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Chapter No. 2
141E/HR12/R1CS
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HOUSE BILL NO. 1

Originated in House _____ Clerk

HOUSE BILL NO. 1

AN ACT TO AMEND SECTION 25-31-5, MISSISSIPPI CODE OF 1972, TO PROVIDE ADDITIONAL LEGAL ASSISTANTS TO DISTRICT ATTORNEYS IN CERTAIN CIRCUIT COURT DISTRICTS; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 25-31-5, Mississippi Code of 1972, is amended as follows:

[Through June 30, 2015, this section shall read as follows:]

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

(a) First Circuit Court District ..... * * * nine (9) legal assistants.

(b) Second Circuit Court District ..... * * * ten (10) legal assistants.

(c) Third Circuit Court District ..... five (5) legal assistants.

(d) Fourth Circuit Court District ..... * * * six (6) legal assistants.

(e) Fifth Circuit Court District ..... five (5) legal assistants.

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

(g) Seventh Circuit Court District ..... eleven (11) legal assistants.

(h) Eighth Circuit Court District ..... three (3) legal assistants.

(i) Ninth Circuit Court District ..... * * * three (3) legal assistants.

(j) Tenth Circuit Court District ..... four (4) legal assistants.

(k) Eleventh Circuit Court District .... five (5) legal assistants.

(l) Twelfth Circuit Court District ..... * * * five (5) legal assistants.

(m) Thirteenth Circuit Court District .. * * * four (4) legal assistants.

(n) Fourteenth Circuit Court District .. * * * five (5) legal assistants.

(o) Fifteenth Circuit Court District .... * * * six (6) legal assistants.

(p) Sixteenth Circuit Court District ... * * * five (5) legal assistants.

(q) Seventeenth Circuit Court District * * * seven (7)

legal assistants.

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

(s) Nineteenth Circuit Court District .. * * * five (5) legal assistants.

(t) Twentieth Circuit Court District ... * * * five (5) legal assistants.

(u) Twenty-first Circuit Court District * * * three (3) legal assistants.

(v) Twenty-second Circuit Court District * * * three (3) legal assistants.

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

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

(b) Second Circuit Court District ..... two (2)

legal assistants.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) The district attorney of any circuit court district may employ additional legal assistants or criminal investigators, or both, without regard to any limitation on the number of legal assistants authorized in this section or criminal investigators

authorized by other provisions of law to the extent that the district attorney's office receives funds from any source. Any source shall include, but is not limited to, office generated funds, funds from a county, a combination of counties, a municipality, a combination of municipalities, federal funds, private grants or foundations, or by means of an Interlocal Cooperative Agreement authorized by Section 17-13-1 which may be expended for those positions in an amount sufficient to pay all of the salary, supplemental pay, expenses and fringe benefits of the positions. Such funds may either be paid out of district attorney accounts, transferred by the district attorney to the Department of Finance and Administration or to one or more of the separate counties comprising the circuit court district, and said funds shall be disbursed to such employees in the same manner as state-funded criminal investigators and full-time legal assistants. The district attorney shall report to the board of supervisors of each county comprising the circuit court district the amount and source of the supplemental salary, expenses and fringe benefits, and the board in each county shall spread the same on its minutes. The district attorney shall also report such information to the Department of Finance and Administration which shall make such information available to the Legislative Budget Office.

(5) The district attorney shall be authorized to assign the duties of a legal assistant regardless of the source of funding for such legal assistants.

[From and after July 1, 2015, this section shall read as follows:]

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

(a) First Circuit Court District ..... * * * nine (9) legal assistants.

(b) Second Circuit Court District ..... * * * ten (10) legal assistants.

(c) Third Circuit Court District ..... five (5) legal assistants.

(d) Fourth Circuit Court District ..... * * * six (6) legal assistants.

(e) Fifth Circuit Court District ..... five (5) legal assistants.

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

(g) Seventh Circuit Court District ..... eleven (11) legal assistants.

(h) Eighth Circuit Court District ..... three (3) legal assistants.

(i) Ninth Circuit Court District ..... * * * three (3)

legal assistants.

(j) Tenth Circuit Court District ..... four (4) legal assistants.

(k) Eleventh Circuit Court District .... five (5) legal assistants.

(l) Twelfth Circuit Court District ..... * * * five (5) legal assistants.

(m) Thirteenth Circuit Court District .. * * * four (4) legal assistants.

(n) Fourteenth Circuit Court District .. * * * five (5) legal assistants.

(o) Fifteenth Circuit Court District .... * * * six (6) legal assistants.

(p) Sixteenth Circuit Court District ... * * * five (5) legal assistants.

(q) Seventeenth Circuit Court District * * * seven (7) legal assistants.

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

(s) Nineteenth Circuit Court District ... * * * six (6) legal assistants.

(t) Twentieth Circuit Court District .... * * * six (6) legal assistants.

(u) Twenty-first Circuit Court District * * * three (3) legal assistants.

(v) Twenty-second Circuit Court District * * * three (3) legal assistants.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(s) Nineteenth Circuit Court District ..... two (2)

legal assistants.

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

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

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

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

(4) The district attorney of any circuit court district may employ additional legal assistants or criminal investigators, or both, without regard to any limitation on the number of legal assistants authorized in this section or criminal investigators authorized by other provisions of law to the extent that the district attorney's office receives funds from any source. Any source shall include, but is not limited to, office generated funds, funds from a county, a combination of counties, a municipality, a combination of municipalities, federal funds, private grants or foundations, or by means of an Interlocal Cooperative Agreement authorized by Section 17-13-1 which may be expended for those positions in an amount sufficient to pay all of the salary, supplemental pay, expenses and fringe benefits of the

positions. Such funds may either be paid out of district attorney accounts, transferred by the district attorney to the Department of Finance and Administration or to one or more of the separate counties comprising the circuit court district, and said funds shall be disbursed to such employees in the same manner as state-funded criminal investigators and full-time legal assistants. The district attorney shall report to the board of supervisors of each county comprising the circuit court district the amount and source of the supplemental salary, expenses and fringe benefits, and the board in each county shall spread the same on its minutes. The district attorney shall also report such information to the Department of Finance and Administration which shall make such information available to the Legislative Budget Office.

(5) The district attorney shall be authorized to assign the duties of a legal assistant regardless of the source of funding for such legal assistants.

SECTION 2. This act shall take effect and be in force from and after November 1, 2014.

PASSED BY THE HOUSE OF REPRESENTATIVES
April 2, 2014

Philip Gunn

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
April 2, 2014

Tate Reeves

PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR

Phil Bryant

GOVERNOR

April 21, 2014 10:36am