee to be deposited to the credit of
 342 the Comprehensive Electronic Court Systems Fund established
 343 in Section 9-21-14.....\$10.00

344 (b) An additional fee to be deposited to the
 345 credit of the Judicial System Operation Fund established in
 346 Section 9-21-45.....\$40.00

347 (4) Cost of process shall be borne by the issuing party.
 348 Additionally, should the attorney or person filing the pleadings
 349 desire the clerk to pay the cost to the sheriff for serving
 350 process on one (1) person or more, or to pay the cost of
 351 publication, the clerk shall demand the actual charges therefor,
 352 at the time of filing.

353 **SECTION 5.** Section 25-7-13, Mississippi Code of 1972, is
 354 amended as follows:

355 25-7-13. (1) The clerks of the circuit court shall charge
 356 the following fees:

357 (a) Docketing, filing, marking and registering each
 358 complaint, petition and indictment.....\$ 85.00

359 The fee set forth in this paragraph shall be the total fee
 360 for all services performed by the clerk up to and including entry
 361 of judgment with respect to each complaint, petition or
 362 indictment, including all answers, claims, orders, continuances
 363 and other papers filed therein, issuing each writ, summons,
 364 subpoena or other such instruments, swearing witnesses, taking and

365 recording bonds and pleas, and recording judgments, orders, fiats
366 and certificates; the fee shall be payable upon filing and shall
367 accrue to the clerk at the time of collection. The clerk or his
368 successor in office shall perform all duties set forth above
369 without additional compensation or fee.

370 (b) Docketing and filing each motion to renew judgment,
371 suggestion for a writ of garnishment, suggestion for a writ of
372 execution and judgment debtor actions and issuing all process,
373 filing and recording orders or other papers and swearing
374 witnesses.....\$ 35.00

375 (c) For every civil case filed, an additional fee to be
376 deposited to the credit of the Comprehensive Electronic Court
377 Systems Fund established in Section 9-21-14.....\$ 10.00

378 (d) For every civil case filed, an additional fee to be
379 deposited to the credit of the Judicial System Operation Fund
380 established in Section 9-21-45.....\$ 40.00

381 (2) Except as provided in subsection (1) of this section,
382 the clerks of the circuit court shall charge the following fees:

383 (a) Filing and marking each order or other paper and
384 recording and indexing same.....\$ 2.00

385 (b) Issuing each writ, summons, subpoena, citation,
386 capias and other such instruments.....\$ 1.00

387 (c) Administering an oath and taking bond.....\$ 2.00

388 (d) Certifying copies of filed documents, for each
389 complete document.....\$ 1.00

390 (e) Recording orders, fiats, licenses, certificates,
391 oaths and bonds:

392 First page.....\$ 2.00

393 Each additional page.....\$ 1.00

394 (f) Furnishing copies of any papers of record or on
395 file and entering marginal notations on documents of record:

396 If performed by the clerk or his employee,
397 per page.....\$ 1.00



398 If performed by any other person, per page.....\$.25
399 (g) Judgment roll entry.....\$ 5.00
400 (h) Taxing cost and certificate.....\$ 1.00
401 (i) For taking and recording application for marriage
402 license, for filing and recording consent of parents when required
403 by law, for filing and recording medical certificate, filing and
404 recording proof of age, recording and issuing license, recording
405 and filing returns.....\$ 20.00
406 The clerk shall deposit Fourteen Dollars (\$14.00) of each fee
407 collected for a marriage license in the Victims of Domestic
408 Violence Fund established in Section 93-21-117, on a monthly
409 basis.
410 (j) For certified copy of marriage license and search
411 of record, the same fee charged by the Bureau of Vital Statistics
412 of the State Board of Health.
413 (k) For public service not particularly provided for,
414 the circuit court may allow the clerk, per annum, to be paid by
415 the county on presentation of the circuit court's order, the
416 following amount.....\$5,000.00
417 However, in the counties having two (2) judicial districts,
418 such above allowance shall be made for each judicial district.
419 (l) For drawing jurors and issuing venire, to be paid
420 by the county.....\$ 5.00
421 (m) For each day's attendance upon the circuit court
422 term, for himself and necessary deputies allowed by the court,
423 each to be paid by the county.....\$ 50.00
424 (n) Summons, each juror to be paid by the county upon
425 the allowance of the court.....\$ 1.00
426 (o) For issuing each grand jury subpoena, to be paid by
427 the county on allowance by the court, not to exceed Twenty-five
428 Dollars (\$25.00) in any one (1) term of court.....\$ 1.00
429 (p) For each civil filing, to be deposited into the
430 Civil Legal Assistance Fund.....\$ 5.00



431 (3) On order of the court, clerks and deputies may be
432 allowed five (5) extra days for attendance upon the court to get
433 up records.

