

By: Senator(s) Minor, Hawks

To: Fees, Salaries and
Administration;
County Affairs

SENATE BILL NO. 2942
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 25-3-9, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE SALARY OF THE COUNTY PROSECUTING ATTORNEY IN CERTAIN
3 COUNTIES; AND FOR RELATED PURPOSES. BE IT ENACTED BY THE
4 LEGISLATURE OF THE STATE OF MISSISSIPPI:
5

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 equal to that of a member of the
99 board of supervisors of such county.

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
119 receive the sum of One Thousand Five Hundred Dollars (\$1,500.00)
120 per month 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 Steele's 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 equal to the annual salary of a
195 member of the board of supervisors of such county.

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 equal to the 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 equal to the annual salary of justice court
210 judges in the county.

211 (t) (i) In any county wherein Interstate Highway 55
212 and State Highway 22 intersect, and which is also traversed in
213 whole or part by U.S. Highways 49 and 51, and State Highways 16,
214 17, 43 and the Natchez Trace Parkway, and also containing a part
215 of a public lake or reservoir, in excess of thirty thousand
216 (30,000) acres, the annual salary of the county prosecuting
217 attorney shall be Twenty-eight Thousand Dollars (\$28,000.00).

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

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

229 (v) In any county wherein Mississippi Highway 50

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

237 (w) In any county in which the 1975 assessed valuation
238 was Forty Million Seven Hundred Thirty-nine Thousand Four Hundred
239 Sixty-six Dollars (\$40,739,466.00) and wherein U.S. Highway 45 and
240 Mississippi Highway 8 intersect, the salary of the county
241 prosecuting attorney shall be equal to that of a member of the
242 board of supervisors of such county. * * *

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

252 (y) In any county bordering on the Alabama state line,
253 traversed by the Chickasawhay River, and wherein U.S. Highway 45
254 and U.S. Highway 84 intersect, a salary that shall be equal to the
255 annual salary of a member of the board of supervisors of such
256 county. All prior acts, orders and resolutions of the board of
257 supervisors of such county which authorize the payment of the
258 salary of the county prosecuting attorney in conformity with the

259 provisions of this section as it existed immediately prior to the
260 effective date of Chapter 506, Laws of 1985, are hereby ratified,
261 approved, confirmed and validated.

262 (z) In any county having a population greater than
263 sixty-five thousand five hundred eighty (65,580) but less than
264 sixty-five thousand five hundred ninety (65,590) according to the
265 1990 federal decennial census, wherein U.S. Highway 45 intersects
266 with Mississippi Highway 6, an annual salary equal to Thirty
267 Thousand Dollars (\$30,000.00).

268 (aa) In any county where an institution of higher
269 learning is located and wherein U.S. Highway 82 and U.S. Highway
270 45 intersect, the salary of county prosecuting attorney shall be
271 not less than that of a member of the board of supervisors in such
272 county, and the board of supervisors may, in its discretion, pay
273 such county prosecuting attorney a salary in an amount not to
274 exceed the amount of the salary of the District Attorney for the
275 Sixteenth Judicial District of Mississippi.

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

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

285 (dd) In any county having a population greater than
286 eighty-seven thousand (87,000) but less than eighty-seven thousand
287 two hundred (87,200) according to the 1990 federal census, in

288 which is located an international airport, an annual salary of
289 Twenty-nine Thousand Dollars (\$29,000.00). In addition, such
290 county prosecuting attorney shall receive the sum of One Thousand
291 Dollars (\$1,000.00) per month for the purpose of defraying
292 secretarial expenses.

293 (ee) In any county having a population greater than
294 eight thousand (8,000) but less than eight thousand two hundred
295 (8,200) according to the 1990 federal census, and in which U.S.
296 Highway 61 and Mississippi Highway 4 intersect, the board of
297 supervisors may, in its discretion, pay the county prosecuting
298 attorney an amount not to exceed Fourteen Thousand Dollars
299 (\$14,000.00), in addition to the maximum allowable salary for that
300 attorney under subsection (1), beginning on April 1, 1997.

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

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

315 (hh) In any county having a population greater than
316 eight thousand three hundred (8,300) but less than eight thousand

317 four hundred (8,400) according to the 1990 federal census, and in
318 which U.S. Highway 84 and U.S. Highway 98 intersect, the board of
319 supervisors may, in its discretion, pay the county prosecuting
320 attorney an additional amount not to exceed ten percent (10%) of
321 the maximum allowable salary for that attorney under subsection
322 (1).

