

By: Representatives Compretta, Dedeaux

To: Fees and Salaries of
Public Officers; County
Affairs

HOUSE BILL NO. 1151
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 19-3-49, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE THE HANCOCK COUNTY BOARD OF SUPERVISORS TO PAY THE
3 ATTORNEY HIRED TO APPEAR AND PROSECUTE CASES REQUIRING THE
4 SERVICES OF A COUNTY PROSECUTING ATTORNEY A CERTAIN SALARY; AND
5 FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 19-3-49, Mississippi Code of 1972, is
8 amended as follows:

9 19-3-49. (1) In all counties of this state wherein there is
10 no elected county prosecuting attorney, the boards of supervisors
11 shall have the power and authority to employ a competent attorney
12 to appear and prosecute in cases requiring the services of the
13 county prosecuting attorney. The compensation paid to the person
14 so employed shall be paid from the general fund of such county and
15 shall not exceed, during any calendar year, the amount authorized
16 by law to be paid as salary to the county prosecuting attorney in
17 such county. The employment of a county prosecuting attorney as
18 authorized by this section shall be pursuant to a contract which
19 shall provide that the salary of such county prosecuting attorney
20 shall not be reduced, increased or terminated for the period of
21 the contract. Such contract shall be for the period of the
22 remainder of the term of office of the board of supervisors which
23 employs the county prosecuting attorney; however, the contract
24 shall provide expressly or by reference to this section that the
25 contract shall be abrogated upon the creation and filling of the
26 office of elected county prosecuting attorney.

27 (2) Notwithstanding any of the provisions of subsection (1)
28 of this section to the contrary, the board of supervisors of

29 Hancock County may pay the attorney hired to appear and prosecute
30 cases requiring the services of a county prosecuting attorney an
31 annual salary of Forty-five Thousand Dollars (\$45,000.00). The
32 Legislature finds and declares that the annual salary authorized
33 by this section is justified in Hancock County for the following
34 reasons:

35 (a) The addition of a justice court judge in January
36 2004 created a total of three (3) judges in the county and
37 requires the attorney hired to appear and prosecute cases
38 requiring the services of a county prosecuting attorney to spend
39 additional time in court; and

40 (b) The population of Hancock County increased from
41 thirty-one thousand seven hundred sixty (31,760) in 1990, to
42 forty-two thousand nine hundred sixty seven (42,967) in 2000,
43 which placed it in the top ten percent (10%) of the fastest
44 growing counties in the state; and

45 (c) There was a significant increase in the number of
46 cases filed in justice court and cases appealed to a higher court;
47 and

48 (d) The attorney hired to appear and prosecute cases
49 requiring the services of a county prosecuting attorney is
50 responsible for handling a large number of drug, alcohol and
51 mental commitment proceedings.

52 (3) This section shall stand repealed from and after July 1,
53 2006.

54 **SECTION 2.** This act shall take effect and be in force from
55 and after January 1, 2004.