

By: Representative Jennings

To: Fees and Salaries of
Public Officers;
County Affairs

HOUSE BILL NO. 154
(As Passed the House)

1 AN ACT TO AMEND SECTION 25-3-9, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE THE BOARD OF SUPERVISORS IN CERTAIN COUNTIES TO PAY THE
3 COUNTY PROSECUTING ATTORNEY A SALARY EQUAL TO THE SALARY OF
4 JUSTICE COURT JUDGES; AND FOR RELATED PURPOSES.

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

6 SECTION 1. Section 25-3-9, Mississippi Code of 1972, is
7 amended as follows:

8 25-3-9. (1) Except as provided in subsections (2) and (3)
9 of this section, the county prosecuting attorney may receive for
10 his services an annual salary to be paid by the board of
11 supervisors as follows:

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

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

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

23 (d) For counties with a total population of more than
24 thirty-five thousand (35,000) and not more than fifty thousand
25 (50,000), a salary not to exceed Twenty Thousand Four Hundred
26 Dollars (\$20,400.00).

27 (e) For counties with a total population of more than
28 twenty-five thousand (25,000) and not more than thirty-five

29 thousand (35,000), a salary not to exceed Nineteen Thousand Three
30 Hundred Dollars (\$19,300.00).

31 (f) For counties with a total population of more than
32 fifteen thousand (15,000) and not more than twenty-five thousand
33 (25,000), a salary not to exceed Seventeen Thousand Seven Hundred
34 Dollars (\$17,700.00).

35 (g) For counties with a total population of more than
36 ten thousand (10,000) and not more than fifteen thousand (15,000),
37 a salary not to exceed Sixteen Thousand One Hundred Dollars
38 (\$16,100.00).

39 (h) For counties with a total population of more than
40 six thousand (6,000) and not more than ten thousand (10,000), a
41 salary not to exceed Fourteen Thousand Five Hundred Dollars
42 (\$14,500.00).

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

48 In all cases of conviction there shall be taxed against the
49 convicted defendant, as an item of cost, the sum of Three Dollars
50 (\$3.00), which shall be turned in to the county treasury as a part
51 of the general county funds; however, the Three Dollars (\$3.00)
52 shall not be taxed in any case in which it is not the specific
53 duty of the county attorney to appear and prosecute.

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

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

62 (a) In any county bordering upon the Mississippi River

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

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

95 (c) In any county wherein is housed the seat of State
96 Government, wherein U.S. Highways 80 and 49 intersect, and having

97 two (2) judicial districts, the annual salary of the county
98 prosecuting attorney shall be no more than Thirty-three Thousand
99 Dollars (\$33,000.00).

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

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

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

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

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

125 (h) In any Class 1 county bordering on the Mississippi
126 River, lying in whole or in part within a levee district, wherein
127 U.S. Highways 82 and 61 intersect, bounded by the Sunflower River
128 and Stales Bayou, the salary of the county prosecuting attorney
129 shall be Twenty-five Thousand Dollars (\$25,000.00) or a salary
130 equal to that of a justice court judge in such county, whichever

131 is greater. In addition, such county prosecuting attorney shall
132 receive the sum of One Thousand Dollars (\$1,000.00) per month for
133 the purpose of defraying secretarial expenses.

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

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

162 (k) In any county with a land area wherein Mississippi
163 Highways 8 and 9 intersect, the salary of the county prosecuting
164 attorney shall be not less than Eight Thousand Five Hundred

165 Dollars (\$8,500.00) per year.

166 (l) In any Class 2 county wherein Mississippi Highways
167 6 and 3 intersect, the salary of the county prosecuting attorney
168 shall be not less than Twelve Thousand Dollars (\$12,000.00) per
169 year nor more than the amount of the annual salary received by a
170 member of the board of supervisors of that county.

171 (m) In any county wherein Interstate Highway 55 and
172 State Highway 8 intersect, the salary of the county prosecuting
173 attorney shall be not less than Twelve Thousand Dollars
174 (\$12,000.00) per year.

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

179 (o) In any county bordering on the Alabama state line,
180 having a population of greater than fifteen thousand (15,000)
181 according to the 1970 federal decennial census, wherein U.S.
182 Highway 45 and Mississippi Highway 18 intersect, the salary of the
183 county prosecuting attorney shall be not less than Three Thousand
184 Six Hundred Dollars (\$3,600.00) nor greater than that of a member
185 of the board of supervisors of such county. All prior acts,
186 orders and resolutions of the board of supervisors of such county
187 which authorized the payment of the salary in conformity with the
188 provisions of this paragraph, whether or not heretofore
189 specifically authorized by law are hereby ratified, approved and
190 confirmed.

