

By: Senator(s) Doxey

To: Judiciary, Division A;
Appropriations

SENATE BILL NO. 2962

1 AN ACT TO AMEND SECTION 25-31-5, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE NUMBER OF ASSISTANT DISTRICT ATTORNEYS THAT MAY BE
3 APPOINTED BY A DISTRICT ATTORNEY; TO AMEND SECTION 25-31-10,
4 MISSISSIPPI CODE OF 1972, TO REVISE THE NUMBER OF CRIMINAL
5 INVESTIGATORS TO THE DISTRICT ATTORNEY THAT MAY BE APPOINTED BY A
6 DISTRICT ATTORNEY; TO AMEND SECTION 99-36-7, MISSISSIPPI CODE OF
7 1972, TO REVISE THE NUMBER OF VICTIM ASSISTANCE COORDINATORS THAT,
8 SUBJECT TO THE APPROVAL OF THE SENIOR CIRCUIT JUDGE, MAY BE
9 APPOINTED BY A DISTRICT ATTORNEY; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** Section 25-31-5, Mississippi Code of 1972, is
12 amended as follows:

13 25-31-5. (1) Two (2) full-time legal assistants shall be
14 authorized per circuit court judgeship in each circuit court
15 district.

16 * * *

17 (2) In addition to any legal assistants authorized pursuant
18 to subsection (1) of this section, an additional two (2) full-time
19 legal assistants are authorized (i) in each circuit court district
20 if funds are appropriated by the Legislature to adequately fund
21 the salaries, expenses and fringe benefits of the two (2)
22 additional legal assistants, or (ii) in any * * * circuit court
23 district in which the board of supervisors of one or more of the
24 counties in a circuit court district adopts a resolution to pay
25 all of the salaries, supplemental pay, expenses and fringe
26 benefits of legal assistants authorized * * * pursuant to this
27 subsection.

28 * * *

29 (3) The board of supervisors of any county may pay all or a

30 part of the salary, supplemental pay, expenses and fringe benefits
31 of any district attorney or legal assistant authorized in the
32 circuit court district to which such county belongs pursuant to
33 this section.

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

36 25-31-10. (1) Each district attorney may appoint one (1)
37 full-time criminal investigator per circuit court judgeship
38 authorized for the circuit court district.

39 * * *

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

43 (3) The full and complete compensation for all public duties
44 rendered by a district attorney's criminal investigator shall be
45 not more than Fifty-four Thousand Dollars (\$54,000.00) per annum,
46 to be determined at the discretion of the district attorney based
47 upon the qualifications, education and experience of the criminal
48 investigator * * *; necessary travel and other expenses are to be
49 paid in accordance with Section 25-31-8. However, the maximum
50 salary under this subsection for a criminal investigator who has a
51 law degree may be supplemented by the district attorney from other
52 available funds, but not to exceed the maximum salary for a legal
53 assistant to a district attorney.

54 (4) Any criminal investigator may be designated by the
55 district attorney to attend the Law Enforcement Officers Training
56 Program set forth in Section 45-6-1 et seq., Mississippi Code of
57 1972. The total expenses associated with attendance by criminal
58 investigators at the Law Enforcement Officers Training Program
59 shall be paid out of the funds of the appropriate district
60 attorney.

61 * * *

62 **SECTION 3.** Section 99-36-7, Mississippi Code of 1972, is
63 amended as follows:

64 99-36-7. (1) (a) In addition to the full-time legal
65 assistants to the district attorney authorized by Section 25-31-5,
66 the district attorney in each circuit court district in this state
67 shall, subject to the approval of and upon the order of the senior
68 circuit court judge of the district, employ one (1) person to
69 serve at the will and pleasure of the district attorney as a
70 "victim assistance coordinator" who shall not be considered to be
71 a state employee.

72 (b) The district attorney of any circuit court district
73 for which more than one (1) circuit court judge is authorized may
74 appoint one (1) * * * victim assistance coordinator per circuit
75 court judgeship authorized for the circuit court district, subject
76 to the approval of and upon the order of the senior circuit court
77 judge * * *.

78 (2) The duty of the victim assistance coordinator is to
79 ensure that a victim, guardian of a victim, or close relative of a
80 deceased victim is afforded the rights granted victims, guardians
81 and relatives by Section 99-36-5. The victim assistance
82 coordinator shall work closely with appropriate law enforcement
83 agencies, prosecuting attorneys, the state and the judiciary in
84 fulfilling that duty.

85 (3) The salary of a victim assistance coordinator shall not
86 exceed the salary authorized for criminal investigators in Section
87 25-31-10, and shall be paid jointly by the counties comprising the
88 circuit court district, with each county paying a pro rata share
89 of the salary as determined by the senior circuit court judge.

90 (4) The board of supervisors of any county, with the
91 approval of and upon the order of the senior circuit court judge
92 of the district wherein such county lies, may, in addition to any
93 victim assistance coordinator provided for in subsection (1) of
94 this section, create the position of county victim assistance

95 coordinator. The duty of the county victim assistance coordinator
96 shall be to cooperate with local law enforcement agencies, the
97 county attorney and the district attorney in assuring that a
98 victim, guardian or close relative is afforded the rights granted
99 by Section 99-36-5. Two (2) or more counties, by action of their
100 respective boards of supervisors, with the approval of and upon
101 the order of the senior circuit court judge of the district
102 wherein such counties lie, may join in establishing and
103 maintaining the position of victim assistance coordinator to serve
104 these counties. Any municipality, by action of its governing
105 authority, may participate in the establishment and maintenance of
106 a county victim assistance coordinator's office located within the
107 municipality.

108 (5) Any district attorney, county board of supervisors or
109 governing authority of a municipality which has established or is
110 participating in the maintenance of an office of victim assistance
111 coordinator may apply through the Governor's Office of State and
112 Federal Programs for a grant under the federal "Victims of Crimes
113 Act of 1984" (Public Law 98-473) to be used in the continued
114 operation of a victim assistance program.

115 **SECTION 4.** This act shall take effect and be in force from
116 and after July 1, 2005.