

By: Representative Bain

To: Judiciary B

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1197

1 AN ACT TO AMEND SECTION 25-31-5, MISSISSIPPI CODE OF 1972, TO  
2 REVISE THE NUMBER OF ASSISTANT DISTRICT ATTORNEYS; TO AMEND  
3 SECTION 25-31-39, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE  
4 APPOINTMENT AND EMPLOYMENT OF PART-TIME LEGAL ASSISTANTS BY A  
5 DISTRICT ATTORNEY, SUBJECT TO THE AVAILABILITY OF FUNDS; TO AMEND  
6 SECTION 25-31-10, MISSISSIPPI CODE OF 1972, TO AUTHORIZE AN  
7 ADDITIONAL CRIMINAL INVESTIGATOR FOR THE 13TH CIRCUIT COURT  
8 DISTRICT; AND FOR RELATED PURPOSES.

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

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

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

13 25-31-5. (1) The following number of full-time legal  
14 assistants are authorized in the following circuit court  
15 districts:

16 (a) First Circuit Court District..... nine (9)  
17 legal assistants.

18 (b) Second Circuit Court District.. \* \* \*twelve (12)  
19 legal assistants.

20 (c) Third Circuit Court District..... \* \* \*seven (7)  
21 legal assistants.



22                   (d) Fourth Circuit Court District...       \* \* \*eight (8)  
23 legal assistants.

24                   (e) Fifth Circuit Court District.....       \* \* \*seven (7)  
25 legal assistants.

26                   (f) Sixth Circuit Court District.....       \* \* \*four (4)  
27 legal assistants.

28                   (g) Seventh Circuit Court District.. \* \* \* fifteen (15)  
29 legal assistants.

30                   (h) Eighth Circuit Court District.....       \* \* \*four (4)  
31 legal assistants.

32                   (i) Ninth Circuit Court District.....       \* \* \*four (4)  
33 legal assistants.

34                   (j) Tenth Circuit Court District.....       \* \* \*six (6)  
35 legal assistants.

36                   (k) Eleventh Circuit Court District...       \* \* \*seven (7)  
37 legal assistants.

38                   (l) Twelfth Circuit Court District....       \* \* \*seven (7)  
39 legal assistants.

40                   (m) Thirteenth Circuit Court District.....four (4)  
41 legal assistants.

42                   (n) Fourteenth Circuit Court District... \* \* \*seven (7)  
43 legal assistants.

44                   (o) Fifteenth Circuit Court District.       \* \* \*eight (8)  
45 legal assistants.

46                   (p) Sixteenth Circuit Court District .       \* \* \*seven (7)



47 legal assistants.

48 (q) Seventeenth Circuit Court District.. \* \* \*nine (9)

49 legal assistants.

50 (r) Eighteenth Circuit Court District \* \* \*three (3)

51 legal assistants.

52 (s) Nineteenth Circuit Court District \* \* \*eight (8)

53 legal assistants.

54 (t) Twentieth Circuit Court District. \* \* \*eight (8)

55 legal assistants.

56 (u) Twenty-first Circuit Court District. \* \* \*four (4)

57 legal assistants.

58 (v) Twenty-second Circuit Court District \* \* \*four (4)

59 legal assistants.

60 (2) In addition to any legal assistants authorized pursuant  
61 to subsection (1) of this section, the following number of  
62 full-time legal assistants are authorized (i) in the following  
63 circuit court districts if funds are appropriated by the  
64 Legislature to adequately fund the salaries, expenses and fringe  
65 benefits of such legal assistants, or (ii) in any of the following  
66 circuit court districts in which the board of supervisors of one  
67 or more of the counties in a circuit court district adopts a  
68 resolution to pay all of the salaries, supplemental pay, expenses  
69 and fringe benefits of legal assistants authorized in such  
70 district pursuant to this subsection:

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



72 legal assistants.

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

74 legal assistants.

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

76 legal assistants.

