HOUSE BILL NO. 1441

AN ACT TO AMEND SECTION 25-3-35, MISSISSIPPI CODE OF 1972, TO INCREASE THE SALARIES OF DISTRICT ATTORNEYS AND ASSISTANT DISTRICT ATTORNEYS; TO AMEND SECTION 25-31-10, MISSISSIPPI CODE OF 1972, TO INCREASE THE SALARIES OF FULL-TIME CRIMINAL INVESTIGATORS EMPLOYED BY THE DISTRICT ATTORNEYS; TO AMEND SECTION 99-19-73, MISSISSIPPI CODE OF 1972, TO INCREASE THE STATE ASSESSMENT ON CERTAIN FELONIES; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 25-3-35, Mississippi Code of 1972, is amended as follows:

25-3-35. (1) The annual salaries of the following judges are fixed as follows, to begin at the commencement of the next term of office immediately succeeding the existing term:

Chief Justice of the Supreme Court............... $104,900.00
Presiding Justice of the Supreme Court............ 102,900.00
Associate Justices of the Supreme Court, each..... 102,300.00

However, in addition to their present official duties, there are imposed upon the Supreme Court Justices the extra duties of making a special study of existing laws and reporting to each regular session of the Legislature such constructive suggestions as they may deem necessary for the improvement of the administration of justice, and of advising and counseling with the State Librarian in the selection of law books for purchase and use in the State Law Library, advising with the librarian thereof upon the removal from the library of any books which may be the least frequently used, and for the placing of same in a convenient location so as to provide additional space for such books and other current publications which may be more frequently used or called for. For such extra services each justice, from and after
June 17, 1999, shall receive a sum sufficient when added to the present salaries of the justices to aggregate One Hundred Four Thousand Nine Hundred Dollars ($104,900.00) for the Chief Justice, One Hundred Two Thousand Nine Hundred Dollars ($102,900.00) for the Presiding Justice, and One Hundred Two Thousand Three Hundred Dollars ($102,300.00) for Associate Justices, per annum. As each existing term expires and the above-captioned salaries become effective in due course, the extra duties and compensation provided for shall cease.

(2) The annual salaries of the judges of the Court of Appeals of Mississippi are fixed as follows:

Chief Judge of the Court of Appeals.............. $ 98,300.00
Associate Judges of the Court of Appeals, each...... 95,500.00

(3) The annual salaries of the chancery and circuit court judges are fixed as follows:

Chancery Judges, each............................. $94,700.00
Circuit Judges, each............................... 94,700.00

In addition to their present official duties, there are duties of making a special study of existing laws relating to trial courts and reporting to the Supreme Court of the State of Mississippi such constructive suggestions as they may deem necessary for the improvement of the administration of justice, which shall be recommended to the Legislature by the Supreme Court in the manner provided by law. The judges shall advise and supervise in the purchase of law books for the libraries of each district, and shall study and evaluate the inventory of books and facilities now existing in the libraries of each district to effect the removal and relocation of obsolete publications so as to provide additional space for those books and current publications more frequently used. The judges shall study the existing rules promulgated by the circuit and chancery court judicial associations governing the operation of chancery and
circuits, and revise the same pursuant to existing laws.

For such extra services each judge, from and after June 17, 1999,
shall receive a sum sufficient when added to the present salaries
of the judges to aggregate Ninety-four Thousand Seven Hundred
Dollars ($94,700.00) per annum for each judge. Upon the
expiration of the existing term, the above-captioned salaries
become effective in due course, and the extra duties and
compensation provided for shall cease.

(4) The Supreme Court shall prepare a payroll for chancery
judges and circuit judges and submit such payroll to the
Department of Finance and Administration.

(5) The annual salary of the full-time district attorneys
shall be Ninety-two Thousand Seven Hundred Dollars ($92,700.00).

(6) (a) The annual salary of full-time legal
assistants who have practiced law actively less than two (2) years
shall be not less than Twenty-five Thousand Dollars ($25,000.00)
nor more than Sixty Thousand Dollars ($60,000.00), as established
by the district attorney.