323 (ii) After September 30, 1993, in any county having a
324 population of more than thirty thousand four hundred (30,400) and
325 which is traversed in whole or part by I-59, U.S. Highways 98 and
326 11 and State Highway 13, the annual salary of the county
327 prosecuting attorney shall be Twenty-five Thousand Dollars
328 (\$25,000.00). In addition, such county prosecuting attorney shall
329 receive after September 30, 1993, the sum of Seven Hundred Fifty
330 Dollars (\$750.00) per month for the purpose of defraying office or
331 secretarial expenses.

332 (jj) In any county having a population greater than
333 twenty thousand (20,000) according to the 1990 federal census and
334 wherein U.S. Highway 78 and Mississippi Highway 25 intersect, the
335 salary of the county prosecuting attorney shall be equal to the
336 annual salary of justice court judges in the county.

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

345 (ll) In any county having a population greater than

346 thirty thousand two hundred (30,200) but less than thirty thousand
347 three hundred (30,300) according to the 1990 federal census, and
348 in which U.S. Interstate 55 and Mississippi Highway 84 intersect,
349 the board of supervisors may, in its discretion, pay the county
350 prosecuting attorney an additional amount not to exceed ten
351 percent (10%) of the maximum allowable salary for that attorney
352 under subsection (1).

353 (mm) In any county on the Mississippi River levee,
354 having a population greater than forty-one thousand eight hundred
355 (41,800) but less than forty-one thousand nine hundred (41,900)
356 according to the 1990 federal census wherein U.S. Highway 61 and
357 Mississippi Highway 8 intersect, a salary of not less than the
358 annual salary of justice court judges in the county.

359 (nn) In any county having a population greater than
360 twenty-four thousand seven hundred (24,700) and less than
361 twenty-four thousand nine hundred (24,900) according to the 1990
362 federal census, wherein Mississippi Highways 15 and 16 intersect,
363 a salary equal to Twenty-nine Thousand Eight Hundred Seventy
364 Dollars (\$29,870.00).

365 (oo) In any county having a population greater than
366 thirty-seven thousand (37,000) but less than thirty-eight thousand
367 (38,000) according to the 1990 federal census, in which is located
368 a state supported institution of higher learning, and in which
369 U.S. Highway 82 and Mississippi Highway 7 intersect, the board of
370 supervisors may, in its discretion, pay the county prosecuting
371 attorney a salary in an amount not to exceed the amount of the
372 salary of the District Attorney for the Fourth Judicial District
373 of Mississippi.

374 (pp) In any county in which U.S. Highway 78 and

375 Mississippi Highway 15 intersect and which is traversed by the
376 Tallahatchie River, a salary equal to that of members of the board
377 of supervisors of the county, which salary shall be in addition to
378 any sums received for the purpose of defraying office or
379 secretarial expenses and sums received as youth court prosecutor
380 fees.

381 (qq) In any county bordering on the State of Tennessee
382 and the State of Arkansas, wherein Interstate Highway 55 and
383 Mississippi Highway 302 intersect, the board of supervisors, in
384 its discretion, may pay the county prosecuting attorney an annual
385 salary equal to the annual salary of justice court judges in the
386 county.

387 (rr) In any county having a population greater than
388 eighteen thousand four hundred (18,400) and less than eighteen
389 thousand six hundred (18,600) according to the 1990 federal
390 census, wherein Mississippi Highways 43 and 35 intersect, the
391 annual salary of the county prosecuting attorney shall be a salary
392 equal to the annual salary of justice court judges in the county
393 or the maximum allowable salary for that attorney under subsection
394 (1), whichever is the greater salary.

395 (ss) In any county having a population greater than
396 nineteen thousand (19,000) but less than twenty thousand (20,000)
397 according to the 1990 federal census, wherein Mississippi Highways
398 14 and 15 intersect, a salary of not less than Twenty-three
399 Thousand Seven Hundred Dollars (\$23,700.00).

400 (3) In any case where a salary, expense allowance or other
401 sum is authorized or paid by the board of supervisors pursuant to
402 this section, that salary, expense allowance or other sum shall
403 not be reduced or terminated during the term for which the county

404 attorney was elected.

405 SECTION 2. The Attorney General of the State of
406 Mississippi shall submit this act, immediately upon approval by
407 the Governor, or upon approval by the Legislature subsequent to a
408 veto, to the Attorney General of the United States or to the
409 United States District Court for the District of Columbia in
410 accordance with the provisions of the Voting Rights Act of 1965,
411 as amended and extended.

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