

By: Representatives Rogers, Weathersby,
Moore (60th), Barbour, Smith (59th)

To: Fees and Salaries of
Public Officers; County
Affairs

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 836

1 AN ACT TO AMEND SECTION 25-3-9, MISSISSIPPI CODE OF 1972, TO
2 ALLOW THE BOARD OF SUPERVISORS OF RANKIN COUNTY, IN ITS
3 DISCRETION, TO EMPLOY FULL TIME THE ELECTED COUNTY PROSECUTING
4 ATTORNEY AND AN ASSISTANT COUNTY PROSECUTING ATTORNEY; TO
5 ESTABLISH THE MAXIMUM COMPENSATION FOR EACH OF SUCH POSITIONS; AND
6 FOR RELATED PURPOSES.

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

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

10 **[Until Laws of 1999, Chapter 564, Section 1, is effectuated**
11 **under Section 5 of the Voting Rights Act of 1965, this section**
12 **will read as follows:]**

13 25-3-9. (1) Except as provided in subsections (2) and (3)
14 of this section, the county prosecuting attorney may receive for
15 his services an annual salary to be paid by the board of
16 supervisors as follows:

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

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

24 (c) For counties with a total population of more than
25 fifty thousand (50,000) and not more than one hundred thousand
26 (100,000), a salary not to exceed Twenty-one Thousand Seven
27 Hundred Dollars (\$21,700.00).

28 (d) For counties with a total population of more than
29 thirty-five thousand (35,000) and not more than fifty thousand



30 (50,000), a salary not to exceed Twenty Thousand Four Hundred
31 Dollars (\$20,400.00).

32 (e) For counties with a total population of more than
33 twenty-five thousand (25,000) and not more than thirty-five
34 thousand (35,000), a salary not to exceed Nineteen Thousand Three
35 Hundred Dollars (\$19,300.00).

36 (f) For counties with a total population of more than
37 fifteen thousand (15,000) and not more than twenty-five thousand
38 (25,000), a salary not to exceed Seventeen Thousand Seven Hundred
39 Dollars (\$17,700.00).

40 (g) For counties with a total population of more than
41 ten thousand (10,000) and not more than fifteen thousand (15,000),
42 a salary not to exceed Sixteen Thousand One Hundred Dollars
43 (\$16,100.00).

44 (h) For counties with a total population of more than
45 six thousand (6,000) and not more than ten thousand (10,000), a
46 salary not to exceed Fourteen Thousand Five Hundred Dollars
47 (\$14,500.00).

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

53 In all cases of conviction there shall be taxed against the
54 convicted defendant, as an item of cost, the sum of Three Dollars
55 (\$3.00), which shall be turned in to the county treasury as a part
56 of the general county funds, provided said Three Dollars (\$3.00)
57 shall not be taxed in any case in which it is not the specific
58 duty of the county attorney to appear and prosecute.

59 From and after October 1, 1993, in addition to the salaries
60 provided for in this subsection, the board of supervisors of any
61 county, in its discretion, may pay the county prosecuting attorney



62 an additional amount not to exceed ten percent (10%) of the
63 maximum allowable salary prescribed herein.

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

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

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



95 The salary authorized by this paragraph (b) for the county
96 prosecuting attorney shall be the sole and complete salary for
97 such prosecuting attorney in each county to which this paragraph
98 applies, notwithstanding any other provision of law to the
99 contrary.

100 (c) In any county wherein is housed the seat of State
101 Government, wherein U.S. Highways 80 and 49 intersect, and having
102 two (2) judicial districts, the annual salary of the county
103 prosecuting attorney shall be no more than Thirty-three Thousand
104 Dollars (\$33,000.00).

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

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

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

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

126 (g) In any county wherein I-20 and State Highway 15
127 intersect; and in any county wherein I-20 and State Highway 35



128 intersect, the salary of the county prosecuting attorney shall be
129 not less than Eight Thousand Four Hundred Dollars (\$8,400.00).

