

House Amendments to Senate Bill No. 2645

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE 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:

8 **SECTION 1.** Section 25-31-5, Mississippi Code of 1972, is
9 brought forward as follows:

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

11 25-31-5. (1) The following number of full-time legal
12 assistants are authorized in the following circuit court
13 districts:

14 (a) First Circuit Court District..... nine (9)
15 legal assistants.

16 (b) Second Circuit Court District..... ten (10)
17 legal assistants.

18 (c) Third Circuit Court District..... five (5)
19 legal assistants.

20 (d) Fourth Circuit Court District..... six (6)
21 legal assistants.

22 (e) Fifth Circuit Court District..... five (5)
23 legal assistants.

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

25 legal assistants.
26 (g) Seventh Circuit Court District.....eleven (11)
27 legal assistants.
28 (h) Eighth Circuit Court District..... three (3)
29 legal assistants.
30 (i) Ninth Circuit Court District..... three (3)
31 legal assistants.
32 (j) Tenth Circuit Court District..... four (4)
33 legal assistants.
34 (k) Eleventh Circuit Court District..... five (5)
35 legal assistants.
36 (l) Twelfth Circuit Court District..... five (5)
37 legal assistants.
38 (m) Thirteenth Circuit Court District..... four (4)
39 legal assistants.
40 (n) Fourteenth Circuit Court District..... five (5)
41 legal assistants.
42 (o) Fifteenth Circuit Court District..... six (6)
43 legal assistants.
44 (p) Sixteenth Circuit Court District five (5)
45 legal assistants.
46 (q) Seventeenth Circuit Court District..... seven (7)
47 legal assistants.
48 (r) Eighteenth Circuit Court District..... two (2)
49 legal assistants.
50 (s) Nineteenth Circuit Court District..... six (6)

51 legal assistants.

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

53 legal assistants.

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

55 legal assistants.

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

57 legal assistants.

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

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

70 legal assistants.

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

72 legal assistants.

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

74 legal assistants.

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

76 legal assistants.

77 (e) Fifth Circuit Court District..... two (2)
78 legal assistants.
79 (f) Sixth Circuit Court District..... two (2)
80 legal assistants.
81 (g) Seventh Circuit Court District..... two (2)
82 legal assistants.
83 (h) Eighth Circuit Court District..... two (2)
84 legal assistants.
85 (i) Ninth Circuit Court District..... two (2)
86 legal assistants.
87 (j) Tenth Circuit Court District..... two (2)
88 legal assistants.
89 (k) Eleventh Circuit Court District..... two (2)
90 legal assistants.
91 (l) Twelfth Circuit Court District..... two (2)
92 legal assistants.
93 (m) Thirteenth Circuit Court District..... two (2)
94 legal assistants.
95 (n) Fourteenth Circuit Court District..... two (2)
96 legal assistants.
97 (o) Fifteenth Circuit Court District..... two (2)
98 legal assistants.
99 (p) Sixteenth Circuit Court District..... two (2)
100 legal assistants.
101 (q) Seventeenth Circuit Court District..... two (2)
102 legal assistants.

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

104 legal assistants.

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

106 legal assistants.

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

108 legal assistants.

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

110 legal assistants.

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

112 legal assistants.

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

118 (4) The district attorney of any circuit court district may
119 employ additional legal assistants or criminal investigators, or
120 both, without regard to any limitation on the number of legal
121 assistants authorized in this section or criminal investigators
122 authorized by other provisions of law to the extent that the
123 district attorney's office receives funds from any source. Any
124 source shall include, but is not limited to, office generated
125 funds, funds from a county, a combination of counties, a
126 municipality, a combination of municipalities, federal funds,
127 private grants or foundations, or by means of an Interlocal
128 Cooperative Agreement authorized by Section 17-13-1 which may be

129 expended for those positions in an amount sufficient to pay all of
130 the salary, supplemental pay, expenses and fringe benefits of the
131 positions. Such funds may either be paid out of district attorney
132 accounts, transferred by the district attorney to the Department
133 of Finance and Administration or to one or more of the separate
134 counties comprising the circuit court district, and said funds
135 shall be disbursed to such employees in the same manner as
136 state-funded criminal investigators and full-time legal
137 assistants. The district attorney shall report to the board of
138 supervisors of each county comprising the circuit court district
139 the amount and source of the supplemental salary, expenses and
140 fringe benefits, and the board in each county shall spread the
141 same on its minutes. The district attorney shall also report such
142 information to the Department of Finance and Administration which
143 shall make such information available to the Legislative Budget
144 Office.

