

By: Representatives Akins, Gadd, McBride,  
Smith (59th)

To: County Affairs

## HOUSE BILL NO. 742

1 AN ACT TO AMEND SECTION 19-25-13, MISSISSIPPI CODE OF 1972,  
2 TO AUTHORIZE THE BOARD OF SUPERVISORS OF ANY COUNTY, IN ITS  
3 DISCRETION, TO INCLUDE IN ITS ANNUAL BUDGET FOR THE SHERIFF'S  
4 OFFICE AN AMOUNT NOT TO EXCEED ONE THOUSAND DOLLARS FOR  
5 EXPENDITURE BY THE SHERIFF TO PROVIDE FOOD, WATER AND BEVERAGES  
6 FOR THE SHERIFF, THE SHERIFF'S DEPUTIES, STATE, NATIONAL AND LOCAL  
7 LAW ENFORCEMENT OFFICERS, EMERGENCY PERSONNEL, COUNTY EMPLOYEES  
8 AND MEMBERS OF THE GENERAL PUBLIC WHO THE SHERIFF REQUESTS TO  
9 ASSIST HIM AND HIS OFFICE WHILE IN THE PERFORMANCE OF SEARCH AND  
10 RESCUE MISSIONS, DISASTERS OR OTHER EMERGENCY OPERATIONS; AND FOR  
11 RELATED PURPOSES.

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

13 **SECTION 1.** Section 19-25-13, Mississippi Code of 1972, is  
14 amended as follows:

15 19-25-13. The sheriff shall, at the July meeting of the  
16 board of supervisors, submit a budget of estimated expenses of his  
17 office for the ensuing fiscal year beginning October 1 in such  
18 form as shall be prescribed by the Director of the State  
19 Department of Audit. The board shall examine this proposed budget  
20 and determine the amount to be expended by the sheriff in the  
21 performance of his duties for the fiscal year and may increase or  
22 reduce said amount as it deems necessary and proper.

23 The budget shall include amounts for compensating the  
24 deputies and other employees of the sheriff's office, for  
25 insurance providing protection for the sheriff and his deputies in  
26 case of disability, death and other similar coverage, for travel  
27 and transportation expenses of the sheriff and deputies, for  
28 feeding prisoners and inmates of the county jail, and for such  
29 other expenses as may be incurred in the performance of the duties  
30 of the office of sheriff. In addition, the budget shall include  
31 amounts for the payment of premiums on bonds and insurance for the

32 sheriff and his deputies which, in the opinion of the board of  
33 supervisors, are deemed necessary to protect the interests of the  
34 county or the sheriff and his deputies. Such amounts may include  
35 official bonds and any bonds required of his deputies by the  
36 sheriff; liability insurance; insurance against false arrest  
37 charges; insurance against false imprisonment charges; theft, fire  
38 and other hazards insurance; and hospitalization insurance as  
39 provided for in Sections 25-15-101 and 25-15-103. The board may  
40 authorize the reimbursement of the sheriff and deputies for the  
41 use of privately owned automobiles or other motor vehicles in the  
42 performance of official duties at the rate provided by law for  
43 state officers and employees, or may authorize the purchase by the  
44 sheriff of such motor vehicles and such equipment as may be needed  
45 for operation of the sheriff's office, such vehicles and equipment  
46 to be owned by the county. In counties which have elected to  
47 purchase the motor vehicles and such equipment for the operation  
48 of the sheriff's office, if a sheriff or deputy shall be required  
49 in the performance of his official duties, in the event of an  
50 emergency, to use his privately owned automobile or other motor  
51 vehicle, the board of supervisors may, in its discretion,  
52 authorize the reimbursement for such use at the rate per mile  
53 provided by law for state officers and employees. This shall not  
54 be construed as giving an officer a choice of whether to use his  
55 own or the county's vehicle, but shall be construed so as not to  
56 penalize an officer who must use his own vehicle because the  
57 county's vehicle was not available.

