

By: Senator(s) Walls, Furniss

To: Fees, Salaries and Administration

SENATE BILL NO. 2841

1 AN ACT TO AMEND SECTION 25-3-9, MISSISSIPPI CODE OF 1972, TO  
2 INCREASE THE SALARY OF THE COUNTY PROSECUTING ATTORNEY IN COAHOMA  
3 COUNTY; 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) and (3)  
8 of this section, the county prosecuting attorney may receive for  
9 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 paid not  
117 less 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 subparagraph (i) of this paragraph, the  
224 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  
251 Twenty-five Thousand Dollars (\$25,000.00) or a salary equal to  
252 that of a member of the board of supervisors in such county,  
253 whichever is greater. In addition, such county prosecuting  
254 attorney shall receive the sum of One Thousand Dollars (\$1,000.00)  
255 per month for 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 county prosecuting attorney shall be  
275 not less than that of a member of the board of supervisors in such  
276 county, and the board of supervisors may, in its discretion, pay  
277 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 members  
290 of the board of supervisors in the county. In addition, such

291 county prosecuting attorney shall receive the sum of One Thousand  
292 Dollars (\$1,000.00) per month for the purpose of defraying  
293 secretarial expenses.

294 (dd) In any county having a population greater than  
295 eighty-seven thousand (87,000) but less than eighty-seven thousand  
296 two hundred (87,200) according to the 1990 federal census, in  
297 which is located an international airport, an annual salary of  
298 Twenty-nine Thousand Dollars (\$29,000.00). In addition, such  
299 county prosecuting attorney shall receive the sum of One Thousand  
300 Dollars (\$1,000.00) per month for the purpose of defraying  
301 secretarial expenses.

302 (ee) In any county having a population greater than  
303 eight thousand (8,000) but less than eight thousand two hundred  
304 (8,200) according to the 1990 federal census, and in which U.S.  
305 Highway 61 and Mississippi Highway 4 intersect, the board of  
306 supervisors may, in its discretion, pay the county prosecuting  
307 attorney an amount not to exceed Fourteen Thousand Dollars  
308 (\$14,000.00), in addition to the maximum allowable salary for that  
309 attorney under subsection (1), beginning on April 1, 1997.

310 (ff) In any county having a population greater than  
311 thirty thousand three hundred (30,300) but less than thirty  
312 thousand four hundred (30,400) according to the 1990 federal  
313 census, and in which U.S. Highway 78 and Mississippi Highway 7  
314 intersect, a salary of not less than the annual salary of a member  
315 of the board of supervisors in such county.

316 (gg) In any county having a population greater than  
317 thirteen thousand three hundred (13,300) but less than thirteen  
318 thousand four hundred (13,400) according to the 1990 federal  
319 census, and in which Mississippi Highway 24 and Mississippi  
320 Highway 48 intersect, the board of supervisors may, in its  
321 discretion, pay the county prosecuting attorney an additional  
322 amount not to exceed ten percent (10%) of the maximum allowable  
323 salary for that attorney under subsection (1).

324           (hh) In any county having a population greater than  
325 eight thousand three hundred (8,300) but less than eight thousand  
326 four hundred (8,400) according to the 1990 federal census, and in  
327 which U.S. Highway 84 and U.S. Highway 98 intersect, the board of  
328 supervisors may, in its discretion, pay the county prosecuting  
329 attorney an additional amount not to exceed ten percent (10%) of  
330 the maximum allowable salary for that attorney under subsection  
331 (1).

332           (ii) After September 30, 1993, in any county having a  
333 population of more than thirty thousand four hundred (30,400) and  
334 which is traversed in whole or part by I-59, U.S. Highways 98 and  
335 11 and State Highway 13, the annual salary of the county  
336 prosecuting attorney shall be Twenty-five Thousand Dollars  
337 (\$25,000.00). In addition, such county prosecuting attorney shall  
338 receive after September 30, 1993, the sum of Seven Hundred Fifty  
339 Dollars (\$750.00) per month for the purpose of defraying office or  
340 secretarial expenses.

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

347           (kk) In any county having a population greater than  
348 twelve thousand four hundred (12,400) but less than twelve  
349 thousand five hundred (12,500) according to the 1990 federal  
350 census, and in which U.S. Highway 84 and Mississippi Highway 27  
351 intersect, the board of supervisors may, in its discretion, pay  
352 the county prosecuting attorney an additional amount not to exceed  
353 ten percent (10%) of the maximum allowable salary for that  
354 attorney under subsection (1).

355           (ll) In any county having a population greater than  
356 thirty thousand two hundred (30,200) but less than thirty thousand

357 three hundred (30,300) according to the 1990 federal census, and  
358 in which U.S. Interstate 55 and Mississippi Highway 84 intersect,  
359 the board of supervisors may, in its discretion, pay the county  
360 prosecuting attorney an additional amount not to exceed ten  
361 percent (10%) of the maximum allowable salary for that attorney  
362 under subsection (1).

363 (mm) In any county on the Mississippi River levee,  
364 having a population greater than forty-one thousand eight hundred  
365 (41,800) but less than forty-one thousand nine hundred (41,900)  
366 according to the 1990 federal census wherein U.S. Highway 61 and  
367 Mississippi Highway 8 intersect, the board of supervisors, in its  
368 discretion, may pay the county prosecuting attorney an annual  
369 salary equal to the annual salary of members of the board of  
370 supervisors in the county. In addition, the board of supervisors,  
371 in its discretion, may pay the county prosecuting attorney the sum  
372 of One Thousand Dollars (\$1,000.00) per month for the purpose of  
373 defraying secretarial expenses.

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

381 (oo) In any county having a population greater than  
382 thirty-seven thousand (37,000) but less than thirty-eight thousand  
383 (38,000) according to the 1990 federal census, in which is located  
384 a state supported institution of higher learning, and in which  
385 U.S. Highway 82 and Mississippi Highway 7 intersect, the board of  
386 supervisors may, in its discretion, pay the county prosecuting  
387 attorney a salary in an amount not to exceed the amount of the  
388 salary of the District Attorney for the Fourth Judicial District  
389 of Mississippi.

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

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

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

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

412           (tt) In any county in which Interstate Highway 59 and  
413 U.S. Highway 84 intersect, the board of supervisors, in its  
414 discretion, may pay the county prosecuting attorney an annual  
415 salary equal to the annual salary of members of the board of  
416 supervisors in the county.

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

422 SECTION 2. The Attorney General of the State of Mississippi  
423 shall submit this act, immediately upon approval by the Governor,  
424 or upon approval by the Legislature subsequent to a veto, to the  
425 Attorney General of the United States or to the United States  
426 District Court for the District of Columbia in accordance with the  
427 provisions of the Voting Rights Act of 1965, as amended and  
428 extended.

429 SECTION 3. This act shall take effect and be in force from  
430 and after the date it is effectuated under Section 5 of the Voting  
431 Rights Act of 1965, as amended and extended, or October 1, 2001,  
432 whichever occurs later.