

By: Representative Frierson

To: Judiciary A;
Appropriations

HOUSE BILL NO. 919

1 AN ACT TO AMEND SECTION 9-7-42, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE AN ADDITIONAL JUDGE FOR THE FIFTEENTH CIRCUIT COURT
3 DISTRICT; TO AMEND SECTION 25-31-5, MISSISSIPPI CODE OF 1972, TO
4 PROVIDE TWO ADDITIONAL LEGAL ASSISTANTS TO THE DISTRICT ATTORNEY
5 IN THE FIFTEENTH CIRCUIT COURT DISTRICT; TO AMEND SECTION
6 25-31-10, MISSISSIPPI CODE OF 1972, TO PROVIDE AN ADDITIONAL
7 CRIMINAL INVESTIGATOR FOR THE FIFTEENTH CIRCUIT COURT DISTRICT; TO
8 AMEND SECTIONS 23-15-982 AND 23-15-983, MISSISSIPPI CODE OF 1972,
9 TO CONFORM TO THE PROVISIONS OF THIS ACT; AND FOR RELATED
10 PURPOSES.

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

12 **SECTION 1.** Section 9-7-42, Mississippi Code of 1972, is
13 amended as follows:

14 9-7-42. (1) There shall be three (3) judges for the
15 Fifteenth Circuit Court District.

16 (2) For the purposes of appointment and election the three
17 (3) judgeships shall be separate and distinct and denominated for
18 purposes of appointment and election only as "Place One," "Place
19 Two" and "Place Three."

20 **SECTION 2.** Section 25-31-5, Mississippi Code of 1972, is
21 amended as follows:

22 25-31-5. (1) The following number of full-time legal
23 assistants are authorized in the following circuit court
24 districts:

25 (a) First Circuit Court District..... seven (7)
26 legal assistants.

27 (b) Second Circuit Court District..... nine (9)
28 legal assistants.

29 (c) Third Circuit Court District..... four (4)
30 legal assistants.

31 (d) Fourth Circuit Court District..... five (5)



32 legal assistants.

33 (e) Fifth Circuit Court District..... four (4)

34 legal assistants.

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

36 legal assistants.

37 (g) Seventh Circuit Court District..... nine (9)

38 legal assistants.

39 (h) Eighth Circuit Court District..... two (2)

40 legal assistants.

41 (i) Ninth Circuit Court District..... two (2)

42 legal assistants.

43 (j) Tenth Circuit Court District..... four (4)

44 legal assistants.

45 (k) Eleventh Circuit Court District..... five (5)

46 legal assistants.

47 (l) Twelfth Circuit Court District..... three (3)

48 legal assistants.

49 (m) Thirteenth Circuit Court District..... two (2)

50 legal assistants.

51 (n) Fourteenth Circuit Court District..... three (3)

52 legal assistants.

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

54 legal assistants.

55 (p) Sixteenth Circuit Court District..... four (4)

56 legal assistants.

57 (q) Seventeenth Circuit Court District..... five (5)

58 legal assistants.

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

60 legal assistants.

61 (s) Nineteenth Circuit Court District..... four (4)

62 legal assistants.

63 (t) Twentieth Circuit Court District..... four (4)

64 legal assistants.



65 (u) Twenty-first Circuit Court District..... two (2)
66 legal assistants.

67 (v) Twenty-second Circuit Court District..... two (2)
68 legal assistants.

69 (2) In addition to any legal assistants authorized pursuant
70 to subsection (1) of this section, the following number of
71 full-time legal assistants are authorized (i) in the following
72 circuit court districts if funds are appropriated by the
73 Legislature to adequately fund the salaries, expenses and fringe
74 benefits of such legal assistants, or (ii) in any of the following
75 circuit court districts in which the board of supervisors of one
76 or more of the counties in a circuit court district adopts a
77 resolution to pay all of the salaries, supplemental pay, expenses
78 and fringe benefits of legal assistants authorized in such
79 district pursuant to this subsection:

80 (a) First Circuit Court District..... two (2)
81 legal assistants.

82 (b) Second Circuit Court District..... two (2)
83 legal assistants.

84 (c) Third Circuit Court District..... two (2)
85 legal assistants.

86 (d) Fourth Circuit Court District..... two (2)
87 legal assistants.

88 (e) Fifth Circuit Court District..... two (2)
89 legal assistants.

90 (f) Sixth Circuit Court District..... two (2)
91 legal assistants.

92 (g) Seventh Circuit Court District..... two (2)
93 legal assistants.

94 (h) Eighth Circuit Court District..... two (2)
95 legal assistants.

96 (i) Ninth Circuit Court District..... two (2)
97 legal assistants.



98 (j) Tenth Circuit Court District..... two (2)
99 legal assistants.

100 (k) Eleventh Circuit Court District..... two (2)
101 legal assistants.

102 (l) Twelfth Circuit Court District..... two (2)
103 legal assistants.

104 (m) Thirteenth Circuit Court District..... two (2)
105 legal assistants.

106 (n) Fourteenth Circuit Court District..... two (2)
107 legal assistants.

108 (o) Fifteenth Circuit Court District..... two (2)
109 legal assistants.

110 (p) Sixteenth Circuit Court District..... two (2)
111 legal assistants.

