

By: Michel

To: Judiciary

SENATE BILL NO. 2662

1 AN ACT TO AMEND SECTION 25-5-1, MISSISSIPPI CODE OF 1972, TO
 2 PROVIDE THAT IF A PUBLIC OFFICER IS CONVICTED OF A DISQUALIFYING
 3 CRIME IN A COURT OF THIS STATE, THAT THE JUDGE SHALL IMMEDIATELY
 4 UPON SUCH CONVICTION ORDER SUCH OFFICER REMOVED FROM OFFICE; TO
 5 PROVIDE THAT IF A PUBLIC OFFICER IS CONVICTED OF A DISQUALIFYING
 6 CRIME IN FEDERAL COURT OR A COURT OF ANOTHER STATE, THAT THE
 7 ATTORNEY GENERAL SHALL ENTER A MOTION TO REMOVE SUCH OFFICER FROM
 8 OFFICE IN THE APPROPRIATE STATE COURT WITHIN FIVE DAYS OF BEING
 9 NOTIFIED OR OTHERWISE LEARNING OF SUCH CONVICTION; AND FOR RELATED
 10 PURPOSES.

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

12 SECTION 1. Section 25-5-1, Mississippi Code of 1972, is
 13 amended as follows:[WAN1]

14 25-5-1. If any public officer, state, district, county or
 15 municipal, shall be convicted in any court of this state or any
 16 other state or in any federal court of any felony other than
 17 manslaughter or any violation of the United States Internal
 18 Revenue Code, of corruption in office or peculation therein, or of
 19 gambling or dealing in futures with money coming to his hands by
 20 virtue of his office, any court of this state, in addition to such
 21 other punishment as may be prescribed, shall, upon such
 22 conviction, immediately adjudge the defendant removed from office;
 23 and the office of the defendant shall thereby become vacant. If
 24 any such officer be found by inquest to be of unsound mind during
 25 the term for which he was elected or appointed, or shall be

26 removed from office by the judgment of a court of competent
27 jurisdiction or otherwise lawfully, his office shall thereby be
28 vacated; and in any such case the vacancy shall be filled as
29 provided by law.

30 When any such officer is found guilty of a crime which is a
31 felony under the laws of this state or which is punishable by
32 imprisonment for one (1) year or more, other than manslaughter or
33 any violation of the United States Internal Revenue Code, in a
34 federal court or a court of competent jurisdiction of any other
35 state, the Attorney General of the State of Mississippi shall
36 within five (5) days of being notified or otherwise learning of
37 such conviction, enter a motion for removal from office in the
38 Circuit Court of Hinds County in the case of a state officer, and
39 in the circuit court of the county of residence in the case of a
40 district, county or municipal officer. The court, or the judge in
41 vacation, shall, upon notice and a proper hearing, issue an order
42 removing such person from office and the vacancy shall be filled
43 as provided by law.

44 SECTION 2. The Attorney General of the State of Mississippi
45 shall submit this act, immediately upon approval by the Governor,
46 or upon approval by the Legislature subsequent to a veto, to the
47 Attorney General of the United States or to the United States
48 District Court for the District of Columbia in accordance with the
49 provisions of the Voting Rights Act of 1965, as amended and
50 extended.

51 SECTION 3. This act shall take effect and be in force from
52 and after the date it is effectuated under Section 5 of the Voting
53 Rights Act of 1965, as amended and extended.