434 (4) The clerk's fees in state cases where the state fails in
435 the prosecution, or in cases of felony where the defendant is
436 convicted and the cost cannot be made out of his estate, in an
437 amount not to exceed Four Hundred Dollars (\$400.00) in one (1)
438 year, shall be paid out of the county treasury on approval of the
439 circuit court, and the allowance thereof by the board of
440 supervisors of the county. In counties having two (2) judicial
441 districts, such allowance shall be made in each judicial district;
442 however, the maximum thereof shall not exceed Eight Hundred
443 Dollars (\$800.00). Clerks in the circuit court, in cases where
444 appeals are taken in criminal cases and no appeal bond is filed,
445 shall be allowed by the board of supervisors of the county after
446 approval of their accounts by the circuit court, in addition to
447 the above fees, for making such transcript the rate of Two Dollars
448 (\$2.00) per page.

449 (5) The clerk of the circuit court may retain as his
450 commission on all money coming into his hands, by law or order of
451 the court, a sum to be fixed by the court not exceeding one-half
452 of one percent (1/2 of 1%) on all such sums.

453 (6) For making final records required by law, including, but
454 not limited to, circuit and county court minutes, and furnishing
455 transcripts of records, the circuit clerk shall charge Two Dollars
456 (\$2.00) per page. The same fees shall be allowed to all officers
457 for making and certifying copies of records or papers which they
458 are authorized to copy and certify.

459 (7) The circuit clerk shall prepare an itemized statement of
460 fees for services performed, cost incurred, or for furnishing
461 copies of any papers of record or on file, and shall submit the
462 statement to the parties or, if represented, to their attorneys



463 within sixty (60) days. A bill for same shall accompany the
464 statement.

465 **SECTION 6.** The following shall be codified as Section
466 25-9-115, Mississippi Code of 1972:

467 25-9-115. From and after November 1, 2017, and every four
468 (4) years thereafter, the State Personnel Board shall prepare a
469 written report to the Legislature that examines, evaluates and
470 recommends an adequate level of compensation for the justices of
471 the Supreme Court, the judges of the Court of Appeals, the judges
472 of the chancery and circuit courts, the judges of the county
473 courts, judicial staff attorneys, and law clerks. In preparing
474 the report, the board shall consider all appropriate factors
475 including, but not limited to, comparative judicial, judicial
476 staff attorney, and law clerk salaries in neighboring states and
477 in the Southeast as a whole; comparative judicial, judicial staff
478 attorney, and law clerk salaries in the federal judiciary;
479 salaries of comparable professionals in government, academia,
480 private law practice and the corporate sector; changes in public
481 sector spending; rates of inflation; and the overall economic
482 climate.

483 **SECTION 7.** Section 25-9-101, Mississippi Code of 1972, is
484 amended as follows:

485 25-9-101. It is the purpose of this chapter to establish in
486 the State of Mississippi a system of personnel administration
487 based on sound methods of personnel administration governing the
488 establishment of employment positions, classification of positions
489 and the employment conduct, movement and separation of state
490 employees; to build a career service in government which will
491 attract, select and retain the best persons, with incentives in
492 the form of equal opportunities for initial appointment and
493 promotions in the state service; * * * to establish a system of
494 personnel management that will ensure the effective and efficient



495 use of employees in the state service; and to perform such other
496 duties as may be specified in this chapter or any other law.

497 **SECTION 8.** Section 9-9-11, Mississippi Code of 1972, is
498 amended as follows:

499 9-9-11. (1) Except as otherwise provided in subsections
500 (2), (3) and (4), the county court judge shall receive an annual
501 salary payable monthly out of the county treasury in an amount not
502 to exceed One Thousand Dollars (\$1,000.00) less than the salary
503 which is now or shall hereafter be provided for circuit and
504 chancery judges of this state, in the discretion of the board of
505 supervisors of said county; provided, however, that the salary of
506 such judge shall not be reduced during his term of office.

507 Provided further, that the office of county court judge in any
508 county receiving an annual salary of Thirty-six Thousand Dollars
509 (\$36,000.00) or more shall be a full-time position, and the holder
510 thereof shall not otherwise engage in the practice of law.

511 (2) If a county court is established by agreement between
512 two (2) or more counties as provided in Section 9-9-3, the county
513 judge of the court so established shall be paid a salary equal to
514 one and one-half (1-1/2) times that salary that he would be paid
515 if he were the judge of the smallest of such two (2) or more
516 counties, such salary to be paid in monthly installments as
517 provided by law; provided that such salary shall not exceed One
518 Thousand Dollars (\$1,000.00) less than the salary of the circuit
519 and chancery judges of this state.

520 (3) The county court judge shall receive an annual salary
521 payable monthly out of the county treasury as follows:

522 (a) In any county having a population of seventy
523 thousand (70,000) or more according to the 1980 federal census,
524 the county judge shall receive an annual salary of One Thousand
525 Dollars (\$1,000.00) less than that paid to a circuit court judge.
526 The office of county judge shall be a full-time position, and the
527 holder thereof shall not otherwise engage in the practice of law.



