

By: Representative Reynolds

To: Fees and Salaries of  
Public Officers;  
Appropriations

HOUSE BILL NO. 641

1 AN ACT TO AMEND SECTION 25-3-35, MISSISSIPPI CODE OF 1972, TO  
2 INCREASE THE SALARIES OF DISTRICT ATTORNEYS AND ASSISTANT DISTRICT  
3 ATTORNEYS; TO AMEND SECTION 25-31-10, MISSISSIPPI CODE OF 1972, TO  
4 INCREASE THE SALARIES OF FULL-TIME CRIMINAL INVESTIGATORS EMPLOYED  
5 BY THE DISTRICT ATTORNEYS; TO AMEND SECTION 99-19-73, MISSISSIPPI  
6 CODE OF 1972, TO INCREASE THE STATE ASSESSMENT ON CERTAIN  
7 FELONIES; TO EXTEND THE REPEALER ON THE STATE ASSESSMENTS  
8 PROVISION; AND FOR RELATED PURPOSES.

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

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

12 25-3-35. (1) The annual salaries of the following judges  
13 are fixed as follows, to begin at the commencement of the next  
14 term of office immediately succeeding the existing term:

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

18 However, in addition to their present official duties, there  
19 are imposed upon the Supreme Court Justices the extra duties of  
20 making a special study of existing laws and reporting to each  
21 regular session of the Legislature such constructive suggestions  
22 as they may deem necessary for the improvement of the  
23 administration of justice, and of advising and counseling with the  
24 State Librarian in the selection of law books for purchase and use  
25 in the State Law Library, advising with the librarian thereof upon  
26 the removal from the library of any books which may be the least  
27 frequently used, and for the placing of same in a convenient  
28 location so as to provide additional space for such books and  
29 other current publications which may be more frequently used or  
30 called for. For such extra services each justice, from and after



31 June 17, 1999, shall receive a sum sufficient when added to the  
32 present salaries of the justices to aggregate One Hundred Four  
33 Thousand Nine Hundred Dollars (\$104,900.00) for the Chief Justice,  
34 One Hundred Two Thousand Nine Hundred Dollars (\$102,900.00) for  
35 the Presiding Justice, and One Hundred Two Thousand Three Hundred  
36 Dollars (\$102,300.00) for Associate Justices, per annum. As each  
37 existing term expires and the above-captioned salaries become  
38 effective in due course, the extra duties and compensation  
39 provided for shall cease.

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

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

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

46 Chancery Judges, each..... \$94,700.00  
47 Circuit Judges, each..... 94,700.00

48 In addition to their present official duties, there are  
49 imposed upon the chancery and circuit court judges the extra  
50 duties of making a special study of existing laws relating to  
51 trial courts and reporting to the Supreme Court of the State of  
52 Mississippi such constructive suggestions as they may deem  
53 necessary for the improvement of the administration of justice,  
54 which shall be recommended to the Legislature by the Supreme Court  
55 in the manner provided by law. The judges shall advise and  
56 supervise in the purchase of law books for the libraries of each  
57 district, and shall study and evaluate the inventory of books and  
58 facilities now existing in the libraries of each district to  
59 effect the removal and relocation of obsolete publications so as  
60 to provide additional space for those books and current  
61 publications more frequently used. The judges shall study the  
62 existing rules promulgated by the circuit and chancery court  
63 judicial associations governing the operation of chancery and



64 circuit courts, and revise the same pursuant to existing laws.  
65 For such extra services each judge, from and after June 17, 1999,  
66 shall receive a sum sufficient when added to the present salaries  
67 of the judges to aggregate Ninety-four Thousand Seven Hundred  
68 Dollars (\$94,700.00) per annum for each judge. Upon the  
69 expiration of the existing term, the above-captioned salaries  
70 become effective in due course, and the extra duties and  
71 compensation provided for shall cease.

