

By: Representative Guice

To: County Affairs;  
Appropriations

HOUSE BILL NO. 1170

1 AN ACT TO AMEND SECTION 25-7-27, MISSISSIPPI CODE OF 1972, TO  
2 AUTHORIZE THE BOARD OF SUPERVISORS OF ANY COUNTY IN WHICH ONE OR  
3 MORE COURTS LOCATED IN THE COUNTY ARE CLOSED FOR MORE THAN THIRTY  
4 CONSECUTIVE DAYS TO PAY ADDITIONAL COMPENSATION TO THE MARSHALS  
5 AND CONSTABLES OF THE COUNTY IN SUCH AMOUNT AS DETERMINED BY THE  
6 BOARD, USING FUNDS AVAILABLE TO THE BOARD OTHER THAN REVENUES FROM  
7 AD VALOREM TAXES, USER FEES OR OTHER FEES RECEIVED BY THE COUNTY;  
8 AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** Section 25-7-27, Mississippi Code of 1972, is  
11 amended as follows:

12 25-7-27. (1) Marshals and constables shall charge the  
13 following fees:

14 (a) (i) In all civil and criminal cases, for each  
15 service of process, summons, warrant, writ or other  
16 notice.....\$ 45.00

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

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



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

24 (iv) When a complaining party has provided  
25 erroneous information to the clerk of the court relating to the  
26 service of process on the defendant or defendants and process  
27 cannot be served after diligent search and inquiry on oath thereof  
28 of the marshal or constable, as the case may be, charged with  
29 serving such process, the fees provided in subparagraphs (i) and  
30 (ii) of this paragraph, as applicable, shall be assessed.

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

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.....\$ 45.00

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.



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

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

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

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

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

(4) When one (1) or more courts located in a county in which a marshal or constable performs services for which they are authorized to receive fees and other compensation under this



section is closed for more than thirty (30) consecutive days, the  
board of supervisors of the county is authorized, in its  
discretion, to pay additional compensation to the marshals and  
constables of the county in such amount as determined by the  
board, using funds available to the board other than revenues from  
ad valorem taxes, user fees or other fees received by the county.

**SECTION 2.** This act shall take effect and be in force from  
and after October 1, 2021.

