Chapter No. 329
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GW / KB

HOUSE BILL NO. 484

Originated in House _____ Clerk

HOUSE BILL NO. 484

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

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

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

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

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

Chief Justice of the Supreme Court $126,292.50

Presiding Justices of the Supreme Court, each 123,600.75

Associate Justices of the Supreme Court, each 122,460.00

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

Chief Justice of the Supreme Court $137,195.00

Presiding Justices of the Supreme Court, each 134,011.50

Associate Justices of the Supreme Court, each 132,390.00

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

Chief Justice of the Supreme Court $148,097.50

Presiding Justices of the Supreme Court, each 144,422.25

Associate Justices of the Supreme Court, each 142,320.00

From and after January 1, 2016:

Chief Justice of the Supreme Court $159,000.00

Presiding Justices of the Supreme Court, each 154,833.00

Associate Justices of the Supreme Court, each 152,250.00

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

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

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

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

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

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

Chief Judge of the Court of Appeals $117,992.00

Associate Judges of the Court of Appeals, each ... 114,994.25

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

Chief Judge of the Court of Appeals $127,854.00

Associate Judges of the Court of Appeals, each ... 124,938.50

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

Chief Judge of the Court of Appeals $137,716.00

Associate Judges of the Court of Appeals, each ... 134,882.75

From and after January 1, 2016:

Chief Judge of the Court of Appeals $147,578.00

Associate Judges of the Court of Appeals, each ... 144,827.00

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

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

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

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

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

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

Chancery Judges, each $112,127.50

Circuit Judges, each 112,127.50

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

Chancery Judges, each $120,085.00

Circuit Judges, each 120,085.00

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

Chancery Judges, each $128,042.50

Circuit Judges, each 128,042.50

From and after January 1, 2016:

Chancery Judges, each $136,000.00

Circuit Judges, each 136,000.00

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

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

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

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

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

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

One Hundred Three Thousand Three Hundred Twenty-two Dollars ($103,322.00).

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

One Hundred Ten Thousand Eight Hundred Forty-eight Dollars ($110,848.00).

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

One Hundred Eighteen Thousand Three Hundred Seventy-four Dollars ($118,374.00).

From and after January 1, 2016:

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

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

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

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

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

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

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

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

(a) General docket fee, for filing the record on appeal in a civil or criminal case $200.00

(b) Miscellaneous docket fee 50.00

(c) Confidential miscellaneous docket fee 200.00

(d) Admission of new attorneys 30.00

(e) Act of Congress certificate 25.00

(f) Certificate of admission replacement 25.00

(g) Certificate of good standing replacement ... 10.00

(h) Attest stamp 5.00

(i) Order from Minute Book 10.00

(j) Regular copying ..... .50 per page

(k) Copying from bound volumes or records ..... 2.00 per page

(l) Copy of mandate 10.00

(m) Minimum copy charge 1.00

(n) Notary fee 2.50

(o) Decision list charge 5.00

(p) Handling charge and retrieval and delivery charges on completed Supreme Court records (to be retained out of deposit)

On-site retrieval 10.00

Off-site retrieval 15.00

(q) Forfeited deposits on completed Supreme Court records 100.00

(r) Petition for rehearing 50.00

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

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

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

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

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

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

etc., per book and page listed where applicable; for the first fifteen (15) pages ..... $ 10.00

Each additional page ..... $ 1.00

(ii) Sectional index entries per section or subdivision lot ..... $ 1.00

(c) Recording each deed of trust, for the first fifteen (15) pages ..... $ 15.00

Each additional page ..... $ 1.00

Sectional index entries per section or subdivision lot ..... $ 1.00

(d) (i) Recording oil and gas leases, cancellations, etc., including indexing in general indices; for the first fifteen (15) pages ..... $ 18.00

Each additional page ..... $ 1.00

(ii) Sectional index entries per section or subdivision lot ..... $ 1.00

(iii) Recording each oil and gas assignment per assignee ..... $ 18.00

(e) (i) Furnishing copies of any papers of record or on file:

If performed by the clerk or his employee, per page ..... $ .50

If performed by any other person, per page .... $ .25

(ii) Entering marginal notations on documents of record ..... $ 1.00

(f) For each day's attendance on the board of supervisors, for himself and one (1) deputy, each ..... $ 20.00

(g) For other services as clerk of the board of supervisors an allowance shall be made to him (payable semiannually at the July and January meetings) out of the county treasury, an annual sum not exceeding $3,000.00

(h) For each day's attendance on the chancery court, to be approved by the chancellor:

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

For the second chancellor sitting, clerk only . $ 50.00

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

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

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

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

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

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

(a) Divorce to be contested $75.00

(b) Divorce uncontested $30.00

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

(d) Removal of minority $25.00

(e) Guardianship or conservatorship $75.00

(f) Estate of deceased, intestate $75.00

(g) Estate of deceased, testate $75.00

(h) Adoption $75.00

(i) Land dispute $75.00

(j) Injunction $75.00

(k) Settlement of small claim $30.00

(l) Contempt in child support $75.00

(m) Partition suit $75.00

(n) Any cross-complaint $25.00

(o) Commitment $75.00

(3) For every civil case filed:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

First page ..... $ 2.00

Each additional page ..... $ 1.00

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

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

If performed by any other person, per page .... $ .25

(g) Judgment roll entry ..... $ 5.00

(h) Taxing cost and certificate ..... $ 1.00

(i) For taking and recording application for marriage license, for filing and recording consent of parents when required by law, for filing and recording medical certificate, filing and recording proof of age, recording and issuing license, recording and filing returns ..... $ 20.00

The clerk shall deposit Fourteen Dollars ($14.00) of each fee collected for a marriage license in the Victims of Domestic Violence Fund established in Section 93-21-117, on a monthly basis.

(j) For certified copy of marriage license and search of record, the same fee charged by the Bureau of Vital Statistics of the State Board of Health.

(k) For public service not particularly provided for, the circuit court may allow the clerk, per annum, to be paid by the county on presentation of the circuit court's order, the following amount $5,000.00

However, in the counties having two (2) judicial districts, such above allowance shall be made for each judicial district.

(l) For drawing jurors and issuing venire, to be paid by the county ..... $ 5.00

(m) For each day's attendance upon the circuit court term, for himself and necessary deputies allowed by the court, each to be paid by the county ..... $ 50.00

(n) Summons, each juror to be paid by the county upon the allowance of the court ..... $ 1.00

(o) For issuing each grand jury subpoena, to be paid by the county on allowance by the court, not to exceed Twenty-five Dollars ($25.00) in any one (1) term of court ..... $ 1.00

(p) For each civil filing, to be deposited into the Civil Legal Assistance Fund ..... $ 5.00

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

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

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

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

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

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

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

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

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

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

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

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

9-9-11. (1) Except as otherwise provided in subsections (2), (3) and (4), the county court judge shall receive an annual salary payable monthly out of the county treasury in an amount not to exceed One Thousand Dollars ($1,000.00) less than the salary which is now or shall hereafter be provided for circuit and chancery judges of this state, in the discretion of the board of supervisors of said county; provided, however, that the salary of such judge shall not be reduced during his term of office. Provided further, that the office of county court judge in any county receiving an annual salary of Thirty-six Thousand Dollars ($36,000.00) or more shall be a full-time position, and the holder thereof shall not otherwise engage in the practice of law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

FUND	AMOUNT
State Court Education Fund	$ 1.50
State Prosecutor Education Fund	2.00
Vulnerable Persons Training, Investigation and Prosecution Trust Fund	1.50
Child Support Prosecution Trust Fund	.50
Driver Training Penalty Assessment Fund	7.00
Law Enforcement Officers Training Fund	5.00
Spinal Cord and Head Injury Trust Fund (for all moving violations)	6.00
Emergency Medical Services Operating Fund	20.00
Mississippi Leadership Council on Aging Fund	1.00
Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund	.50
Law Enforcement Officers and Fire Fighters Disability Benefits Trust Fund	1.00
State Prosecutor Compensation Fund for the purpose of providing additional compensation for district attorneys and their legal assistants	10.00
Crisis Intervention Mental Health Fund	10.00
Drug Court Fund	10.00