58 The board of supervisors, in its discretion, may include in  
59 its annual budget for the sheriff's office an amount not to exceed  
60 One Thousand Dollars (\$1,000.00), which may be expended by the  
61 sheriff to provide food, water and beverages for the sheriff, the  
62 sheriff's deputies, state, national and local law enforcement  
63 officers, emergency personnel, county employees and members of the  
64 general public who the sheriff request to assist him and his

65 office while in the performance of search and rescue missions,  
66 disasters or other emergency operations.

67         The board of supervisors may acquire one or more credit cards  
68 which may be used by the sheriff and his deputies to pay expenses  
69 incurred by them when traveling in or out of state in the  
70 performance of their official duties. The chancery clerk or  
71 county purchase clerk shall maintain complete records of all  
72 credit card numbers and all receipts and other documents relating  
73 to the use of such credit cards. The sheriff shall furnish  
74 receipts for the use of such credit cards each month to the  
75 chancery clerk or purchase clerk who shall submit a written report  
76 monthly to the board of supervisors, which report shall include an  
77 itemized list of all expenditures and use of the credit cards for  
78 the month, and such expenditures may be allowed for payment by the  
79 county in the same manner as other items on the claims docket. The  
80 issuance of a credit card to a sheriff or his deputy under the  
81 provisions of this section shall not be construed to authorize  
82 such sheriff or deputy sheriff to use such credit card to make any  
83 expenditure which is not otherwise authorized by law.

84         The board of supervisors is hereby authorized and empowered,  
85 in its discretion, to appropriate and pay a sum not to exceed Four  
86 Hundred Dollars (\$400.00) annually as a clothing allowance to each  
87 plainclothes investigator employed by the sheriff's office of such  
88 county. The board of supervisors of any county bordering on the  
89 Gulf of Mexico and having a population of more than thirty-one  
90 thousand seven hundred (31,700) but less than thirty-one thousand  
91 eight hundred (31,800) according to the 1990 Federal Census may  
92 appropriate and pay a sum not to exceed Four Hundred Dollars  
93 (\$400.00) annually as a clothing allowance to the administrator of  
94 the county jail.

95         The board of supervisors shall, at its first meeting of each  
96 quarter beginning on October 1, January 1, April 1 and July 1,  
97 appropriate a lump sum for the sheriff for the expenses of his

98 office during the current quarter. The quarterly appropriation  
99 shall be one-fourth (1/4) of the amount approved in the annual  
100 budget unless the sheriff requests a different amount. Except in  
101 case of emergency, as provided in the county budget law, the  
102 appropriation for the quarter beginning in October of the last  
103 year of the sheriff's term shall not exceed one-fourth (1/4) of  
104 the annual budget.

105 The sheriff shall file a report of all expenses of his office  
106 incurred during the preceding month with the board of supervisors  
107 for approval at its regular monthly meeting in a form to be  
108 prescribed by the Director of the State Department of Audit, and  
109 upon filing thereof, and approval by the board, the clerk of the  
110 board shall issue warrants in payment thereof but not to exceed  
111 the budget appropriation for that quarter. Any appropriated funds  
112 which are unexpended at the end of the fiscal year shall remain in  
113 the county general fund.

114 The budget for the sheriff's office may be revised at any  
115 regular meeting by the board of supervisors. Upon recommendation  
116 of the sheriff, the board may at any regular meeting make  
117 supplemental appropriations to the sheriff's office.

118 Any fees previously required to be paid by a sheriff shall be  
119 paid by the board of supervisors by including the estimates  
120 therefor in the sheriff's budget. All fees and charges for  
121 services heretofore collected by sheriffs shall be collected by  
122 said sheriff and paid monthly into the general fund of the  
123 concerned county. However, any fees heretofore collected by such  
124 sheriffs from the county shall not be paid.

125 **SECTION 2.** This act shall take effect and be in force from  
126 and after July 1, 2007.