

By: Senator(s) White

To: Fees, Salaries and Administration

SENATE BILL NO. 2728

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, 2004, 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 2004, 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.