Capital Defense Counsel Fund	2.89
Indigent Appeals Fund	2.29
Capital Post-Conviction Counsel Fund	2.33
Victims of Domestic Violence Fund	.49
Public Defenders Education Fund	1.00
Domestic Violence Training Fund	1.00
Attorney General's Cyber-Crime Unit	2.50
TOTAL STATE ASSESSMENT	$ 88.50

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

FUND	AMOUNT
Crime Victims' Compensation Fund	$ 10.00
State Court Education Fund	1.50
State Prosecutor Education Fund	2.00
Vulnerable Persons Training, Investigation and Prosecution Trust Fund	1.50
Child Support Prosecution Trust Fund	.50
Driver Training Penalty Assessment Fund	22.00
Law Enforcement Officers Training Fund	11.00
Emergency Medical Services Operating Fund	45.00
Mississippi Alcohol Safety Education Program Fund	5.00
Federal-State Alcohol Program Fund	10.00
Mississippi Crime Laboratory Implied Consent Law Fund	25.00
Spinal Cord and Head Injury Trust Fund	25.00
Capital Defense Counsel Fund	2.89
Indigent Appeals Fund	2.29
Capital Post-Conviction Counsel Fund	2.33
Victims of Domestic Violence Fund	.49

State General Fund	35.00
Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund	.50
Law Enforcement Officers and Fire Fighters Disability Benefits Trust Fund	1.00
State Prosecutor Compensation Fund for the purpose of providing additional compensation for district attorneys and their legal assistants	10.00
Crisis Intervention Mental Health Fund	10.00
Drug Court Fund	10.00
Statewide Victims' Information and Notification System Fund	6.00
Public Defenders Education Fund	1.00
Domestic Violence Training Fund	1.00
Attorney General's Cyber-Crime Unit	2.50
TOTAL STATE ASSESSMENT	$243.50

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

FUND	AMOUNT
State Court Education Fund	$ 1.50
State Prosecutor Education Fund	2.00
Vulnerable Persons Training, Investigation and Prosecution Trust Fund	1.50
Law Enforcement Officers Training Fund	5.00
Hunter Education and Training Program Fund	5.00
State General Fund	30.00
Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund	.50
Law Enforcement Officers and Fire Fighters Disability	

Benefits Trust Fund	1.00
State Prosecutor Compensation Fund for the purpose of providing additional compensation for district attorneys and their legal assistants	10.00
Crisis Intervention Mental Health Fund	10.00
Drug Court Fund	10.00
Capital Defense Counsel Fund	2.89
Indigent Appeals Fund	2.29
Capital Post-Conviction Counsel Fund	2.33
Victims of Domestic Violence Fund	.49
Public Defenders Education Fund	1.00
Domestic Violence Training Fund	1.00
Attorney General's Cyber-Crime Unit	2.50
TOTAL STATE ASSESSMENT	$ 89.00

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

FUND	AMOUNT
Statewide Litter Prevention Fund	$ 25.00
TOTAL STATE ASSESSMENT	$ 25.00

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

(a) At a speed that exceeds the posted speed limit by at least ten (10) miles per hour but not more than twenty (20) miles per hour ..... $ 10.00

(b) At a speed that exceeds the posted speed limit by at least twenty (20) miles per hour but not more than thirty (30) miles per hour ..... $ 20.00

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

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

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

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

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

FUND	AMOUNT
Crime Victims' Compensation Fund	$ 10.00
State Court Education Fund	1.50
State Prosecutor Education Fund	2.00
Vulnerable Persons Training, Investigation and Prosecution Trust Fund	1.50
Child Support Prosecution Trust Fund	.50
Law Enforcement Officers Training Fund	5.00
Capital Defense Counsel Fund	2.89
Indigent Appeals Fund	2.29
Capital Post-Conviction Counsel Fund	2.33
Victims of Domestic Violence Fund	.49
State General Fund	30.00
State Crime Stoppers Fund	1.50
Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund	.50
Law Enforcement Officers and Fire Fighters Disability	

