

By: Burton

To: County Affairs

SENATE BILL NO. 2214

1 AN ACT TO AMEND SECTION 25-7-27, MISSISSIPPI CODE OF 1972, TO
2 ALLOW CONSTABLES TO RECEIVE, SUBJECT TO THE DISCRETION OF THE
3 BOARD OF SUPERVISORS OF THE COUNTY, MILEAGE AND EXPENSE
4 REIMBURSEMENT FOR MAKING GOOD FAITH EFFORT TO SERVE A WARRANT OR
5 OTHER PROCESS; AND FOR RELATED PURPOSES.

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

7 SECTION 1. Section 25-7-27, Mississippi Code of 1972, is
8 amended as follows:[JMR1]

9 25-7-27. (1) Marshals and constables shall charge the
10 following fees:

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

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

18 Provided further, that when a complaining party has provided
19 erroneous information to the clerk of the court relating to the
20 service of process on the defendant or defendants and process
21 cannot be served after diligent search and inquiry, the uniform
22 fee shall be assessed upon subsequent successful service and an

23 additional fee shall be due in the following amount..... \$15.00

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

29 (c) For conveying a person charged with a crime to
30 jail, mileage reimbursement in an amount not to exceed the rate
31 established under Section 25-3-41(2).

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

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

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

43 (f) For serving all warrants and other process,
44 attending all trials in state cases in which the state fails in
45 the prosecution, to be paid out of the county treasury on the
46 allowance of the board of supervisors without itemization,
47 subject, however, to the condition that the marshal or constable
48 must not have overcharged in the collection of fees for costs,
49 contrary to the provisions of this section, annually not to
50 exceed..... \$1,000.00

51 (2) Marshals and constables shall be paid all uncollected
52 fees levied under subsection (1) of this section in full from the
53 first proceeds received by the court from the guilty party or from

54 any other source of payment in connection with the case.

55 (3) In addition to the fees authorized to be paid to a
56 constable under subsection (1) of this section, a constable may
57 receive payments for collecting delinquent criminal fines in
58 justice court pursuant to the provisions of Section 19-3-41(3).

59 (4) Subject to the discretion of the board of supervisors of
60 the county, a constable may receive mileage and expense
61 reimbursement in an amount not to exceed the rate established
62 under Section 25-3-41 to be paid out of the county general fund if
63 the constable made a good faith effort to serve a warrant or other
64 process, but was unsuccessful because the defendant could not be
65 found.

66 SECTION 2. This act shall take effect and be in force from
67 and after July 1, 2000.