

By: Representatives Bozeman, Clarke, Flaggs, Green (96th), Perkins, Straughter, Thornton, Wallace To: County Affairs

HOUSE BILL NO. 1031  
(As Passed the House)

1 AN ACT TO AMEND SECTIONS 19-3-41 AND 25-7-27, MISSISSIPPI  
2 CODE OF 1972, TO AUTHORIZE ANY COUNTY THAT USES ITS OWN EMPLOYEES  
3 TO COLLECT ANY TYPE OF DELINQUENT PAYMENT OWED TO THE COUNTY TO  
4 COLLECT AN ADDITIONAL AMOUNT FOR THE COST OF COLLECTION; TO EXTEND  
5 THE DATE OF REPEAL OF THE PROVISION OF LAW THAT AUTHORIZES A  
6 CONSTABLE TO RECEIVE PAYMENTS FOR COLLECTING DELINQUENT CRIMINAL  
7 FINES IN JUSTICE COURT; AND FOR RELATED PURPOSES.

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

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

11 19-3-41. (1) The boards of supervisors shall have within  
12 their respective counties full jurisdiction over roads, ferries  
13 and bridges, except as otherwise provided by Section 170 of the  
14 Constitution, and all other matters of county police. They shall  
15 have jurisdiction over the subject of paupers. They shall have  
16 power to levy such taxes as may be necessary to meet the demands  
17 of their respective counties, upon such persons and property as  
18 are subject to state taxes for the time being, not exceeding the  
19 limits that may be prescribed by law. They shall cause to be  
20 erected and kept in good repair, in their respective counties, a  
21 good and convenient courthouse and a jail. A courthouse shall be  
22 erected and kept in good repair in each judicial district and a  
23 jail may be erected in each judicial district. They may close a

24 jail in either judicial district, at their discretion, where one  
25 (1) jail will suffice. They shall have the power, in their  
26 discretion, to prohibit or regulate the sale and use of  
27 firecrackers, roman candles, torpedoes, skyrockets, and any and  
28 all explosives commonly known and referred to as fireworks,  
29 outside the confines of municipalities. They shall have and  
30 exercise such further powers as are or shall be conferred upon  
31 them by law. They shall have authority to negotiate with and  
32 contract with licensed real estate brokers for the purpose of  
33 advertising and showing and procuring prospective purchasers for  
34 county-owned real property offered for sale in accordance with the  
35 provisions of Section 19-7-3.

36 (2) The board of supervisors of any county, in its  
37 discretion, may contract with a private attorney or private  
38 collection agent or agency to collect any type of delinquent  
39 payment owed to the county including, but not limited to, past due  
40 fees and fines, delinquent ad valorem taxes on personal property  
41 and delinquent ad valorem taxes on mobile homes that are entered  
42 as personal property on the mobile home rolls. Any such contract  
43 may provide for payment contingent upon successful collection  
44 efforts or payment based upon a percentage of the delinquent  
45 amount collected; however, the entire amount of all delinquent  
46 payments collected shall be remitted to the county and shall not  
47 be reduced by any collection costs or fees. There shall be due to  
48 the county from any person whose delinquent payment is collected  
49 pursuant to a contract executed under this subsection an amount,  
50 in addition to the delinquent payment, of not to exceed  
51 twenty-five percent (25%) of the delinquent payment for  
52 collections made within this state and not to exceed fifty percent  
53 (50%) of the delinquent payment for collections made outside of  
54 this state. However, in the case of delinquent fees owed to the

