

By: Senator(s) Blount

To: Accountability,  
Efficiency, Transparency

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2231

1 AN ACT TO AMEND SECTION 25-7-27, MISSISSIPPI CODE OF 1972, TO  
2 ALLOW CONSTABLES TO RECEIVE THE UNIFORM FEE WHEN THE DEFENDANT  
3 CANNOT BE FOUND AFTER TWO DOCUMENTED ACTUAL ATTEMPTS TO SERVE THE  
4 PROCESS; 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, each.....\$35.00

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

18 (iii) In all cases where there is more than one  
19 (1) defendant, for service on each additional defendant \$ 5.00



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 uniform  
24 fee in this paragraph (a) shall be assessed upon \* \* \* two (2)  
25 documented actual attempts to serve the process. Such fee for  
26 attempted service of process is unearned absent two (2) documented  
27 actual attempts to serve the process.

28 (v) When a complaining party has provided  
29 erroneous information to the clerk of the court relating to the  
30 service of process on the defendant or defendants and process  
31 cannot be served after diligent search and inquiry, and a  
32 defendant is served in a county other than the county in which a  
33 suit was filed, the constable in the county in which the suit was  
34 filed shall receive an additional fee, upon successful service of  
35 the defendant, 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.....\$35.00

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.....\$1,800.00

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

66 (3) In addition to the fees authorized to be paid to a  
67 constable under subsection (1) of this section, a constable may



68 receive payments for collecting delinquent criminal fines in  
69 justice court pursuant to the provisions of Section 19-3-41(3).

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