130 (h) In any Class 1 county bordering on the Mississippi
131 River, lying in whole or in part within a levee district, wherein
132 U.S. Highways 82 and 61 intersect, bounded by the Sunflower River
133 and Steele's Bayou, the salary of the county prosecuting attorney
134 shall be Twenty-five Thousand Dollars (\$25,000.00) or a salary
135 equal to that of a justice court judge in such county, whichever
136 is greater. In addition, such county prosecuting attorney shall
137 receive the sum of One Thousand Dollars (\$1,000.00) per month for
138 the purpose of defraying secretarial expenses.

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

158 (j) In any county bordering on the State of Alabama,
159 having a population in excess of seventy-five thousand (75,000)
160 according to the 1980 decennial census in which is located an



161 institution of higher learning and a United States military
162 installation and which is traversed by an interstate highway, the
163 salary of the county prosecuting attorney shall not be less than
164 Twelve Thousand Dollars (\$12,000.00) nor more than the amount of
165 the annual salary received by a member of the board of supervisors
166 of that county.

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

171 (l) In any Class 2 county wherein Mississippi Highways
172 6 and 3 intersect, the salary of the county prosecuting attorney
173 shall be not less than Twelve Thousand Dollars (\$12,000.00) per
174 year nor more than the amount of the annual salary received by a
175 member of the board of supervisors of that county.

176 (m) In any county wherein Interstate Highway 55 and
177 State Highway 8 intersect, the salary of the county prosecuting
178 attorney shall be not less than Twelve Thousand Dollars
179 (\$12,000.00) per year.

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

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



194 specifically authorized by law are hereby ratified, approved and
195 confirmed.

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

202 (q) In any county having two (2) judicial districts
203 wherein Mississippi Highway 32 intersects U.S. Highway 49E, the
204 salary of the county prosecuting attorney shall be not less than
205 Twelve Thousand Seven Hundred Dollars (\$12,700.00).

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

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

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



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

231 (u) In any county having a population in the 1970
232 census in excess of thirty-five thousand (35,000) and in which
233 U.S. Highways 49W and 82 intersect, and in which is located a
234 state penitentiary, the annual salary of a county prosecuting
235 attorney shall be Thirty Thousand Four Hundred Twenty Dollars
236 (\$30,420.00).

237 (v) In any county wherein Mississippi Highway 50
238 intersects U.S. Highway 45-Alternate, and having a population
239 greater than twenty thousand (20,000) according to the 1980
240 federal decennial census, a salary equal to that of a member of
241 the board of supervisors of such county; provided that if such
242 county prosecuting attorney is paid a sum for the purpose of
243 defraying office or secretarial expenses, then the salary
244 prescribed herein shall be reduced by that amount.

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

254 (x) In any county bordering on the Mississippi River
255 having a population greater than fifty thousand (50,000) according
256 to the 1980 federal decennial census and also having a national
257 military park and national cemetery, an annual salary of
258 Twenty-five Thousand Dollars (\$25,000.00) or a salary equal to



259 that of a member of the board of supervisors in such county,
260 whichever is greater. In addition, such county prosecuting
261 attorney shall receive the sum of One Thousand Dollars (\$1,000.00)
262 per month for the purpose of defraying secretarial expenses.

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

273 (z) In any county having a population greater than
274 sixty-five thousand five hundred eighty (65,580) but less than
275 sixty-five thousand five hundred ninety (65,590) according to the
276 1990 federal decennial census, wherein U.S. Highway 45 intersects
277 with Mississippi Highway 6, an annual salary equal to Thirty
278 Thousand Dollars (\$30,000.00).

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

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



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

296 (dd) (i) The Rankin County prosecuting attorney shall
297 receive an annual salary of Twenty-nine Thousand Dollars
298 (\$29,000.00). In addition, such county prosecuting attorney shall
299 receive the sum of One Thousand Dollars (\$1,000.00) per month for
300 the purpose of defraying secretarial expenses.