112 (q) Seventeenth Circuit Court District..... two (2)
113 legal assistants.

114 (r) Eighteenth Circuit Court District..... two (2)
115 legal assistants.

116 (s) Nineteenth Circuit Court District..... two (2)
117 legal assistants.

118 (t) Twentieth Circuit Court District..... two (2)
119 legal assistants.

120 (u) Twenty-first Circuit Court District..... two (2)
121 legal assistants.

122 (v) Twenty-second Circuit Court District..... two (2)
123 legal assistants.

124 (3) The board of supervisors of any county may pay all or a
125 part of the salary, supplemental pay, expenses and fringe benefits
126 of any district attorney or legal assistant authorized in the
127 circuit court district to which such county belongs pursuant to
128 this section.

129 **SECTION 3.** Section 25-31-10, Mississippi Code of 1972, is
130 amended as follows:



131 25-31-10. (1) Any district attorney may appoint a full-time
132 criminal investigator.

133 (2) The district attorneys of the Third, Fifth, Ninth,
134 Tenth, Eleventh, Twelfth, * * *, Sixteenth, Seventeenth and
135 Twentieth Circuit Court Districts may appoint one (1) additional
136 full-time criminal investigator for a total of two (2) full-time
137 criminal investigators.

138 (3) The district attorneys of the First, Second, Fourth,
139 Seventh, Fifteenth and Nineteenth Circuit Court Districts may
140 appoint two (2) additional full-time criminal investigators for a
141 total of three (3) full-time criminal investigators.

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

145 (5) The full and complete compensation for all public duties
146 rendered by said criminal investigators shall be not more than
147 Forty-five Thousand Dollars (\$45,000.00) per annum, to be
148 determined at the discretion of the district attorney based upon
149 the qualifications, education and experience of the criminal
150 investigator, plus necessary travel and other expenses, to be paid
151 in accordance with Section 25-31-8. However, the maximum salary
152 under this subsection for a criminal investigator who has a law
153 degree may be supplemented by the district attorney from other
154 available funds, but not to exceed the maximum salary for a legal
155 assistant to a district attorney.

156 (6) Any criminal investigator may be designated by the
157 district attorney to attend the Law Enforcement Officers Training
158 Program set forth in Section 45-6-1 et seq., Mississippi Code of
159 1972. The total expenses associated with attendance by criminal
160 investigators at the Law Enforcement Officers Training Program
161 shall be paid out of the funds of the appropriate district
162 attorney.



163 **SECTION 4.** Section 23-15-982, Mississippi Code of 1972, is
164 amended as follows:

165 23-15-982. (1) Majority of vote equals any excess of the
166 total vote for all candidates divided by the number of judgeships
167 to be filled divided by two (2).

168 If some or all candidates in a multijudge election do not
169 receive a majority of the vote, then candidates equal in number to
170 twice the number of remaining positions to be filled and having
171 the highest votes shall run in a runoff election. In such event,
172 if there is not a sufficient number of remaining candidates equal
173 to twice the number of remaining positions to be filled, then all
174 remaining candidates shall run in the runoff election.

175 (2) Any tie votes which require resolution to determine who
176 shall enter a runoff election shall be determined by the
177 commissioners of election in the manner prescribed by Sections
178 23-15-601 and 23-15-605.

179 Candidates equal to the remaining number of positions to be
180 filled who have the highest votes in the runoff election are
181 elected.

182 Any tie votes which must be determined in order to decide who
183 is elected as a result of a runoff election shall be determined by
184 the State Election Commission in the manner prescribed by Sections
185 23-15-601 and 23-15-605.

186 (3) The provisions of this section shall apply only to
187 districts and subdistricts which are multijudge districts except
188 for the Eighth, Tenth, Sixteenth and Twentieth Chancery Court
189 Districts and the Second, Eighth, Fifteenth and Nineteenth Circuit
190 Court Districts.

191 **SECTION 5.** Section 23-15-983, Mississippi Code of 1972, is
192 amended as follows:

193 23-15-983. At the general election, the candidates equal to
194 the number of positions to be filled and having the highest votes
195 shall be elected.



196 Any tie votes in the general election which must be resolved
197 in order to determine who is elected shall be resolved in the
198 manner prescribed by Sections 23-15-601 and 23-15-605.

199 The provisions of this section shall apply only to districts
200 and subdistricts which are multijudge districts except for the
201 Eighth, Tenth, Sixteenth and Twentieth Chancery Court Districts
202 and the Second, Eighth, Fifteenth and Nineteenth Circuit Court
203 Districts.

204 **SECTION 6.** The Attorney General of the State of Mississippi
205 shall submit Sections 1, 4 and 5 of this act, immediately upon
206 approval by the Governor, or upon approval by the Legislature
207 subsequent to a veto, to the Attorney General of the United States
208 or to the United States District Court for the District of
209 Columbia in accordance with the provisions of the Voting Rights
210 Act of 1965, as amended and extended.

211 **SECTION 7.** Sections 2 and 3 of this act shall take effect
212 and be in force from and after July 1, 2002, and the remainder of
213 this act shall take effect and be in force from and after the date
214 it is effectuated under Section 5 of the Voting Rights Act of
215 1965, as amended and extended.

