

By: Senator(s) Hill, Butler (36th)

To: Finance

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2390

1 AN ACT TO AMEND SECTION 25-7-19, MISSISSIPPI CODE OF 1972, TO  
2 ALLOW THE SHERIFF OR DEPUTY SHERIFF TO RETAIN FEES SUBMITTED FOR  
3 SERVICE OF PROCESS IN CASES WHERE THE PERSON SOUGHT TO BE SERVED  
4 IS NOT FOUND; AND FOR RELATED 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 or attempted service of any process, summons,  
12 warrant, writ or other notice as may be required by law or the  
13 court, each.....\$35.00

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

17 (c) After final judgment has been enrolled, notice of  
18 further proceedings involving levy of execution on judgments, and



19 attachment and garnishment proceedings, shall be deemed a new suit  
20 and the sheriff shall be entitled to the following fee.....\$35.00

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

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

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

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

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

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

36 (g) For all service of all process of every kind and  
37 nature issued from without the county wherein it is to be served,  
38 a fee of.....\$35.00

39 In civil cases, all process sent out of the county, where  
40 issued to another county for service, shall be accompanied by a  
41 fee of Thirty-five Dollars (\$35.00) to pay the sheriff's fee for  
42 his execution of such process unless the clerk or justice shall  
43 endorse on the process that the party at whose instance it issued



44 had filed an affidavit of inability to pay costs thereof. All  
45 fees sent and unearned, and the whole of it, shall be unearned if  
46 the writ be not legally and properly executed and returned, and  
47 shall be remitted by the sheriff with the writ at his own expense.

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

59 (b) At least Ten Dollars (\$10.00) from each fee  
60 collected and deposited into the county's general fund under the  
61 provisions of paragraphs (a), (c) and (g) of subsection (1) of  
62 this section shall be used for the sheriffs' salaries authorized  
63 in Section 25-3-25 \* \* \*, as such Ten Dollar (\$10.00) amount was  
64 authorized during the 2007 Regular Session in Chapter 331, Laws of  
65 2007, for the purpose of providing additional monies to the  
66 counties for sheriffs' salaries.

67 (3) Any sheriff who shall knowingly fail to collect any fee  
68 established by law which was in fact collectible by him or having



69 collected the fee shall fail to keep account of such fee or fail  
70 to deposit the fee with the clerk of the board of supervisors as  
71 provided by subsection (2), or such other person or office  
72 entitled thereto, shall be guilty of a misdemeanor in office and,  
73 upon conviction therefor, shall be fined in an amount not to  
74 exceed double the amount he failed to collect or pay over, or  
75 imprisoned for not to exceed six (6) months in the county jail, or  
76 be punished by both such fine and imprisonment.

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

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

