

Senate Amendments to House Bill No. 1490

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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

24 **[Until January 1, 2023, this section shall read as follows:]**

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

28 (a) First Circuit Court District..... nine (9)
29 legal assistants.

30 (b) Second Circuit Court District..... ten (10)
31 legal assistants.

32 (c) Third Circuit Court District..... five (5)
33 legal assistants.

34 (d) Fourth Circuit Court District..... six (6)
35 legal assistants.

36 (e) Fifth Circuit Court District..... five (5)
37 legal assistants.

38 (f) Sixth Circuit Court District..... two (2)

39 legal assistants.

40 (g) Seventh Circuit Court District.....eleven (11)

41 legal assistants.

42 (h) Eighth Circuit Court District..... three (3)

43 legal assistants.

44 (i) Ninth Circuit Court District..... three (3)

45 legal assistants.

46 (j) Tenth Circuit Court District..... four (4)

47 legal assistants.

48 (k) Eleventh Circuit Court District..... five (5)

49 legal assistants.

50 (l) Twelfth Circuit Court District..... five (5)

51 legal assistants.

52 (m) Thirteenth Circuit Court District..... four (4)

53 legal assistants.

54 (n) Fourteenth Circuit Court District..... five (5)

55 legal assistants.

56 (o) Fifteenth Circuit Court District..... six (6)

57 legal assistants.

58 (p) Sixteenth Circuit Court District five (5)

59 legal assistants.

60 (q) Seventeenth Circuit Court District..... seven (7)

61 legal assistants.

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

63 legal assistants.

64 (s) Nineteenth Circuit Court District..... six (6)

65 legal assistants.

66 (t) Twentieth Circuit Court District..... six (6)

67 legal assistants.

68 (u) Twenty-first Circuit Court District..... three (3)

69 legal assistants.

70 (v) Twenty-second Circuit Court District..... three (3)

71 legal assistants.

72 (2) In addition to any legal assistants authorized pursuant
73 to subsection (1) of this section, the following number of
74 full-time legal assistants are authorized (i) in the following
75 circuit court districts if funds are appropriated by the
76 Legislature to adequately fund the salaries, expenses and fringe
77 benefits of such legal assistants, or (ii) in any of the following
78 circuit court districts in which the board of supervisors of one
79 or more of the counties in a circuit court district adopts a
80 resolution to pay all of the salaries, supplemental pay, expenses
81 and fringe benefits of legal assistants authorized in such
82 district pursuant to this subsection:

83 (a) First Circuit Court District..... two (2)

84 legal assistants.

85 (b) Second Circuit Court District..... two (2)

86 legal assistants.

87 (c) Third Circuit Court District..... two (2)

88 legal assistants.

89 (d) Fourth Circuit Court District..... two (2)

90 legal assistants.

91 (e) Fifth Circuit Court District..... two (2)
92 legal assistants.
93 (f) Sixth Circuit Court District..... two (2)
94 legal assistants.
95 (g) Seventh Circuit Court District..... two (2)
96 legal assistants.
97 (h) Eighth Circuit Court District..... two (2)
98 legal assistants.
99 (i) Ninth Circuit Court District..... two (2)
100 legal assistants.
101 (j) Tenth Circuit Court District..... two (2)
102 legal assistants.
103 (k) Eleventh Circuit Court District..... two (2)
104 legal assistants.
105 (l) Twelfth Circuit Court District..... two (2)
106 legal assistants.
107 (m) Thirteenth Circuit Court District..... two (2)
108 legal assistants.
109 (n) Fourteenth Circuit Court District..... two (2)
110 legal assistants.
111 (o) Fifteenth Circuit Court District..... two (2)
112 legal assistants.
113 (p) Sixteenth Circuit Court District..... two (2)
114 legal assistants.
115 (q) Seventeenth Circuit Court District..... two (2)
116 legal assistants.

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

118 legal assistants.

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

120 legal assistants.

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

122 legal assistants.

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

124 legal assistants.