(b) The annual salary of full-time legal assistants who
have practiced law actively two (2) or more years but less than
six (6) years shall be not more than Sixty-seven Thousand Five
Hundred Dollars ($67,500.00), as established by the district
attorney.

(c) The annual salary of full-time legal assistants who
have practiced law actively six (6) or more years but less than
ten (10) years shall be not more than Seventy-five Thousand
Dollars ($75,000.00), as established by the district attorney.

(d) The annual salary of full-time legal assistants who
have practiced law actively ten (10) or more years but less than
twenty (20) years shall be not more than Eighty-five Thousand
Dollars ($85,000.00), as established by the district attorney.

(e) The annual salary of full-time legal assistants who
have practiced law actively twenty (20) or more years shall be not
more than Ninety Thousand Dollars ($90,000.00), as established by
the district attorney.

SECTION 2. Section 25-31-10, Mississippi Code of 1972, is
amended as follows:

25-31-10. (1) Any district attorney may appoint a full-time
criminal investigator.

(2) The district attorneys of the Third, Fifth, Ninth,
Tenth, Eleventh, Twelfth, Fifteenth, Sixteenth, Seventeenth and
Twentieth Circuit Court Districts may appoint one (1) additional
full-time criminal investigator for a total of two (2) full-time
criminal investigators.

(3) The district attorneys of the First, Second, Fourth and
Seventh and Nineteenth Circuit Court Districts may appoint two (2)
additional full-time criminal investigators for a total of three
(3) full-time criminal investigators.

(4) No district attorney or assistant district attorney
shall accept any private employment, civil or criminal, in any
matter investigated by such criminal investigators.

(5) The full and complete compensation for all public duties
rendered by the criminal investigators shall be not more than
Fifty Thousand Dollars ($50,000.00) per annum, to be determined at
the discretion of the district attorney based upon the
qualifications, education and experience of the criminal
investigator, plus necessary travel and other expenses, to be paid
in accordance with Section 25-31-8. However, the maximum salary
under this subsection for a criminal investigator who has a law
degree may be supplemented by the district attorney from other
available funds, but not to exceed the maximum salary for a legal
assistant to a district attorney.

(6) Any criminal investigator may be designated by the
district attorney to attend the Law Enforcement Officers Training
Program set forth in Section 45-6-1 et seq., Mississippi Code of
1972. The total expenses associated with attendance by criminal
investigators at the Law Enforcement Officers Training Program shall be paid out of the funds of the appropriate district attorney.

SECTION 3. Section 99-19-73, Mississippi Code of 1972, is amended as follows:

99-19-73. (1) Traffic Violations. In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected the following state assessment from each person upon whom a court imposes a fine or other penalty for any violation in Title 63, Mississippi Code of 1972, except offenses relating to the Mississippi Implied Consent Law (Section 63-11-1 et seq.) and offenses relating to vehicular parking or registration:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Court Education Fund</td>
<td>$ 1.50</td>
</tr>
<tr>
<td>State Prosecutor Education Fund</td>
<td>1.00</td>
</tr>
<tr>
<td>Driver Training Penalty Assessment Fund</td>
<td>7.00</td>
</tr>
<tr>
<td>Law Enforcement Officers Training Fund</td>
<td>5.00</td>
</tr>
<tr>
<td>Spinal Cord and Head Injury Trust Fund (for all moving violations)</td>
<td>4.00</td>
</tr>
<tr>
<td>Emergency Medical Services Operating Fund</td>
<td>10.00</td>
</tr>
<tr>
<td>Mississippi Leadership Council on Aging Fund</td>
<td>1.00</td>
</tr>
</tbody>
</table>

TOTAL STATE ASSESSMENT $ 29.50

(2) Implied Consent Law Violations. In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected the following state assessment from each person upon whom a court imposes a fine or any other penalty for any violation of the Mississippi Implied Consent Law (Section 63-11-1 et seq.):

