

By: Representative Fillingane

To: Fees and Salaries of  
Public Officers; County  
Affairs

HOUSE BILL NO. 906

1 AN ACT TO AMEND SECTION 25-3-9, MISSISSIPPI CODE OF 1972, TO  
2 INCREASE THE OFFICE AND SECRETARIAL EXPENSE ALLOWANCE OF THE  
3 COUNTY PROSECUTING ATTORNEY IN LAMAR COUNTY; AND FOR RELATED  
4 PURPOSES.

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

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

8 25-3-9. (1) Except as provided in subsections (2) and (3)  
9 of this section, the county prosecuting attorney may receive for  
10 his services an annual salary to be paid by the board of  
11 supervisors as follows:

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

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

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

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

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



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

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

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

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

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

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

54 \* \* \* In addition to the salaries provided for in this  
55 subsection, the board of supervisors of any county, in its  
56 discretion, may pay the county prosecuting attorney an additional  
57 amount not to exceed ten percent (10%) of the maximum allowable  
58 salary prescribed herein.

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



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

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



95           (c) In any county wherein is housed the seat of state  
96 government, wherein U.S. Highways 80 and 49 intersect, and having  
97 two (2) judicial districts, the board of supervisors, in its  
98 discretion, may pay the county prosecuting attorney an annual  
99 salary equal to the annual salary of members of the board of  
100 supervisors in the county.

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

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

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

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

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

126           (h) In any Class 1 county bordering on the Mississippi  
127 River, lying in whole or in part within a levee district, wherein



128 U.S. Highways 82 and 61 intersect, bounded by the Sunflower River  
129 and Stales Bayou, the board of supervisors, in its discretion, may  
130 pay an annual salary equal to the annual salary of members of the  
131 board of supervisors in the county. In addition, such county  
132 prosecuting attorney shall receive the sum of One Thousand Dollars  
133 (\$1,000.00) per month for the purpose of defraying secretarial  
134 expenses.

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

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



161 the annual salary received by a member of the board of supervisors  
162 of that county.

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

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

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

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

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

192 (p) In any county wherein is located a state-supported  
193 institution of higher learning and wherein U.S. Highway 82 and



194 Mississippi Highway 389 intersect, the board of supervisors, in  
195 its discretion, may pay the county prosecuting attorney an annual  
196 salary equal to the annual salary of members of the board of  
197 supervisors in the county.

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

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

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

215 (t) (i) In any county wherein Interstate Highway 55  
216 and State Highway 22 intersect, and which is also traversed in  
217 whole or part by U.S. Highways 49 and 51, and State Highways 16,  
218 17, 43 and the Natchez Trace Parkway, and also containing a part  
219 of a public lake or reservoir, in excess of thirty thousand  
220 (30,000) acres, the board of supervisors, in its discretion, may  
221 pay the county prosecuting attorney an annual salary in the amount  
222 of Twenty-eight Thousand Dollars (\$28,000.00).

223 (ii) \* \* \* In addition to the salary provided for  
224 subparagraph (i) of this paragraph, the board of supervisors, in  
225 its discretion, may pay the county prosecuting attorney an



226 additional amount not to exceed ten percent (10%) of the maximum  
227 allowable salary prescribed herein.

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

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

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

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

257 (y) In any county bordering on the Alabama state line,  
258 traversed by the Chickasawhay River, and wherein U.S. Highway 45





259 and U.S. Highway 84 intersect, a salary that shall be equal to the  
260 annual salary of a member of the board of supervisors of such  
261 county. All prior acts, orders and resolutions of the board of  
262 supervisors of such county which authorize the payment of the  
263 salary of the county prosecuting attorney in conformity with the  
264 provisions of this section as it existed immediately prior to the  
265 effective date of Chapter 506, Laws of 1985, are hereby ratified,  
266 approved, confirmed and validated.

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

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

281           (bb) In any county having a population greater than six  
282 thousand (6,000) according to the federal decennial census and  
283 wherein U.S. Highway 61 and Highway 24 intersect, the board of  
284 supervisors, in its discretion, may pay the county prosecuting  
285 attorney an annual salary equal to the annual salary of members of  
286 the board of supervisors in the county.

