

By: Representative Moak

To: Fees and Salaries of
Public Officers; County
Affairs

HOUSE BILL NO. 22

1 AN ACT TO AMEND SECTION 25-7-27, MISSISSIPPI CODE OF 1972, TO
2 INCREASE THE ANNUAL FEE PAYABLE BY COUNTIES TO CONSTABLES FOR
3 SERVING WARRANTS AND PROCESS; AND FOR 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) A uniform total fee in all cases, civil and
10 criminal, 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 * * * In all cases where there is more than one (1)
14 defendant, for service on each additional defendant..... \$ 5.00

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

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

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

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

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

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

40 (f) For serving all warrants and other process,
41 attending all trials in state cases in which the state fails in
42 the prosecution, to be paid out of the county treasury on the
43 allowance of the board of supervisors without itemization,
44 subject, however, to the condition that the marshal or constable
45 must not have overcharged in the collection of fees for costs,
46 contrary to the provisions of this section, annually not to
47 exceed..... \$2,500.00

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

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

56 **SECTION 2.** The Attorney General of the State of Mississippi
57 shall submit this act, immediately upon approval by the Governor,
58 or upon approval by the Legislature subsequent to a veto, to the

59 Attorney General of the United States or to the United States
60 District Court for the District of Columbia in accordance with the
61 provisions of the Voting Rights Act of 1965, as amended and
62 extended.

63 **SECTION 3.** This act shall take effect and be in force from
64 and after October 1, 2004, if it is effectuated on or before that
65 date under Section 5 of the Voting Rights Act of 1965, as amended
66 and extended. If it is effectuated under Section 5 of the Voting
67 Rights Act of 1965, as amended and extended, after October 1,
68 2004, this act shall take effect and be in force from and after
69 the date it is effectuated under Section 5 of the Voting Rights
70 Act of 1965, as amended and extended.