

By: Representative Horan

To: Judiciary A;  
Appropriations

HOUSE BILL NO. 797

1 AN ACT TO AMEND SECTION 9-1-36, MISSISSIPPI CODE OF 1972, TO  
2 THE INCREASE THE OPERATING ALLOWANCE OF CIRCUIT AND CHANCERY  
3 JUDGES; TO AMEND SECTION 25-31-5, MISSISSIPPI CODE OF 1972, TO  
4 REVISE THE NUMBER OF DISTRICT ATTORNEYS IN CERTAIN JUDICIAL  
5 DISTRICTS; TO BRING FORWARD SECTION 25-31-10, MISSISSIPPI CODE OF  
6 1972, WHICH PROVIDES FOR CRIMINAL INVESTIGATORS, FOR PURPOSES OF  
7 AMENDMENT; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 9-1-36, Mississippi Code of 1972, is  
10 amended as follows:

11 9-1-36. (1) Each circuit judge and chancellor shall receive  
12 an office operating allowance for the expenses of operating the  
13 office of the judge, including retaining a law clerk, legal  
14 research, stenographic help, stationery, stamps, furniture, office  
15 equipment, telephone, office rent and other items and expenditures  
16 necessary and incident to maintaining the office of judge. The  
17 allowance shall be paid only to the extent of actual expenses  
18 incurred by the judge as itemized and certified by the judge to  
19 the Supreme Court in the amounts set forth in this subsection;  
20 however, the judge may expend sums in excess thereof from the



21 compensation otherwise provided for his office. No part of this  
22 expense or allowance shall be used to pay an official court  
23 reporter for services rendered to said court.

24 (a) Until July 1, 2008, the office operating allowance  
25 under this subsection shall be not less than Four Thousand Dollars  
26 (\$4,000.00) nor more than Nine Thousand Dollars (\$9,000.00) per  
27 annum.

28 (b) From and after July 1, 2008, the office operating  
29 allowance under this subsection shall be Nine Thousand Dollars  
30 (\$9,000.00) per annum.

31 (2) In addition to the amounts provided for in subsection  
32 (1), there is hereby created a separate office allowance fund for  
33 the purpose of providing support staff to judges. This fund shall  
34 be managed by the Administrative Office of Courts.

35 (3) Each judge who desires to employ support staff after  
36 July 1, 1994, shall make application to the Administrative Office  
37 of Courts by submitting to the Administrative Office of Courts a  
38 proposed personnel plan setting forth what support staff is deemed  
39 necessary. The plan may be submitted by a single judge or by any  
40 combination of judges desiring to share support staff. In the  
41 process of the preparation of the plan, the judges, at their  
42 request, may receive advice, suggestions, recommendations and  
43 other assistance from the Administrative Office of Courts. The  
44 Administrative Office of Courts must approve the positions, job  
45 descriptions and salaries before the positions may be filled. The



46 Administrative Office of Courts shall not approve any plan which  
47 does not first require the expenditure of the funds in the support  
48 staff fund for compensation of any of the support staff before  
49 expenditure is authorized of county funds for that purpose. Upon  
50 approval by the Administrative Office of Courts, the judge or  
51 judges may appoint the employees to the position or positions, and  
52 each employee so appointed will work at the will and pleasure of  
53 the judge or judges who appointed him but will be employees of the  
54 Administrative Office of Courts. Upon approval by the  
55 Administrative Office of Courts, the appointment of any support  
56 staff shall be evidenced by the entry of an order on the minutes  
57 of the court. When support staff is appointed jointly by two (2)  
58 or more judges, the order setting forth any appointment shall be  
59 entered on the minutes of each participating court.

60 (4) The Administrative Office of Courts shall develop and  
61 promulgate minimum qualifications for the certification of court  
62 administrators. Any court administrator appointed on or after  
63 October 1, 1996, shall be required to be certified by the  
64 Administrative Office of Courts.