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

126 legal assistants.

127 (3) The board of supervisors of any county may pay all or a
128 part of the salary, supplemental pay, expenses and fringe benefits
129 of any district attorney or legal assistant authorized in the
130 circuit court district to which such county belongs pursuant to
131 this section.

132 (4) The district attorney of any circuit court district may
133 employ additional legal assistants or criminal investigators, or
134 both, without regard to any limitation on the number of legal
135 assistants authorized in this section or criminal investigators
136 authorized by other provisions of law to the extent that the
137 district attorney's office receives funds from any source. Any
138 source shall include, but is not limited to, office generated
139 funds, funds from a county, a combination of counties, a
140 municipality, a combination of municipalities, federal funds,
141 private grants or foundations, or by means of an Interlocal
142 Cooperative Agreement authorized by Section 17-13-1 which may be

143 expended for those positions in an amount sufficient to pay all of
144 the salary, supplemental pay, expenses and fringe benefits of the
145 positions. Such funds may either be paid out of district attorney
146 accounts, transferred by the district attorney to the Department
147 of Finance and Administration or to one or more of the separate
148 counties comprising the circuit court district, and said funds
149 shall be disbursed to such employees in the same manner as
150 state-funded criminal investigators and full-time legal
151 assistants. The district attorney shall report to the board of
152 supervisors of each county comprising the circuit court district
153 the amount and source of the supplemental salary, expenses and
154 fringe benefits, and the board in each county shall spread the
155 same on its minutes. The district attorney shall also report such
156 information to the Department of Finance and Administration which
157 shall make such information available to the Legislative Budget
158 Office.

159 (5) The district attorney shall be authorized to assign the
160 duties of a legal assistant regardless of the source of funding
161 for such legal assistants.

162 **[From and after January 1, 2023, this section shall read as**
163 **follows:]**

164 25-31-5. (1) The following number of full-time legal
165 assistants are authorized in the following circuit court
166 districts:

167 (a) First Circuit Court District.....nine (9)
168 legal assistants.

169 (b) Second Circuit Court District.....ten (10)
170 legal assistants.
171 (c) Third Circuit Court District.....five (5)
172 legal assistants.
173 (d) Fourth Circuit Court District.....six (6)
174 legal assistants.
175 (e) Fifth Circuit Court District.....five (5)
176 legal assistants.
177 (f) Sixth Circuit Court District.....two (2)
178 legal assistants.
179 (g) Seventh Circuit Court District.....eleven (11)
180 legal assistants.
181 (h) Eighth Circuit Court District.....three (3)
182 legal assistants.
183 (i) Ninth Circuit Court District.....three (3)
184 legal assistants.
185 (j) Tenth Circuit Court District.....four (4)
186 legal assistants.
187 (k) Eleventh Circuit Court District.....five (5)
188 legal assistants.
189 (l) Twelfth Circuit Court District.....five (5)
190 legal assistants.
191 (m) Thirteenth Circuit Court District.....four (4)
192 legal assistants.
193 (n) Fourteenth Circuit Court District.....five (5)
194 legal assistants.

- 195 (o) Fifteenth Circuit Court District.....six (6)
196 legal assistants.
- 197 (p) Sixteenth Circuit Court District.....five (5)
198 legal assistants
- 199 (q) Seventeenth Circuit Court District.. * * * three
200 (3) legal assistants.
- 201 (r) Eighteenth Circuit Court District.....two (2)
202 legal assistants.
- 203 (s) Nineteenth Circuit Court District.....six (6)
204 legal assistants.
- 205 (t) Twentieth Circuit Court District.....six (6)
206 legal assistants.
- 207 (u) Twenty-first Circuit Court District.....three (3)
208 legal assistants.
- 209 (v) Twenty-second Circuit Court District.....three (3)
210 legal assistants.
- 211 (w) Twenty-third Circuit Court District.....four (4)
212 legal assistants.