301 (ii) The board of supervisors of Rankin County, in
302 its discretion, may employ the elected county prosecuting attorney
303 and an assistant on a full-time basis during his or her term of
304 office and pay compensation to the prosecuting attorney in an
305 amount of not more than ninety percent (90%) of the annual
306 compensation and salary of the county court judges of the county
307 as authorized by law, and may provide an office and expenses, as
308 determined by the board of supervisors, to the elected county
309 prosecuting attorney. The board of supervisors of Rankin County,
310 in its discretion, may also employ a full-time assistant county
311 prosecuting attorney and may pay such person an annual salary of
312 not more than ninety percent (90%) of the annual salary of the
313 county prosecuting attorney. The salary authorized by this
314 subparagraph (dd) (ii) for the elected county prosecuting attorney
315 and an assistant shall be the sole and complete salary paid by the
316 county for the elected prosecuting attorney and assistant in
317 Rankin County, notwithstanding any other provisions of law to the
318 contrary.

319 (ee) In any county having a population greater than
320 eight thousand (8,000) but less than eight thousand two hundred
321 (8,200) according to the 1990 federal census, and in which U.S.
322 Highway 61 and Mississippi Highway 4 intersect, the board of
323 supervisors may, in its discretion, pay the county prosecuting



324 attorney an amount not to exceed Fourteen Thousand Dollars
325 (\$14,000.00), in addition to the maximum allowable salary for that
326 attorney under subsection (1), beginning on April 1, 1997.

327 (ff) In any county having a population greater than
328 thirty thousand three hundred (30,300) but less than thirty
329 thousand four hundred (30,400) according to the 1990 federal
330 census, and in which U.S. Highway 78 and Mississippi Highway 7
331 intersect, a salary of not less than the annual salary of a member
332 of the board of supervisors in such county.

333 (gg) In any county having a population greater than
334 thirteen thousand three hundred (13,300) but less than thirteen
335 thousand four hundred (13,400) according to the 1990 federal
336 census, and in which Mississippi Highway 24 and Mississippi
337 Highway 48 intersect, the board of supervisors may, in its
338 discretion, pay the county prosecuting attorney an additional
339 amount not to exceed ten percent (10%) of the maximum allowable
340 salary for that attorney under subsection (1).

341 (hh) In any county having a population greater than
342 eight thousand three hundred (8,300) but less than eight thousand
343 four hundred (8,400) according to the 1990 federal census, and in
344 which U.S. Highway 84 and U.S. Highway 98 intersect, the board of
345 supervisors may, in its discretion, pay the county prosecuting
346 attorney an additional amount not to exceed ten percent (10%) of
347 the maximum allowable salary for that attorney under subsection
348 (1).

349 (ii) After September 30, 1993, in any county having a
350 population of more than thirty thousand four hundred (30,400) and
351 which is traversed in whole or part by I-59, U.S. Highways 98 and
352 11 and State Highway 13, the annual salary of the county
353 prosecuting attorney shall be Twenty-five Thousand Dollars
354 (\$25,000.00). In addition, such county prosecuting attorney shall
355 receive after September 30, 1993, the sum of Seven Hundred Fifty



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

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

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

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

380 (mm) In any county on the Mississippi River levee,
381 having a population greater than forty-one thousand eight hundred
382 (41,800) but less than forty-one thousand nine hundred (41,900)
383 according to the 1990 federal census wherein U.S. Highway 61 and
384 Mississippi Highway 8 intersect, a salary of not less than the
385 annual salary of justice court judges in the county.

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



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

392 (oo) In any county having a population greater than
393 thirty-seven thousand (37,000) but less than thirty-eight thousand
394 (38,000) according to the 1990 federal census, in which is located
395 a state supported institution of higher learning, and in which
396 U.S. Highway 82 and Mississippi Highway 7 intersect, the board of
397 supervisors may, in its discretion, pay the county prosecuting
398 attorney a salary in an amount not to exceed the amount of the
399 salary of the District Attorney for the Fourth Judicial District
400 of Mississippi.

401 (pp) In any county in which U.S. Highway 78 and
402 Mississippi Highway 15 intersect and which is traversed by the
403 Tallahatchie River, a salary equal to that of members of the board
404 of supervisors of the county, which salary shall be in addition to
405 any sums received for the purpose of defraying office or
406 secretarial expenses and sums received as youth court prosecutor
407 fees.