65 (5) Support staff shall receive compensation pursuant to  
66 personnel policies established by the Administrative Office of  
67 Courts; however:

68 (a) \* \* \* The Administrative Office of Courts shall  
69 allocate from the support staff fund an amount of \* \* \* Eighty  
70 Thousand Dollars (\$80,000.00) per fiscal year per judge for whom



71 support staff is approved for the funding of support staff  
72 assigned to a judge or judges \* \* \*

73 \* \* \* Of the amount provided in this paragraph (b), each  
74 judge shall utilize an amount sufficient to ensure that judge has  
75 access to the services of a law clerk, whether hired by the judge  
76 separately or in concert with another judge. Any excess funds  
77 remaining upon satisfaction of this requirement may be used for  
78 any other support staff as defined in this section. Any  
79 employment pursuant to this subsection shall be subject to the  
80 provisions of Section 25-1-53.

81 The Administrative Office of Courts may approve expenditure  
82 from the fund for additional equipment for support staff appointed  
83 pursuant to this section in any year in which the allocation per  
84 judge is sufficient to meet the equipment expense after provision  
85 for the compensation of the support staff.

86 (6) For the purposes of this section, the following terms  
87 shall have the meaning ascribed herein unless the context clearly  
88 requires otherwise:

89 (a) "Judges" means circuit judges and chancellors, or  
90 any combination thereof;

91 (b) "Support staff" means court administrators, law  
92 clerks, legal research assistants or secretaries, or any  
93 combination thereof, but shall not mean school attendance  
94 officers;



95           (c) "Compensation" means the gross salary plus all  
96 amounts paid for benefits or otherwise as a result of employment  
97 or as required by employment; provided, however, that only salary  
98 earned for services rendered shall be reported and credited for  
99 Public Employees' Retirement System purposes. Amounts paid for  
100 benefits or otherwise, including reimbursement for travel  
101 expenses, shall not be reported or credited for retirement  
102 purposes;

103           (d) "Law clerk" means a clerk hired to assist a judge  
104 or judges who has a law degree or who is a full-time law student  
105 who is making satisfactory progress at an accredited law school.

106           (7) Title to all tangible property, excepting stamps,  
107 stationery and minor expendable office supplies, procured with  
108 funds authorized by this section, shall be and forever remain in  
109 the State of Mississippi to be used by the circuit judge or  
110 chancellor during the term of his office and thereafter by his  
111 successors.

112           (8) Any circuit judge or chancellor who did not have a  
113 primary office provided by the county on March 1, 1988, shall be  
114 allowed an additional Four Thousand Dollars (\$4,000.00) per annum  
115 to defray the actual expenses incurred by the judge or chancellor  
116 in maintaining an office; however, any circuit judge or chancellor  
117 who had a primary office provided by the county on March 1, 1988,  
118 and who vacated the office space after that date for a legitimate  
119 reason, as determined by the Department of Finance and



120 Administration, shall be allowed the additional office expense  
121 allowance provided under this subsection. The county in which a  
122 circuit judge or chancellor sits is authorized to provide funds  
123 from any available source to assist in defraying the actual  
124 expenses to maintain an office.

125 (9) The Supreme Court, through the Administrative Office of  
126 Courts, shall submit to the Department of Finance and  
127 Administration the itemized and certified expenses for office  
128 operating allowances that are directed to the court pursuant to  
129 this section.

130 (10) The Supreme Court, through the Administrative Office of  
131 Courts, shall have the power to adopt rules and regulations  
132 regarding the administration of the office operating allowance  
133 authorized pursuant to this section.

134 **SECTION 2.** Section 25-31-5, Mississippi Code of 1972, is  
135 amended as follows:

136 25-31-5. (1) The following number of full-time legal  
137 assistants are authorized in the following circuit court  
138 districts:

139 (a) First Circuit Court District.....nine (9)  
140 legal assistants.

141 (b) Second Circuit Court District.....ten (10)  
142 legal assistants.

143 (c) Third Circuit Court District.....five (5)  
144 legal assistants.