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crime Victims' Compensation Fund</td>
<td>$ 10.00</td>
</tr>
<tr>
<td>State Court Education Fund</td>
<td>1.50</td>
</tr>
<tr>
<td>FUND</td>
<td>AMOUNT</td>
</tr>
<tr>
<td>-----------------------------------------------------------</td>
<td>--------</td>
</tr>
<tr>
<td>State Prosecutor Education Fund</td>
<td>1.00</td>
</tr>
<tr>
<td>Driver Training Penalty Assessment Fund</td>
<td>22.00</td>
</tr>
<tr>
<td>Law Enforcement Officers Training Fund</td>
<td>11.00</td>
</tr>
<tr>
<td>Emergency Medical Services Operating Fund</td>
<td>10.00</td>
</tr>
<tr>
<td>Mississippi Alcohol Safety Education Program Fund</td>
<td>5.00</td>
</tr>
<tr>
<td>Federal-State Alcoholic Program Fund</td>
<td>10.00</td>
</tr>
<tr>
<td>Mississippi Crime Laboratory</td>
<td></td>
</tr>
<tr>
<td>Implied Consent Law Fund</td>
<td>25.00</td>
</tr>
<tr>
<td>Spinal Cord and Head Injury Trust Fund</td>
<td>25.00</td>
</tr>
<tr>
<td>State General Fund</td>
<td>35.00</td>
</tr>
<tr>
<td>TOTAL STATE ASSESSMENT</td>
<td>$155.50</td>
</tr>
</tbody>
</table>

(3) **Game and Fish Law Violations.** In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected the following state assessment from each person upon whom a court imposes a fine or other penalty for any violation of the game and fish statutes or regulations of this state:

<table>
<thead>
<tr>
<th>FUND</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Court Education Fund</td>
<td>$ 1.50</td>
</tr>
<tr>
<td>State Prosecutor Education Fund</td>
<td>1.00</td>
</tr>
<tr>
<td>Law Enforcement Officers Training Fund</td>
<td>5.00</td>
</tr>
<tr>
<td>Hunter Education and Training Program Fund</td>
<td>5.00</td>
</tr>
<tr>
<td>State General Fund</td>
<td>30.00</td>
</tr>
<tr>
<td>TOTAL STATE ASSESSMENT</td>
<td>$ 42.50</td>
</tr>
</tbody>
</table>

(4) **Litter Law Violations.** In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected the following state assessment from each person upon whom a court imposes a fine or other penalty for any violation of Section 97-15-29 or 97-15-30:

<table>
<thead>
<tr>
<th>FUND</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Statewide Litter Prevention Fund</td>
<td>$ 25.00</td>
</tr>
<tr>
<td>TOTAL STATE ASSESSMENT</td>
<td>$ 25.00</td>
</tr>
</tbody>
</table>
(5) **Other Misdemeanors.** In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected the following state assessment from each person upon whom a court imposes a fine or other penalty for any misdemeanor violation not specified in subsection (1), (2) or (3) of this section, except offenses relating to vehicular parking or registration:

<table>
<thead>
<tr>
<th>FUND</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crime Victims' Compensation Fund...</td>
<td>$10.00</td>
</tr>
<tr>
<td>State Court Education Fund..........</td>
<td>1.50</td>
</tr>
<tr>
<td>State Prosecutor Education Fund.....</td>
<td>1.00</td>
</tr>
<tr>
<td>Law Enforcement Officers Training Fund</td>
<td>5.00</td>
</tr>
<tr>
<td>State General Fund..................</td>
<td>30.00</td>
</tr>
<tr>
<td>State Crime Stoppers Fund...........</td>
<td>1.50</td>
</tr>
<tr>
<td><strong>TOTAL STATE ASSESSMENT</strong> ..........</td>
<td><strong>$49.00</strong></td>
</tr>
</tbody>
</table>

