

By: Senator(s) Chaney

To: County Affairs; Fees,  
Salaries and Administration

SENATE BILL NO. 2551

1 AN ACT TO AMEND SECTION 25-3-9, MISSISSIPPI CODE OF 1972, TO  
2 REQUIRE CERTAIN COUNTIES TO EMPLOY THE COUNTY PROSECUTING ATTORNEY  
3 FULL-TIME AND PAY A MINIMUM AMOUNT OF COMPENSATION; TO INCREASE  
4 THE SALARY OF THE WARREN COUNTY PROSECUTING ATTORNEY; AND FOR  
5 RELATED PURPOSES.

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

7 **SECTION 1.** Section 25-3-9, Mississippi Code of 1972, is  
8 amended as follows:

9 25-3-9. (1) Except as provided in subsections (2), (3) and  
10 (4) of this section, the county prosecuting attorney may receive  
11 for his services an annual salary to be paid by the board of  
12 supervisors as follows:

13 (a) For counties with a total population of more than  
14 two hundred thousand (200,000), a salary not to exceed  
15 Twenty-eight Thousand Five Hundred Dollars (\$28,500.00).

16 (b) For counties with a total population of more than  
17 one hundred thousand (100,000) and not more than two hundred  
18 thousand (200,000), a salary not to exceed Twenty-six Thousand  
19 Five Hundred Dollars (\$26,500.00).

20 (c) For counties with a total population of more than  
21 fifty thousand (50,000) and not more than one hundred thousand  
22 (100,000), a salary not to exceed Twenty-one Thousand Seven  
23 Hundred Dollars (\$21,700.00).

24 (d) For counties with a total population of more than  
25 thirty-five thousand (35,000) and not more than fifty thousand  
26 (50,000), a salary not to exceed Twenty Thousand Four Hundred  
27 Dollars (\$20,400.00).

28           (e) For counties with a total population of more than  
29 twenty-five thousand (25,000) and not more than thirty-five  
30 thousand (35,000), a salary not to exceed Nineteen Thousand Three  
31 Hundred Dollars (\$19,300.00).

32           (f) For counties with a total population of more than  
33 fifteen thousand (15,000) and not more than twenty-five thousand  
34 (25,000), a salary not to exceed Seventeen Thousand Seven Hundred  
35 Dollars (\$17,700.00).

36           (g) For counties with a total population of more than  
37 ten thousand (10,000) and not more than fifteen thousand (15,000),  
38 a salary not to exceed Sixteen Thousand One Hundred Dollars  
39 (\$16,100.00).

40           (h) For counties with a total population of more than  
41 six thousand (6,000) and not more than ten thousand (10,000), a  
42 salary not to exceed Fourteen Thousand Five Hundred Dollars  
43 (\$14,500.00).

44           (i) For counties with a total population of six  
45 thousand (6,000) or less, the board of supervisors, in its  
46 discretion, may appoint a county prosecuting attorney, and it may  
47 pay such county prosecuting attorney an annual salary not to  
48 exceed Twelve Thousand Nine Hundred Dollars (\$12,900.00).

49           In all cases of conviction there shall be taxed against the  
50 convicted defendant, as an item of cost, the sum of Three Dollars  
51 (\$3.00), which shall be turned in to the county treasury as a part  
52 of the general county funds; however, the Three Dollars (\$3.00)  
53 shall not be taxed in any case in which it is not the specific  
54 duty of the county attorney to appear and prosecute.

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

60 (2) In the following counties, the county prosecuting  
61 attorney shall receive for his services an annual salary to be  
62 paid by the board of supervisors, as follows:

63 (a) In any county bordering upon the Mississippi River  
64 and having a population of not less than thirty thousand (30,000)  
65 and not more than thirty-five thousand five hundred (35,500)  
66 according to the federal census of 1990, and in counties having a  
67 population of not more than thirty-seven thousand (37,000)  
68 according to the federal census of 1990 in which Interstate  
69 Highway 55 and U.S. Highway 98 intersect, the county prosecuting  
70 attorney shall receive a salary equal to the justice court judge  
71 of such county; and in any county wherein is located the state's  
72 oldest state-supported institution of higher learning and wherein  
73 Mississippi State Highways 7 and 6 intersect, the county  
74 prosecuting attorney shall receive an annual salary equal to that  
75 of a member of the board of supervisors of such county.

76 (b) In counties having a population in excess of fifty  
77 thousand (50,000) in the 1960 federal census, wherein is located a  
78 state-supported university and in which U.S. Highways 49 and 11  
79 intersect, the salary of the county prosecuting attorney shall be  
80 not less than Seventeen Thousand Four Hundred Dollars (\$17,400.00)  
81 per year. The Board of Supervisors of Forrest County,  
82 Mississippi, may, in its discretion, and by agreement with the  
83 county prosecuting attorney, employ the county prosecuting  
84 attorney as a full-time elected official during his/her term of  
85 office, designate additional duties and responsibilities of the  
86 office and pay additional compensation up to, but not in excess  
87 of, ninety percent (90%) of the annual compensation and salary of  
88 the county court judge and the youth court judge of Forrest County  
89 as authorized by law and provide a reasonable office and  
90 reasonable office expenses to the county prosecuting attorney.  
91 The salary authorized by this paragraph (b) for the county  
92 prosecuting attorney shall be the sole and complete salary for

93 such prosecuting attorney in each county to which this paragraph  
94 applies, notwithstanding any other provision of law to the  
95 contrary.

