

By: Representative Reynolds

To: Fees and Salaries of
Public Officers;
Appropriations

HOUSE BILL NO. 1441

1 AN ACT TO AMEND SECTION 25-3-35, MISSISSIPPI CODE OF 1972, TO
2 INCREASE THE SALARIES OF DISTRICT ATTORNEYS AND ASSISTANT DISTRICT
3 ATTORNEYS; TO AMEND SECTION 25-31-10, MISSISSIPPI CODE OF 1972, TO
4 INCREASE THE SALARIES OF FULL-TIME CRIMINAL INVESTIGATORS EMPLOYED
5 BY THE DISTRICT ATTORNEYS; TO AMEND SECTION 99-19-73, MISSISSIPPI
6 CODE OF 1972, TO INCREASE THE STATE ASSESSMENT ON CERTAIN
7 FELONIES; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 25-3-35, Mississippi Code of 1972, is
10 amended as follows:

11 25-3-35. (1) The annual salaries of the following judges
12 are fixed as follows, to begin at the commencement of the next
13 term of office immediately succeeding the existing term:

14	Chief Justice of the Supreme Court.....	\$104,900.00
15	Presiding Justice of the Supreme Court.....	102,900.00
16	Associate Justices of the Supreme Court, each.....	102,300.00

17 However, in addition to their present official duties, there
18 are imposed upon the Supreme Court Justices the extra duties of
19 making a special study of existing laws and reporting to each
20 regular session of the Legislature such constructive suggestions
21 as they may deem necessary for the improvement of the
22 administration of justice, and of advising and counseling with the
23 State Librarian in the selection of law books for purchase and use
24 in the State Law Library, advising with the librarian thereof upon
25 the removal from the library of any books which may be the least
26 frequently used, and for the placing of same in a convenient
27 location so as to provide additional space for such books and
28 other current publications which may be more frequently used or
29 called for. For such extra services each justice, from and after



30 June 17, 1999, shall receive a sum sufficient when added to the
31 present salaries of the justices to aggregate One Hundred Four
32 Thousand Nine Hundred Dollars (\$104,900.00) for the Chief Justice,
33 One Hundred Two Thousand Nine Hundred Dollars (\$102,900.00) for
34 the Presiding Justice, and One Hundred Two Thousand Three Hundred
35 Dollars (\$102,300.00) for Associate Justices, per annum. As each
36 existing term expires and the above-captioned salaries become
37 effective in due course, the extra duties and compensation
38 provided for shall cease.

39 (2) The annual salaries of the judges of the Court of
40 Appeals of Mississippi are fixed as follows:

41 Chief Judge of the Court of Appeals..... \$ 98,300.00
42 Associate Judges of the Court of Appeals, each..... 95,500.00

43 (3) The annual salaries of the chancery and circuit court
44 judges are fixed as follows:

45 Chancery Judges, each..... \$94,700.00
46 Circuit Judges, each..... 94,700.00

47 In addition to their present official duties, there are
48 imposed upon the chancery and circuit court judges the extra
49 duties of making a special study of existing laws relating to
50 trial courts and reporting to the Supreme Court of the State of
51 Mississippi such constructive suggestions as they may deem
52 necessary for the improvement of the administration of justice,
53 which shall be recommended to the Legislature by the Supreme Court
54 in the manner provided by law. The judges shall advise and
55 supervise in the purchase of law books for the libraries of each
56 district, and shall study and evaluate the inventory of books and
57 facilities now existing in the libraries of each district to
58 effect the removal and relocation of obsolete publications so as
59 to provide additional space for those books and current
60 publications more frequently used. The judges shall study the
61 existing rules promulgated by the circuit and chancery court
62 judicial associations governing the operation of chancery and



63 circuit courts, and revise the same pursuant to existing laws.
64 For such extra services each judge, from and after June 17, 1999,
65 shall receive a sum sufficient when added to the present salaries
66 of the judges to aggregate Ninety-four Thousand Seven Hundred
67 Dollars (\$94,700.00) per annum for each judge. Upon the
68 expiration of the existing term, the above-captioned salaries
69 become effective in due course, and the extra duties and
70 compensation provided for shall cease.

