

By: Representative Ford

To: County Affairs

HOUSE BILL NO. 612

1 AN ACT TO AMEND SECTIONS 19-3-41 AND 25-7-27, MISSISSIPPI
2 CODE OF 1972, TO EXTEND THE DATE OF REPEAL OF THE PROVISION OF LAW
3 THAT AUTHORIZES A CONSTABLE TO RECEIVE PAYMENTS FOR COLLECTING
4 DELINQUENT CRIMINAL FINES IN JUSTICE COURT; AND FOR RELATED
5 PURPOSES.

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

7 SECTION 1. Section 19-3-41, Mississippi Code of 1972, is
8 amended as follows:

9 19-3-41. (1) The boards of supervisors shall have within
10 their respective counties full jurisdiction over roads, ferries
11 and bridges, except as otherwise provided by Section 170 of the
12 Constitution, and all other matters of county police. They shall
13 have jurisdiction over the subject of paupers. They shall have
14 power to levy such taxes as may be necessary to meet the demands
15 of their respective counties, upon such persons and property as
16 are subject to state taxes for the time being, not exceeding the
17 limits that may be prescribed by law. They shall cause to be
18 erected and kept in good repair, in their respective counties, a
19 good and convenient courthouse and a jail. A courthouse shall be
20 erected and kept in good repair in each judicial district and a
21 jail may be erected in each judicial district. They may close a
22 jail in either judicial district, at their discretion, where one
23 (1) jail will suffice. They shall have the power, in their
24 discretion, to prohibit or regulate the sale and use of
25 firecrackers, roman candles, torpedoes, skyrockets, and any and
26 all explosives commonly known and referred to as fireworks,
27 outside the confines of municipalities. They shall have and

28 exercise such further powers as are or shall be conferred upon
29 them by law. They shall have authority to negotiate with and
30 contract with licensed real estate brokers for the purpose of
31 advertising and showing and procuring prospective purchasers for
32 county-owned real property offered for sale in accordance with the
33 provisions of Section 19-7-3.

34 (2) The board of supervisors of any county, in its
35 discretion, may contract with a private attorney or private
36 collection agent or agency to collect any type of delinquent
37 payment owed to the county including, but not limited to, past due
38 fees and fines, delinquent ad valorem taxes on personal property
39 and delinquent ad valorem taxes on mobile homes that are entered
40 as personal property on the mobile home rolls. Any such contract
41 may provide for payment contingent upon successful collection
42 efforts or payment based upon a percentage of the delinquent
43 amount collected; however, the entire amount of all delinquent
44 payments collected shall be remitted to the county and shall not
45 be reduced by any collection costs or fees. There shall be due to
46 the county from any person whose delinquent payment is collected
47 pursuant to a contract executed under this subsection an amount,
48 in addition to the delinquent payment, of not to exceed
49 twenty-five percent (25%) of the delinquent payment for
50 collections made within this state and not to exceed fifty percent
51 (50%) of the delinquent payment for collections made outside of
52 this state. However, in the case of delinquent fees owed to the
53 county for garbage or rubbish collection or disposal, only the
54 amount of the delinquent fees may be collected and no amount in
55 addition to the delinquent fees may be collected if the board of
56 supervisors of the county has notified the county tax collector
57 under Section 19-5-22 for the purpose of prohibiting the issuance
58 of a motor vehicle road and bridge privilege license tag to the
59 person delinquent in the payment of such fees. Any private
60 attorney or private collection agent or agency contracting with
61 the county under the provisions of this subsection shall give bond
62 or other surety payable to the county in such amount as the board
63 of supervisors deems sufficient. Any private attorney with whom
64 the county contracts under the provisions of this subsection must

65 be a member in good standing of The Mississippi Bar. Any private
66 collection agent or agency with whom the county contracts under
67 the provisions of this subsection must meet all licensing
68 requirements for doing business in the State of Mississippi.
69 Neither the county nor any officer or employee of the county shall
70 be liable, civilly or criminally, for any wrongful or unlawful act
71 or omission of any person or business with whom the county has
72 contracted under the provisions of this subsection. The
73 Mississippi Department of Audit shall establish rules and
74 regulations for use by counties in contracting with persons or
75 businesses under the provisions of this subsection.

