

By: Representatives Banks, Evans

To: Judiciary A

HOUSE BILL NO. 1388

1 AN ACT TO AMEND SECTION 25-4-113, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT CIVIL DAMAGES FOR ETHICS VIOLATIONS SHALL NOT
3 EXCEED THE AMOUNT OF THE CONTRACT INVOLVED; AND FOR RELATED
4 PURPOSES.

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

6 SECTION 1. Section 25-4-113, Mississippi Code of 1972, is
7 amended as follows:

8 25-4-113. The Attorney General of the State of Mississippi
9 or any governmental entity directly injured by a violation of this
10 act may bring a separate civil action against the public servant
11 or other person or business violating the provisions of this
12 article for recovery of damages suffered as a result of such
13 violation. Further, any pecuniary benefit received by or given by
14 a public servant in violation of this article shall be declared
15 forfeited by a circuit court of competent jurisdiction for the
16 benefit of the governmental entity injured. In the discretion of
17 the court, any judgment for damages or forfeiture of pecuniary
18 benefit may include costs of court, a reasonable amount for all
19 other costs involved and reasonable attorney's fees. Any damages
20 awarded shall not exceed the amount of the contract on which the
21 action is based less the actual costs of the goods.

22 SECTION 2. This act shall take effect and be in force from
23 and after July 1, 2001.