528 (b) In any county having a population of sixty thousand
529 (60,000) or more but less than seventy thousand (70,000) according
530 to the 1980 federal census, the county judge shall receive an
531 annual salary of Forty Thousand Dollars (\$40,000.00). The office
532 of county judge shall be a full-time position, and the holder
533 thereof shall not otherwise engage in the practice of law. The
534 county judge shall not be eligible for any additional salary
535 except as may be authorized in subsection (4).

536 (c) In any county having a population of twenty-seven
537 thousand (27,000) or more but less than sixty thousand (60,000)
538 according to the 1980 federal census, the county judge shall
539 receive an annual salary of not less than Twelve Thousand Dollars
540 (\$12,000.00) but not more than Forty Thousand Dollars
541 (\$40,000.00), in the discretion of the board of supervisors of
542 said county. The county judge shall not be eligible for any
543 additional salary except as may be authorized in subsection (4).
544 In the event that the board of supervisors of said county elects
545 to pay such county judge an annual salary of Thirty Thousand
546 Dollars (\$30,000.00) or more, the office of county judge shall be
547 a full-time position, and the holder thereof shall not otherwise
548 engage in the practice of law.

549 (d) In any county having a population of less than
550 twenty-seven thousand (27,000) according to the 1980 federal
551 census, the county judge shall receive an annual salary of not
552 less than Four Thousand Two Hundred Dollars (\$4,200.00) and not
553 more than Eight Thousand Five Hundred Dollars (\$8,500.00), in the
554 discretion of the board of supervisors of said county. The county
555 judge shall not be eligible for any additional salary except as
556 may be authorized in subsection (4).

557 (4) The county judge of any county described in this
558 subsection shall be paid the compensation, and he shall be subject
559 to any restrictions set forth in the following paragraphs:



560 (a) The county judge of any such Class 1 county with a
561 population according to the latest federal decennial census of
562 forty-five thousand (45,000) or more and lying wholly within a
563 levee district and having two (2) judicial districts shall, in the
564 discretion of the board of supervisors of such county, receive an
565 annual salary not exceeding Forty Thousand Dollars (\$40,000.00),
566 or a sum which is One Thousand Dollars (\$1,000.00) less than the
567 salary which is now or shall hereafter be provided for circuit and
568 chancery judges of the state, whichever is greater.

569 (b) The county judge of any Class 1 county having an
570 area in excess of nine hundred twenty-five (925) square miles
571 shall receive an annual salary of not less than Thirty Thousand
572 Dollars (\$30,000.00) but, in the discretion of the board of
573 supervisors of such county, such salary may be not more than Five
574 Hundred Dollars (\$500.00) less than the annual salary of a circuit
575 judge, payable monthly out of the county treasury, and the county
576 judge shall not practice law.

577 (c) The office of county judge in any such Class 1
578 county with a population according to the 1970 federal decennial
579 census of greater than thirty-nine thousand (39,000), and where
580 U.S. Highway 61 and Mississippi Highway 6 intersect, shall receive
581 an annual salary to be paid in monthly installments of not less
582 than an amount equal to ninety percent (90%) of the annual salary
583 which is now or shall hereafter be provided for circuit and
584 chancery judges of the state, as follows: The salary of the
585 county judge shall be increased by ten percent (10%) annually
586 above the base salary of the preceding year until such time as the
587 judge's salary is equal to the amount that is provided by this
588 subsection. The office of county judge shall be a full-time
589 position and the holder thereof shall not otherwise engage in the
590 practice of law.

591 (d) In any Class 1 county bordering on the Mississippi
592 River and which has situated therein a national military park and



593 national military cemetery, the office of county judge shall be a
594 full-time position and the holder thereof shall not otherwise
595 engage in the practice of law. The salary for the county judge in
596 said county shall be fixed at a sum which is One Thousand Dollars
597 (\$1,000.00) less than the salary which is now or shall hereafter
598 be provided for circuit and chancery judges of this state.

599 (e) The county judge in any county having a population
600 of at least forty-two thousand one hundred eleven (42,111),
601 according to the 1970 census, and where U.S. Highway 49E and U.S.
602 Highway 82 intersect, shall receive an annual salary to be paid in
603 monthly installments of not less than Thirty Thousand Dollars
604 (\$30,000.00) but not more than Two Thousand Five Hundred Dollars
605 (\$2,500.00) less than the annual salary of the circuit judge, in
606 the discretion of the board of supervisors of said county.

607 (f) The county judge in any Class 1 county bordering on
608 the Mississippi River and having an area of less than four hundred
609 fifty (450) square miles wherein U.S. Highways 84 and 61 intersect
610 shall receive an annual salary of Four Thousand Dollars
611 (\$4,000.00) less than the annual salary of a circuit judge, and
612 such county judge shall not practice law in any manner. The
613 county judge in such county shall not be eligible to receive any
614 additional salary authorized by this section or from any other
615 source other than that set out and authorized by this paragraph.