96 (c) In any county wherein is housed the seat of state  
97 government, wherein U.S. Highways 80 and 49 intersect, and having  
98 two (2) judicial districts, the board of supervisors, in its  
99 discretion, may pay the county prosecuting attorney an annual  
100 salary equal to the annual salary of members of the board of  
101 supervisors in the county.

102 (d) In any county which has two (2) judicial districts  
103 and wherein Highway 8 and Highway 15 intersect, having a  
104 population of greater than seventeen thousand (17,000), according  
105 to the 1980 federal decennial census, the board of supervisors  
106 shall pay the county prosecuting attorney a salary equal to that  
107 of a member of the board of supervisors of such county; provided  
108 that if such county prosecuting attorney is paid a sum for the  
109 purpose of defraying office or secretarial expenses, then the  
110 salary prescribed herein shall be reduced by that amount.

111 (e) In any county bordering the State of Tennessee and  
112 in which Mississippi Highways No. 4 and 15 intersect, and having a  
113 population of less than twenty thousand (20,000) in the 1970  
114 federal census, the salary of the county prosecuting attorney  
115 shall be no less than Six Thousand Dollars (\$6,000.00).

116 (f) In any county having a population of more than  
117 twenty-five thousand (25,000) and in which U.S. Highways 72 and 45  
118 intersect, the salary of the county attorney shall be not less  
119 than Eight Thousand Dollars (\$8,000.00).

120 In addition, such county prosecuting attorney shall receive  
121 the sum of One Thousand Five Hundred Dollars (\$1,500.00) per month  
122 for the purpose of defraying secretarial expense.

123 (g) In any county wherein I-20 and State Highway 15  
124 intersect; and in any county wherein I-20 and State Highway 35

125 intersect, the salary of the county prosecuting attorney shall be  
126 not less than Eight Thousand Four Hundred Dollars (\$8,400.00).

127 (h) In any Class 1 county bordering on the Mississippi  
128 River, lying in whole or in part within a levee district, wherein  
129 U.S. Highways 82 and 61 intersect, bounded by the Sunflower River  
130 and Stales Bayou, the board of supervisors, in its discretion, may  
131 pay an annual salary equal to the annual salary of members of the  
132 board of supervisors in the county. In addition, such county  
133 prosecuting attorney shall receive the sum of One Thousand Dollars  
134 (\$1,000.00) per month for the purpose of defraying secretarial  
135 expenses.

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

155 (j) In any county bordering on the State of Alabama,  
156 having a population in excess of seventy-five thousand (75,000)  
157 according to the 1980 decennial census in which is located an

158 institution of higher learning and a United States military  
159 installation and which is traversed by an interstate highway, the  
160 salary of the county prosecuting attorney shall not be less than  
161 Twelve Thousand Dollars (\$12,000.00) nor more than the amount of  
162 the annual salary received by a member of the board of supervisors  
163 of that county.

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

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

173 (m) In any county wherein Interstate Highway 55 and  
174 State Highway 8 intersect, the salary of the county prosecuting  
175 attorney shall be not less than Twelve Thousand Dollars  
176 (\$12,000.00) per year.

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

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

191 specifically authorized by law are hereby ratified, approved and  
192 confirmed.

193           (p) In any county wherein is located a state-supported  
194 institution of higher learning and wherein U.S. Highway 82 and  
195 Mississippi Highway 389 intersect, the board of supervisors, in  
196 its discretion, may pay the county prosecuting attorney an annual  
197 salary equal to the annual salary of members of the board of  
198 supervisors in the county.

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

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

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

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

224                   (ii) From and after October 1, 1993, in addition  
225 to the salary provided for in subparagraph (i) of this paragraph,  
226 the board of supervisors, in its discretion, may pay the county  
227 prosecuting attorney an additional amount not to exceed ten  
228 percent (10%) of the maximum allowable salary prescribed herein.

229                   (u) In any county having a population in the 1970  
230 census in excess of thirty-five thousand (35,000) and in which  
231 U.S. Highways 49W and 82 intersect, and in which is located a  
232 state penitentiary, the annual salary of a county prosecuting  
233 attorney shall be Thirty Thousand Four Hundred Twenty Dollars  
234 (\$30,420.00).

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

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

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



256 receive the sum of One Thousand Dollars (\$1,000.00) per month for  
257 the purpose of defraying secretarial expenses.

258           (y) In any county bordering on the Alabama state line,  
259 traversed by the Chickasawhay River, and wherein U.S. Highway 45  
260 and U.S. Highway 84 intersect, a salary that shall be equal to the  
261 annual salary of a member of the board of supervisors of such  
262 county. All prior acts, orders and resolutions of the board of  
263 supervisors of such county which authorize the payment of the  
264 salary of the county prosecuting attorney in conformity with the  
265 provisions of this section as it existed immediately prior to the  
266 effective date of Chapter 506, Laws of 1985, are hereby ratified,  
267 approved, confirmed and validated.

