

By: Representative Bain

To: Judiciary B

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; AND FOR RELATED
3 PURPOSES.

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

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

7 **[Until January 1, 2023, this section shall read 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..... nine (9)
12 legal assistants.

13 (b) Second Circuit Court District.. * * *twelve (12)
14 legal assistants.

15 (c) Third Circuit Court District..... * * *seven (7)
16 legal assistants.

17 (d) Fourth Circuit Court District... * * *eight (8)
18 legal assistants.



19 (e) Fifth Circuit Court District..... * * *seven (7)
20 legal assistants.

21 (f) Sixth Circuit Court District..... * * *four (4)
22 legal assistants.

23 (g) Seventh Circuit Court District.. * * * fifteen (15)
24 legal assistants.

25 (h) Eighth Circuit Court District..... * * *four (4)
26 legal assistants.

27 (i) Ninth Circuit Court District..... * * *four (4)
28 legal assistants.

29 (j) Tenth Circuit Court District..... * * *six (6)
30 legal assistants.

31 (k) Eleventh Circuit Court District... * * *seven (7)
32 legal assistants.

33 (l) Twelfth Circuit Court District.... * * *seven (7)
34 legal assistants.

35 (m) Thirteenth Circuit Court District..... four (4)
36 legal assistants.

37 (n) Fourteenth Circuit Court District..... five (5)
38 legal assistants.

39 (o) Fifteenth Circuit Court District. * * *eight (8)
40 legal assistants.

41 (p) Sixteenth Circuit Court District . * * *seven (7)
42 legal assistants.

43 (q) Seventeenth Circuit Court District.. * * *nine (9)



44 legal assistants.

45 (r) Eighteenth Circuit Court District * * * three (3)

46 legal assistants.

47 (s) Nineteenth Circuit Court District * * * eight (8)

48 legal assistants.

49 (t) Twentieth Circuit Court District. * * * eight (8)

50 legal assistants.

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

52 legal assistants.

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

54 legal assistants.

55 (2) In addition to any legal assistants authorized pursuant
56 to subsection (1) of this section, the following number of
57 full-time legal assistants are authorized (i) in the following
58 circuit court districts if funds are appropriated by the
59 Legislature to adequately fund the salaries, expenses and fringe
60 benefits of such legal assistants, or (ii) in any of the following
61 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 funds from any source. Any
121 source shall include, but is not limited to, office generated
122 funds, funds from a county, a combination of counties, a
123 municipality, a combination of municipalities, federal funds,
124 private grants or foundations, or by means of an Interlocal
125 Cooperative Agreement authorized by Section 17-13-1 which may be
126 expended for those positions in an amount sufficient to pay all of
127 the salary, supplemental pay, expenses and fringe benefits of the
128 positions. Such funds may either be paid out of district attorney
129 accounts, transferred by the district attorney to the Department
130 of Finance and Administration or to one or more of the separate
131 counties comprising the circuit court district, and said funds
132 shall be disbursed to such employees in the same manner as
133 state-funded criminal investigators and full-time legal
134 assistants. The district attorney shall report to the board of
135 supervisors of each county comprising the circuit court district
136 the amount and source of the supplemental salary, expenses and
137 fringe benefits, and the board in each county shall spread the
138 same on its minutes. The district attorney shall also report such
139 information to the Department of Finance and Administration which
140 shall make such information available to the Legislative Budget
141 Office.



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

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

147 25-31-5. (1) The following number of full-time legal
148 assistants are authorized in the following circuit court
149 districts:

150 (a) First Circuit Court District.....nine (9)
151 legal assistants.

152 (b) Second Circuit Court District..... * * *twelve (12)
153 legal assistants.

154 (c) Third Circuit Court District..... * * *seven (7)
155 legal assistants.

156 (d) Fourth Circuit Court District..... * * *eight (8)
157 legal assistants.

158 (e) Fifth Circuit Court District..... * * *seven (7)
159 legal assistants.

160 (f) Sixth Circuit Court District..... * * *four (4)
161 legal assistants.

162 (g) Seventh Circuit Court District... * * *fifteen (15)
163 legal assistants.

164 (h) Eighth Circuit Court District..... * * *four (4)
165 legal assistants.



166 (i) Ninth Circuit Court District..... * * *four (4)
167 legal assistants.

168 (j) Tenth Circuit Court District..... * * *six (6)
169 legal assistants.

170 (k) Eleventh Circuit Court District..... * * *seven (7)
171 legal assistants.

172 (l) Twelfth Circuit Court District..... * * *seven (7)
173 legal assistants.

174 (m) Thirteenth Circuit Court District.....four (4)
175 legal assistants.

176 (n) Fourteenth Circuit Court District... * * *seven (7)
177 legal assistants.

178 (o) Fifteenth Circuit Court District.... * * *eight (8)
179 legal assistants.

180 (p) Sixteenth Circuit Court District.... * * *seven (7)
181 legal assistants.

182 (q) Seventeenth Circuit Court District.. * * *four (4)
183 legal assistants.

184 (r) Eighteenth Circuit Court District... * * *three (3)
185 legal assistants.

186 (s) Nineteenth Circuit Court District... * * *eight (8)
187 legal assistants.

188 (t) Twentieth Circuit Court District.... * * *eight (8)
189 legal assistants.



190 (u) Twenty-first Circuit Court District.. * * *four (4)
191 legal assistants.

192 (v) Twenty-second Circuit Court District. * * *four (4)
193 legal assistants.

194 (w) Twenty-third Circuit Court District . * * *five (5)
195 legal assistants.

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

207 (a) First Circuit Court District.....two (2)
208 legal assistants.

209 (b) Second Circuit Court District.....two (2)
210 legal assistants.

211 (c) Third Circuit Court District.....two (2)
212 legal assistants.

213 (d) Fourth Circuit Court District.....two (2)
214 legal assistants.



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



239 (q) Seventeenth Circuit Court District.....two (2)
240 legal assistants.

241 (r) Eighteenth Circuit Court District.....two (2)
242 legal assistants.

243 (s) Nineteenth Circuit Court District.....two (2)
244 legal assistants.

245 (t) Twentieth Circuit Court District.....two (2)
246 legal assistants.

247 (u) Twenty-first Circuit Court District.....two (2)
248 legal assistants.

249 (v) Twenty-second Circuit Court District.....two (2)
250 legal assistants.

251 (w) Twenty-third Circuit Court District.....two (2)
252 legal assistants.

253 (3) The board of supervisors of any county may pay all or a
254 part of the salary, supplemental pay, expenses and fringe benefits
255 of any district attorney or legal assistant authorized in the
256 circuit court district to which such county belongs pursuant to
257 this section.

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



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

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



288 **SECTION 2.** This act shall take effect and be in force from
289 and after July 1, 2022.