616 (g) The county judge of any Class 1 county bordering on
617 the Mississippi River on the west and the State of Tennessee on
618 the north, and traversed north to south by Interstate Highway 55,
619 shall receive an annual salary of ninety percent (90%) of the
620 salary which is now or shall hereafter be provided for chancery
621 and circuit judges of this state, but in any event not less than
622 Sixty Thousand Two Hundred Dollars (\$60,200.00).

623 (h) The county judge of any Class 1 county with a
624 population of greater than sixty-nine thousand (69,000) according
625 to the 1980 federal decennial census, and wherein U.S. Highway 80



626 and Mississippi Highway 43 intersect, shall receive an annual
627 salary in an amount not greater than the sum of Five Hundred
628 Dollars (\$500.00) less than the salary which is now or shall
629 hereafter be provided for circuit and chancery judges of this
630 state, in the discretion of the board of supervisors of said
631 county.

632 (i) The county judge of any county having a population
633 in excess of sixty-six thousand (66,000) according to the 1980
634 federal decennial census, wherein is located a state-supported
635 university and in which U.S. Highways 49 and 11 intersect, shall
636 receive an annual salary of One Thousand Dollars (\$1,000.00) less
637 than that paid to a circuit court judge. The office of such
638 county judge shall be a full-time position, and the holder thereof
639 shall not otherwise engage in the practice of law.

640 (j) The county judge of any county having two (2)
641 judicial districts, having a population in excess of sixty-one
642 thousand nine hundred (61,900) according to the 1980 federal
643 decennial census, in which U.S. Interstate Highway 59 intersects
644 with U.S. Highway 84, shall receive an annual salary of One
645 Thousand Dollars (\$1,000.00) less than the salary which is now or
646 hereafter authorized to be paid circuit and chancery court judges
647 of this state. The office of such county judge shall be a
648 full-time position, and the holder thereof shall not otherwise
649 engage in the practice of law.

650 (k) The office of county judge of any Class I county
651 wherein U.S. Highway 51 and U.S. Highway 98 intersect shall be a
652 full-time position and the holder thereof shall not otherwise
653 engage in the practice of law. The annual salary for the office
654 of county judge in said county may be fixed, in the discretion of
655 the board of supervisors of said county, at a sum not to exceed
656 Two Thousand Dollars (\$2,000.00) less than the salary which is now
657 or shall hereafter be provided for circuit and chancery judges of
658 this state.



659 (1) The county judge of any county having a population
660 of more than forty-one thousand six hundred (41,600) but less than
661 forty-one thousand six hundred fifty (41,650) according to the
662 1980 federal census, and wherein U.S. Highway 49 intersects with
663 Mississippi Highway 22, shall receive an annual salary payable
664 monthly out of the county treasury of One Thousand Dollars
665 (\$1,000.00) less than the salary provided now or hereafter for
666 circuit and chancery judges of this state.

667 (m) The county judge of any county having a population
668 of more than fifty-seven thousand (57,000) but less than
669 fifty-seven thousand one hundred (57,100) according to the 1980
670 federal census, wherein U.S. Highway 45 intersects with
671 Mississippi Highway 6, shall receive an annual salary in an amount
672 established by the board of supervisors, but in no event to exceed
673 the salary provided now or hereafter for circuit and chancery
674 judges of this state.

675 (n) The county judge of any county having a population
676 of more than fifty-seven thousand three hundred (57,300) according
677 to the 1980 federal decennial census, wherein is located a
678 state-supported university and wherein U.S. Highways 82 and 45
679 intersect, shall receive an annual salary in an amount established
680 by the board of supervisors, but in no event to exceed the salary
681 provided now or hereafter for circuit and chancery judges of this
682 state.

683 (5) The salary of a county court judge or justice court
684 judge shall not be reduced during his term of office as a result
685 of a population decrease based upon the 1990 federal decennial
686 census.

687 (6) The salary of a sheriff shall not be reduced during his
688 term of office as a result of a population decrease based upon the
689 1990 federal decennial census.

690 (7) Notwithstanding any provision of this section to the
691 contrary, the board of supervisors of any county, in its



692 discretion, may pay its county court judge an annual salary of One
693 Thousand Dollars (\$1,000.00) less than that paid to a circuit
694 court judge. The office of county judge shall be a full-time
695 position, and the holder thereof shall not otherwise engage in the
696 practice of law.