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

413 **[From and after the date Laws of 1999, Chapter 564, Section**
414 **1, is effectuated under Section 5 of the Voting Rights Act of**
415 **1965, this section will read as follows:]**

416 25-3-9. (1) Except as provided in subsections (2) and (3)
417 of this section, the county prosecuting attorney may receive for
418 his services an annual salary to be paid by the board of
419 supervisors as follows:



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

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

427 (c) For counties with a total population of more than
428 fifty thousand (50,000) and not more than one hundred thousand
429 (100,000), a salary not to exceed Twenty-one Thousand Seven
430 Hundred Dollars (\$21,700.00).

431 (d) For counties with a total population of more than
432 thirty-five thousand (35,000) and not more than fifty thousand
433 (50,000), a salary not to exceed Twenty Thousand Four Hundred
434 Dollars (\$20,400.00).

435 (e) For counties with a total population of more than
436 twenty-five thousand (25,000) and not more than thirty-five
437 thousand (35,000), a salary not to exceed Nineteen Thousand Three
438 Hundred Dollars (\$19,300.00).

439 (f) For counties with a total population of more than
440 fifteen thousand (15,000) and not more than twenty-five thousand
441 (25,000), a salary not to exceed Seventeen Thousand Seven Hundred
442 Dollars (\$17,700.00).

443 (g) For counties with a total population of more than
444 ten thousand (10,000) and not more than fifteen thousand (15,000),
445 a salary not to exceed Sixteen Thousand One Hundred Dollars
446 (\$16,100.00).

447 (h) For counties with a total population of more than
448 six thousand (6,000) and not more than ten thousand (10,000), a
449 salary not to exceed Fourteen Thousand Five Hundred Dollars
450 (\$14,500.00).

451 (i) For counties with a total population of six
452 thousand (6,000) or less, the board of supervisors, in its



453 discretion, may appoint a county prosecuting attorney, and it may
454 pay such county prosecuting attorney an annual salary not to
455 exceed Twelve Thousand Nine Hundred Dollars (\$12,900.00).

456 In all cases of conviction there shall be taxed against the
457 convicted defendant, as an item of cost, the sum of Three Dollars
458 (\$3.00), which shall be turned in to the county treasury as a part
459 of the general county funds; however, the Three Dollars (\$3.00)
460 shall not be taxed in any case in which it is not the specific
461 duty of the county attorney to appear and prosecute.

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

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

470 (a) In any county bordering upon the Mississippi River
471 and having a population of not less than thirty thousand (30,000)
472 and not more than thirty-five thousand five hundred (35,500)
473 according to the federal census of 1990, and in counties having a
474 population of not more than thirty-seven thousand (37,000)
475 according to the federal census of 1990 in which Interstate
476 Highway 55 and U.S. Highway 98 intersect, the county prosecuting
477 attorney shall receive a salary equal to the justice court judge
478 of such county; and in any county wherein is located the state's
479 oldest state-supported institution of higher learning and wherein
480 Mississippi State Highways 7 and 6 intersect, the county
481 prosecuting attorney shall receive an annual salary equal to that
482 of a member of the board of supervisors of such county.

483 (b) In counties having a population in excess of fifty
484 thousand (50,000) in the 1960 federal census, wherein is located a
485 state-supported university and in which U.S. Highways 49 and 11



486 intersect, the salary of the county prosecuting attorney shall be
487 not less than Seventeen Thousand Four Hundred Dollars (\$17,400.00)
488 per year. The Board of Supervisors of Forrest County,
489 Mississippi, may, in its discretion, and by agreement with the
490 county prosecuting attorney, employ the county prosecuting
491 attorney as a full-time elected official during his/her term of
492 office, designate additional duties and responsibilities of the
493 office and pay additional compensation up to, but not in excess
494 of, ninety percent (90%) of the annual compensation and salary of
495 the county court judge and the youth court judge of Forrest County
496 as authorized by law and provide a reasonable office and
497 reasonable office expenses to the county prosecuting attorney.
498 The salary authorized by this paragraph (b) for the county
499 prosecuting attorney shall be the sole and complete salary for
500 such prosecuting attorney in each county to which this paragraph
501 applies, notwithstanding any other provision of law to the
502 contrary.

