

By: Senator(s) Carmichael

To: Fees, Salaries and Administration

SENATE BILL NO. 2563

1 AN ACT TO AMEND SECTION 25-7-27, MISSISSIPPI CODE OF 1972, TO
2 INCREASE THE FEES THAT MARSHALS AND CONSTABLES MAY CHARGE FOR
3 CERTAIN SERVICES; 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 hereinafter
12 stated, each..... \$25.00

13 Provided, however, that in all cases where there is more than
14 one (1) defendant, for service on each additional
15 defendant..... \$ 5.00

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

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

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

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

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

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

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

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

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

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

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

64 **SECTION 3.** This act shall take effect and be in force from
65 and after the date it is effectuated under Section 5 of the Voting
66 Rights Act of 1965, as amended and extended.