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

78 legal assistants.

79                   (e) Fifth Circuit Court District..... two (2)

80 legal assistants.

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

82 legal assistants.

83                   (g) Seventh Circuit Court District..... two (2)

84 legal assistants.

85                   (h) Eighth Circuit Court District..... two (2)

86 legal assistants.

87                   (i) Ninth Circuit Court District..... two (2)

88 legal assistants.

89                   (j) Tenth Circuit Court District..... two (2)

90 legal assistants.

91                   (k) Eleventh Circuit Court District..... two (2)

92 legal assistants.

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

94 legal assistants.

95                   (m) Thirteenth Circuit Court District..... two (2)

96 legal assistants.



97                   (n) Fourteenth Circuit Court District..... two (2)  
98 legal assistants.

99                   (o) Fifteenth Circuit Court District..... two (2)  
100 legal assistants.

101                   (p) Sixteenth Circuit Court District..... two (2)  
102 legal assistants.

103                   (q) Seventeenth Circuit Court District..... two (2)  
104 legal assistants.

105                   (r) Eighteenth Circuit Court District..... two (2)  
106 legal assistants.

107                   (s) Nineteenth Circuit Court District..... two (2)  
108 legal assistants.

109                   (t) Twentieth Circuit Court District..... two (2)  
110 legal assistants.

111                   (u) Twenty-first Circuit Court District..... two (2)  
112 legal assistants.

113                   (v) Twenty-second Circuit Court District..... two (2)  
114 legal assistants.

115           (3) The board of supervisors of any county may pay all or a  
116 part of the salary, supplemental pay, expenses and fringe benefits  
117 of any district attorney or legal assistant authorized in the  
118 circuit court district to which such county belongs pursuant to  
119 this section.

120           (4) The district attorney of any circuit court district may  
121 employ additional legal assistants or criminal investigators, or



122 both, without regard to any limitation on the number of legal  
123 assistants authorized in this section or criminal investigators  
124 authorized by other provisions of law to the extent that the  
125 district attorney's office receives funds from any source. Any  
126 source shall include, but is not limited to, office generated  
127 funds, funds from a county, a combination of counties, a  
128 municipality, a combination of municipalities, federal funds,  
129 private grants or foundations, or by means of an Interlocal  
130 Cooperative Agreement authorized by Section 17-13-1 which may be  
131 expended for those positions in an amount sufficient to pay all of  
132 the salary, supplemental pay, expenses and fringe benefits of the  
133 positions. Such funds may either be paid out of district attorney  
134 accounts, transferred by the district attorney to the Department  
135 of Finance and Administration or to one or more of the separate  
136 counties comprising the circuit court district, and said funds  
137 shall be disbursed to such employees in the same manner as  
138 state-funded criminal investigators and full-time legal  
139 assistants. The district attorney shall report to the board of  
140 supervisors of each county comprising the circuit court district  
141 the amount and source of the supplemental salary, expenses and  
142 fringe benefits, and the board in each county shall spread the  
143 same on its minutes. The district attorney shall also report such  
144 information to the Department of Finance and Administration which  
145 shall make such information available to the Legislative Budget  
146 Office.



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

150 [From and after January 1, 2023, this section shall read as  
151 follows:]

152 25-31-5. (1) The following number of full-time legal  
153 assistants are authorized in the following circuit court  
154 districts:

155 (a) First Circuit Court District.....nine (9)  
156 legal assistants.

157 (b) Second Circuit Court District..... \* \* \*twelve (12)  
158 legal assistants.

159 (c) Third Circuit Court District..... \* \* \*seven (7)  
160 legal assistants.

161 (d) Fourth Circuit Court District..... \* \* \*eight (8)  
162 legal assistants.

163 (e) Fifth Circuit Court District..... \* \* \*seven (7)  
164 legal assistants.

165 (f) Sixth Circuit Court District..... \* \* \*four (4)  
166 legal assistants.