191 (p) In any county wherein is located a state-supported
192 institution of higher learning and wherein U.S. Highway 82 and
193 Mississippi Highway 389 intersect, the salary of the county
194 prosecuting attorney shall be not less than Twelve Thousand
195 Dollars (\$12,000.00) nor greater than Twenty Thousand Four Hundred
196 Dollars (\$20,400.00).

197 (q) In any county having two (2) judicial districts
198 wherein Mississippi Highway 32 intersects U.S. Highway 49E, the

199 salary of the county prosecuting attorney shall be not less than
200 Twelve Thousand Seven Hundred Dollars (\$12,700.00).

201 (r) In any county traversed by the Natchez Trace
202 Parkway wherein U.S. Highway 45 and Mississippi Highway 4
203 intersect, the salary of the county prosecuting attorney shall be
204 not less than Ten Thousand Dollars (\$10,000.00) nor more than the
205 annual salary of justice court judges in the county.

206 (s) In any county having a population of more than
207 fourteen thousand (14,000) according to the 1970 census and which
208 county is bordered on the north by the State of Tennessee and on
209 the east by the State of Alabama and in which U.S. Highway No. 72
210 and Highway No. 25 intersect, the salary of the county prosecuting
211 attorney shall be not less than Ten Thousand Dollars (\$10,000.00)
212 nor more than the annual salary of justice court judges in the
213 county.

214 (t) (i) In any county wherein Interstate Highway 55
215 and State Highway 22 intersect, and which is also traversed in
216 whole or part by U.S. Highways 49 and 51, and State Highways 16,
217 17, 43 and the Natchez Trace Parkway, and also containing a part
218 of a public lake or reservoir, in excess of thirty thousand
219 (30,000) acres, the annual salary of the county prosecuting
220 attorney shall be Twenty-four Thousand Dollars (\$24,000.00).

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

226 (u) In any county having a population in the 1970
227 census in excess of thirty-five thousand (35,000) and in which
228 U.S. Highways 49W and 82 intersect, and in which is located a
229 state penitentiary, the annual salary of a county prosecuting
230 attorney shall be Thirty Thousand Four Hundred Twenty Dollars
231 (\$30,420.00).

232 (v) In any county wherein Mississippi Highway 50

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

240 (w) In any county in which the 1975 assessed valuation
241 was Forty Million Seven Hundred Thirty-nine Thousand Four Hundred
242 Sixty-six Dollars (\$40,739,466.00) and wherein U.S. Highway 45 and
243 Mississippi Highway 8 intersect, the salary of the county
244 prosecuting attorney shall be equal to that of a member of the
245 board of supervisors of such county; provided that if such county
246 prosecuting attorney is paid a sum for the purpose of defraying
247 office or secretarial expenses, then the salary prescribed herein
248 shall be reduced by that amount.

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

258 (y) In any county bordering on the Alabama state line,
259 traversed by the Chickasawhay River, and wherein U.S. Highway 45
260 and U.S. Highway 84 intersect, a salary that shall be equal to the
261 annual salary of a member of the board of supervisors of such
262 county. All prior acts, orders and resolutions of the board of
263 supervisors of such county which authorize the payment of the
264 salary of the county prosecuting attorney in conformity with the
265 provisions of this section as it existed immediately prior to the
266 effective date of Chapter 506, Laws of 1985, are hereby ratified,

267 approved, confirmed and validated.

268 (z) In any county having a population greater than
269 sixty-five thousand five hundred eighty (65,580) but less than
270 sixty-five thousand five hundred ninety (65,590) according to the
271 1990 federal decennial census, wherein U.S. Highway 45 intersects
272 with Mississippi Highway 6, an annual salary equal to Thirty
273 Thousand Dollars (\$30,000.00).

274 (aa) In any county where an institution of higher
275 learning is located and wherein U.S. Highway 82 and U.S. Highway
276 45 intersect, the salary of county prosecuting attorney shall be
277 not less than that of a member of the board of supervisors in such
278 county, and the board of supervisors may, in its discretion, pay
279 such county prosecuting attorney a salary in an amount not to
280 exceed the amount of the salary of the District Attorney for the
281 Sixteenth Judicial District of Mississippi.

