

District Attorney and County Prosecuting Attorney Salaries

- Legislature sets the salaries for all county officers. Wyo. Constitution Article 14 Section 1
- Legislature sets the salaries of County Attorney's through Wyoming Statute §18-3-107 and District Attorney's through Wyoming Statute §9-1-802. The Legislature sets a minimum and maximum of the salaries and then authorizes each Board of County Commissioners to set the actual salary for that County Attorney official in that county.
- Since 2011 District Attorneys salary has been \$100,000 and Full time County and Prosecuting Attorneys, may be set between \$35,000 and no more than a District Attorney's Salary.
- In the early 1980's the counties of Natrona and Laramie were having difficulty paying for their County and Prosecuting Attorneys, so the State agreed to take over paying for the criminal prosecutions, and created the state funded District Attorneys' offices in Natrona and Laramie County. Since the state was paying the full cost of the District Attorney offices in two counties, there was a need to balance that discrepancy with the other counties. In 2007 this was the state agreed to pay 50% of the salary of the elected County and Prosecuting attorney and to pay 50% or \$30,000, whichever is less, of the salary of each deputy County and Prosecuting Attorney.
- In some counties, the deputy County and Prosecuting Attorneys make more than the elected County and Prosecuting Attorney, because that particular county uses a salary matrix system and a deputy with many years of service move up the salary matrix whereas, the elected County and Prosecuting Attorney is limited to \$100,000, the same as salary of the District Attorneys in Laramie and Natrona Counties. (In one county, some deputies make as high as \$140,000 whereas their boss, the elected County and Prosecuting Attorney makes \$100,000, because of the limits placed on the maximum salary by the Legislature)
- Currently there are 6 counties paying the maximum and 8 counties near the maximum.
- There are 8+ deputies county attorneys making more than the maximum paid to the elected prosecutor
- There are 11 new prosecutors who started their term in 2019
- One county cannot get a local attorney to be county attorney and was elected from and continues to reside in an adjoining county

Recommendations

- Increase the salaries for District Attorneys. This would allow those counties that wish to give a higher salary to their County and Prosecuting Attorneys.
- Amend W.S. §9-1-802 (d) as follows: From and after January 3, 2011, each district attorney shall receive an annual salary of ~~one hundred thousand dollars (\$100,000.00)~~ authorized for a district court judge under W.S. §5-1-110 (a) (ii).
 - Set the maximum salary to the salary given to a District Court Judge, which is currently \$160,000.
 - This would still give County Commissioners the discretion to set the salary amount in each county.

It is also important to point out that whatever the maximum salary amount set by the legislature does not mean that the County and Prosecuting Attorney will receive that amount. The final decision is still left to the Board of County Commissioners of each county to set the actual salary based on the needs and market forces within that particular county.

Elected Officials cannot receive changes to their salaries during a term in office. Salary increase can only be received once the elected official has been elected to a new term. Board of County Commissioners must make any changes to the salaries of county officials prior to the first day of candidate registration in May of an election year. Thus, any changes that would affect current county officials would need to be approved by a Board of County Commissioners prior to May 2022.

WY § 18-3-107. Annual salaries of certain officers; additional compensation prohibited; exception as to traveling and other expenses; compensation of county commissioner; appointment and salaries of deputies, clerks, stenographers and other assistants

(a) County officers shall be paid as follows:

(i) The county assessor, part-time county and prosecuting attorneys, part-time county attorneys, county clerk, clerk of district court, county sheriff and county treasurer in their respective counties shall receive as annual salaries:

(A) Repealed by Laws 2009, ch. 142, § 2.

(B) From and after January 1, 2007, not less than ten thousand dollars (\$10,000.00) nor more than seventy-five thousand dollars (\$75,000.00);

(C) From and after January 3, 2011, not less than ten thousand dollars (\$10,000.00) nor more than one hundred thousand dollars (\$100,000.00).

(ii) Full-time county attorneys and full-time county and prosecuting attorneys shall receive as annual salaries:

(A) Repealed by Laws 2009, ch. 142, § 2.

(B) From and after January 1, 2007, not less than thirty-five thousand dollars (\$35,000.00) nor more than eighty-five thousand dollars (\$85,000.00);

(C) From and after January 1, 2009 and to the extent permitted under the constitution and statutory law, not less than thirty-five thousand dollars (\$35,000.00) nor more than the salary authorized for a district attorney under W.S. 9-1-802(d).