167 (g) Seventh Circuit Court District... \* \* \*fifteen (15)  
168 legal assistants.

169 (h) Eighth Circuit Court District..... \* \* \*four (4)  
170 legal assistants.



171           (i) Ninth Circuit Court District..... \* \* \*four (4)  
172 legal assistants.  
173           (j) Tenth Circuit Court District..... \* \* \*six (6)  
174 legal assistants.  
175           (k) Eleventh Circuit Court District..... \* \* \*seven (7)  
176 legal assistants.  
177           (l) Twelfth Circuit Court District..... \* \* \*seven (7)  
178 legal assistants.  
179           (m) Thirteenth Circuit Court District.....four (4)  
180 legal assistants.  
181           (n) Fourteenth Circuit Court District... \* \* \*seven (7)  
182 legal assistants.  
183           (o) Fifteenth Circuit Court District.... \* \* \*eight (8)  
184 legal assistants.  
185           (p) Sixteenth Circuit Court District.... \* \* \*seven (7)  
186 legal assistants.  
187           (q) Seventeenth Circuit Court District.. \* \* \*four (4)  
188 legal assistants.  
189           (r) Eighteenth Circuit Court District... \* \* \*three (3)  
190 legal assistants.  
191           (s) Nineteenth Circuit Court District... \* \* \*eight (8)  
192 legal assistants.  
193           (t) Twentieth Circuit Court District.... \* \* \*eight (8)  
194 legal assistants.





195 (u) Twenty-first Circuit Court District.. \* \* \*four (4)  
196 legal assistants.

197 (v) Twenty-second Circuit Court District. \* \* \*four (4)  
198 legal assistants.

199 (w) Twenty-third Circuit Court District . \* \* \*five (5)  
200 legal assistants.

201 (2) In addition to any legal assistants authorized pursuant  
202 to subsection (1) of this section, the following number of  
203 full-time legal assistants are authorized (i) in the following  
204 circuit court districts if funds are appropriated by the  
205 Legislature to adequately fund the salaries, expenses and fringe  
206 benefits of such legal assistants, or (ii) in any of the following  
207 circuit court districts in which the board of supervisors of one  
208 or more of the counties in a circuit court district adopts a  
209 resolution to pay all of the salaries, supplemental pay, expenses  
210 and fringe benefits of legal assistants authorized in such  
211 district pursuant to this subsection:

212 (a) First Circuit Court District.....two (2)  
213 legal assistants.

214 (b) Second Circuit Court District.....two (2)  
215 legal assistants.

216 (c) Third Circuit Court District.....two (2)  
217 legal assistants.

218 (d) Fourth Circuit Court District.....two (2)  
219 legal assistants.



220                   (e) Fifth Circuit Court District.....two (2)  
221 legal assistants.  
222                   (f) Sixth Circuit Court District.....two (2)  
223 legal assistants.  
224                   (g) Seventh Circuit Court District.....two (2)  
225 legal assistants.  
226                   (h) Eighth Circuit Court District.....two (2)  
227 legal assistants.  
228                   (i) Ninth Circuit Court District.....two (2)  
229 legal assistants.  
230                   (j) Tenth Circuit Court District.....two (2)  
231 legal assistants.  
232                   (k) Eleventh Circuit Court District.....two (2)  
233 legal assistants.  
234                   (l) Twelfth Circuit Court District.....two (2)  
235 legal assistants.  
236                   (m) Thirteenth Circuit Court District.....two (2)  
237 legal assistants.  
238                   (n) Fourteenth Circuit Court District.....two (2)  
239 legal assistants.  
240                   (o) Fifteenth Circuit Court District.....two (2)  
241 legal assistants.  
242                   (p) Sixteenth Circuit Court District.....two (2)  
243 legal assistants.



244 (q) Seventeenth Circuit Court District.....two (2)  
245 legal assistants.

246 (r) Eighteenth Circuit Court District.....two (2)  
247 legal assistants.

