

By: Representative Hines

To: Judiciary B;
Appropriations A

HOUSE BILL NO. 426

1 AN ACT TO PROVIDE THAT ANY ELECTED OR APPOINTED OFFICIAL THAT
2 PARTICIPATED IN THE MALICIOUS PROSECUTION OF A PERSON SHALL BE
3 HELD PERSONALLY LIABLE FOR ALL COSTS ASSOCIATED WITH THE
4 PROSECUTION; TO PROVIDE OTHER PENALTIES FOR SUCH MALICIOUS
5 PROSECUTION; TO REQUIRE THE GOVERNING AUTHORITIES OR AGENCY THAT
6 EMPLOYED THE OFFICIAL TO ASSESS ALL COSTS OF THE PROSECUTION AND
7 PROVIDE SUCH INFORMATION TO THE JUDGE WHO PRESIDED OVER THE CASE
8 IN WHICH MALICIOUS PROSECUTION WAS FOUND; TO REQUIRE THE JUDGE TO
9 ISSUE AN ORDER REQUIRING THE OFFICIAL WHO PARTICIPATED IN THE
10 PROSECUTION TO PAY ALL COSTS; AND FOR RELATED PURPOSES.

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

12 SECTION 1. (1) When "malicious prosecution" liability is
13 found by a court of competent jurisdiction, any elected or
14 appointed official that participated in the malicious prosecution
15 shall: (a) be held personally liable for all costs associated
16 with the prosecution, (b) disbarred from the practice of law, if
17 applicable, (c) removed or terminated from employment with the
18 governing authority or agency that employed the official when such
19 official was committing or participating in the "malicious
20 prosecution" and (d) prohibited from being paid retirement funds
21 from any state or local retirement system until all assessed costs

22 are paid to the governing authority or agency that expended monies
23 and resources for the prosecution.

24 (2) (a) In any case in which "malicious prosecution" is
25 found, the governing authority or agency that employed the
26 official when the malicious prosecution was committed shall assess
27 all costs associated with the prosecution and provide such
28 information to the judge in which the "malicious prosecution" was
29 found.

30 (b) The judge in which the "malicious prosecution" is
31 found shall issue an order for the official to pay all costs
32 provided by the governing authority or agency.

33 **SECTION 2.** This act shall take effect and be in force from
34 and after July 1, 2025.

