

By: Senator(s) Burton

To: Accountability,
Efficiency, Transparency;
Appropriations

SENATE BILL NO. 2805

1 AN ACT TO AMEND SECTION 25-7-27, MISSISSIPPI CODE OF 1972, TO
2 INCREASE THE FEES CHARGED BY MARSHALS AND CONSTABLES; AND FOR
3 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) * * * In all civil and criminal cases, * * *
10 for each service of process, summons, warrant, writ or
11 other notice.....\$ * * * 55.00

12 * * *

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

16 (iii) For service of each process of every kind
17 and nature issued from outside the county where it is to be



18 served, the fees provided in subparagraphs (i) and (ii) of this
19 paragraph, as applicable, shall be assessed.

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 on oath thereof
24 of the marshal or constable, as the case may be, charged with
25 serving such process, the * * * fees provided in subparagraphs (i)
26 and (ii) of this paragraph, as applicable, shall be
27 assessed * * *.

28 (v) When * * * process has been attempted in one
29 (1) county but the defendant is not found, and process must be
30 served on that defendant in another county, the clerk shall notify
31 the complaining party that an additional fee or fees must be paid
32 before the process can be delivered to the other county.

33 (b) After final judgment has been enrolled, further
34 proceedings involving levy of execution on judgments, and
35 attachment and garnishment proceedings shall be a new suit for
36 which the marshal or constable shall be entitled to the following
37 fee.....\$ * * * 55.00

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



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

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

46 (e) For service as a bailiff in any court in a civil
47 case, to be paid by the county on allowance of the court on
48 issuance of a warrant therefor, an amount equal to the * * *
49 amount provided under Section * * * 19-25-31 for each day, or part
50 thereof, for which he serves as bailiff when the court is in
51 session.

52 (f) For serving all warrants and other process and
53 attending all trials in state cases in which the state fails in
54 the prosecution, to be paid out of the county treasury on the
55 allowance of the board of supervisors without itemization,
56 subject, however, to the condition that the marshal or constable
57 must not have overcharged in the collection of fees for costs,
58 contrary to the provisions of this section,
59 annually\$ * * * 2,500.00

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

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



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

68 **SECTION 2.** This act shall take effect and be in force from
69 and after July 1, 2019.

