

By: Senator(s) Minor

To: County Affairs; Fees,  
Salaries and Administration

SENATE BILL NO. 2872

1 AN ACT TO AMEND SECTION 25-7-27, MISSISSIPPI CODE OF 1972, TO  
2 REVISE THE FEES CHARGED BY MARSHALS AND CONSTABLES; AND FOR  
3 RELATED PURPOSES.

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

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

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

9 (a) (i) A uniform total fee in all \* \* \* civil  
10 cases \* \* \*, whether contested or uncontested, which shall include  
11 all services in connection therewith, except as \* \* \* stated  
12 otherwise in this section, each..... \$25.00

13 (ii) A uniform total fee in all criminal cases,  
14 whether contested or uncontested, which shall include all services  
15 in connection therewith, except as stated otherwise in this  
16 section, each..... \$35.00

17 (iii) \* \* \* In all cases where there is more than  
18 one (1) defendant, for service on each additional  
19 defendant..... \$ 5.00

20 (iv) \* \* \* When a complaining party has provided  
21 erroneous information to the clerk of the court relating to the  
22 service of process on the defendant or defendants and process  
23 cannot be served after diligent search and inquiry, the uniform  
24 fee shall be assessed upon subsequent successful service and an  
25 additional fee shall be due in the following amount..... \$15.00

26 (v) When a complaining party has provided  
27 erroneous information to the clerk of the court relating to the



28 service of process on the defendant or defendants and process  
29 cannot be served after diligent search and inquiry because the  
30 defendant or defendants are not in the jurisdiction where the  
31 complaint was filed, the uniform fee shall be assessed.

32 (b) \* \* \* After final judgment has been enrolled,  
33 further proceedings involving levy of execution on judgments, and  
34 attachment and garnishment proceedings shall be a new suit for  
35 which the marshal or constable shall be entitled to the following  
36 fee..... \$25.00

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

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

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

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

51 (f) For serving all warrants and other process,  
52 attending all trials in state cases in which the state fails in  
53 the prosecution, to be paid out of the county treasury on the  
54 allowance of the board of supervisors without itemization,  
55 subject, however, to the condition that the marshal or constable  
56 must not have overcharged in the collection of fees for costs,  
57 contrary to the provisions of this section,  
58 annually \* \* \*..... \$2,500.00

59 (2) Marshals and constables shall be paid all uncollected  
60 fees levied under subsection (1) of this section in full from the



61 first proceeds received by the court from the guilty party or from  
62 any other source of payment in connection with the case.

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

67 **SECTION 2.** The Attorney General of the State of Mississippi  
68 shall submit this act, immediately upon approval by the Governor,  
69 or upon approval by the Legislature subsequent to a veto, to the  
70 Attorney General of the United States or to the United States  
71 District Court for the District of Columbia in accordance with the  
72 provisions of the Voting Rights Act of 1965, as amended and  
73 extended.

74 **SECTION 3.** This act shall take effect and be in force from  
75 and after October 1, 2002, if it is effectuated on or before that  
76 date under Section 5 of the Voting Rights Act of 1965, as amended  
77 and extended. If it is effectuated under Section 5 of the voting  
78 Rights Act of 1965, as amended and extended, after October 1,  
79 2002, this act shall take effect and be in force from and after  
80 the date it is effectuated under Section 5 of the voting Rights  
81 Act of 1965, as amended and extended.