697 (8) (a) There shall be transferred to the county for each
698 county court judge, payment to be made in monthly installments
699 from the Judicial System Operation Fund created under Section
700 9-21-45, an annual salary supplement of:

701 (i) From and after January 1, 2013, through
702 December 31, 2013, the sum of Seven Thousand Nine Hundred
703 Fifty-seven Dollars and Fifty Cents (\$7,957.50), plus any
704 applicable fringe benefits resulting from this amount;

705 (ii) From and after January 1, 2014, through
706 December 31, 2014, the sum of Fifteen Thousand Nine Hundred
707 Fifteen Dollars (\$15,915.00), plus any applicable fringe benefits
708 resulting from this amount;

709 (iii) From and after January 1, 2015, through
710 December 31, 2015, the sum of Twenty-three Thousand Eight Hundred
711 Seventy-two Dollars and Fifty Cents (\$23,872.50), plus any
712 applicable fringe benefits resulting from this amount; and

713 (iv) From and after January 1, 2016, through
714 December 31, 2019, the sum of Thirty-one Thousand Eight Hundred
715 Thirty Dollars (\$31,830.00), plus any applicable fringe benefits
716 resulting from this amount.

717 (b) From and after January 1, 2019, and every four (4)
718 years thereafter, the annual salary in this subsection (8) shall
719 be adjusted according to the level of compensation recommended by
720 the State Personnel Board for county court judges in the board's
721 most recent report on judicial salaries, as required under Section
722 25-9-115, to the extent that sufficient funds are available.

723 (c) The total annual salary paid to the county court
724 judge out of the county treasury and out of the Judicial System



725 Operation Fund created under Section 9-21-45 shall not exceed the
726 salary limitation set forth in subsection (7) of this section.

727 **SECTION 9.** Section 99-19-73, Mississippi Code of 1972, is
728 amended as follows:

729 99-19-73. (1) **Traffic violations.** In addition to any
730 monetary penalties and any other penalties imposed by law, there
731 shall be imposed and collected the following state assessment from
732 each person upon whom a court imposes a fine or other penalty for
733 any violation in Title 63, Mississippi Code of 1972, except
734 offenses relating to the Mississippi Implied Consent Law (Section
735 63-11-1 et seq.) and offenses relating to vehicular parking or
736 registration:

| 737 | FUND | AMOUNT |
|-----|--|--------------|
| 738 | State Court Education Fund..... | \$ 1.50 |
| 739 | State Prosecutor Education Fund..... | 2.00 |
| 740 | Vulnerable Persons Training, | |
| 741 | Investigation and Prosecution Trust Fund..... | 1.50 |
| 742 | Child Support Prosecution Trust Fund..... | .50 |
| 743 | Driver Training Penalty Assessment Fund..... | 7.00 |
| 744 | Law Enforcement Officers Training Fund..... | 5.00 |
| 745 | Spinal Cord and Head Injury Trust Fund | |
| 746 | (for all moving violations)..... | 6.00 |
| 747 | Emergency Medical Services Operating Fund..... | 20.00 |
| 748 | Mississippi Leadership Council on Aging Fund..... | 1.00 |
| 749 | Law Enforcement Officers and Fire Fighters Death | |
| 750 | Benefits Trust Fund..... | .50 |
| 751 | Law Enforcement Officers and Fire Fighters | |
| 752 | Disability Benefits Trust Fund..... | 1.00 |
| 753 | State Prosecutor Compensation Fund for the purpose | |
| 754 | of providing additional compensation for <u>district</u> | |
| 755 | <u>attorneys and their legal assistants</u> | <u>10.00</u> |
| 756 | Crisis Intervention Mental Health Fund..... | 10.00 |
| 757 | Drug Court Fund..... | 10.00 |



| | | |
|-----|---|----------|
| 758 | Capital Defense Counsel Fund..... | 2.89 |
| 759 | Indigent Appeals Fund..... | 2.29 |
| 760 | Capital Post-Conviction Counsel Fund..... | 2.33 |
| 761 | Victims of Domestic Violence Fund..... | .49 |
| 762 | Public Defenders Education Fund..... | 1.00 |
| 763 | Domestic Violence Training Fund..... | 1.00 |
| 764 | Attorney General's Cyber-Crime Unit..... | 2.50 |
| 765 | TOTAL STATE ASSESSMENT..... | \$ 88.50 |

766 (2) **Implied Consent Law violations.** In addition to any
767 monetary penalties and any other penalties imposed by law, there
768 shall be imposed and collected the following state assessment from
769 each person upon whom a court imposes a fine or any other penalty
770 for any violation of the Mississippi Implied Consent Law (Section
771 63-11-1 et seq.):

