

By: Senator(s) Thames, Gordon

To: Fees, Salaries and Administration

SENATE BILL NO. 2268

1 AN ACT TO AMEND SECTION 25-7-19, MISSISSIPPI CODE OF 1972, TO  
2 INCREASE THE FEE CHARGED BY SHERIFFS FOR SERVICE OF PROCESS; AND  
3 FOR RELATED PURPOSES.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

74 **SECTION 3.** This act shall take effect and be in force from  
75 and after the date it is effectuated under Section 5 of the Voting  
76 Rights Act of 1965, as amended and extended, or July 1, 2007,  
77 whichever occurs later.