

By: Senator(s) Ross, Albritton, Butler, Chaney, Chassaniol, Clarke, Davis, Dawkins, Dearing, Doxey, Fillingane, Hyde-Smith, Jackson (11th), Jordan, Walls, Williamson

To: Judiciary, Division A; Appropriations

SENATE BILL NO. 2608
(As Sent to Governor)

1 AN ACT TO AMEND SECTIONS 25-31-5 AND 25-31-10, MISSISSIPPI
2 CODE OF 1972, TO REVISE THE NUMBER OF ASSISTANT DISTRICT ATTORNEYS
3 AND CRIMINAL INVESTIGATORS AUTHORIZED FOR CERTAIN CIRCUIT COURT
4 DISTRICTS; AND FOR RELATED PURPOSES.

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

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

8 25-31-5. (1) The following number of full-time legal
9 assistants are authorized in the following circuit court
10 districts:

- 11 (a) First Circuit Court District..... eight (8)
- 12 legal assistants.
- 13 (b) Second Circuit Court District..... nine (9)
- 14 legal assistants.
- 15 (c) Third Circuit Court District..... five (5)
- 16 legal assistants.
- 17 (d) Fourth Circuit Court District..... five (5)
- 18 legal assistants.
- 19 (e) Fifth Circuit Court District..... five (5)
- 20 legal assistants.
- 21 (f) Sixth Circuit Court District..... two (2)
- 22 legal assistants.
- 23 (g) Seventh Circuit Court District..... eleven (11)
- 24 legal assistants.
- 25 (h) Eighth Circuit Court District..... three (3)
- 26 legal assistants.
- 27 (i) Ninth Circuit Court District..... two (2)
- 28 legal assistants.

29	(j) Tenth Circuit Court District.....	four (4)
30	legal assistants.	
31	(k) Eleventh Circuit Court District.....	five (5)
32	legal assistants.	
33	(l) Twelfth Circuit Court District.....	<u>four (4)</u>
34	legal assistants.	
35	(m) Thirteenth Circuit Court District.....	<u>three (3)</u>
36	legal assistants.	
37	(n) Fourteenth Circuit Court District.....	<u>four (4)</u>
38	legal assistants.	
39	(o) Fifteenth Circuit Court District.....	five (5)
40	legal assistants.	
41	(p) Sixteenth Circuit Court District.....	four (4)
42	legal assistants.	
43	(q) Seventeenth Circuit Court District....	six (6)
44	legal assistants.	
45	(r) Eighteenth Circuit Court District.....	two (2)
46	legal assistants.	
47	(s) Nineteenth Circuit Court District.....	four (4)
48	legal assistants.	
49	(t) Twentieth Circuit Court District.....	four (4)
50	legal assistants.	
51	(u) Twenty-first Circuit Court District...	two (2)
52	legal assistants.	
53	(v) Twenty-second Circuit Court District..	two (2)
54	legal assistants.	

(2) In addition to any legal assistants authorized pursuant to subsection (1) of this section, the following number of full-time legal assistants are authorized (i) in the following circuit court districts if funds are appropriated by the Legislature to adequately fund the salaries, expenses and fringe benefits of such legal assistants, or (ii) in any of the following circuit court districts in which the board of supervisors of one

62 or more of the counties in a circuit court district adopts a
63 resolution to pay all of the salaries, supplemental pay, expenses
64 and fringe benefits of legal assistants authorized in such
65 district pursuant to this subsection:

66 (a) First Circuit Court District..... two (2)
67 legal assistants.

68 (b) Second Circuit Court District..... two (2)
69 legal assistants.

70 (c) Third Circuit Court District..... two (2)
71 legal assistants.

72 (d) Fourth Circuit Court District..... two (2)
73 legal assistants.

74 (e) Fifth Circuit Court District..... two (2)
75 legal assistants.

76 (f) Sixth Circuit Court District..... two (2)
77 legal assistants.

78 (g) Seventh Circuit Court District..... two (2)
79 legal assistants.

80 (h) Eighth Circuit Court District..... two (2)
81 legal assistants.

82 (i) Ninth Circuit Court District..... two (2)
83 legal assistants.

84 (j) Tenth Circuit Court District..... two (2)
85 legal assistants.

86 (k) Eleventh Circuit Court District..... two (2)
87 legal assistants.

88 (l) Twelfth Circuit Court District..... two (2)
89 legal assistants.

90 (m) Thirteenth Circuit Court District..... two (2)
91 legal assistants.

92 (n) Fourteenth Circuit Court District..... two (2)
93 legal assistants.

94 (o) Fifteenth Circuit Court District..... two (2)

95 legal assistants.

96 (p) Sixteenth Circuit Court District..... two (2)

97 legal assistants.

98 (q) Seventeenth Circuit Court District..... two (2)

99 legal assistants.

100 (r) Eighteenth Circuit Court District..... two (2)

101 legal assistants.

102 (s) Nineteenth Circuit Court District..... two (2)

103 legal assistants.

104 (t) Twentieth Circuit Court District..... two (2)

105 legal assistants.

106 (u) Twenty-first Circuit Court District.... two (2)

107 legal assistants.

108 (v) Twenty-second Circuit Court District... two (2)

109 legal assistants.

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

111 part of the salary, supplemental pay, expenses and fringe benefits

112 of any district attorney or legal assistant authorized in the

113 circuit court district to which such county belongs pursuant to

114 this section.

115 (4) The district attorney of any circuit court district may

116 employ additional legal assistants or criminal investigators, or

117 both, without regard to any limitation on the number of legal

118 assistants authorized in this section or criminal investigators

119 authorized by other provisions of law to the extent that the

120 district attorney's office receives federal funds which may be

121 expended for those positions in an amount sufficient to pay all of

122 the salary, supplemental pay, expenses and fringe benefits of the

123 positions. Such funds shall be transferred by the district

124 attorney to the Department of Finance and Administration, which

125 shall disburse the funds to such employees in the same manner as

126 state-funded criminal investigators and full-time legal

127 assistants.

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

130 25-31-10. (1) Any district attorney may appoint a full-time
131 criminal investigator.

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

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

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

144 (5) The full and complete compensation for all public duties
145 rendered by said criminal investigators shall be not more than
146 Fifty-nine Thousand Five Hundred Dollars (\$59,500.00) per annum,
147 to be determined at the discretion of the district attorney based
148 upon the qualifications, education and experience of the criminal
149 investigator, plus necessary travel and other expenses, to be paid
150 in accordance with Section 25-31-8. However, the maximum salary
151 under this subsection for a criminal investigator who has a law
152 degree may be supplemented by the district attorney from other
153 available funds, but not to exceed the maximum salary for a legal
154 assistant to a district attorney.

155 (6) Any criminal investigator may be designated by the
156 district attorney to attend the Law Enforcement Officers Training
157 Program set forth in Section 45-6-1 et seq., Mississippi Code of
158 1972. The total expenses associated with attendance by criminal
159 investigators at the Law Enforcement Officers Training Program

160 shall be paid out of the funds of the appropriate district
161 attorney.

162 **SECTION 3.** This act shall take effect and be in force from
163 and after July 1, 2007.