

**Adopted  
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

**House Bill No. 104**

**BY: Committee**

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

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

12           19-3-49. (1) In all counties of this state wherein there is  
13 no elected county prosecuting attorney, the boards of supervisors  
14 shall have the power and authority to employ a competent attorney  
15 to appear and prosecute in cases requiring the services of the  
16 county prosecuting attorney. The compensation paid to the person  
17 so employed shall be paid from the general fund of such county and  
18 shall not exceed, during any calendar year, the amount authorized  
19 by law to be paid as salary to the county prosecuting attorney in



20 such county. The employment of a county prosecuting attorney as  
21 authorized by this section shall be pursuant to a contract which  
22 shall provide that the salary of such county prosecuting attorney  
23 shall not be reduced, increased or terminated for the period of  
24 the contract. Such contract shall be for the period of the  
25 remainder of the term of office of the board of supervisors which  
26 employs the county prosecuting attorney; however, the contract  
27 shall provide expressly or by reference to this section that the  
28 contract shall be abrogated upon the creation and filling of the  
29 office of elected county prosecuting attorney.

30 (2) Notwithstanding any of the provisions of subsection (1)  
31 of this section to the contrary, the board of supervisors of  
32 Hancock County may pay the attorney hired to appear and prosecute  
33 cases requiring the services of a county prosecuting attorney an  
34 annual salary \* \* \* in an amount not to exceed seventy-five  
35 percent (75%) of the annual salary of the county court judge's  
36 salary. The county prosecutor's salary shall be set within the  
37 discretion of the Hancock County Board of Supervisors, shall be  
38 designated as a full-time staff position to utilize the salary  
39 escalation, and shall preclude outside practice. The Legislature  
40 finds and declares that the annual salary authorized by this  
41 section is justified in Hancock County for the following reasons:  
42 (a) The addition of a justice court judge in January  
43 2004 created a total of three (3) judges in the county and  
44 requires the attorney hired to appear and prosecute cases



45 requiring the services of a county prosecuting attorney to spend  
46 additional time in court; and

47 (b) The population of Hancock County increased from  
48 thirty-one thousand seven hundred sixty (31,760) in 1990, to  
49 forty-two thousand nine hundred sixty-seven (42,967) in 2000,  
50 which placed it in the top ten percent (10%) of the fastest  
51 growing counties in the state. The population of Hancock County  
52 has continued to increase at one of the highest rates in the state  
53 through 2018; and

54 (c) There was a significant increase in the number of  
55 cases filed in justice court and cases appealed to a higher court;  
56 and

57 (d) The attorney hired to appear and prosecute cases  
58 requiring the services of a county prosecuting attorney is  
59 responsible for handling a large number of drug, alcohol and  
60 mental commitment proceedings, and the per capita rate of those  
61 proceedings in the county has far exceeded the typical rate in  
62 other Mississippi counties. Further, Hancock County created a  
63 county court in 2018, thus exacerbating the case load and  
64 expediency of those proceedings, requiring additional time and  
65 responsibilities of the county prosecutor.

66 **SECTION 2.** This act shall take effect and be in force from  
67 and after its passage.