| 772 | FUND | AMOUNT |
|-----|--|----------|
| 773 | Crime Victims' Compensation Fund..... | \$ 10.00 |
| 774 | State Court Education Fund..... | 1.50 |
| 775 | State Prosecutor Education Fund..... | 2.00 |
| 776 | Vulnerable Persons Training, | |
| 777 | Investigation and Prosecution Trust Fund..... | 1.50 |
| 778 | Child Support Prosecution Trust Fund..... | .50 |
| 779 | Driver Training Penalty Assessment Fund..... | 22.00 |
| 780 | Law Enforcement Officers Training Fund..... | 11.00 |
| 781 | Emergency Medical Services Operating Fund..... | 45.00 |
| 782 | Mississippi Alcohol Safety Education Program Fund..... | 5.00 |
| 783 | Federal-State Alcohol Program Fund..... | 10.00 |
| 784 | Mississippi Crime Laboratory | |
| 785 | Implied Consent Law Fund..... | 25.00 |
| 786 | Spinal Cord and Head Injury Trust Fund..... | 25.00 |
| 787 | Capital Defense Counsel Fund..... | 2.89 |
| 788 | Indigent Appeals Fund..... | 2.29 |
| 789 | Capital Post-Conviction Counsel Fund..... | 2.33 |
| 790 | Victims of Domestic Violence Fund..... | .49 |



| | | |
|-----|--|-----------------|
| 791 | State General Fund..... | 35.00 |
| 792 | Law Enforcement Officers and Fire Fighters Death | |
| 793 | Benefits Trust Fund..... | .50 |
| 794 | Law Enforcement Officers and Fire Fighters Disability | |
| 795 | Benefits Trust Fund..... | 1.00 |
| 796 | State Prosecutor Compensation Fund for the purpose | |
| 797 | of providing additional compensation for <u>district</u> | |
| 798 | <u>attorneys and their legal assistants</u> | <u>10.00</u> |
| 799 | Crisis Intervention Mental Health Fund..... | 10.00 |
| 800 | Drug Court Fund..... | 10.00 |
| 801 | Statewide Victims' Information and Notification | |
| 802 | System Fund..... | 6.00 |
| 803 | Public Defenders Education Fund..... | 1.00 |
| 804 | Domestic Violence Training Fund..... | 1.00 |
| 805 | Attorney General's Cyber-Crime Unit..... | 2.50 |
| 806 | TOTAL STATE ASSESSMENT..... | <u>\$243.50</u> |

807 (3) **Game and Fish Law violations.** In addition to any
808 monetary penalties and any other penalties imposed by law, there
809 shall be imposed and collected the following state assessment from
810 each person upon whom a court imposes a fine or other penalty for
811 any violation of the game and fish statutes or regulations of this
812 state:

| 813 | FUND | AMOUNT |
|-----|---|---------|
| 814 | State Court Education Fund..... | \$ 1.50 |
| 815 | State Prosecutor Education Fund..... | 2.00 |
| 816 | Vulnerable Persons Training, | |
| 817 | Investigation and Prosecution Trust Fund..... | 1.50 |
| 818 | Law Enforcement Officers Training Fund..... | 5.00 |
| 819 | Hunter Education and Training Program Fund..... | 5.00 |
| 820 | State General Fund..... | 30.00 |
| 821 | Law Enforcement Officers and Fire Fighters Death | |
| 822 | Benefits Trust Fund..... | .50 |
| 823 | Law Enforcement Officers and Fire Fighters Disability | |



| | | |
|-----|--|-----------------|
| 824 | Benefits Trust Fund..... | 1.00 |
| 825 | State Prosecutor Compensation Fund for the purpose | |
| 826 | of providing additional compensation for <u>district</u> | |
| 827 | <u>attorneys and their legal assistants.....</u> | <u>10.00</u> |
| 828 | Crisis Intervention Mental Health Fund..... | 10.00 |
| 829 | Drug Court Fund..... | 10.00 |
| 830 | Capital Defense Counsel Fund..... | 2.89 |
| 831 | Indigent Appeals Fund..... | 2.29 |
| 832 | Capital Post-Conviction Counsel Fund..... | 2.33 |
| 833 | Victims of Domestic Violence Fund..... | .49 |
| 834 | Public Defenders Education Fund..... | 1.00 |
| 835 | Domestic Violence Training Fund..... | 1.00 |
| 836 | Attorney General's Cyber-Crime Unit..... | 2.50 |
| 837 | TOTAL STATE ASSESSMENT..... | \$ <u>89.00</u> |

838 (4) **Litter Law violations.** In addition to any monetary
839 penalties and any other penalties imposed by law, there shall be
840 imposed and collected the following state assessment from each
841 person upon whom a court imposes a fine or other penalty for any
842 violation of Section 97-15-29 or 97-15-30:

| 843 | FUND | AMOUNT |
|-----|---------------------------------------|----------|
| 844 | Statewide Litter Prevention Fund..... | \$ 25.00 |
| 845 | TOTAL STATE ASSESSMENT..... | \$ 25.00 |

846 (5) **Speeding, reckless and careless driving violations.** In
847 addition to any assessment imposed under subsection (1) or (2) of
848 this section, there shall be imposed and collected the following
849 state assessment from each person upon whom a court imposes a fine
850 or other penalty for driving a vehicle on a road or highway:

- 851 (a) At a speed that exceeds the posted speed limit by
852 at least ten (10) miles per hour but not more than twenty (20)
853 miles per hour.....\$ 10.00
- 854 (b) At a speed that exceeds the posted speed limit by
855 at least twenty (20) miles per hour but not more than thirty (30)
856 miles per hour.....\$ 20.00

857 (c) At a speed that exceeds the posted speed limit by
858 thirty (30) miles per hour or more.....\$ 30.00

859 (d) In violation of Section 63-3-1201, which is the
860 offense of reckless driving.....\$ 10.00

861 (e) In violation of Section 63-3-1213, which is the
862 offense of careless driving.....\$ 10.00

863 All assessments collected under this subsection shall be
864 deposited into the Mississippi Trauma Care Systems Fund
865 established under Section 41-59-75.