145           (d) Fourth Circuit Court District.....six (6)  
146 legal assistants.  
147           (e) Fifth Circuit Court District.....five (5)  
148 legal assistants.  
149           (f) Sixth Circuit Court District.....two (2)  
150 legal assistants.  
151           (g) Seventh Circuit Court District.....eleven (11)  
152 legal assistants.  
153           (h) Eighth Circuit Court District.....three (3)  
154 legal assistants.  
155           (i) Ninth Circuit Court District.....three (3)  
156 legal assistants.  
157           (j) Tenth Circuit Court District.....four (4)  
158 legal assistants.  
159           (k) Eleventh Circuit Court District.....five (5)  
160 legal assistants.  
161           (l) Twelfth Circuit Court District.....five (5)  
162 legal assistants.  
163           (m) Thirteenth Circuit Court District.....four (4)  
164 legal assistants.  
165           (n) Fourteenth Circuit Court District.....five (5)  
166 legal assistants.  
167           (o) Fifteenth Circuit Court District.....six (6)  
168 legal assistants.



169 (p) Sixteenth Circuit Court District.....five (5)  
170 legal assistants.

171 (q) Seventeenth Circuit Court District.....three (3)  
172 legal assistants.

173 (r) Eighteenth Circuit Court District.....two (2)  
174 legal assistants.

175 (s) Nineteenth Circuit Court District.....six (6)  
176 legal assistants.

177 (t) Twentieth Circuit Court District..... \* \* \*  
178 twelve (12) legal assistants.

179 (u) Twenty-first Circuit Court District.....three (3)  
180 legal assistants.

181 (v) Twenty-second Circuit Court District.....three (3)  
182 legal assistants.

183 (w) Twenty-third Circuit Court District ..... \* \* \*  
184 eight (8) legal assistants.

185 (2) In addition to any legal assistants authorized pursuant  
186 to subsection (1) of this section, the following number of  
187 full-time legal assistants are authorized (i) in the following  
188 circuit court districts if funds are appropriated by the  
189 Legislature to adequately fund the salaries, expenses and fringe  
190 benefits of such legal assistants, or (ii) in any of the following  
191 circuit court districts in which the board of supervisors of one  
192 or more of the counties in a circuit court district adopts a  
193 resolution to pay all of the salaries, supplemental pay, expenses





194 and fringe benefits of legal assistants authorized in such  
195 district pursuant to this subsection:

196 (a) First Circuit Court District.....two (2)  
197 legal assistants.

198 (b) Second Circuit Court District.....two (2)  
199 legal assistants.

200 (c) Third Circuit Court District.....two (2)  
201 legal assistants.

202 (d) Fourth Circuit Court District.....two (2)  
203 legal assistants.

204 (e) Fifth Circuit Court District.....two (2)  
205 legal assistants.

206 (f) Sixth Circuit Court District.....two (2)  
207 legal assistants.

208 (g) Seventh Circuit Court District.....two (2)  
209 legal assistants.

210 (h) Eighth Circuit Court District.....two (2)  
211 legal assistants.

212 (i) Ninth Circuit Court District.....two (2)  
213 legal assistants.

214 (j) Tenth Circuit Court District.....two (2)  
215 legal assistants.

216 (k) Eleventh Circuit Court District.....two (2)  
217 legal assistants.



218                   (1) Twelfth Circuit Court District.....two (2)  
219 legal assistants.  
220                   (m) Thirteenth Circuit Court District.....two (2)  
221 legal assistants.  
222                   (n) Fourteenth Circuit Court District.....two (2)  
223 legal assistants.  
224                   (o) Fifteenth Circuit Court District.....two (2)  
225 legal assistants.  
226                   (p) Sixteenth Circuit Court District.....two (2)  
227 legal assistants.  
228                   (q) Seventeenth Circuit Court District.....two (2)  
229 legal assistants.  
230                   (r) Eighteenth Circuit Court District.....two (2)  
231 legal assistants.  
232                   (s) Nineteenth Circuit Court District.....two (2)  
233 legal assistants.  
234                   (t) Twentieth Circuit Court District.....two (2)  
235 legal assistants.  
236                   (u) Twenty-first Circuit Court District.....two (2)  
237 legal assistants.  
238                   (v) Twenty-second Circuit Court District.....two (2)  
239 legal assistants.  
240                   (w) Twenty-third Circuit Court District.....two (2)  
241 legal assistants.



