

By: Senator(s) Walls

To: County Affairs

SENATE BILL NO. 2738

1 AN ACT TO AMEND SECTION 25-3-9, MISSISSIPPI CODE OF 1972, TO  
2 REVISE THE SALARY OF THE COUNTY PROSECUTOR OF WASHINGTON COUNTY;  
3 AND FOR RELATED PURPOSES.

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

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

7 25-3-9. (1) Except as provided in subsections (2) and (3)  
8 of this section, the county prosecuting attorney may receive for  
9 his services an annual salary to be paid by the board of  
10 supervisors as follows:

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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



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

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

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

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

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

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

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



127 U.S. Highways 82 and 61 intersect, bounded by the Sunflower River  
128 and Stales Bayou, the salary of the county prosecuting attorney  
129 shall be not less than fifty percent (50%) of the salary of a  
130 District Attorney. In addition, such county prosecuting attorney  
131 shall receive the sum of One Thousand Dollars (\$1,000.00) per  
132 month for the purpose of defraying secretarial expenses.

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

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



159 the annual salary received by a member of the board of supervisors  
160 of that county.

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

165 (l) In any Class 2 county wherein Mississippi Highways  
166 6 and 3 intersect, the salary of the county prosecuting attorney  
167 shall be not less than Twelve Thousand Dollars (\$12,000.00) per  
168 year nor more than the amount of the annual salary received by a  
169 member of the board of supervisors of that county.

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

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

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

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



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

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

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

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

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

221 (ii) From and after October 1, 1993, in addition  
222 to the salary provided for subparagraph (i) of this paragraph, the  
223 board of supervisors, in its discretion, may pay the county



224 prosecuting attorney an additional amount not to exceed ten  
225 percent (10%) of the maximum allowable salary prescribed herein.

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

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

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

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

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





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

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

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

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

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



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

298           (ee) In any county having a population greater than  
299 eight thousand (8,000) but less than eight thousand two hundred  
300 (8,200) according to the 1990 federal census, and in which U.S.  
301 Highway 61 and Mississippi Highway 4 intersect, the board of  
302 supervisors may, in its discretion, pay the county prosecuting  
303 attorney an amount not to exceed Fourteen Thousand Dollars  
304 (\$14,000.00), in addition to the maximum allowable salary for that  
305 attorney under subsection (1), beginning on April 1, 1997.

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

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

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



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

328 (ii) After September 30, 1993, in any county having a  
329 population of more than thirty thousand four hundred (30,400) and  
330 which is traversed in whole or part by I-59, U.S. Highways 98 and  
331 11 and State Highway 13, the annual salary of the county  
332 prosecuting attorney shall be Twenty-five Thousand Dollars  
333 (\$25,000.00). In addition, such county prosecuting attorney shall  
334 receive after September 30, 1993, the sum of Seven Hundred Fifty  
335 Dollars (\$750.00) per month for the purpose of defraying office or  
336 secretarial expenses.

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

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

351 (ll) In any county having a population greater than  
352 thirty thousand two hundred (30,200) but less than thirty thousand  
353 three hundred (30,300) according to the 1990 federal census, and  
354 in which U.S. Interstate 55 and Mississippi Highway 84 intersect,  
355 the board of supervisors may, in its discretion, pay the county



356 prosecuting attorney an additional amount not to exceed ten  
357 percent (10%) of the maximum allowable salary for that attorney  
358 under subsection (1).

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

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

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

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



389 of supervisors of the county, which salary shall be in addition to  
390 any sums received for the purpose of defraying office or  
391 secretarial expenses and sums received as youth court prosecutor  
392 fees.

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

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

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

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

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

418 **SECTION 2.** This act shall take effect and be in force from  
419 and after October 1, 2003.