55 county for garbage or rubbish collection or disposal, only the  
56 amount of the delinquent fees may be collected and no amount in  
57 addition to the delinquent fees may be collected if the board of  
58 supervisors of the county has notified the county tax collector  
59 under Section 19-5-22 for the purpose of prohibiting the issuance  
60 of a motor vehicle road and bridge privilege license tag to the  
61 person delinquent in the payment of such fees. Any private  
62 attorney or private collection agent or agency contracting with  
63 the county under the provisions of this subsection shall give bond  
64 or other surety payable to the county in such amount as the board  
65 of supervisors deems sufficient. Any private attorney with whom  
66 the county contracts under the provisions of this subsection must  
67 be a member in good standing of The Mississippi Bar. Any private  
68 collection agent or agency with whom the county contracts under  
69 the provisions of this subsection must meet all licensing  
70 requirements for doing business in the State of Mississippi.  
71 Neither the county nor any officer or employee of the county shall  
72 be liable, civilly or criminally, for any wrongful or unlawful act  
73 or omission of any person or business with whom the county has  
74 contracted under the provisions of this subsection. The  
75 Mississippi Department of Audit shall establish rules and  
76 regulations for use by counties in contracting with persons or  
77 businesses under the provisions of this subsection.

78 (3) In addition to the authority granted under subsection  
79 (2) of this section, the board of supervisors of any county, in  
80 its discretion, may contract with one or more of the constables of  
81 the county to collect delinquent criminal fines imposed in the  
82 justice court of the county. Any such contract shall provide for

83 payment contingent upon successful collection efforts, and the  
84 amount paid to a constable may not exceed twenty-five percent  
85 (25%) of the amount which the constable collects. The entire  
86 amount of all delinquent criminal fines collected under such a  
87 contract shall be remitted by the constable to the clerk of the  
88 justice court for deposit into the county general fund as provided  
89 under Section 9-11-19. Any payments made to a constable pursuant  
90 to a contract executed under the provisions of this section may be  
91 paid only after presentation to and approval by the board of  
92 supervisors of the county. This subsection shall stand repealed  
93 from and after July 1, 2001.

94 (4) If a county uses its own employees to collect any type  
95 of delinquent payment owed to the county, the county may charge an  
96 additional fee for collection of the delinquent payment provided  
97 the payment has been delinquent for ninety (90) days. The  
98 collection fee may not exceed fifteen percent (15%) of the  
99 delinquent payment if the collection is made within this state and  
100 may not exceed twenty-five percent (25%) of the delinquent payment  
101 if the collection is made outside this state.

102 (5) In addition to such authority as is otherwise granted  
103 under this section, the board of supervisors of any county may  
104 expend funds necessary to maintain and repair, and to purchase  
105 liability insurance, tags and decals for, any personal property  
106 acquired under the Federal Excess Personal Property Program that  
107 is used by the local volunteer fire department.

108 (6) The board of supervisors of any county may expend funds  
109 to purchase, maintain and repair equipment for the electronic  
110 filing and storage of filings, files, instruments, documents and

111 records using microfilm, microfiche, data processing, magnetic  
112 tape, optical discs, computers or other electronic process which  
113 correctly and legibly stores and reproduces or which forms a  
114 medium for storage, copying or reproducing documents, files and  
115 records for use by one, all or any combination of county offices,  
116 employees and officials, whether appointed or elected.

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

119 25-7-27. (1) Marshals and constables shall charge the  
120 following fees:

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

125 Provided, however, that in all cases where there is more than  
126 one (1) defendant, for service on each additional defendant.....  
127 ..... \$ 5.00

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

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

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

138 (d) For other service, the same fees allowed sheriffs

139 for similar services.

140 (e) For service as a bailiff in any court in a civil  
141 case, to be paid by the county on allowance of the court on  
142 issuance of a warrant therefor, an amount equal to the per diem  
143 compensation provided under Section 25-3-69 for each day, or part  
144 thereof, for which he serves as bailiff when the court is in  
145 session.

146 (f) For serving all warrants and other process,  
147 attending all trials in state cases in which the state fails in  
148 the prosecution, to be paid out of the county treasury on the  
149 allowance of the board of supervisors without itemization,  
150 subject, however, to the condition that the marshal or constable  
151 must not have overcharged in the collection of fees for costs,  
152 contrary to the provisions of this section, annually not to exceed  
153 \$1,000.00

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

158 (3) In addition to the fees authorized to be paid to a  
159 constable under subsection (1) of this section, a constable may  
160 receive payments for collecting delinquent criminal fines in  
161 justice court pursuant to the provisions of Section 19-3-41(3).  
162 This subsection shall stand repealed from and after July 1, 2001.

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