248 (s) Nineteenth Circuit Court District.....two (2)  
249 legal assistants.

250 (t) Twentieth Circuit Court District.....two (2)  
251 legal assistants.

252 (u) Twenty-first Circuit Court District.....two (2)  
253 legal assistants.

254 (v) Twenty-second Circuit Court District.....two (2)  
255 legal assistants.

256 (w) Twenty-third Circuit Court District.....two (2)  
257 legal assistants.

258 (3) The board of supervisors of any county may pay all or a  
259 part of the salary, supplemental pay, expenses and fringe benefits  
260 of any district attorney or legal assistant authorized in the  
261 circuit court district to which such county belongs pursuant to  
262 this section.

263 (4) The district attorney of any circuit court district may  
264 employ additional legal assistants or criminal investigators, or  
265 both, without regard to any limitation on the number of legal  
266 assistants authorized in this section or criminal investigators  
267 authorized by other provisions of law to the extent that the  
268 district attorney's office receives funds from any source. Any



269 source shall include, but is not limited to, office generated  
270 funds, funds from a county, a combination of counties, a  
271 municipality, a combination of municipalities, federal funds,  
272 private grants or foundations, or by means of an Interlocal  
273 Cooperative Agreement authorized by Section 17-13-1 which may be  
274 expended for those positions in an amount sufficient to pay all of  
275 the salary, supplemental pay, expenses and fringe benefits of the  
276 positions. Such funds may either be paid out of district attorney  
277 accounts, transferred by the district attorney to the Department  
278 of Finance and Administration or to one or more of the separate  
279 counties comprising the circuit court district, and the funds  
280 shall be disbursed to such employees in the same manner as  
281 state-funded criminal investigators and full-time legal  
282 assistants. The district attorney shall report to the board of  
283 supervisors of each county comprising the circuit court district  
284 the amount and source of the supplemental salary, expenses and  
285 fringe benefits, and the board in each county shall spread the  
286 same on its minutes. The district attorney shall also report such  
287 information to the Department of Finance and Administration which  
288 shall make such information available to the Legislative Budget  
289 Office.

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



293           **SECTION 2.** Section 25-31-39, Mississippi Code of 1972, is  
294 amended as follows:

295           25-31-39. \* \* \* To the extent the district attorney's office  
296 receives funds from any source, the district attorney may employ  
297 one or more part-time legal assistants who shall serve at the will  
298 and pleasure of the district attorney to assist in the performance  
299 of the duties of the district attorney. A part-time legal  
300 assistant must not engage in the private practice of law, and must  
301 possess the qualifications and be subject to removal as provided  
302 in Section 25-31-6. The term "any source" has the meaning  
303 ascribed in Section 25-31-5.

304           **SECTION 3.** Section 25-31-10, Mississippi Code of 1972, is  
305 amended as follows:

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

307           25-31-10. (1) Any district attorney may appoint a full-time  
308 criminal investigator.

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

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



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

321 (5) The full and complete compensation for all public duties  
322 rendered by said criminal investigators shall be not more than  
323 Fifty-nine Thousand Five Hundred Dollars (\$59,500.00) per annum,  
324 to be determined at the discretion of the district attorney based  
325 upon the qualifications, education and experience of the criminal  
326 investigator, plus necessary travel and other expenses, to be paid  
327 in accordance with Section 25-31-8. However, the maximum salary  
328 under this subsection for a criminal investigator who has a law  
329 degree may be supplemented by the district attorney from other  
330 available funds, but not to exceed the maximum salary for a legal  
331 assistant to a district attorney.

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

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



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

344           25-31-10. (1) Any district attorney may appoint a full-time  
345 criminal investigator.

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

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

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

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



367 available funds, but not to exceed the maximum salary for a legal  
368 assistant to a district attorney.

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

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

378 **SECTION 4.** This act shall take effect and be in force from  
379 and after July 1, 2022.