282 (bb) In any county having a population greater than six
283 thousand (6,000) according to the federal decennial census and
284 wherein U.S. Highway 61 and Highway 48 intersect, a salary equal
285 to the annual salary of justice court judges in the county.

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

291 (dd) In any county having a population greater than
292 eighty-seven thousand (87,000) but less than eighty-seven thousand
293 two hundred (87,200) according to the 1990 federal census, in
294 which is located an international airport, an annual salary of
295 Twenty-nine Thousand Dollars (\$29,000.00). In addition, such
296 county prosecuting attorney shall receive the sum of One Thousand
297 Dollars (\$1,000.00) per month for the purpose of defraying
298 secretarial expenses.

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

301 (8,200) according to the 1990 federal census, and in which U.S.
302 Highway 61 and Mississippi Highway 4 intersect, the board of
303 supervisors may, in its discretion, pay the county prosecuting
304 attorney an amount not to exceed Fourteen Thousand Dollars
305 (\$14,000.00), in addition to the maximum allowable salary for that
306 attorney under subsection (1), beginning on April 1, 1997.

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

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

321 (hh) In any county having a population greater than
322 eight thousand three hundred (8,300) but less than eight thousand
323 four hundred (8,400) according to the 1990 federal census, and in
324 which U.S. Highway 84 and U.S. Highway 98 intersect, the board of
325 supervisors may, in its discretion, pay the county prosecuting
326 attorney an additional amount not to exceed ten percent (10%) of
327 the maximum allowable salary for that attorney under subsection
328 (1).

329 (ii) After September 30, 1993, in any county having a
330 population of more than thirty thousand four hundred (30,400) and
331 which is traversed in whole or part by I-59, U.S. Highways 98 and
332 11 and State Highway 13, the annual salary of the county
333 prosecuting attorney shall be Twenty-five Thousand Dollars
334 (\$25,000.00). In addition, such county prosecuting attorney shall

335 receive after September 30, 1993, the sum of Seven Hundred Fifty
336 Dollars (\$750.00) per month for the purpose of defraying office or
337 secretarial expenses.

338 (jj) In any county having a population greater than
339 twenty thousand (20,000) according to the 1990 federal census and
340 wherein U.S. Highway 78 and Mississippi Highway 25 intersect, the
341 salary of the county prosecuting attorney shall be not less than
342 Ten Thousand Dollars (\$10,000.00) nor more than the annual salary
343 of justice court judges in the county.

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

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

360 (mm) In any county on the Mississippi River levee,
361 having a population greater than forty-one thousand eight hundred
362 (41,800) but less than forty-one thousand nine hundred (41,900)
363 according to the 1990 federal census wherein U.S. Highway 61 and
364 Mississippi Highway 8 intersect, a salary of not less than the
365 annual salary of justice court judges in the county.

366 (nn) In any county having a population greater than
367 twenty-four thousand seven hundred (24,700) and less than
368 twenty-four thousand nine hundred (24,900) according to the 1990

369 federal census, wherein Mississippi Highways 15 and 16 intersect,
370 a salary equal to Twenty-three Thousand Eight Hundred Seventy
371 Dollars (\$23,870.00).

372 (oo) In any county having a population greater than
373 thirty-seven thousand (37,000) but less than thirty-eight thousand
374 (38,000) according to the 1990 federal census, in which is located
375 a state supported institution of higher learning, and in which
376 U.S. Highway 82 and Mississippi Highway 7 intersect, the board of
377 supervisors may, in its discretion, pay the county prosecuting
378 attorney a salary in an amount not to exceed the amount of the
379 salary of the District Attorney for the Fourth Judicial District
380 of Mississippi.

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

388 (qq) In any county bordering on the State of Tennessee
389 and the State of Arkansas, wherein Interstate Highway 55 and
390 Mississippi Highway 302 intersect, the board of supervisors, in
391 its discretion, may pay the county prosecuting attorney an annual
392 salary in the amount of Twenty-six Thousand Seven Hundred Dollars
393 (\$26,700.00).

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

399 SECTION 2. The Attorney General of the State of
400 Mississippi shall submit this act, immediately upon approval by
401 the Governor, or upon approval by the Legislature subsequent to a
402 veto, to the Attorney General of the United States or to the

403 United States District Court for the District of Columbia in
404 accordance with the provisions of the Voting Rights Act of 1965,
405 as amended and extended.

406 SECTION 3. This act shall take effect and be in force from
407 and after the date it is effectuated under Section 5 of the Voting
408 Rights Act of 1965, as amended and extended.