

By: Representative Horan

To: County Affairs

HOUSE BILL NO. 723

1 AN ACT TO AMEND SECTION 19-25-13, MISSISSIPPI CODE OF 1972,  
 2 TO INCREASE THE ANNUAL EXPENSE ALLOWANCE FOR SHERIFFS' OFFICES AND  
 3 CLOTHING ALLOWANCE FOR SHERIFFS' INVESTIGATORS; TO AMEND SECTION  
 4 25-31-10, MISSISSIPPI CODE OF 1972, TO AUTHORIZE AN ANNUAL  
 5 CLOTHING ALLOWANCE FOR CRIMINAL INVESTIGATORS IN THE DISTRICT  
 6 ATTORNEY'S OFFICES; TO AMEND SECTION 99-36-7, MISSISSIPPI CODE TO  
 7 AUTHORIZE AN ANNUAL CLOTHING ALLOWANCE FOR VICTIM ASSISTANCE  
 8 COORDINATORS; TO BRING FORWARD SECTION 25-31-8, MISSISSIPPI CODE  
 9 OF 1972, WHICH AUTHORIZES THE OPERATING ALLOWANCE FOR DISTRICT  
 10 ATTORNEYS, FOR PURPOSES OF AMENDMENT; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** Section 19-25-13, Mississippi Code of 1972, is  
 13 amended as follows:

14 19-25-13. The sheriff shall, at the July meeting of the  
 15 board of supervisors, submit a budget of estimated expenses of his  
 16 office for the ensuing fiscal year beginning October 1 in such  
 17 form as shall be prescribed by the Director of the State  
 18 Department of Audit. The board shall examine this proposed budget  
 19 and determine the amount to be expended by the sheriff in the  
 20 performance of his duties for the fiscal year and may increase or  
 21 reduce that amount as it deems necessary and proper.



22           The budget shall include amounts for compensating the  
23 deputies and other employees of the sheriff's office, for  
24 insurance providing protection for the sheriff and his deputies in  
25 case of disability, death and other similar coverage, for travel  
26 and transportation expenses of the sheriff and deputies, for  
27 feeding prisoners and inmates of the county jail, and for any  
28 other expenses that may be incurred in the performance of the  
29 duties of the office of sheriff. In addition, the budget shall  
30 include amounts for the payment of premiums on bonds and insurance  
31 for the sheriff and his deputies which, in the opinion of the  
32 board of supervisors, are deemed necessary to protect the  
33 interests of the county or the sheriff and his deputies. The  
34 amounts may include official bonds and any bonds required of his  
35 deputies by the sheriff; liability insurance; insurance against  
36 false arrest charges; insurance against false imprisonment  
37 charges; theft, fire and other hazards insurance; and  
38 hospitalization insurance as provided for in Sections 25-15-101  
39 and 25-15-103. The board may authorize the reimbursement of the  
40 sheriff and deputies for the use of privately owned automobiles or  
41 other motor vehicles in the performance of official duties at the  
42 rate provided by law for state officers and employees, or may  
43 authorize the purchase by the sheriff of such motor vehicles and  
44 such equipment as may be needed for operation of the sheriff's  
45 office, the vehicles and equipment to be owned by the county. In  
46 counties that have elected to purchase the motor vehicles and the



47 equipment for the operation of the sheriff's office, if a sheriff  
48 or deputy shall be required in the performance of his official  
49 duties, in the event of an emergency, to use his privately owned  
50 automobile or other motor vehicle, the board of supervisors may,  
51 in its discretion, authorize the reimbursement for that use at the  
52 rate per mile provided by law for state officers and employees.  
53 This shall not be construed as giving an officer a choice of  
54 whether to use his own or the county's vehicle, but shall be  
55 construed so as not to penalize an officer who must use his own  
56 vehicle because the county's vehicle was not available.

57 The board of supervisors, in its discretion, may include in  
58 its annual budget for the sheriff's office an amount not to  
59 exceed \* \* \* One Thousand Two Hundred Fifty Dollars (\$1,250.00),  
60 which may be expended by the sheriff to provide food, water and  
61 beverages for the sheriff, the sheriff's deputies, state, national  
62 and local law enforcement officers, emergency personnel, county  
63 employees and members of the general public who the sheriff  
64 requests to assist him and his office while in the performance of  
65 search and rescue missions, disasters or other emergency  
66 operations.

67 The board of supervisors may acquire one or more credit cards  
68 that may be used by the sheriff and his deputies to pay expenses  
69 incurred by them when traveling in or out of state in the  
70 performance of their official duties. The chancery clerk or  
71 county purchase clerk shall maintain complete records of all



72 credit card numbers and all receipts and other documents relating  
73 to the use of those credit cards. The sheriff shall furnish  
74 receipts for the use of the credit cards each month to the  
75 chancery clerk or purchase clerk who shall submit a written report  
76 monthly to the board of supervisors, which report shall include an  
77 itemized list of all expenditures and use of the credit cards for  
78 the month, and the expenditures may be allowed for payment by the  
79 county in the same manner as other items on the claims docket.  
80 The issuance of a credit card to a sheriff or his deputy under the  
81 provisions of this section shall not be construed to authorize the  
82 sheriff or deputy sheriff to use the credit card to make any  
83 expenditure that is not otherwise authorized by law.

