

By: Representatives Carpenter, Barton, Bell,
Monsour, Pigott, Rogers (61st), Rushing,
Staples, Taylor, Weathersby, Willis

To: Judiciary B; Fees and
Salaries of Public Officers

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1319

1 AN ACT TO AMEND SECTION 25-7-27, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE FEES WHICH MAY BE CHARGED BY MARSHALS AND CONSTABLES
3 FOR SERVICE OF PROCESS; 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 and criminal
10 cases * * * for the service of each process, summons, warrant,
11 writ or other notice as may be required by law or the
12 court.....\$ * * * 40.00

13 * * *

14 (* * * ii) In all cases where there is more than
15 one (1) defendant residing at the same household, for service on
16 each additional defendant.....\$ 5.00

17 (iii) For all service of all process of every kind
18 and nature issued from outside the county where it is



19 to be served.....\$35.00

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 * * * fee
24 provided for under subparagraph (i) of this paragraph shall be
25 assessed * * *.

26 * * *

27 (b) After final judgment has been enrolled, further
28 proceedings involving levy of execution on judgments, and
29 attachment and garnishment proceedings shall be a new suit for
30 which the marshal or constable shall be entitled to the following
31 fee.....\$35.00

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

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

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

40 (e) For service as a bailiff in any court in a civil
41 case, to be paid by the county on allowance of the court on
42 issuance of a warrant therefor, an amount equal to the * * *
43 amount provided under Section * * * 19-25-31 for each day, or part



44 thereof, for which he serves as bailiff when the court is in
45 session.

46 (f) For serving all warrants and other process and
47 attending all trials in state cases in which the state fails in
48 the prosecution, to be paid out of the county treasury on the
49 allowance of the board of supervisors without itemization,
50 subject, however, to the condition that the marshal or constable
51 must not have overcharged in the collection of fees for costs,
52 contrary to the provisions of this section, annually.....\$1,800.00

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

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

61 **SECTION 2.** This act shall take effect and be in force from
62 and after July 1, 2015.

