

By: Representatives Horne, Robinson (84th)

To: Fees and Salaries of Public Officers

HOUSE BILL NO. 1174

1 AN ACT TO AMEND SECTION 25-7-27, MISSISSIPPI CODE OF 1972, TO  
2 AUTHORIZE MARSHALS AND CONSTABLES TO BE PAID FOR CIVIL SERVICE OF  
3 PROCESS AFTER DILIGENT SEARCH AND INQUIRY, REGARDLESS OF WHETHER  
4 SERVICE OF PROCESS IS SUCCESSFUL; AND FOR RELATED PURPOSES.

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

6 SECTION 1. Section 25-7-27, Mississippi Code of 1972, is  
7 amended as follows:

8 25-7-27. (1) Marshals and constables shall charge the  
9 following fees:

10 (a) (i) A uniform total fee in all civil cases,  
11 whether contested or uncontested, which shall include all services  
12 in connection therewith, except as stated otherwise in this  
13 section, and regardless of whether service of process is  
14 successful after diligent search and inquiry, each..... \$35.00

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

19 (iii) In all cases where there is more than one  
20 (1) defendant, and regardless of whether service of process is  
21 successful after diligent search and inquiry, for service on each  
22 additional defendant..... \$ 5.00

23 (iv) When \* \* \* service of process on the  
24 defendant or defendants is unsuccessful after diligent search and  
25 inquiry, \* \* \* upon each subsequent attempt at service of process,  
26 regardless of whether service of process is successful after  
27 diligent search and inquiry, an additional fee shall be due in the  
28 following amount..... \$15.00

29                   (v) When \* \* \* service of process on the defendant  
30 or defendants is unsuccessful after diligent search and inquiry,  
31 and a defendant is to be served in a county other than the county  
32 in which a suit was filed, the constable in the county in which  
33 the suit was filed shall receive an additional fee, regardless of  
34 whether service of process is successful after diligent search and  
35 inquiry, in the following amount..... \$15.00

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

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

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

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

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

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

62 ..... \$1,800.00

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

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

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