

By: Senator(s) Little, Dearing

To: Fees, Salaries and
Administration;
County Affairs

SENATE BILL NO. 2837

1 AN ACT TO AMEND SECTION 19-25-13, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE HIRING OF CERTAIN EMPLOYEES OF SHERIFFS; AND FOR
3 RELATED PURPOSES.

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

5 SECTION 1. Section 19-25-13, Mississippi Code of 1972, is
6 amended as follows:

7 19-25-13. The sheriff shall, at the July meeting of the
8 board of supervisors, submit a budget of estimated expenses of his
9 office for the ensuing fiscal year beginning October 1 in such
10 form as shall be prescribed by the Director of the State
11 Department of Audit. The board shall examine this proposed budget
12 and determine the amount to be expended by the sheriff in the
13 performance of his duties for the fiscal year and may increase or
14 reduce said amount as it deems necessary and proper.

15 The budget shall include amounts for compensating the
16 deputies and other employees of the sheriff's office, for
17 insurance providing protection for the sheriff and his deputies in
18 case of disability, death and other similar coverage, for travel
19 and transportation expenses of the sheriff and deputies, for
20 feeding prisoners and inmates of the county jail, and for such
21 other expenses as may be incurred in the performance of the duties
22 of the office of sheriff. In addition, the budget shall include
23 amounts for the payment of premiums on bonds and insurance for the
24 sheriff and his deputies which, in the opinion of the board of
25 supervisors, are deemed necessary to protect the interests of the
26 county or the sheriff and his deputies. Such amounts may include

27 official bonds and any bonds required of his deputies by the
28 sheriff; liability insurance; insurance against false arrest
29 charges; insurance against false imprisonment charges; theft, fire
30 and other hazards insurance; and hospitalization insurance as
31 provided for in Sections 25-15-101 and 25-15-103. The board may
32 authorize the reimbursement of the sheriff and deputies for the
33 use of privately owned automobiles or other motor vehicles in the
34 performance of official duties at the rate provided by law for
35 state officers and employees or may authorize the purchase by the
36 sheriff of such motor vehicles and such equipment as may be needed
37 for operation of the sheriff's office, such vehicles and equipment
38 to be owned by the county. In counties which have elected to
39 purchase the motor vehicles and such equipment for the operation
40 of the sheriff's office, if a sheriff or deputy shall be required
41 in the performance of his official duties, in the event of an
42 emergency, to use his privately owned automobile or other motor
43 vehicle, the board of supervisors may, in its discretion,
44 authorize the reimbursement for such use at the rate per mile
45 provided by law for state officers and employees. This shall not
46 be construed as giving an officer a choice of whether to use his
47 own or the county's vehicle but shall be construed so as not to
48 penalize an officer who must use his own vehicle because the
49 county's vehicle was not available.

50 The board of supervisors may acquire one or more credit cards
51 which may be used by the sheriff and his deputies to pay expenses
52 incurred by them when traveling in or out of state in the
53 performance of their official duties. The chancery clerk or
54 county purchase clerk shall maintain complete records of all
55 credit card numbers and all receipts and other documents relating
56 to the use of such credit cards. The sheriff shall furnish
57 receipts for the use of such credit cards each month to the
58 chancery clerk or purchase clerk who shall submit a written report
59 monthly to the board of supervisors, which report shall include an
60 itemized list of all expenditures and use of the credit cards for
61 the month, and such expenditures may be allowed for payment by the
62 county in the same manner as other items on the claims docket.
63 The issuance of a credit card to a sheriff or his deputy under the

64 provisions of this section shall not be construed to authorize
65 such sheriff or deputy sheriff to use such credit card to make any
66 expenditure which is not otherwise authorized by law.

67 The board of supervisors is hereby authorized and empowered,
68 in its discretion, to appropriate and pay a sum not to exceed Four
69 Hundred Dollars (\$400.00) annually as a clothing allowance to each
70 plainclothes investigator employed by the sheriff's office of such
71 county. The board of supervisors of any county bordering on the
72 Gulf of Mexico and having a population of more than thirty-one
73 thousand seven hundred (31,700) but less than thirty-one thousand
74 eight hundred (31,800) according to the 1990 Federal Census may
75 appropriate and pay a sum not to exceed Four Hundred Dollars
76 (\$400.00) annually as a clothing allowance to the administrator of
77 the county jail.

78 The sheriff is hereby authorized and empowered, in his
79 discretion, to delegate to the board of supervisors the
80 responsibility and authority to employ and set the salary of not
81 more than one (1) employee for the office of the sheriff, such
82 salary to be paid as other expenditures are paid from the funds
83 provided by this section. Such employee shall be deemed to be
84 appointed and employed by the board of supervisors and the salary
85 shall not be deemed to be a pecuniary benefit provided by the
86 sheriff.

87 The board of supervisors shall, at its first meeting of each
88 quarter beginning on October 1, January 1, April 1 and July 1,
89 appropriate a lump sum for the sheriff for the expenses of his
90 office during the current quarter. The quarterly appropriation
91 shall be one-fourth (1/4) of the amount approved in the annual
92 budget unless the sheriff requests a different amount. Except in
93 case of emergency, as provided in the county budget law, the
94 appropriation for the quarter beginning in October of the last
95 year of the sheriff's term shall not exceed one-fourth (1/4) of
96 the annual budget.

97 The sheriff shall file a report of all expenses of his office
98 incurred during the preceding month with the board of supervisors
99 for approval at its regular monthly meeting in a form to be
100 prescribed by the Director of the State Department of Audit, and
101 upon filing thereof, and approval by the board, the clerk of the
102 board shall issue warrants in payment thereof but not to exceed
103 the budget appropriation for that quarter. Any appropriated funds
104 which are unexpended at the end of the fiscal year shall remain in
105 the county general fund.

106 The budget for the sheriff's office may be revised at any
107 regular meeting by the board of supervisors. Upon recommendation
108 of the sheriff, the board may at any regular meeting make
109 supplemental appropriations to the sheriff's office.

110 Any fees previously required to be paid by a sheriff shall be
111 paid by the board of supervisors by including the estimates
112 therefor in the sheriff's budget. All fees and charges for
113 services heretofore collected by sheriffs shall be collected by
114 said sheriff and paid monthly into the general fund of the
115 concerned county. However, any fees heretofore collected by such
116 sheriffs from the county shall not be paid.

117 SECTION 2. This act shall take effect and be in force from
118 and after July 1, 1999.