

By: Senator(s) Hall

To: County Affairs

SENATE BILL NO. 2738

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, 2000.

94
95 (4) If a county uses its own employees to collect any type
96 of delinquent payment owed to the county, there shall be due to
97 the county from any person whose delinquent payment is so
98 collected an amount, in addition to the delinquent payment, of not

99 to exceed twenty-five percent (25%) of the delinquent payment for
100 collections made within this state and not to exceed fifty percent
101 (50%) of the delinquent payment for collections made outside of
102 this state.

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

109 (6) The board of supervisors of any county may expend funds
110 to purchase, maintain and repair equipment for the electronic
111 filing and storage of filings, files, instruments, documents and
112 records using microfilm, microfiche, data processing, magnetic
113 tape, optical discs, computers or other electronic process which
114 correctly and legibly stores and reproduces or which forms a
115 medium for storage, copying or reproducing documents, files and
116 records for use by one, all or any combination of county offices,
117 employees and officials, whether appointed or elected.

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

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

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

126 Provided, however, that in all cases where there is more than
127 one (1) defendant, for service on each additional defendant.....
128 \$ 5.00

129 (b) Provided, however, that after final judgment has
130 been enrolled, further proceedings involving levy of execution on
131 judgments, and attachment and garnishment proceedings shall be a

132 new suit for which the marshal or constable shall be entitled to
133 the following fee..... \$25.00

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

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

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

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

147 (f) For serving all warrants and other process,
148 attending all trials in state cases in which the state fails in
149 the prosecution, to be paid out of the county treasury on the
150 allowance of the board of supervisors without itemization,
151 subject, however, to the condition that the marshal or constable
152 must not have overcharged in the collection of fees for costs,
153 contrary to the provisions of this section, annually not to exceed
154 \$1,000.00

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

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

164 SECTION 3. This act shall take effect and be in force from

165 and after July 1, 1999.