

By: Representative Reynolds

To: Fees and Salaries of
Public Officers; County
Affairs

HOUSE BILL NO. 938

1 AN ACT TO AMEND SECTION 25-3-9, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE THE BOARD OF SUPERVISORS OF CERTAIN COUNTIES TO PAY AN
3 ADDITIONAL \$1000.00 TO THE COUNTY PROSECUTING ATTORNEY; AND FOR
4 RELATED PURPOSES.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

194 Highway 82 and Mississippi Highway 389 intersect, the board of
195 supervisors, in its discretion, may pay the county prosecuting
196 attorney an annual salary equal to the annual salary of members of
197 the board of supervisors in the county.

198 (ii) Due to the increased responsibility of the
199 county in managing a growing population, in addition to the salary
200 provided for in subparagraph (i), the board of supervisors, in its
201 discretion, may pay the county prosecuting attorney an additional
202 One Thousand Dollars (\$1,000.00). This subparagraph (ii) shall
203 stand repealed December 31, 2007.

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

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

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

221 (t) (i) In any county wherein Interstate Highway 55
222 and State Highway 22 intersect, and which is also traversed in
223 whole or part by U.S. Highways 49 and 51, and State Highways 16,
224 17, 43 and the Natchez Trace Parkway, and also containing a part
225 of a public lake or reservoir, in excess of thirty thousand
226 (30,000) acres, the board of supervisors, in its discretion, may

227 pay the county prosecuting attorney an annual salary in the amount
228 of Twenty-eight Thousand Dollars (\$28,000.00).

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

234 (u) In any county having a population in the 1970
235 census in excess of thirty-five thousand (35,000) and in which
236 U.S. Highways 49W and 82 intersect, and in which is located a
237 state penitentiary, the annual salary of a county prosecuting
238 attorney shall be Thirty Thousand Four Hundred Twenty Dollars
239 (\$30,420.00).

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

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

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

260 whichever is greater. In addition, such county prosecuting
261 attorney shall receive the sum of One Thousand Dollars (\$1,000.00)
262 per month for the purpose of defraying secretarial expenses.

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

273 (z) In any county having a population greater than
274 sixty-five thousand five hundred eighty (65,580) but less than
275 sixty-five thousand five hundred ninety (65,590) according to the
276 1990 federal decennial census, wherein U.S. Highway 45 intersects
277 with Mississippi Highway 6, an annual salary equal to Thirty
278 Thousand Dollars (\$30,000.00).

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

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

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

298 (dd) (i) The Rankin County prosecuting attorney, if
299 such person is not employed on a full-time basis, shall receive an
300 annual salary of Twenty-nine Thousand Dollars (\$29,000.00).

301 (ii) The Board of Supervisors of Rankin County, in
302 its discretion, may employ the elected county prosecuting attorney
303 and an assistant on a full-time basis during his or her term of
304 office and may pay compensation to such full-time prosecuting
305 attorney in an amount of not more than ninety percent (90%) of the
306 annual compensation and salary of the county court judges of the
307 county as authorized by law, and may provide adequate office space
308 and reasonable office expenses to the county prosecuting attorney
309 and his/her assistant. The Board of Supervisors of Rankin County,
310 in its discretion, may also employ a full-time assistant county
311 prosecuting attorney and may pay such person an annual salary in
312 such amount as determined by the board of supervisors. The salary
313 authorized by this subparagraph (dd)(ii) for the elected county
314 prosecuting attorney and an assistant shall be the sole and
315 complete salary paid by the county for the elected prosecuting
316 attorney and assistant in Rankin County, notwithstanding any other
317 provisions of law to the contrary.

318 (ee) In any county having a population greater than
319 eight thousand (8,000) but less than eight thousand two hundred
320 (8,200) according to the 1990 federal census, and in which U.S.
321 Highway 61 and Mississippi Highway 4 intersect, the board of
322 supervisors may, in its discretion, pay the county prosecuting
323 attorney an amount not to exceed Fourteen Thousand Dollars
324 (\$14,000.00), in addition to the maximum allowable salary for that
325 attorney under subsection (1), beginning on April 1, 1997.

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

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

340 (hh) In any county having a population greater than
341 eight thousand three hundred (8,300) but less than eight thousand
342 four hundred (8,400) according to the 1990 federal census, and in
343 which U.S. Highway 84 and U.S. Highway 98 intersect, the board of
344 supervisors may, in its discretion, pay the county prosecuting
345 attorney an additional amount not to exceed ten percent (10%) of
346 the maximum allowable salary for that attorney under subsection
347 (1).

348 (ii) In any county having a population of more than
349 thirty thousand four hundred (30,400) and which is traversed in
350 whole or part by I-59, U.S. Highways 98 and 11 and State Highway
351 13, the annual salary of the county prosecuting attorney shall be
352 Twenty-five Thousand Dollars (\$25,000.00).

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

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

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

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

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

391 prosecuting attorney an annual salary equal to the annual salary
392 of members of the board of supervisors in the county.

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

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

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

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

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

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

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

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

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