503 (c) In any county wherein is housed the seat of state
504 government, wherein U.S. Highways 80 and 49 intersect, and having
505 two (2) judicial districts, the board of supervisors, in its
506 discretion, may pay the county prosecuting attorney an annual
507 salary equal to the annual salary of members of the board of
508 supervisors in the county.

509 (d) In any county which has two (2) judicial districts
510 and wherein Highway 8 and Highway 15 intersect, having a
511 population of greater than seventeen thousand (17,000), according
512 to the 1980 federal decennial census, the board of supervisors
513 shall pay the county prosecuting attorney a salary equal to that
514 of a member of the board of supervisors of such county; provided
515 that if such county prosecuting attorney is paid a sum for the
516 purpose of defraying office or secretarial expenses, then the
517 salary prescribed herein shall be reduced by that amount.



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

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

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

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

534 (h) In any Class 1 county bordering on the Mississippi
535 River, lying in whole or in part within a levee district, wherein
536 U.S. Highways 82 and 61 intersect, bounded by the Sunflower River
537 and Stales Bayou, the board of supervisors, in its discretion, may
538 pay an annual salary equal to the annual salary of members of the
539 board of supervisors in the county. In addition, such county
540 prosecuting attorney shall receive the sum of One Thousand Dollars
541 (\$1,000.00) per month for the purpose of defraying secretarial
542 expenses.

543 (i) In any county bordering on the Gulf of Mexico
544 having two (2) judicial districts, and wherein U.S. Highways 90
545 and 49 intersect, the salary of the county prosecuting attorney
546 shall be not less than Nineteen Thousand Dollars (\$19,000.00) per
547 year. The Board of Supervisors of Harrison County, Mississippi,
548 may, in its discretion, and by agreement with the county
549 prosecuting attorney, employ the county prosecuting attorney and
550 his/her assistant during his/her term of office, and designate



551 additional duties and responsibilities of the office and pay
552 additional compensation up to, but not in excess of, ninety
553 percent (90%) of the annual compensation and salary of the county
554 court judges of Harrison County as authorized by law and provide
555 adequate office space and reasonable office expenses to the county
556 prosecuting attorney and his/her assistant. The salary authorized
557 by this paragraph (i) for the county prosecuting attorney and
558 his/her assistant shall be the sole and complete salary paid by
559 the county for such prosecuting attorney and his/her assistant in
560 each county to which this paragraph applies, notwithstanding any
561 other provision of law to the contrary.

562 (j) In any county bordering on the State of Alabama,
563 having a population in excess of seventy-five thousand (75,000)
564 according to the 1980 decennial census in which is located an
565 institution of higher learning and a United States military
566 installation and which is traversed by an interstate highway, the
567 salary of the county prosecuting attorney shall not be less than
568 Twelve Thousand Dollars (\$12,000.00) nor more than the amount of
569 the annual salary received by a member of the board of supervisors
570 of that county.

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

575 (l) In any Class 2 county wherein Mississippi Highways
576 6 and 3 intersect, the salary of the county prosecuting attorney
577 shall be not less than Twelve Thousand Dollars (\$12,000.00) per
578 year nor more than the amount of the annual salary received by a
579 member of the board of supervisors of that county.

580 (m) In any county wherein Interstate Highway 55 and
581 State Highway 8 intersect, the salary of the county prosecuting
582 attorney shall be not less than Twelve Thousand Dollars
583 (\$12,000.00) per year.



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

588 (o) In any county bordering on the Alabama state line,
589 having a population of greater than fifteen thousand (15,000)
590 according to the 1970 federal decennial census, wherein U.S.
591 Highway 45 and Mississippi Highway 18 intersect, the salary of the
592 county prosecuting attorney shall be not less than Three Thousand
593 Six Hundred Dollars (\$3,600.00) nor greater than that of a member
594 of the board of supervisors of such county. All prior acts,
595 orders and resolutions of the board of supervisors of such county
596 which authorized the payment of the salary in conformity with the
597 provisions of this paragraph, whether or not heretofore
598 specifically authorized by law are hereby ratified, approved and
599 confirmed.