71 (4) The Supreme Court shall prepare a payroll for chancery
72 judges and circuit judges and submit such payroll to the
73 Department of Finance and Administration.

74 (5) The annual salary of the full-time district attorneys
75 shall be Ninety-two Thousand Seven Hundred Dollars (\$92,700.00).

76 (6) (a) The annual salary of * * * full-time legal
77 assistants who have practiced law actively less than two (2) years
78 shall be not less than Twenty-five Thousand Dollars (\$25,000.00)
79 nor more than Sixty Thousand Dollars (\$60,000.00), as established
80 by the district attorney.

81 (b) The annual salary of full-time legal assistants who
82 have practiced law actively two (2) or more years but less than
83 six (6) years shall be not more than Sixty-seven Thousand Five
84 Hundred Dollars (\$67,500.00), as established by the district
85 attorney.

86 (c) The annual salary of full-time legal assistants who
87 have practiced law actively six (6) or more years but less than
88 ten (10) years shall be not more than Seventy-five Thousand
89 Dollars (\$75,000.00), as established by the district attorney.

90 (d) The annual salary of full-time legal assistants who
91 have practiced law actively ten (10) or more years but less than
92 twenty (20) years shall be not more than Eighty-five Thousand
93 Dollars (\$85,000.00), as established by the district attorney.

94 (e) The annual salary of full-time legal assistants who
95 have practiced law actively twenty (20) or more years shall be not



96 more than Ninety Thousand Dollars (\$90,000.00), as established by
97 the district attorney.

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

100 25-31-10. (1) Any district attorney may appoint a full-time
101 criminal investigator.

102 (2) The district attorneys of the Third, Fifth, Ninth,
103 Tenth, Eleventh, Twelfth, Fifteenth, Sixteenth, Seventeenth and
104 Twentieth Circuit Court Districts may appoint one (1) additional
105 full-time criminal investigator for a total of two (2) full-time
106 criminal investigators.

107 (3) The district attorneys of the First, Second, Fourth and
108 Seventh and Nineteenth Circuit Court Districts may appoint two (2)
109 additional full-time criminal investigators for a total of three
110 (3) full-time criminal investigators.

111 (4) No district attorney or assistant district attorney
112 shall accept any private employment, civil or criminal, in any
113 matter investigated by such criminal investigators.

114 (5) The full and complete compensation for all public duties
115 rendered by the criminal investigators shall be not more than
116 Fifty Thousand Dollars (\$50,000.00) per annum, to be determined at
117 the discretion of the district attorney based upon the
118 qualifications, education and experience of the criminal
119 investigator, plus necessary travel and other expenses, to be paid
120 in accordance with Section 25-31-8. However, the maximum salary
121 under this subsection for a criminal investigator who has a law
122 degree may be supplemented by the district attorney from other
123 available funds, but not to exceed the maximum salary for a legal
124 assistant to a district attorney.

125 (6) Any criminal investigator may be designated by the
126 district attorney to attend the Law Enforcement Officers Training
127 Program set forth in Section 45-6-1 et seq., Mississippi Code of
128 1972. The total expenses associated with attendance by criminal



129 investigators at the Law Enforcement Officers Training Program
130 shall be paid out of the funds of the appropriate district
131 attorney.