84 The board of supervisors is hereby authorized and empowered,  
85 in its discretion, to appropriate and pay a sum not to  
86 exceed \* \* \* One Thousand Two Hundred Fifty Dollars (\$1,250.00)  
87 annually as a clothing allowance to each plainclothes investigator  
88 employed by the sheriff's office of that county. The board of  
89 supervisors of any county bordering on the Gulf of Mexico and  
90 having a population of more than thirty-one thousand seven hundred  
91 (31,700) but less than thirty-one thousand eight hundred (31,800)  
92 according to the 1990 Federal Census may appropriate and pay a sum  
93 not to exceed \* \* \* One Thousand Two Hundred Fifty Dollars  
94 (\$1,250.00) annually as a clothing allowance to the administrator  
95 of the county jail.



96           The board of supervisors shall, at its first meeting of each  
97 quarter beginning on October 1, January 1, April 1 and July 1,  
98 appropriate a lump sum for the sheriff for the expenses of his  
99 office during the current quarter. The quarterly appropriation  
100 shall be one-fourth (1/4) of the amount approved in the annual  
101 budget unless the sheriff requests a different amount. Except in  
102 case of emergency, as provided in the county budget law, the  
103 appropriation for the quarter beginning in October of the last  
104 year of the sheriff's term shall not exceed one-fourth (1/4) of  
105 the annual budget.

106           The sheriff shall file a report of all expenses of his office  
107 incurred during the preceding month with the board of supervisors  
108 for approval at its regular monthly meeting in a form to be  
109 prescribed by the Director of the State Department of Audit, and  
110 upon filing thereof, and approval by the board, the clerk of the  
111 board shall issue warrants in payment thereof but not to exceed  
112 the budget appropriation for that quarter. Any appropriated funds  
113 that are unexpended at the end of the fiscal year shall remain in  
114 the county general fund.

115           The budget for the sheriff's office may be revised at any  
116 regular meeting by the board of supervisors. Upon recommendation  
117 of the sheriff, the board may at any regular meeting make  
118 supplemental appropriations to the sheriff's office.

119           Any fees previously required to be paid by a sheriff shall be  
120 paid by the board of supervisors by including the estimates



121 therefor in the sheriff's budget. All fees and charges for  
122 services heretofore collected by sheriffs shall be collected by  
123 the sheriff and paid monthly into the general fund of the  
124 concerned county. However, any fees heretofore collected by those  
125 sheriffs from the county shall not be paid.

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

128 25-31-10. (1) Any district attorney may appoint a full-time  
129 criminal investigator.

130 (2) The district attorneys of the Fifth, Ninth, Tenth,  
131 Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth, Sixteenth,  
132 Seventeenth, Twentieth and Twenty-first Circuit Court Districts  
133 may appoint one (1) additional full-time criminal investigator for  
134 a total of two (2) full-time criminal investigators.

135 (3) The district attorneys of the First, Second, Third,  
136 Fourth, Nineteenth and Twenty-third Circuit Court Districts may  
137 appoint two (2) additional full-time criminal investigators for a  
138 total of three (3) full-time criminal investigators.

139 (4) The district attorney of the Seventh Circuit Court  
140 District may appoint one (1) additional full-time criminal  
141 investigator for a total of four (4) full-time criminal  
142 investigators.

143 (5) No district attorney or assistant district attorney  
144 shall accept any private employment, civil or criminal, in any  
145 matter investigated by such criminal investigators.



146 (6) The full and complete compensation for all public duties  
147 rendered by the criminal investigators shall be not more than  
148 Sixty-three Thousand Dollars (\$63,000.00) per annum, to be  
149 determined at the discretion of the district attorney based upon  
150 the qualifications, education and experience of the criminal  
151 investigator, plus necessary travel and other expenses, to be paid  
152 in accordance with Section 25-31-8. The district attorney is  
153 authorized and empowered, in his or her discretion, to pay a sum  
154 not to exceed One Thousand Two Hundred Fifty Dollars (\$1,250.00)  
155 annually as a clothing allowance to each investigator. However,  
156 the maximum salary under this subsection for a criminal  
157 investigator who has a law degree may be supplemented by the  
158 district attorney from other available funds, but not to exceed  
159 the maximum salary for a legal assistant to a district attorney.

160 (7) Any criminal investigator may be designated by the  
161 district attorney to attend the Law Enforcement Officers Training  
162 Program set forth in Section 45-6-1 et seq. The total expenses  
163 associated with attendance by criminal investigators at the Law  
164 Enforcement Officers Training Program shall be paid out of the  
165 funds of the appropriate district attorney.

166 (8) The district attorney shall be authorized to assign the  
167 duties of criminal investigators regardless of the source of  
168 funding for such criminal investigators.