600 (p) In any county wherein is located a state-supported
601 institution of higher learning and wherein U.S. Highway 82 and
602 Mississippi Highway 389 intersect, the board of supervisors, in
603 its discretion, may pay the county prosecuting attorney an annual
604 salary equal to the annual salary of members of the board of
605 supervisors in the county.

606 (q) In any county having two (2) judicial districts
607 wherein Mississippi Highway 32 intersects U.S. Highway 49E, the
608 salary of the county prosecuting attorney shall be not less than
609 Twelve Thousand Seven Hundred Dollars (\$12,700.00).

610 (r) In any county traversed by the Natchez Trace
611 Parkway wherein U.S. Highway 45 and Mississippi Highway 4
612 intersect, the board of supervisors, in its discretion, may pay
613 the county prosecuting attorney an annual salary equal to the
614 annual salary of justice court judges in the county.

615 (s) In any county having a population of more than
616 fourteen thousand (14,000) according to the 1970 census and which



617 county is bordered on the north by the State of Tennessee and on
618 the east by the State of Alabama and in which U.S. Highway No. 72
619 and Highway No. 25 intersect, the board of supervisors, in its
620 discretion, may pay the county prosecuting attorney an annual
621 salary equal to the annual salary of justice court judges in the
622 county.

623 (t) (i) In any county wherein Interstate Highway 55
624 and State Highway 22 intersect, and which is also traversed in
625 whole or part by U.S. Highways 49 and 51, and State Highways 16,
626 17, 43 and the Natchez Trace Parkway, and also containing a part
627 of a public lake or reservoir, in excess of thirty thousand
628 (30,000) acres, the board of supervisors, in its discretion, may
629 pay the county prosecuting attorney an annual salary in the amount
630 of Twenty-eight Thousand Dollars (\$28,000.00).

631 (ii) From and after October 1, 1993, in addition
632 to the salary provided for subparagraph (i) of this paragraph, the
633 board of supervisors, in its discretion, may pay the county
634 prosecuting attorney an additional amount not to exceed ten
635 percent (10%) of the maximum allowable salary prescribed herein.

636 (u) In any county having a population in the 1970
637 census in excess of thirty-five thousand (35,000) and in which
638 U.S. Highways 49W and 82 intersect, and in which is located a
639 state penitentiary, the annual salary of a county prosecuting
640 attorney shall be Thirty Thousand Four Hundred Twenty Dollars
641 (\$30,420.00).

642 (v) In any county wherein Mississippi Highway 50
643 intersects U.S. Highway 45-Alternate, and having a population
644 greater than twenty thousand (20,000) according to the 1980
645 federal decennial census, a salary equal to that of a member of
646 the board of supervisors of such county; provided that if such
647 county prosecuting attorney is paid a sum for the purpose of
648 defraying office or secretarial expenses, then the salary
649 prescribed herein shall be reduced by that amount.



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

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

665 (y) In any county bordering on the Alabama state line,
666 traversed by the Chickasawhay River, and wherein U.S. Highway 45
667 and U.S. Highway 84 intersect, a salary that shall be equal to the
668 annual salary of a member of the board of supervisors of such
669 county. All prior acts, orders and resolutions of the board of
670 supervisors of such county which authorize the payment of the
671 salary of the county prosecuting attorney in conformity with the
672 provisions of this section as it existed immediately prior to the
673 effective date of Chapter 506, Laws of 1985, are hereby ratified,
674 approved, confirmed and validated.

675 (z) In any county having a population greater than
676 sixty-five thousand five hundred eighty (65,580) but less than
677 sixty-five thousand five hundred ninety (65,590) according to the
678 1990 federal decennial census, wherein U.S. Highway 45 intersects
679 with Mississippi Highway 6, an annual salary equal to Thirty
680 Thousand Dollars (\$30,000.00).

