

By: Representative Coleman (29th)

To: County Affairs; Fees and Salaries of Public Officers

HOUSE BILL NO. 1184

1 AN ACT TO AMEND SECTION 25-7-19, MISSISSIPPI CODE OF 1972, TO
2 INCREASE THE SHERIFF'S FEE FOR SERVICE OF PROCESS, SUMMONS,
3 WARRANTS OR OTHER NOTICES REQUIRED BY LAW; AND FOR RELATED
4 PURPOSES.

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

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

8 25-7-19. (1) The sheriffs of the various counties of the
9 State of Mississippi shall charge the following fees:

10 (a) A uniform total fee in all criminal and civil cases
11 for the service of any process, summons, warrant, writ or other
12 notice as may be required by law or the court, each..... \$35.00

13 (b) In all cases where there is more than one (1)
14 defendant residing at the same household, service on each
15 additional defendant..... \$ 1.00

16 (c) After final judgment has been enrolled, notice of
17 further proceedings involving levy of execution on judgments, and
18 attachment and garnishment proceedings, shall be deemed a new suit
19 and the sheriff shall be entitled to the following fee..... \$25.00

20 (d) Taking bonds of every kind (for purposes of this
21 fee multiple bonds for criminal charges arising out of a single
22 incident or transaction shall be considered a single bond). \$25.00

23 (e) Attendance in habeas corpus proceeding in vacation,
24 eminent domain court and commitment cases..... \$25.00

25 (f) On all money made by virtue of any decree,
26 execution or attachment, or other process, the following
27 commissions, to wit:

28 On the first One Hundred Dollars (\$100.00), five
29 percent (5%),

30 On the second One Hundred Dollars (\$100.00), four
31 percent (4%),

32 On all sums over Two Hundred Dollars (\$200.00),
33 three percent (3%).

34 (g) For all service of all process of every kind and
35 nature issued from without the county wherein it is to be served,
36 a fee of..... \$25.00

37 In civil cases, all process sent out of the county, where
38 issued to another county for service, shall be accompanied by a
39 fee of Twenty-five Dollars (\$25.00) to pay the sheriff's fee for
40 his execution of such process unless the clerk or justice shall
41 endorse on the process that the party at whose instance it issued
42 had filed an affidavit of inability to pay costs thereof. All
43 fees sent and unearned, and the whole of it, shall be unearned if
44 the writ be not legally and properly executed and returned, and
45 shall be remitted by the sheriff with the writ at his own expense.

46 (2) The sheriff shall keep a complete account of every fee
47 of every nature, commission or charge collected by him, and shall
48 file an itemized statement thereof monthly, under oath, with the
49 clerk of the board of supervisors of his county who shall preserve
50 same as a part of the records of his office, and he shall make a
51 remittance to the clerk of the board of supervisors of his county
52 on or before the fifteenth of each month for deposit into the
53 general fund of the county of all said fees, commissions and
54 charges collected during the preceding month.

55 (3) Any sheriff who shall knowingly fail to collect any fee
56 established by law which was in fact collectible by him or having
57 collected the fee shall fail to keep account of such fee or fail
58 to deposit the fee with the clerk of the board of supervisors as
59 provided by subsection (2), or such other person or office
60 entitled thereto, shall be guilty of a misdemeanor in office and,

61 upon conviction therefor, shall be fined in an amount not to
62 exceed double the amount he failed to collect or pay over, or
63 imprisoned for not to exceed six (6) months in the county jail, or
64 be punished by both such fine and imprisonment.

65 This provision shall in no way lessen the sheriff's civil
66 liability on his bond, but shall be an additional penalty for
67 misfeasance or nonfeasance in office.

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