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



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

300 (ee) In any county having a population greater than  
301 eight thousand (8,000) but less than eight thousand two hundred  
302 (8,200) according to the 1990 federal census, and in which U.S.  
303 Highway 61 and Mississippi Highway 4 intersect, the board of  
304 supervisors may, in its discretion, pay the county prosecuting  
305 attorney an amount not to exceed Fourteen Thousand Dollars  
306 (\$14,000.00), in addition to the maximum allowable salary for that  
307 attorney under subsection (1) \* \* \*.

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

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

322 (hh) In any county having a population greater than  
323 eight thousand three hundred (8,300) but less than eight thousand  
324 four hundred (8,400) according to the 1990 federal census, and in



325 which U.S. Highway 84 and U.S. Highway 98 intersect, the board of  
326 supervisors may, in its discretion, pay the county prosecuting  
327 attorney an additional amount not to exceed ten percent (10%) of  
328 the maximum allowable salary for that attorney under subsection  
329 (1).

330 (ii) \* \* \* In any county having a population of more  
331 than thirty thousand four hundred (30,400) and which is traversed  
332 in whole or part by I-59, U.S. Highways 98 and 11 and State  
333 Highway 13, the annual salary of the county prosecuting attorney  
334 shall be Twenty-five Thousand Dollars (\$25,000.00). In addition,  
335 such county prosecuting attorney shall receive \* \* \* the sum of  
336 One Thousand Dollars (\$1,000.00) per month for the purpose of  
337 defraying office or secretarial expenses.

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

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

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



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

360 (mm) In any county on the Mississippi River levee,  
361 having a population greater than forty-one thousand eight hundred  
362 (41,800) but less than forty-one thousand nine hundred (41,900)  
363 according to the 1990 federal census wherein U.S. Highway 61 and  
364 Mississippi Highway 8 intersect, the board of supervisors, in its  
365 discretion, may pay the county prosecuting attorney an annual  
366 salary equal to the annual salary of members of the board of  
367 supervisors in the county. In addition, the board of supervisors,  
368 in its discretion, may pay the county prosecuting attorney the sum  
369 of One Thousand Dollars (\$1,000.00) per month for the purpose of  
370 defraying secretarial expenses.

371 (nn) In any county having a population greater than  
372 twenty-four thousand seven hundred (24,700) and less than  
373 twenty-four thousand nine hundred (24,900) according to the 1990  
374 federal census, wherein Mississippi Highways 15 and 16 intersect,  
375 the board of supervisors, in its discretion, may pay the county  
376 prosecuting attorney an annual salary equal to the annual salary  
377 of members of the board of supervisors in the county.

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

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



391 any sums received for the purpose of defraying office or  
392 secretarial expenses and sums received as youth court prosecutor  
393 fees.

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

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

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

409 (tt) In any county in which Interstate Highway 59 and  
410 U.S. Highway 84 intersect, the board of supervisors, in its  
411 discretion, may pay the county prosecuting attorney an annual  
412 salary equal to the annual salary of members of the board of  
413 supervisors in the county.

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

419 **SECTION 2.** The Attorney General of the State of Mississippi  
420 shall submit this act, immediately upon approval by the Governor,  
421 or upon approval by the Legislature subsequent to a veto, to the  
422 Attorney General of the United States or to the United States  
423 District Court for the District of Columbia in accordance with the



424 provisions of the Voting Rights Act of 1965, as amended and  
425 extended.

426       **SECTION 3.** This act shall take effect and be in force from  
427 and after October 1, 2003, if it is effectuated on or before that  
428 date under Section 5 of the Voting Rights Act of 1965, as amended  
429 and extended. If it is effectuated under Section 5 of the Voting  
430 Rights Act of 1965, as amended and extended, after October 1,  
431 2003, this act shall take effect and be in force from and after  
432 the date it is effectuated under Section 5 of the Voting Rights  
433 Act of 1965, as amended and extended.