W.S. § 9-1-802. Election; term; qualifications; full-time; private practice prohibited; exception; salary; vacancies

(d) Until January 3, 2011, each district attorney shall receive an annual salary of ninety-four thousand five hundred dollars (\$94,500.00). From and after January 3, 2011, each district attorney shall receive an annual salary authorized for a district court judge under W.S. 5-1-110 (a) (ii). ~~of one hundred thousand dollars (\$100,000.00).~~

W.S. § 5-1-110. Salaries of judges

(a) Subject to constitutional and statutory provisions concerning when salaries can become effective, judges of the supreme court, district courts, chancery courts and circuit courts shall receive the following annual salaries which shall be paid in equal monthly installments on the last working day of the month:

(i) Supreme court justices shall receive an annual salary of one hundred sixty-five thousand dollars (\$165,000.00) commencing July 1, 2012 and one hundred seventy-five thousand dollars (\$175,000.00) commencing July 1, 2019;

(ii) District court judges shall receive an annual salary of one hundred fifty thousand dollars (\$150,000.00) commencing July 1, 2012 and one hundred sixty thousand dollars (\$160,000.00) commencing July 1, 2019;

(iii) Circuit court judges shall receive an annual salary of one hundred twenty-five thousand dollars (\$125,000.00) commencing July 1, 2017 and one hundred forty-five thousand dollars (\$145,000.00) commencing July 1, 2019.

(iv) Chancery court judges shall receive an annual salary equal to the judges of the district courts.

DISTRICT/COUNTY ATTORNEY PROPOSED SALARY LEGISLATION

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Presented with support from the Wyoming County and Prosecuting Attorneys' Association

History

- Wyo. Const. Art. 14 Sec. 1 allows legislature to set salaries for all county officers
- Wyo. Stat. §18-3-107 sets County Attorneys' salaries
- §9-1-802 sets the District Attorneys' salaries
- Legislature has set a minimum salary of \$35,000 and no more than a District Attorney salary (\$100,000)
- The Board of County Commissioners are authorized to set the salary within this range
- The State pays for 50% of the elected salary; and 50%, or \$30,000, whichever is less, of each deputy attorney salary

CURRENTLY

- Six counties paying the maximum of \$100,000 and eight counties near the maximum.
- Campbell, Teton, Sheridan, and Sweetwater are counties where, due to County salary matrixes, at least one or more deputies have, or will have shortly, a higher salary than the elected.
- Example: In Teton County, two Deputies at \$144,234, one Deputy at \$130,902, and three Deputies at \$99,765, who have been with the Office for one year or less

*American Bar Association Standards 3-2.2
Assuring Excellence and Diversity in the Hiring,
Retention, and Compensation of Prosecutors*

- (a) Basis: Strong, professional qualifications
 - “Effective measures” to retain excellent prosecutors
- (c) Prosecution requires “highly developed professional skills” and should promote:
 - Professional development
 - continuity of service
 - opportunity to gain wide variety of experience
- (d) Compensation should be “commensurate with the high responsibilities of the office, sufficient to compete with the private sector, and regularly adjust to attract and retain well-qualified personnel

National District Attorneys Association

National Prosecution Standards

- 1-4.2 Compensation:

“The salary of a full-time chief prosecutor should be at least that of the salary of the chief judge of general trial jurisdiction in the chief prosecutor’s district.”

Factors in determining compensation:

- a. The benefits to the jurisdiction of encouraging highly competent people to seek a position of prosecutor with a career orientation; and
- b. The level of compensation of people with analogous responsibilities in the private practice of law, in private industry, and in public service.

National Advisory Commission on Criminal Justice Standards

“For purposes of salary, the prosecutor should be considered to be on the same level as the chief judge of the highest trial court of the local criminal justice system. Both positions require the exercise of broad professional discretion in the discharge of the duties of the offices. It is therefore reasonable that the compensation for the holders of those offices have the same base.”

Reasoning:

- Places the decision and control with local Board of County Commissioners and provides more flexibility in determining salary.
- Attracts qualified and experience candidates to the elected position.
- Provides incentive for the retention of qualified and experienced prosecutors.
- Better serves the respective counties.

