

By: Representative Mitchell

To: Fees and Salaries of  
Public Officers; County  
Affairs

HOUSE BILL NO. 1072

1 AN ACT TO AMEND SECTION 25-7-27, MISSISSIPPI CODE OF 1972, TO  
2 INCREASE, IN THE LESS POPULOUS COUNTIES, THE FEE PAID BY THE  
3 COUNTY TO MARSHALS AND CONSTABLES FOR SERVING WARRANTS AND PROCESS  
4 AND ATTENDING STATE TRIALS; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 25-7-27, Mississippi Code of 1972, is  
7 amended as follows:

8 25-7-27. (1) Marshals and constables shall charge the  
9 following fees:

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

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

16 Provided further, that when a complaining party has provided  
17 erroneous information to the clerk of the court relating to the  
18 service of process on the defendant or defendants and process  
19 cannot be served after diligent search and inquiry, the uniform  
20 fee shall be assessed upon subsequent successful service and an  
21 additional fee shall be due in the following amount..... \$15.00

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



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

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

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

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

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

49 (i) In counties having a population of thirty-five  
50 thousand (35,000) or more according to the 2000 federal decennial  
51 census..... \$1,000.00

52 (ii) In counties having a population of less than  
53 thirty-five thousand (35,000) according to the 2000 federal  
54 decennial census..... \$1,500.00

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



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

63           **SECTION 2.** This act shall take effect and be in force from  
64 and after October 1, 2002.