242 (3) The board of supervisors of any county may pay all or a  
243 part of the salary, supplemental pay, expenses and fringe benefits  
244 of any district attorney or legal assistant authorized in the  
245 circuit court district to which such county belongs pursuant to  
246 this section.

247 (4) The district attorney of any circuit court district may  
248 employ additional legal assistants or criminal investigators, or  
249 both, without regard to any limitation on the number of legal  
250 assistants authorized in this section or criminal investigators  
251 authorized by other provisions of law to the extent that the  
252 district attorney's office receives funds from any source. Any  
253 source shall include, but is not limited to, office generated  
254 funds, funds from a county, a combination of counties, a  
255 municipality, a combination of municipalities, federal funds,  
256 private grants or foundations, or by means of an Interlocal  
257 Cooperative Agreement authorized by Section 17-13-1 which may be  
258 expended for those positions in an amount sufficient to pay all of  
259 the salary, supplemental pay, expenses and fringe benefits of the  
260 positions. Such funds may either be paid out of district attorney  
261 accounts, transferred by the district attorney to the Department  
262 of Finance and Administration or to one or more of the separate  
263 counties comprising the circuit court district, and the funds  
264 shall be disbursed to such employees in the same manner as  
265 state-funded criminal investigators and full-time legal  
266 assistants. The district attorney shall report to the board of



267 supervisors of each county comprising the circuit court district  
268 the amount and source of the supplemental salary, expenses and  
269 fringe benefits, and the board in each county shall spread the  
270 same on its minutes. The district attorney shall also report such  
271 information to the Department of Finance and Administration which  
272 shall make such information available to the Legislative Budget  
273 Office.

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

277 **SECTION 3.** Section 25-31-10, Mississippi Code of 1972, is  
278 brought forward as follows:

279 25-31-10. (1) Any district attorney may appoint a full-time  
280 criminal investigator.

281 (2) The district attorneys of the Third, Fifth, Ninth,  
282 Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth,  
283 Sixteenth, Seventeenth, Twentieth and Twenty-third Circuit Court  
284 Districts may appoint one (1) additional full-time criminal  
285 investigator for a total of two (2) full-time criminal  
286 investigators.

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



291 (4) No district attorney or assistant district attorney  
292 shall accept any private employment, civil or criminal, in any  
293 matter investigated by such criminal investigators.

294 (5) The full and complete compensation for all public duties  
295 rendered by the criminal investigators shall be not more than  
296 Sixty-three Thousand Dollars (\$63,000.00) per annum, to be  
297 determined at the discretion of the district attorney based upon  
298 the qualifications, education and experience of the criminal  
299 investigator, plus necessary travel and other expenses, to be paid  
300 in accordance with Section 25-31-8. However, the maximum salary  
301 under this subsection for a criminal investigator who has a law  
302 degree may be supplemented by the district attorney from other  
303 available funds, but not to exceed the maximum salary for a legal  
304 assistant to a district attorney.

305 (6) Any criminal investigator may be designated by the  
306 district attorney to attend the Law Enforcement Officers Training  
307 Program set forth in Section 45-6-1 et seq. The total expenses  
308 associated with attendance by criminal investigators at the Law  
309 Enforcement Officers Training Program shall be paid out of the  
310 funds of the appropriate district attorney.

311 (7) The district attorney shall be authorized to assign the  
312 duties of criminal investigators regardless of the source of  
313 funding for such criminal investigators.

314 **SECTION 4.** This act shall take effect and be in force from  
315 and after its passage.