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

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

150 25-31-5. (1) The following number of full-time legal
151 assistants are authorized in the following circuit court
152 districts:

153 (a) First Circuit Court District.....nine (9)
154 legal assistants.

155 (b) Second Circuit Court District.....ten (10)
156 legal assistants.
157 (c) Third Circuit Court District.....five (5)
158 legal assistants.
159 (d) Fourth Circuit Court District.....six (6)
160 legal assistants.
161 (e) Fifth Circuit Court District.....five (5)
162 legal assistants.
163 (f) Sixth Circuit Court District.....two (2)
164 legal assistants.
165 (g) Seventh Circuit Court District.....eleven (11)
166 legal assistants.
167 (h) Eighth Circuit Court District.....three (3)
168 legal assistants.
169 (i) Ninth Circuit Court District.....three (3)
170 legal assistants.
171 (j) Tenth Circuit Court District.....four (4)
172 legal assistants.
173 (k) Eleventh Circuit Court District.....five (5)
174 legal assistants.
175 (l) Twelfth Circuit Court District.....five (5)
176 legal assistants.
177 (m) Thirteenth Circuit Court District.....four (4)
178 legal assistants.
179 (n) Fourteenth Circuit Court District.....five (5)
180 legal assistants.

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

182 legal assistants.

183 (p) Sixteenth Circuit Court District.....five (5)

184 legal assistants.

185 (q) Seventeenth Circuit Court District.. three (3)

186 legal assistants.

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

188 legal assistants.

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

190 legal assistants.

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

192 legal assistants.

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

194 legal assistants.

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

196 legal assistants.

197 (w) Twenty-third Circuit Court Districtfour (4)

198 legal assistants.

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

207 resolution to pay all of the salaries, supplemental pay, expenses
208 and fringe benefits of legal assistants authorized in such
209 district pursuant to this subsection:

210 (a) First Circuit Court District.....two (2)
211 legal assistants.

212 (b) Second Circuit Court District.....two (2)
213 legal assistants.

214 (c) Third Circuit Court District.....two (2)
215 legal assistants.

216 (d) Fourth Circuit Court District.....two (2)
217 legal assistants.

218 (e) Fifth Circuit Court District.....two (2)
219 legal assistants.

220 (f) Sixth Circuit Court District.....two (2)
221 legal assistants.

222 (g) Seventh Circuit Court District.....two (2)
223 legal assistants.

224 (h) Eighth Circuit Court District.....two (2)
225 legal assistants.

226 (i) Ninth Circuit Court District.....two (2)
227 legal assistants.

228 (j) Tenth Circuit Court District.....two (2)
229 legal assistants.

230 (k) Eleventh Circuit Court District.....two (2)
231 legal assistants.

232 (1) Twelfth Circuit Court District.....two (2)
233 legal assistants.

234 (m) Thirteenth Circuit Court District.....two (2)
235 legal assistants.

236 (n) Fourteenth Circuit Court District.....two (2)
237 legal assistants.

238 (o) Fifteenth Circuit Court District.....two (2)
239 legal assistants.

240 (p) Sixteenth Circuit Court District.....two (2)
241 legal assistants.

242 (q) Seventeenth Circuit Court District.....two (2)
243 legal assistants.

244 (r) Eighteenth Circuit Court District.....two (2)
245 legal assistants.

246 (s) Nineteenth Circuit Court District.....two (2)
247 legal assistants.

248 (t) Twentieth Circuit Court District.....two (2)
249 legal assistants.

250 (u) Twenty-first Circuit Court District.....two (2)
251 legal assistants.

252 (v) Twenty-second Circuit Court District.....two (2)
253 legal assistants.

254 (w) Twenty-third Circuit Court District.....two (2)
255 legal assistants.

256 (3) The board of supervisors of any county may pay all or a
257 part of the salary, supplemental pay, expenses and fringe benefits

258 of any district attorney or legal assistant authorized in the
259 circuit court district to which such county belongs pursuant to
260 this section.

