

By: Representative Reeves

To: Judiciary B

HOUSE BILL NO. 1547

1 AN ACT TO PLACE THE EXECUTION OF CRIMINAL DUTIES RELATED TO  
2 JUSTICE COURT WITH THE SHERIFF; TO AMEND SECTIONS 19-19-5,  
3 19-19-7, 19-25-35 AND 19-25-37, MISSISSIPPI CODE OF 1972, IN  
4 CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** It shall be the duty of every sheriff to execute  
7 and return all criminal process of the justice court and to  
8 administer all duties related to the criminal jurisdiction of the  
9 justice court.

10 **SECTION 2.** Section 19-19-5, Mississippi Code of 1972, is  
11 amended as follows:

12 19-19-5. (1) It shall be the duty of every constable to  
13 keep and preserve the peace within his county, by faithfully  
14 aiding and assisting in executing the criminal laws of the state;  
15 to give information, without delay, to the proper officer, of all  
16 riots, routs and unlawful assemblies, and of every violation of  
17 the penal laws which may come to his knowledge in any manner  
18 whatsoever; to execute and return all civil process, \* \* \*  
19 lawfully directed to him, according to the command thereof; and to  
20 pay over all monies, when collected by him to the person lawfully  
21 authorized to receive the same. No constable shall receive any  
22 fee provided by law for making an arrest, or attending any trial,  
23 wherein the defendant has been arrested, or is being tried for any  
24 violation of the motor vehicle laws committed on any designated  
25 United States highway located within the district or county of the  
26 constable.

27 (2) (a) During a constable's term of office, each constable  
28 shall attend and, to the extent to which he is physically able,



29 participate in a curriculum having a duration of two (2) weeks  
30 which addresses the nature and scope of specific duties and  
31 responsibilities of a constable and which includes firearm use and  
32 safety training, to be established by the Board on Law Enforcement  
33 Officers Standards and Training in the field of law enforcement at  
34 the Mississippi Law Enforcement Officers' Training Academy or such  
35 other training programs that are approved by the Board on Law  
36 Enforcement Officers Standards and Training pursuant to Section  
37 45-6-9. No physical fitness test shall be required to be  
38 successfully completed in order to complete the training program.  
39 The board of supervisors of the county shall be responsible for  
40 paying, only one (1) time, the tuition, living and travel expenses  
41 incurred by any constable of that county in attendance at such  
42 training program or curriculum. If such constable does not attend  
43 and, to the extent to which he is physically able, participate in  
44 the entirety of the required program or curriculum, any further  
45 training which may be required by this section shall be completed  
46 at the expense of such constable. No constable shall be entitled  
47 to the receipt of any fees, costs or compensation authorized by  
48 law after the first twenty-four (24) months in office if he fails  
49 to attend the required training and, to the extent to which he is  
50 physically able, participate in the entirety of the appropriate  
51 program or curriculum. Any constable who does not complete the  
52 required training when required may execute and return civil  
53 process but thereafter shall not be paid any fees, costs or  
54 compensation for executing such process and shall not be allowed  
55 to exercise any law enforcement functions or to carry a firearm in  
56 the performance of his duties until he has completed such  
57 training.

58 (b) (i) The Board of Law Enforcement Officers  
59 Standards and Training shall develop a program of continuing  
60 education training for constables to attend consisting of eight  
61 (8) hours annually. The program shall be divided equally between



62 firearms training and safety and instruction in both substantive  
63 and procedural law. The training program shall be conducted by  
64 the Mississippi Constables Association, and appropriate parts of  
65 the program may be conducted by members who have been certified by  
66 the board to conduct the training program. The cost of travel,  
67 tuition and living expenses in attending the continuing training  
68 shall be paid out of the Law Enforcement Officers Training Fund  
69 created in Section 45-6-15.

70 (ii) No constable elected prior to January 1,  
71 2000, shall be required to comply with the continuing education  
72 requirements of this paragraph (b); however, any constable may  
73 elect to attend the annual training and shall be reimbursed  
74 therefor as provided in this paragraph (b).

75 (c) The provisions of this subsection shall not apply  
76 to a constable who has received a certificate from the Board on  
77 Law Enforcement Officers Standards and Training evidencing  
78 satisfaction of subsections (2) and (3) of Section 45-6-11, or who  
79 is exempt from the requirements of subsections (2) and (3) of  
80 Section 45-6-11 by the provisions of subsection (1) of Section  
81 45-6-11.

82 **SECTION 3.** Section 19-19-7, Mississippi Code of 1972, is  
83 amended as follows:

84 19-19-7. It shall be the duty of the constable to attend to  
85 civil matters in the justices' courts of his district, and to obey  
86 their lawful orders. He shall execute all judgments of said  
87 courts in any civil case before them.

88 **SECTION 4.** Section 19-25-35, Mississippi Code of 1972, is  
89 amended as follows:

90 19-25-35. The sheriff shall be the executive officer of the  
91 circuit and chancery court of his county and civil matters in  
92 justice court and he shall attend all the sessions thereof with a  
93 sufficient number of deputies or bailiffs. He shall execute all  
94 orders and decrees of said courts directed to him to be executed.



95 He shall take into his custody, and safely keep, in the jail of  
96 his county, all persons committed by order of either of said  
97 courts, or by any process issuing therefrom, or lawfully required  
98 to be held for appearance before either of them.

99       **SECTION 5.** Section 19-25-37, Mississippi Code of 1972, is  
100 amended as follows:

101       19-25-37. Every sheriff, by himself or his deputy, shall  
102 from time to time execute all notices, writs, and other  
103 process, \* \* \* from courts of law and chancery and civil notices,  
104 writs and decrees in justice court, and all orders and decrees to  
105 him legally issued and directed within his county, and he shall  
106 make due returns thereof to the proper court. If any sheriff fail  
107 herein, he shall, for every offense, be fined by the court to  
108 which the writ or process, order or decree, is returnable, in any  
109 sum not exceeding One Hundred Dollars (\$100.00), on motion, five  
110 (5) days' previous notice thereof being first given to said  
111 sheriff. The sheriff may be arrested and committed to jail until  
112 payment of the fine and cost. The sheriff and his sureties shall  
113 likewise be liable to the action of the party aggrieved by such  
114 default, for all damages sustained thereby, and also liable to all  
115 other penalties provided by law for such offenses.

116       **SECTION 6.** This act shall take effect and be in force from  
117 and after July 1, 2002.