681 (aa) In any county where an institution of higher
682 learning is located and wherein U.S. Highway 82 and U.S. Highway



683 45 intersect, the salary of county prosecuting attorney shall be
684 not less than that of a member of the board of supervisors in such
685 county, and the board of supervisors may, in its discretion, pay
686 such county prosecuting attorney a salary in an amount not to
687 exceed the amount of the salary of the District Attorney for the
688 Sixteenth Judicial District of Mississippi.

689 (bb) In any county having a population greater than six
690 thousand (6,000) according to the federal decennial census and
691 wherein U.S. Highway 61 and Highway 24 intersect, the board of
692 supervisors, in its discretion, may pay the county prosecuting
693 attorney an annual salary equal to the annual salary of members of
694 the board of supervisors in the county.

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

700 (dd) (i) The Rankin County prosecuting attorney shall
701 receive an annual salary of Twenty-nine Thousand Dollars
702 (\$29,000.00). In addition, such county prosecuting attorney shall
703 receive the sum of One Thousand Dollars (\$1,000.00) per month for
704 the purpose of defraying secretarial expenses.

705 (ii) The board of supervisors of Rankin County, in
706 its discretion, may employ the elected county prosecuting attorney
707 and an assistant on a full-time basis during his or her term of
708 office and pay compensation to the prosecuting attorney in an
709 amount of not more than ninety percent (90%) of the annual
710 compensation and salary of the county court judges of the county
711 as authorized by law, and may provide an office and expenses, as
712 determined by the board of supervisors, to the elected county
713 prosecuting attorney. The board of supervisors of Rankin County,
714 in its discretion, may also employ a full-time assistant county
715 prosecuting attorney and may pay such person an annual salary of



716 not more than ninety percent (90%) of the annual salary of the
717 county prosecuting attorney. The salary authorized by this
718 subparagraph (dd)(ii) for the elected county prosecuting attorney
719 and an assistant shall be the sole and complete salary paid by the
720 county for the elected prosecuting attorney and assistant in
721 Rankin County, notwithstanding any other provisions of law to the
722 contrary.

723 (ee) In any county having a population greater than
724 eight thousand (8,000) but less than eight thousand two hundred
725 (8,200) according to the 1990 federal census, and in which U.S.
726 Highway 61 and Mississippi Highway 4 intersect, the board of
727 supervisors may, in its discretion, pay the county prosecuting
728 attorney an amount not to exceed Fourteen Thousand Dollars
729 (\$14,000.00), in addition to the maximum allowable salary for that
730 attorney under subsection (1), beginning on April 1, 1997.

731 (ff) In any county having a population greater than
732 thirty thousand three hundred (30,300) but less than thirty
733 thousand four hundred (30,400) according to the 1990 federal
734 census, and in which U.S. Highway 78 and Mississippi Highway 7
735 intersect, a salary of not less than the annual salary of a member
736 of the board of supervisors in such county.

737 (gg) In any county having a population greater than
738 thirteen thousand three hundred (13,300) but less than thirteen
739 thousand four hundred (13,400) according to the 1990 federal
740 census, and in which Mississippi Highway 24 and Mississippi
741 Highway 48 intersect, the board of supervisors may, in its
742 discretion, pay the county prosecuting attorney an additional
743 amount not to exceed ten percent (10%) of the maximum allowable
744 salary for that attorney under subsection (1).

745 (hh) In any county having a population greater than
746 eight thousand three hundred (8,300) but less than eight thousand
747 four hundred (8,400) according to the 1990 federal census, and in
748 which U.S. Highway 84 and U.S. Highway 98 intersect, the board of



749 supervisors may, in its discretion, pay the county prosecuting
750 attorney an additional amount not to exceed ten percent (10%) of
751 the maximum allowable salary for that attorney under subsection
752 (1).

753 (ii) After September 30, 1993, in any county having a
754 population of more than thirty thousand four hundred (30,400) and
755 which is traversed in whole or part by I-59, U.S. Highways 98 and
756 11 and State Highway 13, the annual salary of the county
757 prosecuting attorney shall be Twenty-five Thousand Dollars
758 (\$25,000.00). In addition, such county prosecuting attorney shall
759 receive after September 30, 1993, the sum of Seven Hundred Fifty
760 Dollars (\$750.00) per month for the purpose of defraying office or
761 secretarial expenses.