866 (6) **Other misdemeanors.** In addition to any monetary
867 penalties and any other penalties imposed by law, there shall be
868 imposed and collected the following state assessment from each
869 person upon whom a court imposes a fine or other penalty for any
870 misdemeanor violation not specified in subsection (1), (2) or (3)
871 of this section, except offenses relating to vehicular parking or
872 registration:

| 873 | FUND | AMOUNT |
|-----|---|----------|
| 874 | Crime Victims' Compensation Fund..... | \$ 10.00 |
| 875 | State Court Education Fund..... | 1.50 |
| 876 | State Prosecutor Education Fund..... | 2.00 |
| 877 | Vulnerable Persons Training, | |
| 878 | Investigation and Prosecution Trust Fund..... | 1.50 |
| 879 | Child Support Prosecution Trust Fund..... | .50 |
| 880 | Law Enforcement Officers Training Fund..... | 5.00 |
| 881 | Capital Defense Counsel Fund..... | 2.89 |
| 882 | Indigent Appeals Fund..... | 2.29 |
| 883 | Capital Post-Conviction Counsel Fund..... | 2.33 |
| 884 | Victims of Domestic Violence Fund..... | .49 |
| 885 | State General Fund..... | 30.00 |
| 886 | State Crime Stoppers Fund..... | 1.50 |
| 887 | Law Enforcement Officers and Fire Fighters Death | |
| 888 | Benefits Trust Fund..... | .50 |
| 889 | Law Enforcement Officers and Fire Fighters Disability | |



| | | |
|-----|--|-----------------|
| 890 | Benefits Trust Fund..... | 1.00 |
| 891 | State Prosecutor Compensation Fund for the purpose | |
| 892 | of providing additional compensation for <u>district</u> | |
| 893 | <u>attorneys and their legal assistants</u> | 10.00 |
| 894 | Crisis Intervention Mental Health Fund..... | 10.00 |
| 895 | Drug Court Fund..... | 8.00 |
| 896 | Judicial Performance Fund..... | 2.00 |
| 897 | Statewide Victims' Information and Notification | |
| 898 | System Fund..... | 6.00 |
| 899 | Public Defenders Education Fund..... | 1.00 |
| 900 | Domestic Violence Training Fund..... | 1.00 |
| 901 | Attorney General's Cyber-Crime Unit..... | 2.50 |
| 902 | Information Exchange Network Fund..... | 4.00 |
| 903 | TOTAL STATE ASSESSMENT..... | <u>\$106.00</u> |

904 (7) **Other felonies.** In addition to any monetary penalties
905 and any other penalties imposed by law, there shall be imposed and
906 collected the following state assessment from each person upon
907 whom a court imposes a fine or other penalty for any felony
908 violation not specified in subsection (1), (2) or (3) of this
909 section:

| 910 | FUND | AMOUNT |
|-----|---|----------|
| 911 | Crime Victims' Compensation Fund..... | \$ 10.00 |
| 912 | State Court Education Fund..... | 1.50 |
| 913 | State Prosecutor Education Fund..... | 2.00 |
| 914 | Vulnerable Persons Training, | |
| 915 | Investigation and Prosecution Trust Fund..... | 1.50 |
| 916 | Child Support Prosecution Trust Fund..... | .50 |
| 917 | Law Enforcement Officers Training Fund..... | 5.00 |
| 918 | Capital Defense Counsel Fund..... | 2.89 |
| 919 | Indigent Appeals Fund..... | 2.29 |
| 920 | Capital Post-Conviction Counsel Fund..... | 2.33 |
| 921 | Victims of Domestic Violence Fund..... | .49 |
| 922 | State General Fund..... | 60.00 |



