SENATE BILL NO. 2421

AN ACT TO AMEND SECTIONS 21-21-1 AND 21-23-13, MISSISSIPPI CODE OF 1972, TO PERMIT MUNICIPAL LAW ENFORCEMENT OFFICERS TO SERVE WARRANTS OUTSIDE THE CITY LIMITS UNDER CERTAIN CIRCUMSTANCES; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 21-21-1, Mississippi Code of 1972, is amended as follows:

21-21-1. The marshal or chief of police shall be the chief law enforcement officer of the municipality and shall have control and supervision of all police officers employed by said municipality. The marshal or chief of police shall be an ex officio constable within the boundaries of the municipality, and he shall perform such other duties as shall be required of him by proper ordinance and have such authority as granted to him by law. Before performing any of the duties of his office, the marshal or chief of police shall give bond, with sufficient surety, to be payable, conditioned and approved as provided by law, in an amount to be determined by the municipal governing authority (which shall be not less than Fifty Thousand Dollars ($50,000.00)). The premium upon said bond shall be paid from the municipal treasury.

If any marshal or chief of police shall fail to perform any of the duties of his office, it shall be the duty of the district attorney or county attorney upon receiving notice thereof to immediately file quo warranto proceedings against such official.

The provisions of this section shall be applicable to all municipalities of this state, whether operating under a code charter, special charter, or the commission form of government, except in cases of conflict between the provisions of this section...
and the provisions of the special charter of a municipality, or
the law governing the commission form of government, in which case
of conflict the provisions of the special charter or the statutes
relative to the commission form of government shall control.

SECTION 2. Section 21-23-13, Mississippi Code of 1972, is
amended as follows:

21-23-13. The marshal or chief of police of the municipality
shall be the executive officer of the municipal court. He shall
attend the sittings of the court in person or by duly appointed
deputies, and he shall be under the direction of the municipal
judge. Any police officer of the municipality may be an ex
officio deputy marshal. The marshal or chief of police shall
execute all process by himself or deputy and do whatever else may
be required of him by the court in the line of his duty. The
marshal, chief of police and any duly sworn municipal law
enforcement officer are authorized to serve a citation, arrest
warrant or bench warrant within the municipal limits, within the
boundaries of any county in which the municipality is located, and
within the boundaries of any county contiguous to any county in
which the municipality is located.

SECTION 3. This act shall take effect and be in force from
and after July 1, 2002.