

By: Representative Warren

To: Fees and Salaries of
Public Officers; County
Affairs

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 633

1 AN ACT TO AMEND SECTION 19-3-49, MISSISSIPPI CODE OF 1972, TO
2 REMOVE THE DATE OF REPEAL ON THE SECTION OF LAW THAT PROVIDES FOR
3 THE SALARY OF A COUNTY'S PROSECUTING ATTORNEY; AND FOR RELATED
4 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.** The Attorney General of the State of Mississippi
53 shall submit this act, immediately upon approval by the Governor,
54 or upon approval by the Legislature subsequent to a veto, to the
55 Attorney General of the United States or to the United States
56 District Court for the District of Columbia in accordance with the
57 provisions of the Voting Rights Act of 1965, as amended and
58 extended.

59 **SECTION 3.** This act shall take effect and be in force from
60 and after the date it is effectuated under Section 5 of the Voting
61 Rights Act of 1965, as amended and extended.