

By: Senator(s) Carlton

To: Judiciary

SENATE BILL NO. 3013

1 AN ACT TO AMEND SECTION 99-39-103, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE NUMBER AND QUALIFICATIONS OF THE PERSONNEL OF THE
3 OFFICE; AND FOR RELATED PURPOSES.

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

5 SECTION 1. Section 99-39-103, Mississippi Code of 1972, is
6 amended as follows:

7 99-39-103. There is created the Mississippi Office of
8 Capital Post-Conviction Counsel. This office shall consist of
9 three (3) attorneys, one (1) investigator, one (1) fiscal officer
10 and one (1) secretary/paralegal. One of the attorneys shall serve
11 as director of the office. The director shall be appointed by the
12 Chief Justice of the Supreme Court with the approval of a majority
13 of the justices voting, for a term of four (4) years, or until a
14 successor takes office. The remaining attorneys and other staff
15 shall be appointed by the director of the office and shall serve
16 at the will and pleasure of the director. The director and all
17 other attorneys in the office shall either be active members of
18 The Mississippi Bar, or, if a member in good standing of the bar
19 of another jurisdiction, must apply to and secure admission to The
20 Mississippi Bar within twelve (12) months of the commencement of
21 the person's employment by the office. The attorneys shall meet
22 all qualifications necessary to serve as post-conviction counsel
23 for persons under a sentence of death. The director may be
24 removed from office by the Chief Justice upon finding that the
25 director is not qualified under law to serve as post-conviction
26 counsel for persons under sentences of death, has failed to

27 perform the duties of the office or has acted beyond the scope of
28 the authority granted by law for the office.

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