W.S. §18-3-107

- (a) County officers shall be paid as follows:
 - (i) The county assessor, part-time county and prosecuting attorneys, part-time county attorneys, county clerk, clerk of district court, county sheriff and county treasurer in their respective counties shall receive as annual salaries:
 - (A) Repealed by Laws 2009, ch. 142, § 2.
 - (B) From and after January 1, 2007, not less than ten thousand dollars (\$10,000.00) nor more than seventy-five thousand dollars (\$75,000.00);
 - (C) From and after January 3, 2011, not less than ten thousand dollars (\$10,000.00) nor more than one hundred thousand dollars (\$100,000.00).
 - (ii) Full-time county attorneys and full-time county and prosecuting attorneys shall receive as annual salaries:
 - (A) Repealed by Laws 2009, ch. 142, § 2.
 - (B) From and after January 1, 2007, not less than thirty-five thousand dollars (\$35,000.00) nor more than eighty-five thousand dollars (\$85,000.00);
 - (C) From and after January 1, 2009 and to the extent permitted under the constitution and statutory law, not less than thirty-five thousand dollars (\$35,000.00) nor more than the salary authorized for a district attorney under W.S. 9-1-802(d).**

W.S. §9-1-802 (currently)

(d) Until January 3, 2011, each district attorney shall receive an annual salary of ninety-four thousand five hundred dollars (\$94,500.00). From and after January 3, 2011, each district attorney shall receive an annual salary of one hundred thousand dollars (\$100,000.00).

W.S. §9-1-802 (proposed)

(d) Until January 3, 2011, each district attorney shall receive an annual salary of ninety-four thousands five hundred dollars (\$94,500.00). From and after *January 3, 2023, each district attorney shall receive an annual salary authorized for a district court judge under W.S. 5-1-110(a)(ii)*

W.S. §5-1-110(a)(ii) Salary of District Judges

District court judges shall receive an annual salary of one hundred fifty thousand dollars (\$150,000.00) commencing July 1, 2012 and one hundred sixty thousand dollars (\$160,000.00) commencing July 1, 2019