| | | |
|-----|--|-----------------|
| 923 | Criminal Justice Fund..... | 50.00 |
| 924 | Law Enforcement Officers and Fire Fighters Death | |
| 925 | Benefits Trust Fund..... | .50 |
| 926 | Law Enforcement Officers and Fire Fighters Disability | |
| 927 | Benefits Trust Fund..... | 1.00 |
| 928 | State Prosecutor Compensation Fund for the purpose | |
| 929 | of providing additional compensation for <u>district</u> | |
| 930 | <u>attorneys and their legal assistants</u> | 10.00 |
| 931 | Crisis Intervention Mental Health Fund..... | 10.00 |
| 932 | Drug Court Fund..... | 10.00 |
| 933 | Statewide Victims' Information and Notification | |
| 934 | System Fund..... | 6.00 |
| 935 | Public Defenders Education Fund..... | 1.00 |
| 936 | Domestic Violence Training Fund..... | 1.00 |
| 937 | Attorney General's Cyber-Crime Unit..... | 2.50 |
| 938 | Crime Laboratory DNA Identification System Fund..... | 100.00 |
| 939 | TOTAL STATE ASSESSMENT..... | <u>\$280.50</u> |
| 940 | (8) Additional assessments on certain violations: | |
| 941 | (a) <u>Railroad crossing violations.</u> In addition to any | |
| 942 | monetary penalties and any other penalties imposed by law, there | |
| 943 | shall be imposed and collected the following state assessment in | |
| 944 | addition to all other state assessments due under this section | |
| 945 | from each person upon whom a court imposes a fine or other penalty | |
| 946 | for any violation involving railroad crossings under Section | |
| 947 | 37-41-55, 63-3-1007, 63-3-1009, 63-3-1011, 63-3-1013 or 77-9-249: | |
| 948 | Operation Lifesaver Fund..... | \$25.00 |
| 949 | (b) <u>Drug violations.</u> In addition to any monetary | |
| 950 | penalties and any other penalties imposed by law, there shall be | |
| 951 | imposed and collected the following state assessment in addition | |
| 952 | to all other state assessments due under this section from each | |
| 953 | person upon whom a court imposes a fine or other penalty for any | |
| 954 | violation of Section 41-29-139: | |
| 955 | Drug Evidence Disposition Fund..... | \$25.00 |



956 (9) If a fine or other penalty imposed is suspended, in
957 whole or in part, such suspension shall not affect the state
958 assessment under this section. No state assessment imposed under
959 the provisions of this section may be suspended or reduced by the
960 court.

961 (10) After a determination by the court of the amount due,
962 it shall be the duty of the clerk of the court to promptly collect
963 all state assessments imposed under the provisions of this
964 section. The state assessments imposed under the provisions of
965 this section may not be paid by personal check. It shall be the
966 duty of the chancery clerk of each county to deposit all such
967 state assessments collected in the circuit, county and justice
968 courts in such county on a monthly basis with the State Treasurer
969 pursuant to appropriate procedures established by the State
970 Auditor. The chancery clerk shall make a monthly lump-sum deposit
971 of the total state assessments collected in the circuit, county
972 and justice courts in such county under this section, and shall
973 report to the Department of Finance and Administration the total
974 number of violations under each subsection for which state
975 assessments were collected in the circuit, county and justice
976 courts in such county during such month. It shall be the duty of
977 the municipal clerk of each municipality to deposit all such state
978 assessments collected in the municipal court in such municipality
979 on a monthly basis with the State Treasurer pursuant to
980 appropriate procedures established by the State Auditor. The
981 municipal clerk shall make a monthly lump-sum deposit of the total
982 state assessments collected in the municipal court in such
983 municipality under this section, and shall report to the
984 Department of Finance and Administration the total number of
985 violations under each subsection for which state assessments were
986 collected in the municipal court in such municipality during such
987 month.



988 (11) It shall be the duty of the Department of Finance and
989 Administration to deposit on a monthly basis all such state
990 assessments into the proper special fund in the State Treasury.
991 The monthly deposit shall be based upon the number of violations
992 reported under each subsection and the pro rata amount of such
993 assessment due to the appropriate special fund. The Department of
994 Finance and Administration shall issue regulations providing for
995 the proper allocation of these special funds.

996 (12) The State Auditor shall establish by regulation
997 procedures for refunds of state assessments, including refunds
998 associated with assessments imposed before July 1, 1990, and
999 refunds after appeals in which the defendant's conviction is
1000 reversed. The Auditor shall provide in such regulations for
1001 certification of eligibility for refunds and may require the
1002 defendant seeking a refund to submit a verified copy of a court
1003 order or abstract by which such defendant is entitled to a refund.
1004 All refunds of state assessments shall be made in accordance with
1005 the procedures established by the Auditor.

1006 **SECTION 10.** The Attorney General of the State of Mississippi
1007 shall submit Sections 1 and 8 of this act, immediately upon
1008 approval by the Governor, or upon approval by the Legislature
1009 subsequent to a veto, to the Attorney General of the United States
1010 or to the United States District Court for the District of
1011 Columbia in accordance with the provisions of the Voting Rights
1012 Act of 1965, as amended and extended.

1013 **SECTION 11.** Sections 1 and 8 of this act shall take effect
1014 and be in force from and after the date it is effectuated under
1015 Section 5 of the Voting Rights Act of 1965, as amended and
1016 extended, or January 1, 2013, whichever occurs later; and the
1017 remainder of this act shall take effect and be in force from and
1018 after July 1, 2012.

