

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

To: Fees and Salaries of
Public Officers; County
Affairs

HOUSE BILL NO. 836
(As Sent to Governor)

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; TO
6 CONFORM THE AMOUNT THAT MAY BE PAID BY THE BOARD OF SUPERVISORS OF
7 CERTAIN COUNTIES AS A SECRETARIAL ALLOWANCE FOR THE OFFICE OF
8 COUNTY PROSECUTING ATTORNEY TO THE AMOUNT ALLOWED FOR SUCH PURPOSE
9 IN OTHER COUNTIES; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** Section 25-3-9, Mississippi Code of 1972, is
12 amended 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; however, the 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 board of supervisors, in its
103 discretion, may pay the county prosecuting attorney an annual
104 salary equal to the annual salary of members of the board of
105 supervisors in the county.

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

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

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

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



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

131 (h) In any Class 1 county bordering on the Mississippi
132 River, lying in whole or in part within a levee district, wherein
133 U.S. Highways 82 and 61 intersect, bounded by the Sunflower River
134 and Stales Bayou, the board of supervisors, in its discretion, may
135 pay an annual salary equal to the annual salary of members of the
136 board of supervisors in the county. In addition, such county
137 prosecuting attorney shall receive the sum of One Thousand Dollars
138 (\$1,000.00) per month for the purpose of defraying secretarial
139 expenses.

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



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

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

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

177 (m) In any county wherein Interstate Highway 55 and
178 State Highway 8 intersect, the salary of the county prosecuting
179 attorney shall be not less than Twelve Thousand Dollars
180 (\$12,000.00) per year.

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

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



192 orders and resolutions of the board of supervisors of such county
193 which authorized the payment of the salary in conformity with the
194 provisions of this paragraph, whether or not heretofore
195 specifically authorized by law are hereby ratified, approved and
196 confirmed.

197 (p) In any county wherein is located a state-supported
198 institution of higher learning and wherein U.S. Highway 82 and
199 Mississippi Highway 389 intersect, the board of supervisors, in
200 its discretion, may pay the county prosecuting attorney an annual
201 salary equal to the annual salary of members of the board of
202 supervisors in the county.

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

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

212 (s) In any county having a population of more than
213 fourteen thousand (14,000) according to the 1970 census and which
214 county is bordered on the north by the State of Tennessee and on
215 the east by the State of Alabama and in which U.S. Highway No. 72
216 and Highway No. 25 intersect, the board of supervisors, in its
217 discretion, may pay the county prosecuting attorney an annual
218 salary equal to the annual salary of justice court judges in the
219 county.

220 (t) (i) In any county wherein Interstate Highway 55
221 and State Highway 22 intersect, and which is also traversed in
222 whole or part by U.S. Highways 49 and 51, and State Highways 16,
223 17, 43 and the Natchez Trace Parkway, and also containing a part
224 of a public lake or reservoir, in excess of thirty thousand



225 (30,000) acres, the board of supervisors, in its discretion, may
226 pay the county prosecuting attorney an annual salary in the amount
227 of Twenty-eight Thousand Dollars (\$28,000.00).

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

233 (u) In any county having a population in the 1970
234 census in excess of thirty-five thousand (35,000) and in which
235 U.S. Highways 49W and 82 intersect, and in which is located a
236 state penitentiary, the annual salary of a county prosecuting
237 attorney shall be Thirty Thousand Four Hundred Twenty Dollars
238 (\$30,420.00).

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

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

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



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

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

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

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

286 (bb) In any county having a population greater than six
287 thousand (6,000) according to the federal decennial census and
288 wherein U.S. Highway 61 and Highway 24 intersect, the board of
289 supervisors, in its discretion, may pay the county prosecuting



290 attorney an annual salary equal to the annual salary of members of
291 the board of supervisors in the county.

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

297 (dd) (i) The Rankin County prosecuting attorney, if
298 such person is not employed on a full-time basis, shall receive an
299 annual salary of Twenty-nine Thousand Dollars (\$29,000.00). * * *

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

317 (ee) In any county having a population greater than
318 eight thousand (8,000) but less than eight thousand two hundred
319 (8,200) according to the 1990 federal census, and in which U.S.
320 Highway 61 and Mississippi Highway 4 intersect, the board of
321 supervisors may, in its discretion, pay the county prosecuting
322 attorney an amount not to exceed Fourteen Thousand Dollars



323 (\$14,000.00), in addition to the maximum allowable salary for that
324 attorney under subsection (1), beginning on April 1, 1997.

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

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

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

347 (ii) * * * In any county having a population of more
348 than thirty thousand four hundred (30,400) and which is traversed
349 in whole or part by I-59, U.S. Highways 98 and 11 and State
350 Highway 13, the annual salary of the county prosecuting attorney
351 shall be Twenty-five Thousand Dollars (\$25,000.00). * * *

352 (jj) In any county having a population greater than
353 twenty thousand (20,000) according to the 1990 federal census and
354 wherein U.S. Highway 78 and Mississippi Highway 25 intersect, the
355 board of supervisors, in its discretion, may pay the county



356 prosecuting attorney an annual salary equal to the annual salary
357 of justice court judges in the county.

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

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

374 (mm) In any county on the Mississippi River levee,
375 having a population greater than forty-one thousand eight hundred
376 (41,800) but less than forty-one thousand nine hundred (41,900)
377 according to the 1990 federal census wherein U.S. Highway 61 and
378 Mississippi Highway 8 intersect, the board of supervisors, in its
379 discretion, may pay the county prosecuting attorney an annual
380 salary equal to the annual salary of members of the board of
381 supervisors in the county. In addition, the board of supervisors,
382 in its discretion, may pay the county prosecuting attorney the sum
383 of One Thousand Dollars (\$1,000.00) per month for the purpose of
384 defraying secretarial expenses.

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



389 the board of supervisors, in its discretion, may pay the county
390 prosecuting attorney an annual salary equal to the annual salary
391 of members of the board of supervisors in the county.

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 (qq) In any county bordering on the State of Tennessee
409 and the State of Arkansas, wherein Interstate Highway 55 and
410 Mississippi Highway 302 intersect, the board of supervisors, in
411 its discretion, may pay the county prosecuting attorney an annual
412 salary equal to the annual salary of justice court judges in the
413 county.

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

419 (ss) In any county in which Mississippi Highway 14 and
420 Mississippi Highway 25 intersect, the board of supervisors, in its



421 discretion, may pay the county prosecuting attorney an annual
422 salary in the amount of Twenty-two Thousand Dollars (\$22,000.00).

423 (tt) In any county in which Interstate Highway 59 and
424 U.S. Highway 84 intersect, the board of supervisors, in its
425 discretion, may pay the county prosecuting attorney an annual
426 salary equal to the annual salary of members of the board of
427 supervisors in the county.

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

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

