

By: Representatives Woods, Green (34th),
Ishee, Jennings, Miller, Robertson

To: Fees and Salaries of
Public Officers;
County Affairs

HOUSE BILL NO. 998

1 AN ACT TO AMEND SECTION 25-3-9, MISSISSIPPI CODE OF 1972, TO
2 INCREASE THE SALARIES OF COUNTY PROSECUTING ATTORNEYS; AND FOR
3 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 shall 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 Twenty-nine
13 Thousand Dollars (\$29,000.00).

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-seven Thousand
17 Dollars (\$27,000.00).

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-two Thousand Two Hundred
21 Dollars (\$22,200.00).

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 Nine Hundred
25 Dollars (\$20,900.00).

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 Eight
29 Hundred Dollars (\$19,800.00).

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 Eighteen Thousand Two Hundred
33 Dollars (\$18,200.00).

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 Six Hundred Dollars
37 (\$16,600.00).

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 Fifteen Thousand Dollars (\$15,000.00).

41 (i) For counties with a total population of six
42 thousand (6,000) or less, the board of supervisors, in its
43 discretion, may appoint a county prosecuting attorney, and it may
44 pay such county prosecuting attorney an annual salary not to
45 exceed Thirteen Thousand Four Hundred Dollars (\$13,400.00).

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

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

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

60 (a) In any county bordering upon the Mississippi River
61 and having a population of not less than thirty thousand (30,000)

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

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

93 (c) In any county wherein is housed the seat of State
94 Government, wherein U.S. Highways 80 and 49 intersect, and having
95 two (2) judicial districts, the annual salary of the county

96 prosecuting attorney shall be no more than Thirty-three Thousand
97 Dollars (\$33,000.00).

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

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

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

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

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

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

130 receive the sum of One Thousand Dollars (\$1,000.00) per month for
131 the purpose of defraying secretarial expenses.

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

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

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

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

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

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

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

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

195 (q) In any county having two (2) judicial districts
196 wherein Mississippi Highway 32 intersects U.S. Highway 49E, the
197 salary of the county prosecuting attorney shall be not less than

198 Twelve Thousand Seven Hundred Dollars (\$12,700.00).

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

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

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

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

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

230 (v) In any county wherein Mississippi Highway 50
231 intersects U.S. Highway 45-Alternate, and having a population

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

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

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

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

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

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

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

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

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

297 (ee) In any county having a population greater than
298 eight thousand (8,000) but less than eight thousand two hundred
299 (8,200) according to the 1990 federal census, and in which U.S.

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

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

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

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

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

334 Dollars (\$750.00) per month for the purpose of defraying office or
335 secretarial expenses.

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

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

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

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

364 (nn) In any county having a population greater than
365 twenty-four thousand seven hundred (24,700) and less than
366 twenty-four thousand nine hundred (24,900) according to the 1990
367 federal census, wherein Mississippi Highways 15 and 16 intersect,

368 a salary equal to Twenty-three Thousand Eight Hundred Seventy
369 Dollars (\$23,870.00).

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

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

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

391 SECTION 2. The Attorney General of the State of
392 Mississippi shall submit this act, immediately upon approval by
393 the Governor, or upon approval by the Legislature subsequent to a
394 veto, to the Attorney General of the United States or to the
395 United States District Court for the District of Columbia in
396 accordance with the provisions of the Voting Rights Act of 1965,
397 as amended and extended.

398 SECTION 3. This act shall take effect and be in force from
399 and after October 1, 1999, if it is effectuated on or before that
400 date under Section 5 of the Voting Rights Act of 1965, as amended
401 and extended. If it is effectuated under Section 5 of the Voting

402 Rights Act of 1965, as amended and extended, after October 1,
403 1999, this act shall take effect and be in force from and after
404 the date it is effectuated under Section 5 of the Voting Rights
405 Act of 1965, as amended and extended.