

By: Representative Malone

To: County Affairs

HOUSE BILL NO. 1543

1 AN ACT TO AMEND SECTION 19-3-41, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE THAT THE BOARD OF SUPERVISORS OF ANY COUNTY, WITH THE  
3 APPROVAL OF THE SHERIFF, MAY CONTRACT WITH A PRIVATE ENTITY FOR  
4 THE MANAGEMENT, OPERATION AND MAINTENANCE OF A COUNTY JAIL; TO  
5 AMEND SECTION 19-25-71, MISSISSIPPI CODE OF 1972, IN CONFORMITY  
6 THERETO; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 19-3-41, Mississippi Code of 1972, is  
9 amended as follows:

10 19-3-41. (1) The boards of supervisors shall have within  
11 their respective counties full jurisdiction over roads, ferries  
12 and bridges, except as otherwise provided by Section 170 of the  
13 Constitution, and all other matters of county police. They shall  
14 have jurisdiction over the subject of paupers. They shall have  
15 power to levy such taxes as may be necessary to meet the demands  
16 of their respective counties, upon such persons and property as  
17 are subject to state taxes for the time being, not exceeding the  
18 limits that may be prescribed by law. They shall cause to be  
19 erected and kept in good repair, in their respective counties, a  
20 good and convenient courthouse and a jail. A courthouse shall be  
21 erected and kept in good repair in each judicial district and a  
22 jail may be erected in each judicial district. They may close a  
23 jail in either judicial district, at their discretion, where one  
24 (1) jail will suffice. They shall have the power, in their  
25 discretion, to prohibit or regulate the sale and use of  
26 firecrackers, roman candles, torpedoes, skyrockets, and any and  
27 all explosives commonly known and referred to as fireworks,  
28 outside the confines of municipalities. They shall have and  
29 exercise such further powers as are or shall be conferred upon

30 them by law. They shall have authority to negotiate with and  
31 contract with licensed real estate brokers for the purpose of  
32 advertising and showing and procuring prospective purchasers for  
33 county-owned real property offered for sale in accordance with the  
34 provisions of Section 19-7-3.

35 (2) The board of supervisors of any county, in its  
36 discretion, may contract with a private attorney or private  
37 collection agent or agency to collect any type of delinquent  
38 payment owed to the county including, but not limited to, past due  
39 fees and fines, delinquent ad valorem taxes on personal property  
40 and delinquent ad valorem taxes on mobile homes that are entered  
41 as personal property on the mobile home rolls. Any such contract  
42 may provide for payment contingent upon successful collection  
43 efforts or payment based upon a percentage of the delinquent  
44 amount collected; however, the entire amount of all delinquent  
45 payments collected shall be remitted to the county and shall not  
46 be reduced by any collection costs or fees. There shall be due to  
47 the county from any person whose delinquent payment is collected  
48 pursuant to a contract executed under this subsection an amount,  
49 in addition to the delinquent payment, of not to exceed  
50 twenty-five percent (25%) of the delinquent payment for  
51 collections made within this state and not to exceed fifty percent  
52 (50%) of the delinquent payment for collections made outside of  
53 this state. However, in the case of delinquent fees owed to the  
54 county for garbage or rubbish collection or disposal, only the  
55 amount of the delinquent fees may be collected and no amount in  
56 addition to the delinquent fees may be collected if the board of  
57 supervisors of the county has notified the county tax collector  
58 under Section 19-5-22 for the purpose of prohibiting the issuance  
59 of a motor vehicle road and bridge privilege license tag to the  
60 person delinquent in the payment of such fees. Any private  
61 attorney or private collection agent or agency contracting with  
62 the county under the provisions of this subsection shall give bond

63 or other surety payable to the county in such amount as the board  
64 of supervisors deems sufficient. Any private attorney with whom  
65 the county contracts under the provisions of this subsection must  
66 be a member in good standing of The Mississippi Bar. Any private  
67 collection agent or agency with whom the county contracts under  
68 the provisions of this subsection must meet all licensing  
69 requirements for doing business in the State of Mississippi.  
70 Neither the county nor any officer or employee of the county shall  
71 be liable, civilly or criminally, for any wrongful or unlawful act  
72 or omission of any person or business with whom the county has  
73 contracted under the provisions of this subsection. The  
74 Mississippi Department of Audit shall establish rules and  
75 regulations for use by counties in contracting with persons or  
76 businesses under the provisions of this subsection.