213 (2) In addition to any legal assistants authorized pursuant
214 to subsection (1) of this section, the following number of
215 full-time legal assistants are authorized (i) in the following
216 circuit court districts if funds are appropriated by the
217 Legislature to adequately fund the salaries, expenses and fringe
218 benefits of such legal assistants, or (ii) in any of the following
219 circuit court districts in which the board of supervisors of one
220 or more of the counties in a circuit court district adopts a

221 resolution to pay all of the salaries, supplemental pay, expenses
222 and fringe benefits of legal assistants authorized in such
223 district pursuant to this subsection:

224 (a) First Circuit Court District.....two (2)
225 legal assistants.

226 (b) Second Circuit Court District.....two (2)
227 legal assistants.

228 (c) Third Circuit Court District.....two (2)
229 legal assistants.

230 (d) Fourth Circuit Court District.....two (2)
231 legal assistants.

232 (e) Fifth Circuit Court District.....two (2)
233 legal assistants.

234 (f) Sixth Circuit Court District.....two (2)
235 legal assistants.

236 (g) Seventh Circuit Court District.....two (2)
237 legal assistants.

238 (h) Eighth Circuit Court District.....two (2)
239 legal assistants.

240 (i) Ninth Circuit Court District.....two (2)
241 legal assistants.

242 (j) Tenth Circuit Court District.....two (2)
243 legal assistants.

244 (k) Eleventh Circuit Court District.....two (2)
245 legal assistants.

246 (l) Twelfth Circuit Court District.....two (2)

247 legal assistants.
248 (m) Thirteenth Circuit Court District.....two (2)
249 legal assistants.
250 (n) Fourteenth Circuit Court District.....two (2)
251 legal assistants.
252 (o) Fifteenth Circuit Court District.....two (2)
253 legal assistants.
254 (p) Sixteenth Circuit Court District.....two (2)
255 legal assistants.
256 (q) Seventeenth Circuit Court District.....two (2)
257 legal assistants.
258 (r) Eighteenth Circuit Court District.....two (2)
259 legal assistants.
260 (s) Nineteenth Circuit Court District.....two (2)
261 legal assistants.
262 (t) Twentieth Circuit Court District.....two (2)
263 legal assistants.
264 (u) Twenty-first Circuit Court District.....two (2)
265 legal assistants.
266 (v) Twenty-second Circuit Court District.....two (2)
267 legal assistants.
268 (w) Twenty-third Circuit Court District.....two (2)
269 legal assistants.
270 (3) The board of supervisors of any county may pay all or a
271 part of the salary, supplemental pay, expenses and fringe benefits
272 of any district attorney or legal assistant authorized in the

273 circuit court district to which such county belongs pursuant to
274 this section.

275 (4) The district attorney of any circuit court district may
276 employ additional legal assistants or criminal investigators, or
277 both, without regard to any limitation on the number of legal
278 assistants authorized in this section or criminal investigators
279 authorized by other provisions of law to the extent that the
280 district attorney's office receives funds from any source. Any
281 source shall include, but is not limited to, office generated
282 funds, funds from a county, a combination of counties, a
283 municipality, a combination of municipalities, federal funds,
284 private grants or foundations, or by means of an Interlocal
285 Cooperative Agreement authorized by Section 17-13-1 which may be
286 expended for those positions in an amount sufficient to pay all of
287 the salary, supplemental pay, expenses and fringe benefits of the
288 positions. Such funds may either be paid out of district attorney
289 accounts, transferred by the district attorney to the Department
290 of Finance and Administration or to one or more of the separate
291 counties comprising the circuit court district, and * * * the
292 funds shall be disbursed to such employees in the same manner as
293 state-funded criminal investigators and full-time legal
294 assistants. The district attorney shall report to the board of
295 supervisors of each county comprising the circuit court district
296 the amount and source of the supplemental salary, expenses and
297 fringe benefits, and the board in each county shall spread the
298 same on its minutes. The district attorney shall also report such

299 information to the Department of Finance and Administration which
300 shall make such information available to the Legislative Budget
301 Office.

