

By: Representatives Mayhall, Fleming, Gunn,
Woods

To: Judiciary A;
Appropriations

HOUSE BILL NO. 1267

1 AN ACT TO AMEND SECTION 25-31-8, MISSISSIPPI CODE OF 1972, TO
2 INCREASE THE OFFICE OPERATING ALLOWANCE FOR DISTRICT ATTORNEYS; TO
3 AMEND SECTION 25-31-10, MISSISSIPPI CODE OF 1972, TO ADD A
4 CRIMINAL INVESTIGATOR TO CERTAIN DISTRICT ATTORNEYS OFFICES; AND
5 FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 25-31-8, Mississippi Code of 1972, is
8 amended as follows:

9 25-31-8. * * * In all circuit court districts in this
10 state * * *, the district attorney shall receive from sums
11 appropriated for such purpose from the General Fund or any special
12 fund of the State of Mississippi, an office operating allowance
13 for the necessary expenses of operating the office of the district
14 attorney, including stenographic help, and other items and
15 expenditures necessary and incident to the investigation of
16 criminal cases, the general expenses of the office of the
17 investigation of criminal cases, the general expenses of the
18 office of the district attorney for preparing and/or trying felony
19 cases and all other cases requiring the services of the district
20 attorney, the sum of Fifty Thousand Dollars (\$50,000.00) for each
21 district, and an additional Five Thousand Dollars (\$5,000.00) for
22 each assistant authorized by Section 25-31-5(1) * * *. All
23 expenditures made from said office operating allowances shall be
24 upon written requisition of the duly elected district attorney to
25 the State Auditor, as otherwise provided by law. The district
26 attorney may delegate to the board of supervisors of any county in
27 his district the responsibility and authority to employ and set
28 the salary of not more than one (1) employee for the office of

29 such district attorney, such salary to be paid as other
30 expenditures are paid from the funds provided by this section.
31 Such employee shall be deemed to be appointed and employed by the
32 board of supervisors and the salary shall not be deemed to be a
33 pecuniary benefit provided by the district attorney's office.

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

36 25-31-10. (1) Any district attorney may appoint a full-time
37 criminal investigator.

38 (2) The district attorneys of the Third, Fifth, Ninth,
39 Tenth, Eleventh, Twelfth, Fifteenth, Sixteenth, Seventeenth and
40 Twentieth Circuit Court Districts may appoint two (2) additional
41 full-time criminal investigators for a total of three (3)
42 full-time criminal investigators.

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

47 (4) No district attorney or assistant district attorney
48 shall accept any private employment, civil or criminal, in any
49 matter investigated by such criminal investigators.

50 (5) The full and complete compensation for all public duties
51 rendered by said criminal investigators shall be not more than
52 Fifty-four Thousand Dollars (\$54,000.00) per annum, to be
53 determined at the discretion of the district attorney based upon
54 the qualifications, education and experience of the criminal
55 investigator, plus necessary travel and other expenses, to be paid
56 in accordance with Section 25-31-8. However, the maximum salary
57 under this subsection for a criminal investigator who has a law
58 degree may be supplemented by the district attorney from other
59 available funds, but not to exceed the maximum salary for a legal
60 assistant to a district attorney.

61 (6) Any criminal investigator may be designated by the
62 district attorney to attend the Law Enforcement Officers Training
63 Program set forth in Section 45-6-1 et seq., Mississippi Code of
64 1972. The total expenses associated with attendance by criminal
65 investigators at the Law Enforcement Officers Training Program
66 shall be paid out of the funds of the appropriate district
67 attorney.

68 (7) This section shall stand repealed from and after January
69 1, 2009.

70 **SECTION 3.** The Attorney General of the State of Mississippi
71 shall submit this act, immediately upon approval by the Governor,
72 or upon approval by the Legislature subsequent to a veto, to the
73 Attorney General of the United States or to the United States
74 District Court for the District of Columbia in accordance with the
75 provisions of the Voting Rights Act of 1965, as amended and
76 extended.

77 **SECTION 4.** This act shall take effect and be in force from
78 and after the date it is effectuated under Section 5 of the Voting
79 Rights Act of 1965, as amended and extended.