

## Senate Amendments to House Bill No. 1151

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

### AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

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.

SS01\HB1151A.J

John O. Gilbert  
Secretary of the Senate