

By: Senator(s) Burton

To: Fees, Salaries and Administration

SENATE BILL NO. 2469

1 AN ACT TO AMEND SECTION 19-25-31, MISSISSIPPI CODE OF 1972,  
2 TO ALLOW A CONSTABLE TO BE APPOINTED AS A RIDING BAILIFF; TO AMEND  
3 SECTION 25-7-27, MISSISSIPPI CODE OF 1972, TO INCREASE CERTAIN  
4 CONSTABLE FEES; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 19-25-31, Mississippi Code of 1972, is  
7 amended as follows:

8 19-25-31. Each judge of a circuit, chancery or county court,  
9 or a court of eminent domain may, in the judge's discretion, by  
10 order entered on the minutes of the court, allow the sheriff  
11 riding bailiffs to serve in the respective court of such judge,  
12 not to exceed four (4) bailiffs. Any such person so employed  
13 shall be paid by the county on allowances of the court on issuance  
14 of a warrant therefor in an amount of Fifty-five Dollars (\$55.00)  
15 for each day, or part thereof, for which he serves as bailiff when  
16 the court is in session. No full-time deputy sheriff shall be  
17 paid as a riding bailiff of any court, but the judge may appoint a  
18 constable as a riding bailiff. County court judges shall be  
19 limited to one (1) bailiff per each court day.

20 **SECTION 2.** Section 25-7-27, Mississippi Code of 1972, is  
21 amended as follows:

22 25-7-27. (1) Marshals and constables shall charge the  
23 following fees:

24 (a) (i) A uniform total fee in all civil cases,  
25 whether contested or uncontested, which shall include all services  
26 in connection therewith, except as stated otherwise in this  
27 section, each..... \$25.00

28 (ii) A uniform total fee in all criminal cases,  
29 whether contested or uncontested, which shall include all services  
30 in connection therewith, except as stated otherwise in this  
31 section, each..... \$35.00

32 (iii) In all cases where there is more than one  
33 (1) defendant, for service on each additional  
34 defendant..... \$10.00

35 (iv) When a complaining party has provided  
36 erroneous information to the clerk of the court relating to the  
37 service of process on the defendant or defendants and process  
38 cannot be served after diligent search and inquiry, the uniform  
39 fee shall be assessed upon subsequent successful service and an  
40 additional fee shall be due in the following amount..... \$15.00

41 (b) After final judgment has been enrolled, further  
42 proceedings involving levy of execution on judgments, and  
43 attachment and garnishment proceedings shall be a new suit for  
44 which the marshal or constable shall be entitled to the following  
45 fee..... \$25.00

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

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

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

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

60 (f) For serving all warrants and other process and  
61 attending all trials in state cases in which the state fails in  
62 the prosecution, to be paid out of the county treasury on the  
63 allowance of the board of supervisors without itemization,  
64 subject, however, to the condition that the marshal or constable  
65 must not have overcharged in the collection of fees for costs,  
66 contrary to the provisions of this section,  
67 annually..... \$1,800.00

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

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

76 **SECTION 3.** This act shall take effect and be in force from  
77 and after July 1, 2005.