

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.

