By: Representatives Anderson (122nd), Byrd To: County Affairs

HOUSE BILL NO. 104
(As Sent to Governor)

AN ACT TO AMEND SECTION 19-3-49, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE HANCOCK COUNTY BOARD OF SUPERVISORS, RATHER THAN PAYING THE ATTORNEY HIRED TO PROSECUTE CASES REQUIRING THE SERVICES OF A COUNTY PROSECUTING ATTORNEY AN ANNUAL SALARY OF FORTY-FIVE THOUSAND DOLLARS, MAY PAY SUCH ATTORNEY AN ANNUAL SALARY IN AN AMOUNT NOT TO EXCEED FIFTY PERCENT OF THE ANNUAL SALARY OF THE FULL-TIME DISTRICT ATTORNEY; AND FOR RELATED PURPOSES.

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

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

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

shall provide that the salary of such county prosecuting attorney shall not be reduced, increased or terminated for the period of the contract. Such contract shall be for the period of the remainder of the term of office of the board of supervisors which employs the county prosecuting attorney; however, the contract shall provide expressly or by reference to this section that the contract shall be abrogated upon the creation and filling of the office of elected county prosecuting attorney.

(2) Notwithstanding any of the provisions of subsection (1) of this section to the contrary, the board of supervisors of Hancock County may pay the attorney hired to appear and prosecute cases requiring the services of a county prosecuting attorney an annual salary *** * *** in an amount not to exceed fifty percent (50%) of the annual salary of the full-time district attorney as provided in Section 25-3-35. The Legislature finds and declares that the annual salary authorized by this section is justified in Hancock County for the following reasons:

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

(b) The population of Hancock County increased from thirty-one thousand seven hundred sixty (31,760) in 1990, to forty-two thousand nine hundred sixty-seven (42,967) in 2000,

which placed it in the top ten percent (10%) of the fastest growing counties in the state. The population of Hancock County has continued to increase at one of the highest rates in the state through 2018; and

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

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

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