77 (3) In addition to the authority granted under subsection  
78 (2) of this section, the board of supervisors of any county, in  
79 its discretion, may contract with one or more of the constables of  
80 the county to collect delinquent criminal fines imposed in the  
81 justice court of the county. Any such contract shall provide for  
82 payment contingent upon successful collection efforts, and the  
83 amount paid to a constable may not exceed twenty-five percent  
84 (25%) of the amount which the constable collects. The entire  
85 amount of all delinquent criminal fines collected under such a  
86 contract shall be remitted by the constable to the clerk of the  
87 justice court for deposit into the county general fund as provided  
88 under Section 9-11-19. Any payments made to a constable pursuant  
89 to a contract executed under the provisions of this section may be  
90 paid only after presentation to and approval by the board of  
91 supervisors of the county.

92 (4) If a county uses its own employees to collect any type  
93 of delinquent payment owed to the county, then from and after July  
94 1, 1999, the county may charge an additional fee for collection of  
95 the delinquent payment provided the payment has been delinquent

96 for ninety (90) days. The collection fee may not exceed fifteen  
97 percent (15%) of the delinquent payment if the collection is made  
98 within this state and may not exceed twenty-five percent (25%) of  
99 the delinquent payment if the collection is made outside this  
100 state. In conducting collection of delinquent payments, the  
101 county may utilize credit cards or electronic fund transfers. The  
102 county may pay any service fees for the use of such methods of  
103 collection from the collection fee, but not from the delinquent  
104 payment.

105 (5) In addition to such authority as is otherwise granted  
106 under this section, the board of supervisors of any county may  
107 expend funds necessary to maintain and repair, and to purchase  
108 liability insurance, tags and decals for, any personal property  
109 acquired under the Federal Excess Personal Property Program that  
110 is used by the local volunteer fire department.

111 (6) The board of supervisors of any county, in its  
112 discretion, may expend funds to provide for training and education  
113 of newly elected or appointed county officials before the  
114 beginning of the term of office or employment of such officials.  
115 Any expenses incurred for such purposes may be allowed only upon  
116 prior approval of the board of supervisors. Any payments or  
117 reimbursements made under the provisions of this subsection may be  
118 paid only after presentation to and approval by the board of  
119 supervisors.

120 (7) The board of supervisors of any county may expend funds  
121 to purchase, maintain and repair equipment for the electronic  
122 filing and storage of filings, files, instruments, documents and  
123 records using microfilm, microfiche, data processing, magnetic  
124 tape, optical discs, computers or other electronic process which  
125 correctly and legibly stores and reproduces or which forms a  
126 medium for storage, copying or reproducing documents, files and  
127 records for use by one (1), all or any combination of county  
128 offices, employees and officials, whether appointed or elected.

129           (8) In addition to the authority granted in this section,  
130 the board of supervisors of any county may expend funds as  
131 provided in Section 29-3-23(2).

132           (9) The board of supervisors of any county may perform and  
133 exercise any duty, responsibility or function, may enter into  
134 agreements and contracts, may provide and deliver any services or  
135 assistance, and may receive, expend and administer any grants,  
136 gifts, matching funds, loans or other monies, in accordance with  
137 and as may be authorized by any federal law, rule or regulation  
138 creating, establishing or providing for any program, activity or  
139 service. The provisions of this paragraph shall not be construed  
140 as authorizing any county, the board of supervisors of any county  
141 or any member of a board of supervisors to perform any function or  
142 activity that is specifically prohibited under the laws of this  
143 state or as granting any authority in addition to or in conflict  
144 with the provisions of any federal law, rule or regulation.

145           (10) The board of supervisors of any county, with the  
146 approval of the sheriff, may contract with a private entity for  
147 the management, operation and maintenance of a county jail.

148           **SECTION 2.** Section 19-25-71, Mississippi Code of 1972, is  
149 amended as follows:

150           19-25-71. (1) The sheriff shall be the jailer of his county  
151 and, in the performance of his duties as jailer, he shall employ a  
152 jailer or jailers to have charge of the prisoners in the jail.  
153 However, in any county in which there is a jointly owned jail, the  
154 jailer, pursuant to Section 47-1-49, shall be the person appointed  
155 by the governing authorities of the municipality insofar as  
156 municipal prisoners are concerned. The sheriff shall keep in the  
157 jail thereof separate rooms by gender, and shall not permit any  
158 communication between a male and a female prisoner, unless they be  
159 married.

160           (2) The board of supervisors of the county shall pay the  
161 tuition, living and travel expenses incurred by a person in

162 attending and participating in the basic and continuing education  
163 courses for county jail officers.

164 (3) The sheriff of any county may approve of the actions of  
165 a board of supervisors that enters into a contract with a private  
166 entity for the management, operation and maintenance of a county  
167 jail.

168 **SECTION 3.** This act shall take effect and be in force from  
169 and after July 1, 2004.