MISSISSIPPI LEGISLATURE

By: Representatives Montgomery (15th) (By Request), Mitchell

REGULAR SESSION 2002

To: Fees and Salaries of Public Officers; County Affairs

HOUSE BILL NO. 454

AN ACT TO AMEND SECTIONS 19-25-19 AND 19-25-23, MISSISSIPPI CODE OF 1972, TO AUTHORIZE SHERIFFS TO INCREASE THE SALARIES OF PART-TIME DEPUTIES; AND FOR RELATED PURPOSES.

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

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

19-25-19. Every sheriff shall have power to appoint one or more deputies to assist him in carrying out the duties of his office, every such appointment to be in writing, to remove them at pleasure, and to fix their compensation, subject to the budget for the sheriff's office approved by the county board of supervisors. The sheriff, in his discretion, may increase the salaries of those deputies who serve on a part-time basis, subject to the budget for the sheriff's office approved by the county board of supervisors. Deputy sheriffs shall have authority to do all the acts and duties enjoined upon their principals. Every deputy sheriff, except such as may be appointed to do a particular act only, before he enters on the duties of office, shall take and subscribe an oath faithfully to execute the office of deputy sheriff, according to the best of his skill and judgment. The appointment, with the certificate of the oath, shall be filed and preserved in the office of the clerk of the board of supervisors. All sheriffs shall be liable for the acts of their deputies, and for money collected by them. The circuit court, after a notice and a hearing, shall have power to remove such deputies and also bailiffs, upon a showing that the public interest will be served thereby. Each deputy sheriff shall be at least twenty-one (21)
years of age, a qualified elector of the State of Mississippi, and shall not have been convicted of a felony. Prior to appointing any person a deputy sheriff, the sheriff shall determine that the proposed appointee is of good moral character and is capable of fairly and impartially enforcing the law of the State of Mississippi.

SECTION 2. Section 19-25-23, Mississippi Code of 1972, is amended as follows:

19-25-23. (1) Each sheriff shall maintain and cause to be paid a sufficient number of regular deputies, properly trained and adequately equipped, to insure the domestic tranquility within his county. In addition thereto, each sheriff may maintain an adequate number of properly trained auxiliary deputy sheriffs to be equipped, trained and paid from the general county fund. The number of auxiliary deputies shall be approved by the board of supervisors and may be increased or reduced from time to time by the board. The sheriff, in his discretion, may increase the compensation of regular and auxiliary deputies who serve on a part-time basis, subject to the budget for the sheriff's office approved by the county board of supervisors.

(2) All regular and auxiliary deputies may serve in any other county of the state when requested by the sheriff of such county to preserve law and order therein, the expense thereof to be paid by the county in which they serve. The request shall be made to the sheriff of the county in which the deputies are located, and the deputies shall remain under the control of the sheriff in the county in which they are appointed except to the extent delegated by that sheriff to the sheriff of the requesting county. In addition, any sheriff may loan any regular or auxiliary deputy to any law enforcement agency of the state or of any political subdivision of the state for drug enforcement purposes, the expense of the officer to be paid by the agency to which the officer is assigned.
SECTION 3. This act shall take effect and be in force from and after October 1, 2002.