261 (4) The district attorney of any circuit court district may
262 employ additional legal assistants or criminal investigators, or
263 both, without regard to any limitation on the number of legal
264 assistants authorized in this section or criminal investigators
265 authorized by other provisions of law to the extent that the
266 district attorney's office receives funds from any source. Any
267 source shall include, but is not limited to, office generated
268 funds, funds from a county, a combination of counties, a
269 municipality, a combination of municipalities, federal funds,
270 private grants or foundations, or by means of an Interlocal
271 Cooperative Agreement authorized by Section 17-13-1 which may be
272 expended for those positions in an amount sufficient to pay all of
273 the salary, supplemental pay, expenses and fringe benefits of the
274 positions. Such funds may either be paid out of district attorney
275 accounts, transferred by the district attorney to the Department
276 of Finance and Administration or to one or more of the separate
277 counties comprising the circuit court district, and the funds
278 shall be disbursed to such employees in the same manner as
279 state-funded criminal investigators and full-time legal
280 assistants. The district attorney shall report to the board of
281 supervisors of each county comprising the circuit court district
282 the amount and source of the supplemental salary, expenses and
283 fringe benefits, and the board in each county shall spread the

284 same on its minutes. The district attorney shall also report such
285 information to the Department of Finance and Administration which
286 shall make such information available to the Legislative Budget
287 Office.

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

291 **SECTION 2.** Section 25-31-10, Mississippi Code of 1972, is
292 brought forward as follows:

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

294 25-31-10. (1) Any district attorney may appoint a full-time
295 criminal investigator.

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

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

305 (4) No district attorney or assistant district attorney
306 shall accept any private employment, civil or criminal, in any
307 matter investigated by such criminal investigators.

308 (5) The full and complete compensation for all public duties
309 rendered by the criminal investigators shall be not more than

310 Sixty-three Thousand Dollars (\$63,000.00) per annum, to be
311 determined at the discretion of the district attorney based upon
312 the qualifications, education and experience of the criminal
313 investigator, plus necessary travel and other expenses, to be paid
314 in accordance with Section 25-31-8. However, the maximum salary
315 under this subsection for a criminal investigator who has a law
316 degree may be supplemented by the district attorney from other
317 available funds, but not to exceed the maximum salary for a legal
318 assistant to a district attorney.

319 (6) Any criminal investigator may be designated by the
320 district attorney to attend the Law Enforcement Officers Training
321 Program set forth in Section 45-6-1 et seq., Mississippi Code of
322 1972. The total expenses associated with attendance by criminal
323 investigators at the Law Enforcement Officers Training Program
324 shall be paid out of the funds of the appropriate district
325 attorney.

326 (7) The district attorney shall be authorized to assign the
327 duties of criminal investigators regardless of the source of
328 funding for such criminal investigators.

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

331 25-31-10. (1) Any district attorney may appoint a full-time
332 criminal investigator.

333 (2) The district attorneys of the Third, Fifth, Ninth,
334 Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth,
335 Sixteenth, Seventeenth, Twentieth and Twenty-third Circuit Court

336 Districts may appoint one (1) additional full-time criminal
337 investigator for a total of two (2) full-time criminal
338 investigators.

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

343 (4) No district attorney or assistant district attorney
344 shall accept any private employment, civil or criminal, in any
345 matter investigated by such criminal investigators.

346 (5) The full and complete compensation for all public duties
347 rendered by the criminal investigators shall be not more than
348 Sixty-three Thousand Dollars (\$63,000.00) per annum, to be
349 determined at the discretion of the district attorney based upon
350 the qualifications, education and experience of the criminal
351 investigator, plus necessary travel and other expenses, to be paid
352 in accordance with Section 25-31-8. However, the maximum salary
353 under this subsection for a criminal investigator who has a law
354 degree may be supplemented by the district attorney from other
355 available funds, but not to exceed the maximum salary for a legal
356 assistant to a district attorney.

357 (6) Any criminal investigator may be designated by the
358 district attorney to attend the Law Enforcement Officers Training
359 Program set forth in Section 45-6-1 et seq. The total expenses
360 associated with attendance by criminal investigators at the Law

361 Enforcement Officers Training Program shall be paid out of the
362 funds of the appropriate district attorney.

363 (7) The district attorney shall be authorized to assign the
364 duties of criminal investigators regardless of the source of
365 funding for such criminal investigators.

366 **SECTION 3.** This act shall take effect and be in force from
367 and after January 1, 2024, and shall stand repealed on December
368 31, 2023.

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

1 AN ACT TO BRING FORWARD SECTION 25-31-5, MISSISSIPPI CODE OF
2 1972, WHICH PROVIDE THE NUMBER OF ASSISTANT DISTRICT ATTORNEYS FOR
3 ALL CIRCUIT COURT DISTRICTS, FOR PURPOSES OF AMENDMENT; TO BRING
4 FORWARD SECTION 25-31-10, MISSISSIPPI CODE OF 1972, WHICH PROVIDES
5 FOR CRIMINAL INVESTIGATORS, FOR PURPOSES OF AMENDMENT; AND FOR
6 RELATED PURPOSES.

HR31\SB2645PH.J

Andrew Ketchings
Clerk of the House of Representatives