

By: Representative King

To: Fees and Salaries of Public Officers

HOUSE BILL NO. 1463

1 AN ACT TO AMEND SECTION 25-7-25 AND 25-7-27, MISSISSIPPI CODE
2 OF 1972, TO PROVIDE THAT A FEE SHALL BE ASSESSED TO COMPLAINING
3 PARTIES WHO PROVIDE ERRONEOUS INFORMATION FOR SERVICE OF PROCESS
4 IN CIVIL CASES; AND FOR RELATED PURPOSES.

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

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

8 25-7-25. Costs and fees in the justice court shall be
9 charged as follows and shall be paid in advance to the clerk of
10 the justice court in accordance with the provisions of Section
11 9-11-10:

12 (a) A uniform total fee in all civil cases, whether
13 contested or uncontested, which shall include all services in
14 connection therewith, except as hereinafter stated, each... \$25.00

15 (b) For more than one (1) defendant, for service of
16 process on each defendant..... 5.00

17 (c) For service when a complaining party has supplied
18 erroneous information to the clerk and service was not completed
19 after diligent search and inquiry, in addition to the fee provided
20 for in paragraph (a), a fee in the amount of..... \$15.00

21 (d) After final judgment has been enrolled, further
22 proceedings involving levy of execution on judgments, and
23 attachment and garnishment proceedings..... 15.00

24 (e) For all services in connection with the issuance of
25 a peace bond..... 25.00

26 (f) For celebrating a marriage, and certificate thereof
27 10.00

28 (g) Commission to take depositions..... 5.00

29 (h) Appeal with proceedings and bond..... 5.00

30 (i) A clerk's fee to be collected in all criminal cases
31 in which the defendant is convicted, as follows:

32 (i) For all violations in Title 63 other than
33 driving under the influence of intoxicating liquor or reckless
34 driving 5.00

35 (ii) All other criminal cases..... 25.00

36 (j) In addition to the salary provided for in
37 subsection (1) of Section 25-3-36, each justice court judge may
38 receive a fee of not more than Twenty-five Dollars (\$25.00) for
39 each marriage ceremony he performs in the courtroom or offices of
40 the justice court at any time the courtroom or offices are open to
41 the public. This fee shall be paid by the parties to the
42 marriage. Each justice court judge may receive money or
43 gratuities for marriage ceremonies performed outside of and away
44 from the courtroom and the offices of the justice court, that the
45 parties to the marriage request to have performed at any time the
46 courtroom or offices of the justice court are closed. These
47 monies or gratuities, in an amount agreed upon by the parties to
48 the marriage, are not considered fees for the justice court and
49 are not subject to the requirements set forth in the provisions of
50 Section 9-11-10.

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

53 25-7-27. (1) Marshals and constables shall charge the
54 following fees:

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

59 Provided, however, that in all cases where there is more than
60 one (1) defendant, for service on each additional defendant.....
61 \$ 5.00

62 Provided further, that when a complaining party has provided

63 erroneous information to the clerk of the court relating to the
64 service of process on the defendant or defendants and process
65 cannot be served after diligent search and inquiry, the uniform
66 fee shall be assessed regardless of the fact that service was not
67 completed, and that upon subsequent successful service an
68 additional fee shall be due in the following amount..... \$15.00

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

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

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

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

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

87 (f) For serving all warrants and other process,
88 attending all trials in state cases in which the state fails in
89 the prosecution, to be paid out of the county treasury on the
90 allowance of the board of supervisors without itemization,
91 subject, however, to the condition that the marshal or constable
92 must not have overcharged in the collection of fees for costs,
93 contrary to the provisions of this section, annually not to exceed
94 \$1,000.00

95 (2) Marshals and constables shall be paid all uncollected
96 fees levied under subsection (1) of this section in full from the

97 first proceeds received by the court from the guilty party or from
98 any other source of payment in connection with the case.

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

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