76 (3) In addition to the authority granted under subsection
77 (2) of this section, the board of supervisors of any county, in
78 its discretion, may contract with one or more of the constables of
79 the county to collect delinquent criminal fines imposed in the
80 justice court of the county. Any such contract shall provide for
81 payment contingent upon successful collection efforts, and the
82 amount paid to a constable may not exceed twenty-five percent
83 (25%) of the amount which the constable collects. The entire
84 amount of all delinquent criminal fines collected under such a
85 contract shall be remitted by the constable to the clerk of the
86 justice court for deposit into the county general fund as provided
87 under Section 9-11-19. Any payments made to a constable pursuant
88 to a contract executed under the provisions of this section may be
89 paid only after presentation to and approval by the board of
90 supervisors of the county. This subsection shall stand repealed
91 from and after July 1, 2000.

92 (4) In addition to such authority as is otherwise granted
93 under this section, the board of supervisors of any county may
94 expend funds necessary to maintain and repair, and to purchase
95 liability insurance, tags and decals for, any personal property
96 acquired under the Federal Excess Personal Property Program that
97 is used by the local volunteer fire department.

98 (5) The board of supervisors of any county may expend funds
99 to purchase, maintain and repair equipment for the electronic
100 filing and storage of filings, files, instruments, documents and
101 records using microfilm, microfiche, data processing, magnetic
102 tape, optical discs, computers or other electronic process which
103 correctly and legibly stores and reproduces or which forms a
104 medium for storage, copying or reproducing documents, files and
105 records for use by one, all or any combination of county offices,
106 employees and officials, whether appointed or elected.

107 SECTION 2. Section 25-7-27, Mississippi Code of 1972, is
108 amended as follows:

109 25-7-27. (1) Marshals and constables shall charge the
110 following fees:

111 (a) A uniform total fee in all cases, civil and
112 criminal, whether contested or uncontested, which shall include
113 all services in connection therewith, except as hereinafter
114 stated, each..... \$25.00

115 Provided, however, that in all cases where there is more than
116 one (1) defendant, for service on each additional defendant.....
117 \$ 5.00

118 (b) Provided, however, that after final judgment has
119 been enrolled, further proceedings involving levy of execution on
120 judgments, and attachment and garnishment proceedings shall be a
121 new suit for which the marshal or constable shall be entitled to
122 the following fee..... \$25.00

123 (c) Conveying a person charged with a crime to jail,
124 each mile \$.20

125 To be paid out of the county treasury on the allowance of the
126 board of supervisors, when the state fails in the prosecution, or
127 the person is convicted but is not able to pay the costs.

128 (d) For other service, the same fees allowed sheriffs
129 for similar services.

130 (e) For service as a bailiff in any court in a civil

131 case, to be paid by the county on allowance of the court on
132 issuance of a warrant therefor, an amount equal to the per diem
133 compensation provided under Section 25-3-69 for each day, or part
134 thereof, for which he serves as bailiff when the court is in
135 session.

136 (f) For serving all warrants and other process,
137 attending all trials in state cases in which the state fails in
138 the prosecution, to be paid out of the county treasury on the
139 allowance of the board of supervisors without itemization,
140 subject, however, to the condition that the marshal or constable
141 must not have overcharged in the collection of fees for costs,
142 contrary to the provisions of this section, annually not to exceed
143 \$1,000.00

144 (2) Marshals and constables shall be paid all uncollected
145 fees levied under subsection (1) of this section in full from the
146 first proceeds received by the court from the guilty party or from
147 any other source of payment in connection with the case.

148 (3) In addition to the fees authorized to be paid to a
149 constable under subsection (1) of this section, a constable may
150 receive payments for collecting delinquent criminal fines in
151 justice court pursuant to the provisions of Section 19-3-41(3).
152 This subsection shall stand repealed from and after July 1, 2000.

153 SECTION 3. This act shall take effect and be in force from
154 and after July 1, 1999.