169 **SECTION 3.** Section 99-36-7, Mississippi Code of 1972, is  
170 amended as follows:



171           99-36-7. (1) (a) In addition to the full-time legal  
172 assistants to the district attorney authorized by Section 25-31-5,  
173 the district attorney in each circuit court district in this state  
174 shall, subject to the approval of and upon the order of the senior  
175 circuit court judge of the district, employ one (1) person to  
176 serve at the will and pleasure of the district attorney as a  
177 "victim assistance coordinator" who shall not be considered to be  
178 a state employee.

179           (b) The District Attorney of the First Circuit Court  
180 District may appoint one (1) additional victim assistance  
181 coordinator, and the District Attorney of the Fourteenth Circuit  
182 Court District, upon the approval of the boards of supervisors,  
183 may appoint one (1) additional victim assistance coordinator,  
184 subject to the approval of and upon the order of the senior  
185 circuit court judge of the applicable district for a total of two  
186 (2) victim assistance coordinators per district.

187           (2) The duty of the victim assistance coordinator is to  
188 ensure that a victim, guardian of a victim, or close relative of a  
189 deceased victim is afforded the rights granted victims, guardians  
190 and relatives by Section 99-36-5. The victim assistance  
191 coordinator shall work closely with appropriate law enforcement  
192 agencies, prosecuting attorneys, the state and the judiciary in  
193 fulfilling that duty.

194           (3) The salary of the victim assistance coordinator shall  
195 not exceed the salary authorized for criminal investigators in





196 Section 25-31-10, and shall be paid jointly by the counties  
197 comprising the circuit court district, with each county paying a  
198 pro rata share of the salary as determined by the senior circuit  
199 court judge. The district attorney is authorized and empowered,  
200 in his or her discretion, to appropriate and pay a sum not to  
201 exceed One Thousand Two Hundred Fifty Dollars (\$1,250.00) annually  
202 as a clothing allowance to each victim assistance coordinator.

203 (4) The board of supervisors of any county, with the  
204 approval of and upon the order of the senior circuit court judge  
205 of the district wherein such county lies, may, in addition to any  
206 victim assistance coordinator provided for in subsection (1) of  
207 this section, create the position of county victim assistance  
208 coordinator. The duty of the county victim assistance coordinator  
209 shall be to cooperate with local law enforcement agencies, the  
210 county attorney and the district attorney in assuring that a  
211 victim, guardian or close relative is afforded the rights granted  
212 by Section 99-36-5. Two (2) or more counties, by action of their  
213 respective boards of supervisors, with the approval of and upon  
214 the order of the senior circuit court judge of the district  
215 wherein such counties lie, may join in establishing and  
216 maintaining the position of victim assistance coordinator to serve  
217 these counties. Any municipality, by action of its governing  
218 authority, may participate in the establishment and maintenance of  
219 a county victim assistance coordinator's office located within the  
220 municipality.



221 (5) Any district attorney, county board of supervisors or  
222 governing authority of a municipality which has established or is  
223 participating in the maintenance of an office of victim assistance  
224 coordinator may apply through the Governor's Office of State and  
225 Federal Programs for a grant under the federal "Victims of Crimes  
226 Act of 1984" (Public Law 98-473) to be used in the continued  
227 operation of the victim assistance program.

228 **SECTION 4.** Section 25-31-8, Mississippi Code of 1972, is  
229 brought forward as follows:

230 25-31-8. From and after July 1, 2006, in all circuit court  
231 districts in this state existing now or hereafter created, the  
232 district attorney shall receive from sums appropriated for such  
233 purpose from the General Fund or any special fund of the State of  
234 Mississippi, an office operating allowance for the necessary  
235 expenses of operating the office of the district attorney,  
236 including stenographic help, and other items and expenditures  
237 necessary and incident to the investigation of criminal cases, the  
238 general expenses of the office of the investigation of criminal  
239 cases, the general expenses of the office of the district attorney  
240 for preparing and/or trying felony cases and all other cases  
241 requiring the services of the district attorney, the sum of Fifty  
242 Thousand Dollars (\$50,000.00) for each district, and an additional  
243 Four Thousand Dollars (\$4,000.00) for each assistant authorized by  
244 Section 25-31-5(1). All expenditures made from such office  
245 operating allowances shall be upon written requisition of the duly



246 elected district attorney to the State Auditor, as otherwise  
247 provided by law. The district attorney may delegate to the board  
248 of supervisors of any county in his district the responsibility  
249 and authority to employ and set the salary of not more than one  
250 (1) employee for the office of such district attorney, such salary  
251 to be paid as other expenditures are paid from the funds provided  
252 by this section. Such employee shall be deemed to be appointed  
253 and employed by the board of supervisors and the salary shall not  
254 be deemed to be a pecuniary benefit provided by the district  
255 attorney's office. The district attorney shall be authorized to  
256 assign the duties of any employees regardless of the source of  
257 funding for such employees.

258       **SECTION 5.** This act shall take effect and be in force from  
259 and after July 1, 2024.