762 (jj) In any county having a population greater than
763 twenty thousand (20,000) according to the 1990 federal census and
764 wherein U.S. Highway 78 and Mississippi Highway 25 intersect, the
765 board of supervisors, in its discretion, may pay the county
766 prosecuting attorney an annual salary equal to the annual salary
767 of justice court judges in the county.

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

776 (ll) In any county having a population greater than
777 thirty thousand two hundred (30,200) but less than thirty thousand
778 three hundred (30,300) according to the 1990 federal census, and
779 in which U.S. Interstate 55 and Mississippi Highway 84 intersect,
780 the board of supervisors may, in its discretion, pay the county
781 prosecuting attorney an additional amount not to exceed ten



782 percent (10%) of the maximum allowable salary for that attorney
783 under subsection (1).

784 (mm) In any county on the Mississippi River levee,
785 having a population greater than forty-one thousand eight hundred
786 (41,800) but less than forty-one thousand nine hundred (41,900)
787 according to the 1990 federal census wherein U.S. Highway 61 and
788 Mississippi Highway 8 intersect, the board of supervisors, in its
789 discretion, may pay the county prosecuting attorney an annual
790 salary equal to the annual salary of members of the board of
791 supervisors in the county. In addition, the board of supervisors,
792 in its discretion, may pay the county prosecuting attorney the sum
793 of One Thousand Dollars (\$1,000.00) per month for the purpose of
794 defraying secretarial expenses.

795 (nn) In any county having a population greater than
796 twenty-four thousand seven hundred (24,700) and less than
797 twenty-four thousand nine hundred (24,900) according to the 1990
798 federal census, wherein Mississippi Highways 15 and 16 intersect,
799 the board of supervisors, in its discretion, may pay the county
800 prosecuting attorney an annual salary equal to the annual salary
801 of members of the board of supervisors in the county.

802 (oo) In any county having a population greater than
803 thirty-seven thousand (37,000) but less than thirty-eight thousand
804 (38,000) according to the 1990 federal census, in which is located
805 a state supported institution of higher learning, and in which
806 U.S. Highway 82 and Mississippi Highway 7 intersect, the board of
807 supervisors may, in its discretion, pay the county prosecuting
808 attorney a salary in an amount not to exceed the amount of the
809 salary of the District Attorney for the Fourth Judicial District
810 of Mississippi.

811 (pp) In any county in which U.S. Highway 78 and
812 Mississippi Highway 15 intersect and which is traversed by the
813 Tallahatchie River, a salary equal to that of members of the board
814 of supervisors of the county, which salary shall be in addition to



815 any sums received for the purpose of defraying office or
816 secretarial expenses and sums received as youth court prosecutor
817 fees.

818 (qq) In any county bordering on the State of Tennessee
819 and the State of Arkansas, wherein Interstate Highway 55 and
820 Mississippi Highway 302 intersect, the board of supervisors, in
821 its discretion, may pay the county prosecuting attorney an annual
822 salary equal to the annual salary of justice court judges in the
823 county.

824 (rr) In any county that is traversed by the Natchez
825 Trace Parkway and in which Mississippi Highway 35 and Mississippi
826 Highway 12 intersect, the board of supervisors, in its discretion,
827 may pay the county prosecuting attorney an annual salary in the
828 amount of the annual salary of justice court judges in the county.

829 (ss) In any county in which Mississippi Highway 14 and
830 Mississippi Highway 25 intersect, the board of supervisors, in its
831 discretion, may pay the county prosecuting attorney an annual
832 salary in the amount of Twenty-two Thousand Dollars (\$22,000.00).

833 (tt) In any county in which Interstate Highway 59 and
834 U.S. Highway 84 intersect, the board of supervisors, in its
835 discretion, may pay the county prosecuting attorney an annual
836 salary equal to the annual salary of members of the board of
837 supervisors in the county.

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

843 **SECTION 2.** This act shall take effect and be in force from
844 and after January 1, 2004.