Benefits Trust Fund	1.00
State Prosecutor Compensation Fund for the purpose of providing additional compensation for district attorneys and their legal assistants	10.00
Crisis Intervention Mental Health Fund	10.00
Drug Court Fund	8.00
Judicial Performance Fund	2.00
Statewide Victims' Information and Notification System Fund	6.00
Public Defenders Education Fund	1.00
Domestic Violence Training Fund	1.00
Attorney General's Cyber-Crime Unit	2.50
Information Exchange Network Fund	4.00
TOTAL STATE ASSESSMENT	$106.00

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

FUND	AMOUNT
Crime Victims' Compensation Fund	$ 10.00
State Court Education Fund	1.50
State Prosecutor Education Fund	2.00
Vulnerable Persons Training, Investigation and Prosecution Trust Fund	1.50
Child Support Prosecution Trust Fund	.50
Law Enforcement Officers Training Fund	5.00
Capital Defense Counsel Fund	2.89
Indigent Appeals Fund	2.29
Capital Post-Conviction Counsel Fund	2.33
Victims of Domestic Violence Fund	.49
State General Fund	60.00

Criminal Justice Fund 50.00

Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund ..... .50

Law Enforcement Officers and Fire Fighters Disability Benefits Trust Fund 1.00

State Prosecutor Compensation Fund for the purpose of providing additional compensation for district attorneys and their legal assistants 10.00

Crisis Intervention Mental Health Fund 10.00

Drug Court Fund 10.00

Statewide Victims' Information and Notification System Fund 6.00

Public Defenders Education Fund 1.00

Domestic Violence Training Fund 1.00

Attorney General's Cyber-Crime Unit 2.50

Crime Laboratory DNA Identification System Fund 100.00

TOTAL STATE ASSESSMENT $280.50

(8) **Additional assessments on certain violations:**

(a) **Railroad crossing violations.** In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected the following state assessment in addition to all other state assessments due under this section from each person upon whom a court imposes a fine or other penalty for any violation involving railroad crossings under Section 37-41-55, 63-3-1007, 63-3-1009, 63-3-1011, 63-3-1013 or 77-9-249:

Operation Lifesaver Fund $25.00

(b) **Drug violations.** In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected the following state assessment in addition to all other state assessments due under this section from each person upon whom a court imposes a fine or other penalty for any violation of Section 41-29-139:

Drug Evidence Disposition Fund $25.00

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

(10) After a determination by the court of the amount due, it shall be the duty of the clerk of the court to promptly collect all state assessments imposed under the provisions of this section. The state assessments imposed under the provisions of this section may not be paid by personal check. It shall be the duty of the chancery clerk of each county to deposit all such state assessments collected in the circuit, county and justice courts in such county on a monthly basis with the State Treasurer pursuant to appropriate procedures established by the State Auditor. The chancery clerk shall make a monthly lump-sum deposit of the total state assessments collected in the circuit, county and justice courts in such county under this section, and shall report to the Department of Finance and Administration the total number of violations under each subsection for which state assessments were collected in the circuit, county and justice courts in such county during such month. It shall be the duty of the municipal clerk of each municipality to deposit all such state assessments collected in the municipal court in such municipality on a monthly basis with the State Treasurer pursuant to appropriate procedures established by the State Auditor. The municipal clerk shall make a monthly lump-sum deposit of the total state assessments collected in the municipal court in such municipality under this section, and shall report to the Department of Finance and Administration the total number of violations under each subsection for which state assessments were collected in the municipal court in such municipality during such month.

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

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

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

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

remainder of this act shall take effect and be in force from and after July 1, 2012.

PASSED BY THE HOUSE OF REPRESENTATIVES
March 7, 2012

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
April 4, 2012

PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR

GOVERNOR

11:08 AM