132 **SECTION 3.** Section 99-19-73, Mississippi Code of 1972, is
133 amended as follows:

134 99-19-73. (1) **Traffic Violations.** In addition to any
135 monetary penalties and any other penalties imposed by law, there
136 shall be imposed and collected the following state assessment from
137 each person upon whom a court imposes a fine or other penalty for
138 any violation in Title 63, Mississippi Code of 1972, except
139 offenses relating to the Mississippi Implied Consent Law (Section
140 63-11-1 et seq.) and offenses relating to vehicular parking or
141 registration:

142	FUND	AMOUNT
143	State Court Education Fund.....	\$ 1.50
144	State Prosecutor Education Fund.....	1.00
145	Driver Training Penalty Assessment Fund.....	7.00
146	Law Enforcement Officers Training Fund.....	5.00
147	Spinal Cord and Head Injury Trust Fund	
148	(for all moving violations).....	4.00
149	Emergency Medical Services Operating Fund.....	10.00
150	Mississippi Leadership Council on Aging	
151	Fund.....	1.00
152	TOTAL STATE ASSESSMENT.....	\$ 29.50

153 (2) **Implied Consent Law Violations.** In addition to any
154 monetary penalties and any other penalties imposed by law, there
155 shall be imposed and collected the following state assessment from
156 each person upon whom a court imposes a fine or any other penalty
157 for any violation of the Mississippi Implied Consent Law (Section
158 63-11-1 et seq.):

159	FUND	AMOUNT
160	Crime Victims' Compensation Fund.....	\$ 10.00
161	State Court Education Fund.....	1.50



162	State Prosecutor Education Fund.....	1.00
163	Driver Training Penalty Assessment Fund.....	22.00
164	Law Enforcement Officers Training Fund.....	11.00
165	Emergency Medical Services Operating Fund.....	10.00
166	Mississippi Alcohol Safety Education Program Fund....	5.00
167	Federal-State Alcohol Program Fund.....	10.00
168	Mississippi Crime Laboratory	
169	Implied Consent Law Fund.....	25.00
170	Spinal Cord and Head Injury Trust Fund.....	25.00
171	State General Fund.....	35.00
172	TOTAL STATE ASSESSMENT.....	\$155.50

173 (3) **Game and Fish Law Violations.** In addition to any
174 monetary penalties and any other penalties imposed by law, there
175 shall be imposed and collected the following state assessment from
176 each person upon whom a court imposes a fine or other penalty for
177 any violation of the game and fish statutes or regulations of this
178 state:

179	FUND	AMOUNT
180	State Court Education Fund.....	\$ 1.50
181	State Prosecutor Education Fund.....	1.00
182	Law Enforcement Officers Training Fund.....	5.00
183	Hunter Education and Training Program Fund.....	5.00
184	State General Fund.....	30.00
185	TOTAL STATE ASSESSMENT.....	\$ 42.50

186 (4) **Litter Law Violations.** In addition to any monetary
187 penalties and any other penalties imposed by law, there shall be
188 imposed and collected the following state assessment from each
189 person upon whom a court imposes a fine or other penalty for any
190 violation of Section 97-15-29 or 97-15-30:

191	FUND	AMOUNT
192	Statewide Litter Prevention Fund.....	\$ 25.00
193	TOTAL STATE ASSESSMENT.....	\$ 25.00



194 (5) **Other Misdemeanors.** In addition to any monetary
 195 penalties and any other penalties imposed by law, there shall be
 196 imposed and collected the following state assessment from each
 197 person upon whom a court imposes a fine or other penalty for any
 198 misdemeanor violation not specified in subsection (1), (2) or (3)
 199 of this section, except offenses relating to vehicular parking or
 200 registration:

201 FUND	AMOUNT
202 Crime Victims' Compensation Fund.....	\$ 10.00
203 State Court Education Fund.....	1.50
204 State Prosecutor Education Fund.....	1.00
205 Law Enforcement Officers Training Fund.....	5.00
206 State General Fund.....	30.00
207 State Crime Stoppers Fund.....	1.50
208 TOTAL STATE ASSESSMENT.....	\$ 49.00

209 (6) **Other Felonies.** In addition to any monetary penalties
 210 and any other penalties imposed by law, there shall be imposed and
 211 collected the following state assessment from each person upon
 212 whom a court imposes a fine or other penalty for any felony
 213 violation not specified in subsection (1), (2) or (3) of this
 214 section:

215 FUND	AMOUNT
216 Crime Victims' Compensation Fund.....	\$ 10.00
217 State Court Education Fund.....	1.50
218 State Prosecutor Education Fund.....	1.00
219 Law Enforcement Officers Training Fund.....	5.00
220 State General Fund.....	<u>70.00</u>
221 Criminal Justice Fund.....	50.00
222 TOTAL STATE ASSESSMENT.....	<u>\$137.50</u>

223 (7) If a fine or other penalty imposed is suspended, in
 224 whole or in part, such suspension shall not affect the state
 225 assessment under this section. No state assessment imposed under



226 the provisions of this section may be suspended or reduced by the
227 court.

228 (8) After a determination by the court of the amount due, it
229 shall be the duty of the clerk of the court to promptly collect
230 all state assessments imposed under the provisions of this
231 section. The state assessments imposed under the provisions of
232 this section may not be paid by personal check. It shall be the
233 duty of the chancery clerk of each county to deposit all such
234 state assessments collected in the circuit, county and justice
235 courts in such county on a monthly basis with the State Treasurer
236 pursuant to appropriate procedures established by the State
237 Auditor. The chancery clerk shall make a monthly lump-sum deposit
238 of the total state assessments collected in the circuit, county
239 and justice courts in such county under this section, and shall
240 report to the Department of Finance and Administration the total
241 number of violations under each subsection for which state
242 assessments were collected in the circuit, county and justice
243 courts in such county during such month. It shall be the duty of
244 the municipal clerk of each municipality to deposit all such state
245 assessments collected in the municipal court in such municipality
246 on a monthly basis with the State Treasurer pursuant to
247 appropriate procedures established by the State Auditor. The
248 municipal clerk shall make a monthly lump-sum deposit of the total
249 state assessments collected in the municipal court in such
250 municipality under this section, and shall report to the
251 Department of Finance and Administration the total number of
252 violations under each subsection for which state assessments were
253 collected in the municipal court in such municipality during such
254 month.

255 (9) It shall be the duty of the Department of Finance and
256 Administration to deposit on a monthly basis all such state
257 assessments into the proper special fund in the State Treasury.
258 The monthly deposit shall be based upon the number of violations



259 reported under each subsection and the pro rata amount of such
260 assessment due to the appropriate special fund. The Department of
261 Finance and Administration shall issue regulations providing for
262 the proper allocation of these special funds.

263 (10) The State Auditor shall establish by regulation
264 procedures for refunds of state assessments, including refunds
265 associated with assessments imposed before July 1, 1990, and
266 refunds after appeals in which the defendant's conviction is
267 reversed. The Auditor shall provide in such regulations for
268 certification of eligibility for refunds and may require the
269 defendant seeking a refund to submit a verified copy of a court
270 order or abstract by which such defendant is entitled to a refund.
271 All refunds of state assessments shall be made in accordance with
272 the procedures established by the Auditor.

273 **SECTION 4.** The Attorney General of the State of Mississippi
274 shall submit Section 1 of this act, immediately upon approval by
275 the Governor, or upon approval by the Legislature subsequent to a
276 veto, to the Attorney General of the United States or to the
277 United States District Court for the District of Columbia in
278 accordance with the provisions of the Voting Rights Act of 1965,
279 as amended and extended.

280 **SECTION 5.** Section 1 of this act shall take effect and be in
281 force from and after July 1, 2002, if it is effectuated on or
282 before that date under Section 5 of the Voting Rights Act of 1965,
283 as amended and extended. If Section 1 of this act is effectuated
284 under Section 5 of the Voting Rights Act of 1965, as amended and
285 extended, after July 1, 2002, it shall take effect and be in force
286 from and after the date it is effectuated under Section 5 of the
287 Voting Rights Act of 1965, as amended and extended. The remaining
288 sections of this act shall take effect and be in force from and
289 after July 1, 2002.