302 (5) The district attorney shall be authorized to assign the
303 duties of a legal assistant regardless of the source of funding
304 for such legal assistants.

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

307 **[Until January 1, 2023, this section shall read as follows:]**

308 25-31-10. (1) Any district attorney may appoint a full-time
309 criminal investigator.

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

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

319 (4) No district attorney or assistant district attorney
320 shall accept any private employment, civil or criminal, in any
321 matter investigated by such criminal investigators.

322 (5) The full and complete compensation for all public duties
323 rendered by said criminal investigators shall be not more than
324 Fifty-nine Thousand Five Hundred Dollars (\$59,500.00) per annum,

325 to be determined at the discretion of the district attorney based
326 upon the qualifications, education and experience of the criminal
327 investigator, plus necessary travel and other expenses, to be paid
328 in accordance with Section 25-31-8. However, the maximum salary
329 under this subsection for a criminal investigator who has a law
330 degree may be supplemented by the district attorney from other
331 available funds, but not to exceed the maximum salary for a legal
332 assistant to a district attorney.

333 (6) Any criminal investigator may be designated by the
334 district attorney to attend the Law Enforcement Officers Training
335 Program set forth in Section 45-6-1 et seq., Mississippi Code of
336 1972. The total expenses associated with attendance by criminal
337 investigators at the Law Enforcement Officers Training Program
338 shall be paid out of the funds of the appropriate district
339 attorney.

340 (7) The district attorney shall be authorized to assign the
341 duties of criminal investigators regardless of the source of
342 funding for such criminal investigators.

343 **[From and after January 1, 2023, this section shall read as**
344 **follows:]**

345 25-31-10. (1) Any district attorney may appoint a full-time
346 criminal investigator.

347 (2) The district attorneys of the Third, Fifth, Ninth,
348 Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth,
349 Sixteenth, Seventeenth * * *, Twentieth and Twenty-third Circuit
350 Court Districts may appoint one (1) additional full-time criminal

351 investigator for a total of two (2) full-time criminal
352 investigators.

353 (3) The district attorneys of the *First*, Second, Fourth,
354 Seventh and Nineteenth Circuit Court Districts may appoint two (2)
355 additional full-time criminal investigators for a total of three
356 (3) full-time criminal investigators.

357 (4) No district attorney or assistant district attorney
358 shall accept any private employment, civil or criminal, in any
359 matter investigated by such criminal investigators.

360 (5) The full and complete compensation for all public duties
361 rendered by * * * the criminal investigators shall be not more
362 than Fifty-nine Thousand Five Hundred Dollars (\$59,500.00) per
363 annum, to be determined at the discretion of the district attorney
364 based upon the qualifications, education and experience of the
365 criminal investigator, plus necessary travel and other expenses,
366 to be paid in accordance with Section 25-31-8. However, the
367 maximum salary under this subsection for a criminal investigator
368 who has a law degree may be supplemented by the district attorney
369 from other available funds, but not to exceed the maximum salary
370 for a legal assistant to a district attorney.

371 (6) Any criminal investigator may be designated by the
372 district attorney to attend the Law Enforcement Officers Training
373 Program set forth in Section 45-6-1 et seq. * * * The total
374 expenses associated with attendance by criminal investigators at
375 the Law Enforcement Officers Training Program shall be paid out of
376 the funds of the appropriate district attorney.

377 (7) The district attorney shall be authorized to assign the
378 duties of criminal investigators regardless of the source of
379 funding for such criminal investigators.

380 **SECTION 3.** The following section shall be codified as
381 Section 9-7-63, Mississippi Code of 1972:

382 9-7-63. The Twenty-third Circuit Court District shall be
383 DeSoto County.

384 **SECTION 4.** The following section shall be codified as
385 Section 9-7-64, Mississippi Code of 1972:

386 9-7-64. (1) There shall be two (2) circuit judges for the
387 Twenty-third Circuit Court District.

