

By: Representative Green

To: Fees and Salaries of
Public Officers; County
Affairs

HOUSE BILL NO. 1206

1 AN ACT TO AMEND SECTION 25-3-9, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT NO COUNTY PROSECUTING ATTORNEY SHALL RECEIVE AN
3 ANNUAL SALARY LESS THAN THE SALARY PAID TO A JUSTICE COURT JUDGE
4 IN HIS RESPECTIVE COUNTY; AND FOR 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), (3) and
9 (4) of this section, the county prosecuting attorney may receive
10 for 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) In any county wherein is located a state-supported
193 institution of higher learning and wherein U.S. Highway 82 and

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

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

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

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

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

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

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

228 (u) In any county having a population in the 1970
229 census in excess of thirty-five thousand (35,000) and in which
230 U.S. Highways 49W and 82 intersect, and in which is located a
231 state penitentiary, the annual salary of a county prosecuting
232 attorney shall be Thirty Thousand Four Hundred Twenty Dollars
233 (\$30,420.00).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

342 (ii) In any county having a population of more than
343 thirty thousand four hundred (30,400) and which is traversed in
344 whole or part by I-59, U.S. Highways 98 and 11 and State Highway
345 13, the annual salary of the county prosecuting attorney shall be
346 Twenty-five Thousand Dollars (\$25,000.00).

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

353 (kk) In any county having a population greater than
354 twelve thousand four hundred (12,400) but less than twelve
355 thousand five hundred (12,500) according to the 1990 federal
356 census, and in which U.S. Highway 84 and Mississippi Highway 27

357 intersect, the board of supervisors may, in its discretion, pay
358 the county prosecuting attorney an additional amount not to exceed
359 ten percent (10%) of the maximum allowable salary for that
360 attorney under subsection (1).

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

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

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

387 (oo) In any county having a population greater than
388 thirty-seven thousand (37,000) but less than thirty-eight thousand
389 (38,000) according to the 1990 federal census, in which is located

390 a state supported institution of higher learning, and in which
391 U.S. Highway 82 and Mississippi Highway 7 intersect, the board of
392 supervisors may, in its discretion, pay the county prosecuting
393 attorney a salary in an amount not to exceed the amount of the
394 salary of the District Attorney for the Fourth Judicial District
395 of Mississippi.

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

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

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

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

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

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

428 (4) Notwithstanding any provision of this section to the
429 contrary, no county prosecuting attorney shall receive for his
430 services an annual salary less than the salary paid to a justice
431 court judge in his respective county.

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

439 **SECTION 3.** This act shall take effect and be in force from
440 and after the date it is effectuated under Section 5 of the Voting
441 Rights Act of 1965, as amended and extended, or October 1, 2004,
442 whichever occurs later.