

By: Representative Denny

To: Apportionment and Elections

HOUSE BILL NO. 659

1 AN ACT TO PROVIDE THAT AN ELECTED OFFICIAL WHO IS INDICTED IN  
2 STATE OR FEDERAL COURT SHALL BE SUSPENDED IMMEDIATELY WITHOUT PAY;  
3 TO SPECIFY THAT THE CRIMES FOR WHICH INDICTMENT THEREOF RESULT IN  
4 SUSPENSION ARE ANY FELONY, BRIBERY, EXTORTION, ANY CRIME INVOLVING  
5 MORAL TURPITUDE, ANY CRIME THAT VIOLATES ELECTION LAWS, AND  
6 EMBEZZLEMENT OR APPROPRIATION OF PUBLIC OR TRUST FUNDS BY AN  
7 ELECTED OFFICIAL WHO HAS CUSTODY OF THE FUNDS; TO PROVIDE THAT IF  
8 AN ELECTED OFFICIAL IS CONVICTED OF SUCH A CRIME, HE SHALL BE  
9 REMOVED FROM OFFICE; TO AMEND SECTION 25-5-1, MISSISSIPPI CODE OF  
10 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** (1) A state, district, county or municipal  
13 elected official who is indicted in a state or federal court for  
14 any of the following crimes shall be suspended immediately without  
15 pay: Any felony other than manslaughter or any violation of the  
16 United States Internal Revenue Code, bribery, extortion, any crime  
17 involving moral turpitude, any crime that violates election laws,  
18 and embezzlement or appropriation of public or trust funds by an  
19 elected official who has custody of the funds.

20 (2) The suspension shall remain in effect until the elected  
21 official is acquitted, convicted, pleads guilty or pleads nolo  
22 contendere. In the case of a conviction or plea of guilty or nolo  
23 contendere, the office shall be declared vacant, the elected  
24 official shall be removed from office under Section 25-5-1 and the  
25 vacancy filled as provided by law. In the event of an acquittal  
26 or dismissal of charges against the elected official, he is  
27 entitled to reinstatement and back pay.

28 (3) If this section applies to an elected official and he  
29 fails to acknowledge or submit to his suspension, the Attorney  
30 General of the State of Mississippi shall promptly enter a motion  
31 for suspension from office in the Circuit Court of Hinds County in



32 the case of a state officer, and in the circuit court of the  
33 county of residence in the case of a district, county or municipal  
34 officer. The court, or the judge in vacation, upon notice and a  
35 proper hearing, shall issue an order suspending the official from  
36 office without pay.

37 (4) If the elected official is involved in an election for  
38 office between the time of the original suspension and final  
39 conclusion of the indictment, the suspension shall continue into  
40 the official's next term of office, and the suspended elected  
41 official may not participate in the business of his elected  
42 office.

43 **SECTION 2.** Section 25-5-1, Mississippi Code of 1972, is  
44 amended as follows:

45 25-5-1. If any public officer, state, district, county or  
46 municipal, shall be convicted in any court of this state or any  
47 other state or in any federal court of any crime enumerated in  
48 Section 1 of this act, of corruption in office or speculation  
49 therein, or of gambling or dealing in futures with money coming to  
50 his hands by virtue of his office, any court of this state, in  
51 addition to such other punishment as may be prescribed, shall  
52 adjudge the defendant removed from office; and the office of the  
53 defendant shall thereby become vacant. If any such officer be  
54 found by inquest to be of unsound mind during the term for which  
55 he was elected or appointed, or shall be removed from office by  
56 the judgment of a court of competent jurisdiction or otherwise  
57 lawfully, his office shall thereby be vacated; and in any such  
58 case the vacancy shall be filled as provided by law.

59 When any such officer is found guilty of a crime which is a  
60 felony under the laws of this state or which is punishable by  
61 imprisonment for one (1) year or more, other than manslaughter or  
62 any violation of the United States Internal Revenue Code, in a  
63 federal court or a court of competent jurisdiction of any other  
64 state, the Attorney General of the State of Mississippi shall



65 promptly enter a motion for removal from office in the Circuit  
66 Court of Hinds County in the case of a state officer, and in the  
67 circuit court of the county of residence in the case of a  
68 district, county or municipal officer. The court, or the judge in  
69 vacation, shall, upon notice and a proper hearing, issue an order  
70 removing such person from office and the vacancy shall be filled  
71 as provided by law.

72       **SECTION 3.** The Attorney General of the State of Mississippi  
73 shall submit this act, immediately upon approval by the Governor,  
74 or upon approval by the Legislature subsequent to a veto, to the  
75 Attorney General of the United States or to the United States  
76 District Court for the District of Columbia in accordance with the  
77 provisions of the Voting Rights Act of 1965, as amended and  
78 extended.

79       **SECTION 4.** This act shall take effect and be in force from  
80 and after the date it is effectuated under Section 5 of the Voting  
81 Rights Act of 1965, as amended and extended.