Elected Officials Salaries Effective January 1, 2019 Through December 31, 2022												
2019						2020						
County	Clerk,etc.	Sheriff	Attorney	Coroner	Comm	Clerk,etc.	Sheriff	Attorney	Coroner	Comm		
Albany	\$85,000.00	\$85,000.00	\$95,000.00	\$45,000.00	\$30,000.00	\$85,000.00	\$85,000.00	\$95,000.00	\$45,000.00	\$30,000.00		
Big Horn	\$63,131.00	\$66,131.00	\$84,835.00	\$25,705.00	\$30,665.00	\$65,000.00	\$68,100.00	\$87,000.00	\$27,000.00	\$30,665.00		
Campbell	\$100,000.00	\$100,000.00	\$100,000.00	\$100,000.00	\$37,500.00	\$100,000.00	\$100,000.00	\$100,000.00	\$100,000.00	\$37,500.00		
Carbon	\$73,100.00	\$73,100.00	\$100,000.00	\$73,100.00	\$25,000.00	\$73,100.00	\$73,100.00	\$100,000.00	\$73,100.00	\$25,000.00		
Converse	\$93,045.00	\$93,045.00	\$100,000.00	contract	\$35,180.00	\$95,300.00	\$95,300.00	\$100,000.00	contract	\$36,035.00		
Crook	\$65,900.00	\$77,600.00	\$89,180.00	\$24,500.00	\$25,950.00	\$65,900.00	\$77,600.00	\$89,180.00	\$24,500.00	\$25,950.00		
Fremont	\$81,000.00	\$81,000.00	\$91,327.00	\$34,000.00	\$34,000.00	\$82,000.00	\$82,000.00	\$92,327.00	\$34,000.00	\$34,000.00		
Goshen	\$59,158.00	\$59,158.00	\$82,908.00	\$12,559.00	\$27,007.00	\$59,749.00	\$59,749.00	\$83,737.00	\$12,685.00	\$27,277.00		
Hot Spgs	\$65,446.32	\$67,085.40	\$88,393.56	\$17,366.76	\$20,207.40	\$67,246.32	\$68,885.40	\$90,193.56	\$19,166.76	\$22,007.40		
Johnson	\$82,000.00	\$82,000.00	\$99,000.00	\$30,000.00	\$40,000.00	\$82,000.00	\$82,000.00	\$99,000.00	\$30,000.00	\$40,000.00		
Laramie	\$90,000.00	\$90,000.00	NA	\$90,000.00	\$45,000.00	\$90,000.00	\$90,000.00	NA	\$90,000.00	\$45,000.00		
Lincoln	\$72,500.00	\$80,000.00	\$93,000.00	\$32,062.00	\$39,812.00	\$72,500.00	\$80,000.00	\$93,000.00	\$32,062.00	\$39,812.00		
Natrona	\$90,000.00	\$100,000.00	NA	\$90,000.00	\$25,000.00	\$90,000.00	\$100,000.00	NA	\$90,000.00	\$25,000.00		
Niobrara	\$60,148.90	\$60,148.90	\$61,804.76	\$13,243.88	\$17,698.23	\$62,554.86	\$62,554.86	\$64,276.95	\$13,773.64	\$18,052.20		
Park	\$80,000.00	\$82,000.00	\$96,000.00	\$40,000.00	\$36,174.48	\$83,000.00	\$83,000.00	\$97,000.00	\$40,000.00	\$36,174.48		
Platte	\$55,260.00	\$55,260.00	\$80,205.00	\$22,800.00	\$21,600.00	\$56,460.00	\$56,460.00	\$81,600.00	\$23,400.00	\$21,600.00		
Sheridan	\$67,800.00	\$71,115.00	\$89,850.00	\$15,000.00	\$33,900.00	\$67,800.00	\$71,115.00	\$89,850.00	\$15,000.00	\$33,900.00		
Sublette	\$92,907.68	\$92,907.68	\$100,000.00	\$32,500.00	\$32,500.00	\$92,608.00	\$92,608.00	\$100,000.00	\$30,272.00	\$32,500.00		
Sweetwater	\$100,000.00	\$100,000.00	\$100,000.00	\$65,000.00	\$36,000.00	\$100,000.00	\$100,000.00	\$100,000.00	\$65,000.00	\$36,000.00		
Teton	\$100,000.00	\$100,000.00	\$100,000.00	\$50,000.00	\$50,000.00	\$100,000.00	\$100,000.00	\$100,000.00	\$50,000.00	\$50,000.00		
Uinta	\$72,450.00	\$72,450.00	\$95,000.00	\$13,408.00	\$29,460.00	\$72,450.00	\$72,450.00	\$95,000.00	\$13,408.00	\$29,460.00		
Washakie	\$61,721.00	\$66,084.00	\$92,945.00	\$23,000.00	\$23,000.00	\$61,721.00	\$66,084.00	\$92,945.00	\$23,000.00	\$23,000.00		
Weston	\$60,000.00	\$60,000.00	\$60,000.00	\$14,400.00	\$14,400.00	\$60,000.00	\$60,000.00	\$60,000.00	\$14,400.00	\$14,400.00	FY 20	
\$1,899,448.32						\$1,910,109.51					\$1,904,779	FY2020 CA Salary
