

By: Senator(s) Dawkins, Butler

To: Fees, Salaries and Administration

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2683

1 AN ACT TO AMEND SECTION 19-3-49, MISSISSIPPI CODE OF 1972, TO  
2 DELETE THE REPEALER ON THE PROVISION THAT PROVIDES THE SALARY OF  
3 AN ATTORNEY EMPLOYED IN COUNTIES WHERE THERE IS NO ELECTED COUNTY  
4 PROSECUTING ATTORNEY; AND FOR RELATED PURPOSES.

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

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

8 19-3-49. (1) In all counties of this state wherein there is  
9 no elected county prosecuting attorney, the boards of supervisors  
10 shall have the power and authority to employ a competent attorney  
11 to appear and prosecute in cases requiring the services of the  
12 county prosecuting attorney. The compensation paid to the person  
13 so employed shall be paid from the general fund of such county and  
14 shall not exceed, during any calendar year, the amount authorized  
15 by law to be paid as salary to the county prosecuting attorney in  
16 such county. The employment of a county prosecuting attorney as  
17 authorized by this section shall be pursuant to a contract which  
18 shall provide that the salary of such county prosecuting attorney  
19 shall not be reduced, increased or terminated for the period of  
20 the contract. Such contract shall be for the period of the  
21 remainder of the term of office of the board of supervisors which  
22 employs the county prosecuting attorney; however, the contract  
23 shall provide expressly or by reference to this section that the  
24 contract shall be abrogated upon the creation and filling of the  
25 office of elected county prosecuting attorney.

26 (2) Notwithstanding any of the provisions of subsection (1)  
27 of this section to the contrary, the board of supervisors of  
28 Hancock County may pay the attorney hired to appear and prosecute

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

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

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

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

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

51 \* \* \*

52 **SECTION 2.** This act shall take effect and be in force from  
53 and after July 1, 2006.