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

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

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

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

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

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

95 (e) The annual salary of full-time legal assistants who  
96 have practiced law actively twenty (20) or more years shall be not



97 more than Ninety Thousand Dollars (\$90,000.00), as established by  
98 the district attorney.

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

101         25-31-10. (1) Any district attorney may appoint a full-time  
102 criminal investigator.

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

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

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

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

126         (6) Any criminal investigator may be designated by the  
127 district attorney to attend the Law Enforcement Officers Training  
128 Program set forth in Section 45-6-1 et seq., Mississippi Code of  
129 1972. The total expenses associated with attendance by criminal



130 investigators at the Law Enforcement Officers Training Program  
 131 shall be paid out of the funds of the appropriate district  
 132 attorney.

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

135 99-19-73. (1) **Traffic Violations.** In addition to any  
 136 monetary penalties and any other penalties imposed by law, there  
 137 shall be imposed and collected the following state assessment from  
 138 each person upon whom a court imposes a fine or other penalty for  
 139 any violation in Title 63, Mississippi Code of 1972, except  
 140 offenses relating to the Mississippi Implied Consent Law (Section  
 141 63-11-1 et seq.) and offenses relating to vehicular parking or  
 142 registration:

143 FUND	AMOUNT
144 State Court Education Fund.....	\$ 1.50
145 State Prosecutor Education Fund.....	1.00
146 Driver Training Penalty Assessment Fund.....	7.00
147 Law Enforcement Officers Training Fund.....	5.00
148 Spinal Cord and Head Injury Trust Fund	
149 (for all moving violations).....	4.00
150 Emergency Medical Services Operating Fund.....	10.00
151 Mississippi Leadership Council on Aging	
152 Fund.....	1.00
153 Law Enforcement Officers and Fire Fighters Death	
154 Benefits Trust Fund.....	.50
155 TOTAL STATE ASSESSMENT.....	\$ 30.00

156 (2) **Implied Consent Law Violations.** In addition to any  
 157 monetary penalties and any other penalties imposed by law, there  
 158 shall be imposed and collected the following state assessment from  
 159 each person upon whom a court imposes a fine or any other penalty  
 160 for any violation of the Mississippi Implied Consent Law (Section  
 161 63-11-1 et seq.):

162 FUND	AMOUNT
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163	Crime Victims' Compensation Fund.....	\$ 10.00
164	State Court Education Fund.....	1.50
165	State Prosecutor Education Fund.....	1.00
166	Driver Training Penalty Assessment Fund.....	22.00
167	Law Enforcement Officers Training Fund.....	11.00
168	Emergency Medical Services Operating Fund.....	10.00
169	Mississippi Alcohol Safety Education Program Fund....	5.00
170	Federal-State Alcohol Program Fund.....	10.00
171	Mississippi Crime Laboratory	
172	Implied Consent Law Fund.....	25.00
173	Spinal Cord and Head Injury Trust Fund.....	25.00
174	Capital Defense Counsel Special Fund.....	1.00
175	State General Fund.....	35.00
176	Law Enforcement Officers and Fire Fighters Death	
177	Benefits Trust Fund.....	.50
178	TOTAL STATE ASSESSMENT.....	\$157.00

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

185	FUND	AMOUNT
186	State Court Education Fund.....	\$ 1.50
187	State Prosecutor Education Fund.....	1.00
188	Law Enforcement Officers Training Fund.....	5.00
189	Hunter Education and Training Program Fund.....	5.00
190	State General Fund.....	30.00
191	Law Enforcement Officers and Fire Fighters Death	
192	Benefits Trust Fund.....	.50
193	TOTAL STATE ASSESSMENT.....	\$ 43.00

194       (4) **Litter Law Violations.** In addition to any monetary  
195 penalties and any other penalties imposed by law, there shall be



196 imposed and collected the following state assessment from each  
197 person upon whom a court imposes a fine or other penalty for any  
198 violation of Section 97-15-29 or 97-15-30:

199	FUND	AMOUNT
200	Statewide Litter Prevention Fund.....	\$ 25.00
201	TOTAL STATE ASSESSMENT.....	\$ 25.00

202 (5) **Other Misdemeanors.** In addition to any monetary  
203 penalties and any other penalties imposed by law, there shall be  
204 imposed and collected the following state assessment from each  
205 person upon whom a court imposes a fine or other penalty for any  
206 misdemeanor violation not specified in subsection (1), (2) or (3)  
207 of this section, except offenses relating to vehicular parking or  
208 registration:

209	FUND	AMOUNT
210	Crime Victims' Compensation Fund.....	\$ 10.00
211	State Court Education Fund.....	1.50
212	State Prosecutor Education Fund.....	1.00
213	Law Enforcement Officers Training Fund.....	5.00
214	Capital Defense Counsel Special Fund.....	1.00
215	State General Fund.....	30.00
216	State Crime Stoppers Fund.....	1.50
217	Law Enforcement Officers and Fire Fighters Death 218 Benefits Trust Fund.....	.50
219	TOTAL STATE ASSESSMENT.....	\$ 50.50

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

226	FUND	AMOUNT
227	Crime Victims' Compensation Fund.....	\$ 10.00
228	State Court Education Fund.....	1.50



229	State Prosecutor Education Fund.....	1.00
230	Law Enforcement Officers Training Fund.....	5.00
231	Capital Defense Counsel Special Fund.....	1.00
232	State General Fund.....	<u>70.00</u>
233	Criminal Justice Fund.....	50.00
234	Law Enforcement Officers and Fire Fighters Death	
235	Benefits Trust Fund.....	.50
236	TOTAL STATE ASSESSMENT.....	<u>\$139.00</u>

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

242       (8) After a determination by the court of the amount due, it  
243 shall be the duty of the clerk of the court to promptly collect  
244 all state assessments imposed under the provisions of this  
245 section. The state assessments imposed under the provisions of  
246 this section may not be paid by personal check. It shall be the  
247 duty of the chancery clerk of each county to deposit all such  
248 state assessments collected in the circuit, county and justice  
249 courts in such county on a monthly basis with the State Treasurer  
250 pursuant to appropriate procedures established by the State  
251 Auditor. The chancery clerk shall make a monthly lump-sum deposit  
252 of the total state assessments collected in the circuit, county  
253 and justice courts in such county under this section, and shall  
254 report to the Department of Finance and Administration the total  
255 number of violations under each subsection for which state  
256 assessments were collected in the circuit, county and justice  
257 courts in such county during such month. It shall be the duty of  
258 the municipal clerk of each municipality to deposit all such state  
259 assessments collected in the municipal court in such municipality  
260 on a monthly basis with the State Treasurer pursuant to  
261 appropriate procedures established by the State Auditor. The





262 municipal clerk shall make a monthly lump-sum deposit of the total  
263 state assessments collected in the municipal court in such  
264 municipality under this section, and shall report to the  
265 Department of Finance and Administration the total number of  
266 violations under each subsection for which state assessments were  
267 collected in the municipal court in such municipality during such  
268 month.

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

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

287 (11) This section shall stand repealed on July 1, 2004.

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



295           **SECTION 5.** Section 1 of this act shall take effect and be in  
296 force from and after July 1, 2003, if it is effectuated on or  
297 before that date under Section 5 of the Voting Rights Act of 1965,  
298 as amended and extended. If Section 1 of this act is effectuated  
299 under Section 5 of the Voting Rights Act of 1965, as amended and  
300 extended, after July 1, 2003, it shall take effect and be in force  
301 from and after the date it is effectuated under Section 5 of the  
302 Voting Rights Act of 1965, as amended and extended. The remaining  
303 sections of this act shall take effect and be in force from and  
304 after July 1, 2003.