											\$1,913,414	FY2021 CA salary
											\$1,920,797	FY2022 CA Salary
County	Clerk,etc.	Sheriff	Attorney	Coroner	Comm	Clerk,etc.	Sheriff	Attorney	Coroner	Comm		
Albany	\$85,000.00	\$85,000.00	\$95,000.00	\$45,000.00	\$30,000.00	\$85,000.00	\$85,000.00	\$95,000.00	\$45,000.00	\$30,000.00	\$3,834,211	
Big Horn	\$65,000.00	\$68,100.00	\$87,000.00	\$27,000.00	\$30,665.00	\$65,000.00	\$68,100.00	\$87,000.00	\$27,000.00	\$30,665.00	\$1,917,105	CA FY 21/22
Campbell	\$100,000.00	\$100,000.00	\$100,000.00	\$100,000.00	\$37,500.00	\$100,000.00	\$100,000.00	\$100,000.00	\$100,000.00	\$37,500.00	\$4,860,000	Asst Atty FY 21/22
Carbon	\$73,100.00	\$73,100.00	\$100,000.00	\$73,100.00	\$25,000.00	\$73,100.00	\$73,100.00	\$100,000.00	\$73,100.00	\$25,000.00	\$6,777,105	
Converse	\$97,600.00	\$97,600.00	\$100,000.00	contract	\$36,900.00	\$100,000.00	\$100,000.00	\$100,000.00	contract	\$37,800.00	(\$6,241,637)	
Crook	\$65,900.00	\$77,600.00	\$89,180.00	\$24,500.00	\$25,950.00	\$65,900.00	\$77,600.00	\$89,180.00	\$24,500.00	\$25,950.00	\$535,468	
Fremont	\$83,000.00	\$83,000.00	\$93,327.00	\$34,000.00	\$34,000.00	\$84,000.00	\$84,000.00	\$94,327.00	\$34,000.00	\$34,000.00		
Goshen	\$60,347.00	\$60,347.00	\$84,574.00	\$12,812.00	\$27,550.00	\$60,950.00	\$60,950.00	\$85,419.00	\$12,940.00	\$27,825.00		
Hot Spgs	\$68,446.32	\$70,085.40	\$91,393.56	\$20,366.76	\$23,207.40	\$69,646.32	\$71,285.40	\$92,593.56	\$21,566.76	\$24,407.40		
Johnson	\$82,000.00	\$82,000.00	\$99,000.00	\$30,000.00	\$40,000.00	\$82,000.00	\$82,000.00	\$99,000.00	\$30,000.00	\$40,000.00		
Laramie	\$90,000.00	\$90,000.00	NA	\$90,000.00	\$45,000.00	\$90,000.00	\$90,000.00	NA	\$90,000.00	\$45,000.00		
Lincoln	\$72,500.00	\$80,000.00	\$93,000.00	\$32,062.00	\$39,812.00	\$72,500.00	\$80,000.00	\$93,000.00	\$32,062.00	\$39,812.00		
Natrona	\$90,000.00	\$100,000.00	NA	\$90,000.00	\$25,000.00	\$90,000.00	\$100,000.00	NA	\$90,000.00	\$25,000.00		
Niobrara	\$65,057.05	\$65,057.05	\$66,848.02	\$14,324.58	\$18,413.24	\$67,659.33	\$67,659.33	\$69,521.95	\$14,897.56	\$18,781.51		
Park	\$82,000.00	\$84,000.00	\$98,000.00	\$40,000.00	\$36,174.48	\$83,000.00	\$85,000.00	\$99,000.00	\$40,000.00	\$36,174.48		
Platte	\$56,460.00	\$56,460.00	\$81,600.00	\$23,400.00	\$21,600.00	\$57,660.00	\$57,660.00	\$83,040.00	\$24,000.00	\$21,600.00		
Sheridan	\$67,800.00	\$71,115.00	\$89,850.00	\$15,000.00	\$33,900.00	\$67,800.00	\$71,115.00	\$89,850.00	\$15,000.00	\$33,900.00		
Sublette	\$92,608.00	\$92,608.00	\$100,000.00	\$30,272.00	\$32,500.00	\$92,608.00	\$92,608.00	\$100,000.00	\$30,272.00	\$32,500.00		
Sweetwater	\$100,000.00	\$100,000.00	\$100,000.00	\$65,000.00	\$36,000.00	\$100,000.00	\$100,000.00	\$100,000.00	\$65,000.00	\$36,000.00		
Teton	\$100,000.00	\$100,000.00	\$100,000.00	\$50,000.00	\$50,000.00	\$100,000.00	\$100,000.00	\$100,000.00	\$50,000.00	\$50,000.00		
Uinta	\$72,450.00	\$72,450.00	\$95,000.00	\$13,408.00	\$29,460.00	\$72,450.00	\$72,450.00	\$95,000.00	\$13,408.00	\$29,460.00		
Washakie	\$61,721.00	\$66,084.00	\$92,945.00	\$23,000.00	\$23,000.00	\$61,721.00	\$66,084.00	\$92,945.00	\$23,000.00	\$23,000.00		
Weston	\$60,000.00	\$60,000.00	\$60,000.00	\$14,400.00	\$14,400.00	\$60,000.00	\$60,000.00	\$60,000.00	\$14,400.00	\$14,400.00		
\$1,916,717.58						\$1,924,876.51						