

By: Representative Mayhall

To: Judiciary A;  
Appropriations

## HOUSE BILL NO. 208

1 AN ACT TO AMEND SECTION 25-31-8, MISSISSIPPI CODE OF 1972, TO  
2 INCREASE THE OFFICE OPERATING ALLOWANCE FOR DISTRICT ATTORNEYS; TO  
3 AMEND SECTION 25-31-10, MISSISSIPPI CODE OF 1972, TO ADD A  
4 CRIMINAL INVESTIGATOR TO CERTAIN DISTRICT ATTORNEYS OFFICES; AND  
5 FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 25-31-8, Mississippi Code of 1972, is  
8 amended as follows:

9 25-31-8. \* \* \* In all circuit court districts in this  
10 state \* \* \*, the district attorney shall receive from sums  
11 appropriated for such purpose from the General Fund or any special  
12 fund of the State of Mississippi, an office operating allowance  
13 for the necessary expenses of operating the office of the district  
14 attorney, including stenographic help, and other items and  
15 expenditures necessary and incident to the investigation of  
16 criminal cases, the general expenses of the office of the  
17 investigation of criminal cases, the general expenses of the  
18 office of the district attorney for preparing and/or trying felony  
19 cases and all other cases requiring the services of the district  
20 attorney, the sum of Fifty Thousand Dollars (\$50,000.00) for each  
21 district, and an additional Five Thousand Dollars (\$5,000.00) for  
22 each assistant authorized by Section 25-31-5(1) \* \* \*. All  
23 expenditures made from such office operating allowances shall be  
24 upon written requisition of the duly elected district attorney to  
25 the State Auditor, as otherwise provided by law. The district  
26 attorney may delegate to the board of supervisors of any county in  
27 his district the responsibility and authority to employ and set  
28 the salary of not more than one (1) employee for the office of

29 such district attorney, such salary to be paid as other  
30 expenditures are paid from the funds provided by this section.  
31 Such employee shall be deemed to be appointed and employed by the  
32 board of supervisors and the salary shall not be deemed to be a  
33 pecuniary benefit provided by the district attorney's office.

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

36 25-31-10. (1) Any district attorney may appoint a full-time  
37 criminal investigator.

38 (2) The district attorneys of the Third, Fifth, Ninth,  
39 Tenth, Eleventh, Twelfth, Fifteenth, Sixteenth, Seventeenth and  
40 Twentieth Circuit Court Districts may appoint two (2) additional  
41 full-time criminal investigators for a total of three (3)  
42 full-time criminal investigators.

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

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

50 (5) The full and complete compensation for all public duties  
51 rendered by said criminal investigators shall be not more than  
52 Fifty-four Thousand Dollars (\$54,000.00) per annum, to be  
53 determined at the discretion of the district attorney based upon  
54 the qualifications, education and experience of the criminal  
55 investigator, plus necessary travel and other expenses, to be paid  
56 in accordance with Section 25-31-8. However, the maximum salary  
57 under this subsection for a criminal investigator who has a law  
58 degree may be supplemented by the district attorney from other  
59 available funds, but not to exceed the maximum salary for a legal  
60 assistant to a district attorney.

61           (6) Any criminal investigator may be designated by the  
62 district attorney to attend the Law Enforcement Officers Training  
63 Program set forth in Section 45-6-1 et seq., Mississippi Code of  
64 1972. The total expenses associated with attendance by criminal  
65 investigators at the Law Enforcement Officers Training Program  
66 shall be paid out of the funds of the appropriate district  
67 attorney.

68           (7) This section shall stand repealed from and after January  
69 1, 2009.

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

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