

By: Senator(s) White

To: Fees, Salaries and Administration

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2876

1 AN ACT TO AMEND SECTION 25-7-27, MISSISSIPPI CODE OF 1972, TO
2 REVISE SERVICE FEES CHARGED BY MARSHALS AND CONSTABLES FOR CERTAIN
3 OFFENSES; 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) (i) A uniform total fee in all civil cases,
10 whether contested or uncontested, which shall include all services
11 in connection therewith, except as stated otherwise in this
12 section, each..... \$35.00

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 one
18 (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, and a
30 defendant is served in a county other than the county in which a
31 suit was filed, the constable in the county in which the suit was
32 filed shall receive an additional fee, upon successful service of
33 the defendant, in the following amount..... \$15.00

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

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

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

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

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

53 (f) For serving all warrants and other process and
54 attending all trials in state cases in which the state fails in
55 the prosecution, to be paid out of the county treasury on the
56 allowance of the board of supervisors without itemization,
57 subject, however, to the condition that the marshal or constable
58 must not have overcharged in the collection of fees for costs,
59 contrary to the provisions of this section, annually
60 \$1,800.00

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

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

69 **SECTION 2.** The Attorney General of the State of Mississippi
70 shall submit this act, immediately upon approval by the Governor,
71 or upon approval by the Legislature subsequent to a veto, to the
72 Attorney General of the United States or to the United States
73 District Court for the District of Columbia in accordance with the
74 provisions of the Voting Rights Act of 1965, as amended and
75 extended.

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