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

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

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

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

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

296           (ii) The Board of Supervisors of Rankin County, in  
297 its discretion, may employ the elected county prosecuting attorney  
298 and an assistant on a full-time basis during his or her term of  
299 office and may pay compensation to such full-time prosecuting  
300 attorney in an amount of not more than ninety percent (90%) of the  
301 annual compensation and salary of the county court judges of the  
302 county as authorized by law, and may provide adequate office space  
303 and reasonable office expenses to the county prosecuting attorney  
304 and his/her assistant. The Board of Supervisors of Rankin County,  
305 in its discretion, may also employ a full-time assistant county  
306 prosecuting attorney and may pay such person an annual salary in  
307 such amount as determined by the board of supervisors. The salary  
308 authorized by this subparagraph (dd)(ii) for the elected county  
309 prosecuting attorney and an assistant shall be the sole and  
310 complete salary paid by the county for the elected prosecuting  
311 attorney and assistant in Rankin County, notwithstanding any other  
312 provisions of law to the contrary.

313           (ee) In any county having a population greater than  
314 eight thousand (8,000) but less than eight thousand two hundred  
315 (8,200) according to the 1990 federal census, and in which U.S.  
316 Highway 61 and Mississippi Highway 4 intersect, the board of  
317 supervisors may, in its discretion, pay the county prosecuting  
318 attorney an amount not to exceed Fourteen Thousand Dollars  
319 (\$14,000.00), in addition to the maximum allowable salary for that  
320 attorney under subsection (1), beginning on April 1, 1997.

321           (ff) In any county having a population greater than  
322 thirty thousand three hundred (30,300) but less than thirty  
323 thousand four hundred (30,400) according to the 1990 federal  
324 census, and in which U.S. Highway 78 and Mississippi Highway 7  
325 intersect, a salary of not less than the annual salary of a member  
326 of the board of supervisors in such county.

327           (gg) In any county having a population greater than  
328 thirteen thousand three hundred (13,300) but less than thirteen  
329 thousand four hundred (13,400) according to the 1990 federal  
330 census, and in which Mississippi Highway 24 and Mississippi  
331 Highway 48 intersect, the board of supervisors may, in its  
332 discretion, pay the county prosecuting attorney an additional  
333 amount not to exceed ten percent (10%) of the maximum allowable  
334 salary for that attorney under subsection (1).

335           (hh) In any county having a population greater than  
336 eight thousand three hundred (8,300) but less than eight thousand  
337 four hundred (8,400) according to the 1990 federal census, and in  
338 which U.S. Highway 84 and U.S. Highway 98 intersect, the board of  
339 supervisors may, in its discretion, pay the county prosecuting  
340 attorney an additional amount not to exceed ten percent (10%) of  
341 the maximum allowable salary for that attorney under subsection  
342 (1).

343           (ii) In any county having a population of more than  
344 thirty thousand four hundred (30,400) and which is traversed in  
345 whole or part by I-59, U.S. Highways 98 and 11 and State Highway  
346 13, the annual salary of the county prosecuting attorney shall be  
347 Twenty-five Thousand Dollars (\$25,000.00).

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

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

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

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

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

386 prosecuting attorney an annual salary equal to the annual salary  
387 of members of the board of supervisors in the county.

388 (oo) In any county having a population greater than  
389 thirty-seven thousand (37,000) but less than thirty-eight thousand  
390 (38,000) according to the 1990 federal census, in which is located  
391 a state supported institution of higher learning, and in which  
392 U.S. Highway 82 and Mississippi Highway 7 intersect, the board of  
393 supervisors may, in its discretion, pay the county prosecuting  
394 attorney a salary in an amount not to exceed the amount of the  
395 salary of the District Attorney for the Fourth Judicial District  
396 of Mississippi.

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

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

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

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

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

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

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

433           (5) Any county which has a sitting full-time county court  
434 judge shall employ the elected county prosecutor as a full-time  
435 prosecutor, pay him compensation in an amount not to exceed ninety  
436 percent (90%) of the annual salary of the county court judge of  
437 the county, and provide him adequate office space and reasonable  
438 office expenses. However, if the county prosecuting attorney  
439 chooses to be classified as part time, then the prosecutor shall  
440 notify the board of supervisors of the county that he has elected  
441 to be part time and shall be paid in accordance with subsections  
442 (1) through (4) of this section.

443           **SECTION 2.** The Attorney General of the State of  
444 Mississippi shall submit this act, immediately upon approval by  
445 the Governor, or upon approval by the Legislature subsequent to a  
446 veto, to the Attorney General of the United States or to the  
447 United States District Court for the District of Columbia in  
448 accordance with the provisions of the Voting Rights Act of 1965,  
449 as amended and extended.

450           **SECTION 3.** This act shall take effect and be in force from  
451 and after the date it is effectuated under Section 5 of the Voting

452 Rights Act of 1965, as amended and extended, or October 1, 2007,  
453 whichever occurs later.