

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

To: Fees and Salaries of  
Public Officers; County  
Affairs

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 CERTAIN COUNTIES IN THEIR  
3 DISCRETION, TO EMPLOY THE ELECTED COUNTY PROSECUTING ATTORNEY AND  
4 AN ASSISTANT FULL TIME; TO ESTABLISH THE MAXIMUM COMPENSATION FOR  
5 THE FULL-TIME COUNTY PROSECUTING ATTORNEY; AND FOR RELATED  
6 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 item (i) of this paragraph, the board  
228 of supervisors, in its discretion, may pay the county prosecuting  
229 attorney an additional amount not to exceed ten percent (10%) of  
230 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) In any county having a population greater  
297 than eighty-seven thousand (87,000) but less than eighty-seven  
298 thousand two hundred (87,200) according to the 1990 federal  
299 census, in which is located an international airport, an annual  
300 salary of Twenty-nine Thousand Dollars (\$29,000.00). In addition,  
301 such county prosecuting attorney shall receive the sum of One  
302 Thousand Dollars (\$1,000.00) per month for the purpose of  
303 defraying secretarial expenses.

304 (ii) The board of supervisors of any county to  
305 which paragraph (dd) applies, in its discretion, may employ the  
306 elected county prosecuting attorney and an assistant on a  
307 full-time basis during his or her term of office, designate  
308 additional duties and responsibilities of the office and pay  
309 additional compensation up to, but not more than, a maximum total  
310 compensation of ninety percent (90%) of the annual compensation  
311 and salary of the county court judges of that county as authorized  
312 by law and provide a reasonable office and expenses to the elected  
313 county prosecuting attorney and an assistant. The salary  
314 authorized by paragraph (dd) for the elected county prosecuting  
315 attorney and an assistant shall be the sole and complete salary  
316 paid by the county for the elected prosecuting attorney and  
317 assistant in any county to which paragraph (dd) applies,  
318 notwithstanding any other provisions of law to the 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) In any county having a population greater  
701 than eighty-seven thousand (87,000) but less than eighty-seven  
702 thousand two hundred (87,200) according to the 1990 federal  
703 census, in which is located an international airport, an annual  
704 salary of Twenty-nine Thousand Dollars (\$29,000.00). In addition,  
705 such county prosecuting attorney shall receive the sum of One  
706 Thousand Dollars (\$1,000.00) per month for the purpose of  
707 defraying secretarial expenses.

708 (ii) The board of supervisors of any county to  
709 which paragraph (dd) applies, in its discretion, may employ the  
710 elected county prosecuting attorney and an assistant on a  
711 full-time basis during his or her term of office, designate  
712 additional duties and responsibilities of the office and pay  
713 additional compensation up to, but not more than, a maximum total  
714 compensation of ninety percent (90%) of the annual compensation  
715 and salary of the county court judges of that county as authorized



716 by law and provide a reasonable office and expenses to the elected  
717 county prosecuting attorney and an assistant. The salary  
718 authorized by paragraph (dd) for the elected county prosecuting  
719 attorney and an assistant shall be the sole and complete salary  
720 paid by the county for the elected prosecuting attorney and  
721 assistant in any county to which paragraph (dd) applies,  
722 notwithstanding any other provisions of law to the 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, if it is effectuated on or before that  
845 date under Section 5 of the Voting Rights Act of 1965, as amended  
846 and extended. If it is effectuated under Section 5 of the Voting  
847 Rights Act of 1965, as amended and extended, after January 1,



848 2003, this act shall take effect and be in force from and after  
849 the date it is effectuated under Section 5 of the Voting Rights  
850 Act of 1965, as amended and extended.

