

By: Senator(s) Kirby

To: County Affairs

SENATE BILL NO. 2727

1 AN ACT TO AMEND SECTION 25-3-9, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE THE BOARD OF SUPERVISORS OF RANKIN COUNTY, MISSISSIPPI,
3 TO EMPLOY THE ELECTED COUNTY PROSECUTING ATTORNEY AND HIS
4 ASSISTANT ON A FULL-TIME BASIS; TO ESTABLISH A MAXIMUM SALARY
5 THEREFOR; AND FOR RELATED PURPOSES.

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

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

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

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

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

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

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



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

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

36 (g) For counties with a total population of more than
37 ten thousand (10,000) and not more than fifteen thousand (15,000),
38 a salary not to exceed Sixteen Thousand One Hundred Dollars
39 (\$16,100.00).

40 (h) For counties with a total population of more than
41 six thousand (6,000) and not more than ten thousand (10,000), a
42 salary not to exceed Fourteen Thousand Five Hundred Dollars
43 (\$14,500.00).

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

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

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



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

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

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



93 such prosecuting attorney in each county to which this paragraph
94 applies, notwithstanding any other provision of law to the
95 contrary.

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

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

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

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

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

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



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

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

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

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



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

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

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

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

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

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



191 specifically authorized by law are hereby ratified, approved and
192 confirmed.

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

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

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

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

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



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

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

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

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

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



256 attorney shall receive the sum of One Thousand Dollars (\$1,000.00)
257 per month for the purpose of defraying secretarial expenses.

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

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

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

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



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

293 (dd) In any county having a population greater than
294 eighty-seven thousand (87,000) but less than eighty-seven thousand
295 two hundred (87,200) according to the 1990 federal census, in
296 which is located an international airport, an annual salary of not
297 less than Twenty-nine Thousand Dollars (\$29,000.00). The Board of
298 Supervisors of Rankin County, Mississippi, may, in its discretion,
299 and by agreement with the county prosecuting attorney and his/her
300 assistant, employ the elected county prosecuting attorney and
301 his/her assistant on a full-time basis during his/her term of
302 office, designate additional duties and responsibilities of the
303 office and pay compensation in an amount not to exceed ninety
304 percent (90%) of the annual compensation and salary of the county
305 court judges of Rankin County as authorized by law and provide
306 adequate office space and reasonable office expenses to the county
307 prosecuting attorney and his/her assistant. The salary authorized
308 by this paragraph (dd) for the county prosecuting attorney and
309 his/her assistant shall be the sole and complete salary paid by
310 the county for such elected prosecuting attorney and his/her
311 assistant in each county to which this paragraph applies,
312 notwithstanding any other provision of law to the contrary.

313 (ee) In any county having a population greater than
314 eight thousand (8,000) but less than eight thousand two hundred
315 (8,200) according to the 1990 federal census, and in which U.S.
316 Highway 61 and Mississippi Highway 4 intersect, the board of
317 supervisors may, in its discretion, pay the county prosecuting
318 attorney an amount not to exceed Fourteen Thousand Dollars
319 (\$14,000.00), in addition to the maximum allowable salary for that
320 attorney under subsection (1), beginning on April 1, 1997.



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

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

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

343 (ii) After September 30, 1993, in any county having a
344 population of more than thirty thousand four hundred (30,400) and
345 which is traversed in whole or part by I-59, U.S. Highways 98 and
346 11 and State Highway 13, the annual salary of the county
347 prosecuting attorney shall be Twenty-five Thousand Dollars
348 (\$25,000.00). In addition, such county prosecuting attorney shall
349 receive after September 30, 1993, the sum of Seven Hundred Fifty
350 Dollars (\$750.00) per month for the purpose of defraying office or
351 secretarial expenses.

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.** The Attorney General of the State of Mississippi
434 shall submit this act, immediately upon approval by the Governor,
435 or upon approval by the Legislature subsequent to a veto, to the
436 Attorney General of the United States or to the United States
437 District Court for the District of Columbia in accordance with the
438 provisions of the Voting Rights Act of 1965, as amended and
439 extended.

440 **SECTION 3.** This act shall take effect and be in force from
441 and after the date it is effectuated under Section 5 of the Voting
442 Rights Act of 1965, as amended and extended, or October 1, 2003,
443 whichever occurs later.

