

By: Representative Montgomery (15th)

To: County Affairs

HOUSE BILL NO. 115

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

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

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

7 19-25-19. Every sheriff shall have power to appoint one or  
8 more deputies to assist him in carrying out the duties of his  
9 office, every such appointment to be in writing, to remove them at  
10 pleasure, and to fix their compensation, subject to the budget for  
11 the sheriff's office approved by the county board of supervisors.  
12 The sheriff, in his discretion, may increase the salaries of those  
13 deputies who serve on a part-time basis, subject to the budget for  
14 the sheriff's office approved by the county board of supervisors.  
15 Deputy sheriffs shall have authority to do all the acts and duties  
16 enjoined upon their principals. Every deputy sheriff, except such  
17 as may be appointed to do a particular act only, before he enters  
18 on the duties of office, shall take and subscribe an oath  
19 faithfully to execute the office of deputy sheriff, according to  
20 the best of his skill and judgment. The appointment, with the  
21 certificate of the oath, shall be filed and preserved in the  
22 office of the clerk of the board of supervisors. All sheriffs  
23 shall be liable for the acts of their deputies, and for money  
24 collected by them. The circuit court, after a notice and a  
25 hearing, shall have power to remove those deputies and also  
26 bailiffs, upon a showing that the public interest will be served  
27 by the removal. Each deputy sheriff shall be at least twenty-one



28 (21) years of age, a qualified elector of the State of  
29 Mississippi, and must not have been convicted of a felony. Before  
30 appointing any person a deputy sheriff, the sheriff shall  
31 determine that the proposed appointee is of good moral character  
32 and is capable of fairly and impartially enforcing the law of the  
33 State of Mississippi.

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

36 19-25-23. (1) Each sheriff shall maintain and cause to be  
37 paid a sufficient number of regular deputies, properly trained and  
38 adequately equipped, to insure the domestic tranquility within his  
39 county. In addition thereto, each sheriff may maintain an  
40 adequate number of properly trained auxiliary deputy sheriffs to  
41 be equipped, trained and paid from the general county fund. The  
42 number of \* \* \* auxiliary deputies shall be approved by the board  
43 of supervisors and may be increased or reduced from time to time  
44 by the board. The sheriff, in his discretion, may increase the  
45 compensation of regular and auxiliary deputies who serve on a  
46 part-time basis, subject to the budget for the sheriff's office  
47 approved by the county board of supervisors.

48 (2) All regular and auxiliary deputies may serve in any  
49 other county of the state when requested by the sheriff of that  
50 county to preserve law and order in the county, the expense of the  
51 deputies to be paid by the county in which they serve. The  
52 request shall be made to the sheriff of the county in which the  
53 deputies are located, and the deputies shall remain under the  
54 control of the sheriff in the county in which they are appointed  
55 except to the extent delegated by that sheriff to the sheriff of  
56 the requesting county. In addition, any sheriff may loan any  
57 regular or auxiliary deputy to any law enforcement agency of the  
58 state or of any political subdivision of the state for drug  
59 enforcement purposes, the expense of the officer to be paid by the  
60 agency to which the officer is assigned.



61           **SECTION 3.** This act shall take effect and be in force from  
62 and after October 1, 2003.