388 (2) For the purposes of appointment and election, the two
389 (2) judgeships shall be separate and distinct and denominated as
390 "Place One" and "Place Two."

391 **SECTION 5.** Section 9-7-45, Mississippi Code of 1972, is
392 amended as follows:

393 **[Until January 1, 2023, this section shall read as follows:]**

394 9-7-45. The Seventeenth Circuit Court District shall be
395 divided into two (2) subdistricts as follows:

396 (a) Subdistrict 17-1 shall be composed of DeSoto
397 County; and

398 (b) Subdistrict 17-2 shall be composed of Panola
399 County, Tallahatchie County, Tate County and Yalobusha County.

400 **[From after January 1, 2023, this section shall read as**
401 **follows:]**

402 9-7-45. The Seventeenth Circuit Court District shall
403 be * * * composed of the following counties:

404 * * *

405 (a) Panola County * * *;

406 (b) Tallahatchie County * * *;

407 (c) Tate County; and

408 (d) Yalobusha County.

409 **SECTION 6.** Section 9-7-46, Mississippi Code of 1972, is
410 amended as follows:

411 **[Until January 1, 2023, this section shall read as follows:]**

412 9-7-46. (1) There shall be four (4) circuit judges for the
413 Seventeenth Circuit Court District.

414 (2) For the purpose of appointment and election, the four
415 (4) judgeships shall be separate and distinct, and one (1) judge
416 shall be elected from Subdistrict 17-1, two (2) judges shall be
417 elected from Subdistrict 17-2, and one (1) judge shall be elected
418 from every county in the district. The two (2) judgeships in
419 Subdistrict 17-2 shall be denominated as "Place One" and "Place
420 Two," the judgeship in Subdistrict 17-1 shall be denominated as
421 "Place Three," and the at-large judgeship shall be denominated as
422 "Place Four."

423 **[From and after January 1, 2023, this section shall read as**
424 **follows:]**

425 9-7-46. (1) There shall be * * * two (2) circuit judges for
426 the Seventeenth Circuit Court District.

427 (2) For the purpose of appointment and election, the * * *
428 two (2) judgeships shall be separate and distinct, and * * * be
429 denominated as "Place One" and "Place Two * * *."

430 **SECTION 7.** Section 9-5-13, Mississippi Code of 1972, is
431 amended as follows:

432 **[Until January 1, 2027, this section shall read as follows:]**

433 9-5-13. (1) There shall be three (3) chancellors for the
434 Third Chancery Court District.

435 (2) (a) The chancellor of Subdistrict 3-1 shall be elected
436 from DeSoto County. The two (2) chancellors of Subdistrict 3-2
437 shall be elected from Grenada County, Montgomery County, Panola
438 County, Tate County and Yalobusha County.

439 (b) For purposes of appointment and election, the three
440 (3) chancellorships shall be separate and distinct. The
441 chancellorship in Subdistrict 3-1 shall be denominated only as
442 "Place One," and the chancellorships in Subdistrict 3-2 shall be
443 denominated only as "Place Two" and "Place Three."

444 **[From after January 1, 2027, this section shall read as**
445 **follows:]**

446 9-5-13. (1) There shall be * * * four (4) chancellors for
447 the Third Chancery Court District.

448 (2) (a) The two (2) chancellors of Subdistrict 3-1 shall be
449 elected from DeSoto County. The two (2) chancellors of
450 Subdistrict 3-2 shall be elected from Grenada County, Montgomery
451 County, Panola County, Tate County and Yalobusha County.

452 (b) For purposes of appointment and election, the * * *
453 four (4) chancellorships shall be separate and distinct and
454 denominated as "Place One," "Place Two," "Place Three" and "Place
455 Four". The chancellorship in Subdistrict 3-1 shall be denominated
456 only as "Place One * * *" and "Place Four" and the chancellorships
457 in Subdistrict 3-2 shall be denominated only as "Place Two" and
458 "Place Three."

