

By: Senator(s) Minor, Hawks

To: Fees, Salaries and
Administration;
County Affairs

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2942

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. BE IT ENACTED BY
5 THE LEGISLATURE OF THE STATE OF MISSISSIPPI:
6

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

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

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

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

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

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

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

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

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

36 (g) For counties with a total population of more than
37 ten thousand (10,000) and not more than fifteen thousand (15,000),
38 a salary not to exceed Sixteen Thousand One Hundred Dollars
39 (\$16,100.00).

40 (h) For counties with a total population of more than
41 six thousand (6,000) and not more than ten thousand (10,000), a
42 salary not to exceed Fourteen Thousand Five Hundred Dollars
43 (\$14,500.00).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

172 (m) In any county wherein Interstate Highway 55 and
173 State Highway 8 intersect, the salary of the county prosecuting
174 attorney shall be not less than Twelve Thousand Dollars
175 (\$12,000.00) per year.

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

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

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

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

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

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

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

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

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

227 (u) In any county having a population in the 1970
228 census in excess of thirty-five thousand (35,000) and in which
229 U.S. Highways 49W and 82 intersect, and in which is located a
230 state penitentiary, the annual salary of a county prosecuting
231 attorney shall be Thirty Thousand Four Hundred Twenty Dollars
232 (\$30,420.00).

233 (v) In any county wherein Mississippi Highway 50

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

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

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

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

268 approved, confirmed and validated.

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

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

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

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

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

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

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

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

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

322 (hh) In any county having a population greater than
323 eight thousand three hundred (8,300) but less than eight thousand
324 four hundred (8,400) according to the 1990 federal census, and in
325 which U.S. Highway 84 and U.S. Highway 98 intersect, the board of
326 supervisors may, in its discretion, pay the county prosecuting
327 attorney an additional amount not to exceed ten percent (10%) of
328 the maximum allowable salary for that attorney under subsection
329 (1).

330 (ii) After September 30, 1993, in any county having a
331 population of more than thirty thousand four hundred (30,400) and
332 which is traversed in whole or part by I-59, U.S. Highways 98 and
333 11 and State Highway 13, the annual salary of the county
334 prosecuting attorney shall be Twenty-five Thousand Dollars
335 (\$25,000.00). In addition, such county prosecuting attorney shall

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

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

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

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

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

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

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

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

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

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

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

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

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

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