

By: Representative Owen

To: Judiciary B

HOUSE BILL NO. 1390

1 AN ACT TO AMEND SECTION 25-31-21, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE PROCEDURES FOR RECUSAL BY ATTORNEYS FOR PURPOSES OF
3 IMPANELING A GRAND JURY; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 25-31-21, Mississippi Code of 1972, is
6 amended as follows:

7 25-31-21. (1) If, at the time of impaneling the grand jury
8 in any circuit court, the district attorney be absent or unable to
9 perform his duties or, if after impaneling of the grand jury, the
10 district attorney be absent or unable to perform his duties or be
11 disqualified, the court shall forthwith appoint some attorney at
12 law to act for the state in the place of the district attorney
13 during his absence or inability or disqualification, and the
14 person appointed shall have the power to discharge all the duties
15 of the office during the absence or inability or disqualification
16 of the district attorney, and shall receive a reasonable
17 compensation for his services, to be allowed by the court and
18 certified to the auditor, who shall issue his warrant therefor.



19 Such allowance shall be deducted from the salary of the district
20 attorney, and shall not exceed the amount of the salary of the
21 district attorney for the number of days allotted by law for the
22 term of the court at which such appointees shall act.

23 (2) The provisions of this section shall not be construed to
24 include and shall not be applicable if a district attorney recuses
25 himself from a case or has a conflict of interest with a case,
26 without regard to whether the case has been presented to the grand
27 jury before such recusal or whether the case had not yet been
28 presented to the grand jury.

29 (3) When the appointed attorney is required to travel beyond
30 the limits of the judicial district in which he or she is normally
31 employed, all reasonable expenses incurred in prosecuting the case
32 shall be borne by the judicial district of the district attorney
33 being assisted in the discharge of his or her duties, if not
34 already compensated by the state.

35 **SECTION 2.** This act shall take effect and be in force from
36 and after July 1, 2024.

