

By: Senator(s) Thames

To: Fees, Salaries and Administration

SENATE BILL NO. 2848
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 25-3-9, MISSISSIPPI CODE OF 1972, TO
2 INCREASE THE SALARIES OF THE COUNTY PROSECUTING ATTORNEYS IN
3 CERTAIN COUNTIES; 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 Thirty-one
13 Thousand Three Hundred Fifty Dollars (\$31,350.00).

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-nine Thousand
17 One Hundred Fifty Dollars (\$29,150.00).

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-three Thousand Eight
21 Hundred Seventy Dollars (\$23,870.00).

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-two Thousand Four Hundred
25 Forty Dollars (\$22,440.00).

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 Twenty-one Thousand Two
29 Hundred Thirty Dollars (\$21,230.00).

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 Nineteen Thousand Four Hundred
33 Seventy Dollars (\$19,470.00).

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 Seventeen Thousand Seven Hundred Ten
37 Dollars (\$17,710.00).

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 Fifteen Thousand Nine Hundred Fifty Dollars
41 (\$15,950.00).

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 Fourteen Thousand One Hundred Ninety Dollars (\$14,190.00).

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

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 not 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 Thirty Thousand Eight Hundred Dollars (\$30,800.00).

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-three Thousand Four Hundred Sixty-two
231 Dollars (\$33,462.00).

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-three
270 Thousand Dollars (\$33,000.00).

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

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

319 (ff) In any county having a population greater than
320 thirty thousand three hundred (30,300) but less than thirty
321 thousand four hundred (30,400) according to the 1990 federal
322 census, and in which U.S. Highway 78 and Mississippi Highway 7



323 intersect, a salary of not less than the annual salary of a member
324 of the board of supervisors in such county.

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

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

341 (ii) * * * In any county having a population of more
342 than thirty thousand four hundred (30,400) and which is traversed
343 in whole or part by I-59, U.S. Highways 98 and 11 and State
344 Highway 13, the annual salary of the county prosecuting attorney
345 shall be Twenty-seven Thousand Five Hundred Dollars (\$27,500.00).
346 In addition, such county prosecuting attorney shall receive * * *
347 the sum of One Thousand Dollars (\$1,000.00) per month for the
348 purpose of defraying office or secretarial expenses.

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



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

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

371 (mm) In any county on the Mississippi River levee,
372 having a population greater than forty-one thousand eight hundred
373 (41,800) but less than forty-one thousand nine hundred (41,900)
374 according to the 1990 federal census wherein U.S. Highway 61 and
375 Mississippi Highway 8 intersect, the board of supervisors, in its
376 discretion, may pay the county prosecuting attorney an annual
377 salary equal to the annual salary of members of the board of
378 supervisors in the county. In addition, the board of supervisors,
379 in its discretion, may pay the county prosecuting attorney the sum
380 of One Thousand Dollars (\$1,000.00) per month for the purpose of
381 defraying secretarial expenses.

382 (nn) In any county having a population greater than
383 twenty-four thousand seven hundred (24,700) and less than
384 twenty-four thousand nine hundred (24,900) according to the 1990
385 federal census, wherein Mississippi Highways 15 and 16 intersect,
386 the board of supervisors, in its discretion, may pay the county



387 prosecuting attorney an annual salary equal to the annual salary
388 of members of the board of supervisors in the county.

389 (oo) In any county having a population greater than
390 thirty-seven thousand (37,000) but less than thirty-eight thousand
391 (38,000) according to the 1990 federal census, in which is located
392 a state supported institution of higher learning, and in which
393 U.S. Highway 82 and Mississippi Highway 7 intersect, the board of
394 supervisors may, in its discretion, pay the county prosecuting
395 attorney a salary in an amount not to exceed the amount of the
396 salary of the District Attorney for the Fourth Judicial District
397 of Mississippi.

398 (pp) In any county in which U.S. Highway 78 and
399 Mississippi Highway 15 intersect and which is traversed by the
400 Tallahatchie River, a salary equal to that of members of the board
401 of supervisors of the county, which salary shall be in addition to
402 any sums received for the purpose of defraying office or
403 secretarial expenses and sums received as youth court prosecutor
404 fees.

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

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

416 (ss) In any county in which Mississippi Highway 14 and
417 Mississippi Highway 25 intersect, the board of supervisors, in its
418 discretion, may pay the county prosecuting attorney an annual



419 salary in the amount of Twenty-four Thousand Two Hundred Dollars
420 (\$24,200.00).

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

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

431 **SECTION 2.** The Attorney General of the State of Mississippi
432 shall submit this act, immediately upon approval by the Governor,
433 or upon approval by the Legislature subsequent to a veto, to the
434 Attorney General of the United States or to the United States
435 District Court for the District of Columbia in accordance with the
436 provisions of the Voting Rights Act of 1965, as amended and
437 extended.

438 **SECTION 3.** This act shall take effect and be in force from
439 and after October 1, 2003, if effectuated on or before that date
440 under Section 5 of the Voting Rights Act of 1965, as amended and
441 extended. If effectuated under Section 5 of the Voting Rights Act
442 of 1965, as amended and extended, after October 1, 2003, this act
443 shall take effect and be in force from and after the date
444 effectuated under Section 5 of the Voting Rights Act of 1965, as
445 amended and extended.

