

By: Representative Flaggs

To: Fees and Salaries of
Public Officers; County
Affairs

HOUSE BILL NO. 1541

1 AN ACT TO AMEND SECTION 25-3-9, MISSISSIPPI CODE OF 1972, TO
2 REVISE HOW THE SALARIES OF CERTAIN COUNTY PROSECUTING ATTORNEYS IS
3 CALCULATED; 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), (3) and
8 (4) of this section, the county prosecuting attorney may receive
9 for 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
13 Twenty-eight Thousand Five Hundred Dollars (\$28,500.00).

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-six Thousand
17 Five Hundred Dollars (\$26,500.00).

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-one Thousand Seven
21 Hundred Dollars (\$21,700.00).

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 Thousand Four Hundred
25 Dollars (\$20,400.00).

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 Nineteen Thousand Three
29 Hundred Dollars (\$19,300.00).

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 Seventeen Thousand Seven Hundred
33 Dollars (\$17,700.00).

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 Sixteen Thousand One Hundred Dollars
37 (\$16,100.00).

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 Fourteen Thousand Five Hundred Dollars
41 (\$14,500.00).

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 Twelve Thousand Nine Hundred Dollars (\$12,900.00).

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

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 no 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 not less
117 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 board of supervisors, in its discretion, may
129 pay an annual salary equal to the annual salary of members of the
130 board of supervisors in the county. In addition, such county
131 prosecuting attorney shall receive the sum of One Thousand Dollars
132 (\$1,000.00) per month for the purpose of defraying secretarial
133 expenses.

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

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

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

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

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

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

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

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

191 (p) In any county wherein is located a state-supported
192 institution of higher learning and wherein U.S. Highway 82 and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

294 (ii) The Board of Supervisors of Rankin County, in
295 its discretion, may employ the elected county prosecuting attorney
296 and an assistant on a full-time basis during his or her term of
297 office and may pay compensation to such full-time prosecuting
298 attorney in an amount of not more than ninety percent (90%) of the
299 annual compensation and salary of the county court judges of the
300 county as authorized by law, and may provide adequate office space
301 and reasonable office expenses to the county prosecuting attorney
302 and his/her assistant. The Board of Supervisors of Rankin County,
303 in its discretion, may also employ a full-time assistant county
304 prosecuting attorney and may pay such person an annual salary in
305 such amount as determined by the board of supervisors. The salary
306 authorized by this subparagraph (dd)(ii) for the elected county
307 prosecuting attorney and an assistant shall be the sole and
308 complete salary paid by the county for the elected prosecuting
309 attorney and assistant in Rankin County, notwithstanding any other
310 provisions of law to the 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 than
342 thirty thousand four hundred (30,400) and which is traversed in
343 whole or part by I-59, U.S. Highways 98 and 11 and State Highway
344 13, the annual salary of the county prosecuting attorney shall be
345 Twenty-five Thousand Dollars (\$25,000.00).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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 the date it is effectuated under Section 5 of the Voting
440 Rights Act of 1965, as amended and extended.