459 **SECTION 8.** (1) The new circuit judge position created for
460 the Twenty-third Circuit Court District by virtue of this act
461 shall be filled during the November 2022 judicial election in
462 accordance with Sections 23-15-974 through 23-15-985.

463 (2) (a) The office of district attorney for the
464 Twenty-third Circuit Court District created by virtue of this act
465 shall be filled by the person who holds the office of district
466 attorney for the Seventeenth Circuit Court District on December
467 31, 2022. Such person shall serve as the district attorney for
468 the Twenty-third Circuit Court District until a successor for such
469 office is elected in the November 2023 general election.
470 Notwithstanding any other provision of law to the contrary
471 regarding residency of candidates for the office of district
472 attorney, the person serving as the district attorney for the
473 Seventeenth Circuit Court District as of December 31, 2022, may
474 qualify as a candidate to run for the office of district attorney
475 for the Twenty-third Circuit Court District in the November 2023
476 general election, if such person is otherwise qualified as a
477 candidate as provided by law.

478 (b) The vacancy created by virtue of paragraph (a) of
479 this subsection (2) for the office of district attorney for the
480 Seventeenth Circuit Court District shall be filled by special
481 election on the date set for judicial elections in November 2022,
482 with such person taking office as district attorney for the
483 Seventeenth Circuit Court District on January 1, 2023, for a term
484 to expire as is provided for district attorneys generally. The
485 date and deadline to qualify as a candidate in the special
486 election for such office shall be the same as for judicial
487 candidates for the November 2022 judicial elections.

488 (3) The new chancellorship position created for the Third
489 Chancery Court District by virtue of this act shall be filled
490 during the November 2026 judicial election in accordance with
491 Sections 23-15-974 through 23-15-985.

492 **SECTION 9.** Sections 3 and 4 of this act shall take effect
493 and be in force from and after January 1, 2023, and the remainder
494 of this act shall take effect and be in force from and after July
495 1, 2020, and shall stand repealed on June 30, 2020.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 25-31-5, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE NUMBER OF LEGAL ASSISTANTS IN THE SEVENTEENTH CIRCUIT
3 COURT DISTRICT AND TO PROVIDE LEGAL ASSISTANTS FOR THE
4 TWENTY-THIRD CIRCUIT COURT DISTRICT; TO AMEND SECTION 25-31-10,
5 MISSISSIPPI CODE OF 1972, TO REVISE THE NUMBER OF CRIMINAL
6 INVESTIGATORS FOR DISTRICT ATTORNEYS TO CONFORM TO THE PRECEDING
7 SECTION; TO CREATE NEW SECTION 9-7-63, MISSISSIPPI CODE OF 1972,
8 TO CREATE THE TWENTY-THIRD CIRCUIT COURT DISTRICT; TO CREATE NEW
9 SECTION 9-7-64, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE
10 JUDGES OF THE TWENTY-THIRD CIRCUIT DISTRICT; TO AMEND SECTION

11 9-7-45, MISSISSIPPI CODE OF 1972, TO REDUCE THE NUMBER OF COUNTIES
12 IN THE SEVENTEENTH CIRCUIT COURT DISTRICT; TO AMEND SECTION
13 9-7-46, MISSISSIPPI CODE OF 1972, TO REDUCE THE NUMBER OF JUDGES
14 FOR THE SEVENTEENTH CIRCUIT COURT DISTRICT; TO AMEND SECTION
15 9-5-13, MISSISSIPPI CODE OF 1972, TO ADD ONE CHANCELLOR TO THE
16 THIRD CHANCERY COURT DISTRICT AT A LATER DATE; TO PROVIDE THE
17 PROCEDURE TO FILL THE JUDICIAL OFFICE AND OFFICE OF DISTRICT
18 ATTORNEY FOR THE TWENTY-THIRD CIRCUIT COURT DISTRICT AND THE NEW
19 CHANCELLORSHIP FOR THE THIRD CHANCERY DISTRICT; AND FOR RELATED
20 PURPOSES.

SS26\HB1490PS.J

Eugene S. Clarke
Secretary of the Senate