(6) **Other Felonies.** In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected the following state assessment from each person upon whom a court imposes a fine or other penalty for any felony violation not specified in subsection (1), (2) or (3) of this section:

<table>
<thead>
<tr>
<th>FUND</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crime Victims' Compensation Fund...</td>
<td>$10.00</td>
</tr>
<tr>
<td>State Court Education Fund..........</td>
<td>1.50</td>
</tr>
<tr>
<td>State Prosecutor Education Fund.....</td>
<td>1.00</td>
</tr>
<tr>
<td>Law Enforcement Officers Training Fund</td>
<td>5.00</td>
</tr>
<tr>
<td>State General Fund..................</td>
<td>70.00</td>
</tr>
<tr>
<td>Criminal Justice Fund...............</td>
<td>50.00</td>
</tr>
<tr>
<td><strong>TOTAL STATE ASSESSMENT</strong> ..........</td>
<td><strong>$137.50</strong></td>
</tr>
</tbody>
</table>

(7) If a fine or other penalty imposed is suspended, in whole or in part, such suspension shall not affect the state assessment under this section. No state assessment imposed under
the provisions of this section may be suspended or reduced by the
court.

(8) After a determination by the court of the amount due, it
shall be the duty of the clerk of the court to promptly collect
all state assessments imposed under the provisions of this
section. The state assessments imposed under the provisions of
this section may not be paid by personal check. It shall be the
duty of the chancery clerk of each county to deposit all such
state assessments collected in the circuit, county and justice
courts in such county on a monthly basis with the State Treasurer
pursuant to appropriate procedures established by the State
Auditor. The chancery clerk shall make a monthly lump-sum deposit
of the total state assessments collected in the circuit, county
and justice courts in such county under this section, and shall
report to the Department of Finance and Administration the total
number of violations under each subsection for which state
assessments were collected in the circuit, county and justice
courts in such county during such month. It shall be the duty of
the municipal clerk of each municipality to deposit all such state
assessments collected in the municipal court in such municipality
on a monthly basis with the State Treasurer pursuant to
appropriate procedures established by the State Auditor. The
municipal clerk shall make a monthly lump-sum deposit of the total
state assessments collected in the municipal court in such
municipality under this section, and shall report to the
Department of Finance and Administration the total number of
violations under each subsection for which state assessments were
collected in the municipal court in such municipality during such
month.

(9) It shall be the duty of the Department of Finance and
Administration to deposit on a monthly basis all such state
assessments into the proper special fund in the State Treasury.
The monthly deposit shall be based upon the number of violations
reported under each subsection and the pro rata amount of such
assessment due to the appropriate special fund. The Department of
Finance and Administration shall issue regulations providing for
the proper allocation of these special funds.

(10) The State Auditor shall establish by regulation
procedures for refunds of state assessments, including refunds
associated with assessments imposed before July 1, 1990, and
refunds after appeals in which the defendant's conviction is
reversed. The Auditor shall provide in such regulations for
certification of eligibility for refunds and may require the
defendant seeking a refund to submit a verified copy of a court
order or abstract by which such defendant is entitled to a refund.
All refunds of state assessments shall be made in accordance with
the procedures established by the Auditor.

SECTION 4. The Attorney General of the State of Mississippi
shall submit Section 1 of this act, immediately upon approval by
the Governor, or upon approval by the Legislature subsequent to a
veto, to the Attorney General of the United States or to the
United States District Court for the District of Columbia in
accordance with the provisions of the Voting Rights Act of 1965,
as amended and extended.

SECTION 5. Section 1 of this act shall take effect and be in
force from and after July 1, 2002, if it is effectuated on or
before that date under Section 5 of the Voting Rights Act of 1965,
as amended and extended. If Section 1 of this act is effectuated
under Section 5 of the Voting Rights Act of 1965, as amended and
extended, after July 1, 2002, it shall take effect and be in force
from and after the date it is effectuated under Section 5 of the
Voting Rights Act of 1965, as amended and extended. The remaining
sections of this act shall take effect and be in force from and
after July 1, 2002.