

By: Representative Stevens

To: Fees and Salaries of
Public Officers;
County Affairs

HOUSE BILL NO. 978

1 AN ACT TO AMEND SECTION 25-3-9, MISSISSIPPI CODE OF 1972, TO
2 INCREASE THE SALARY OF THE COUNTY PROSECUTING ATTORNEY IN CERTAIN
3 COUNTIES; AND FOR RELATED PURPOSES.

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

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

7 25-3-9. (1) Except as provided in subsections (2) and (3)
8 of this section, the county prosecuting attorney may receive for
9 his services an annual salary to be paid by the board of
10 supervisors as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

231 (v) In any county wherein Mississippi Highway 50

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

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

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

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

266 approved, confirmed and validated.

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

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

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

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

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

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

300 (8,200) according to the 1990 federal census, and in which U.S.
301 Highway 61 and Mississippi Highway 4 intersect, the board of
302 supervisors may, in its discretion, pay the county prosecuting
303 attorney an amount not to exceed Fourteen Thousand Dollars
304 (\$14,000.00), in addition to the maximum allowable salary for that
305 attorney under subsection (1), beginning on April 1, 1997.

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

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

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

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

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

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

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

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

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

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

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

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

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

387 (qq) In any county that is traversed by the Natchez
388 Trace Parkway and in which Mississippi Highway 35 and Mississippi
389 Highway 12 intersect, a salary of not less than the amount of the
390 annual salary of justice court judges in the county.

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

396 SECTION 2. The Attorney General of the State of
397 Mississippi shall submit this act, immediately upon approval by
398 the Governor, or upon approval by the Legislature subsequent to a
399 veto, to the Attorney General of the United States or to the
400 United States District Court for the District of Columbia in
401 accordance with the provisions of the Voting Rights Act of 1965,

402 as amended and extended.

403 SECTION 3. This act shall take effect and be in force from
404 and after October 1, 1999, if it is effectuated on or before that
405 date under Section 5 of the Voting Rights Act of 1965, as amended
406 and extended. If it is effectuated under Section 5 of the Voting
407 Rights Act of 1965, as amended and extended, after October 1,
408 1999, this act shall take effect and be in force from and after
409 the date it is effectuated under Section 5 of the Voting Rights
410 Act of 1965, as amended and extended.