

By: Senator(s) Williams

To: County Affairs

SENATE BILL NO. 2409

1 AN ACT TO BRING FORWARD SECTION 19-3-41, MISSISSIPPI CODE OF
2 1972, WHICH IS THE PROVISION THAT AUTHORIZES A COUNTY BOARD OF
3 SUPERVISORS TO CONSTRUCT A JAIL, FOR THE PURPOSES OF POSSIBLE
4 AMENDMENT; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 19-3-41, Mississippi Code of 1972, is
7 brought forward as follows:

8 19-3-41. (1) The boards of supervisors shall have within
9 their respective counties full jurisdiction over roads, ferries
10 and bridges, except as otherwise provided by Section 170 of the
11 Constitution, and all other matters of county police. They shall
12 have jurisdiction over the subject of paupers. They shall have
13 power to levy such taxes as may be necessary to meet the demands
14 of their respective counties, upon such persons and property as
15 are subject to state taxes for the time being, not exceeding the
16 limits that may be prescribed by law. They shall cause to be
17 erected and kept in good repair, in their respective counties, a
18 good and convenient courthouse and a jail. A courthouse shall be
19 erected and kept in good repair in each judicial district and a



20 jail may be erected in each judicial district. They may close a
21 jail in either judicial district, at their discretion, where one
22 (1) jail will suffice. They shall have the power, in their
23 discretion, to prohibit or regulate the sale and use of
24 firecrackers, roman candles, torpedoes, skyrockets, and any and
25 all explosives commonly known and referred to as fireworks,
26 outside the confines of municipalities. They shall have and
27 exercise such further powers as are or shall be conferred upon
28 them by law. They shall have authority to negotiate with and
29 contract with licensed real estate brokers for the purpose of
30 advertising and showing and procuring prospective purchasers for
31 county-owned real property offered for sale in accordance with the
32 provisions of Section 19-7-3.

33 (2) The board of supervisors of any county, in its
34 discretion, may contract with a private attorney or private
35 collection agent or agency to collect any type of delinquent
36 payment owed to the county including, but not limited to, past-due
37 fees, fines and assessments, delinquent ad valorem taxes on
38 personal property and delinquent ad valorem taxes on mobile homes
39 that are entered as personal property on the mobile home rolls,
40 collection fees associated with the disposal or collection of
41 garbage, rubbish and solid waste, or with the district attorney of
42 the circuit court district in which the county is located to
43 collect any delinquent fees, fines and other assessments. Any
44 such contract may provide for payment contingent upon successful



45 collection efforts or payment based upon a percentage of the
46 delinquent amount collected; however, the entire amount of all
47 delinquent payments collected shall be remitted to the county and
48 shall not be reduced by any collection costs or fees. There shall
49 be due to the county from any person whose delinquent payment is
50 collected pursuant to a contract executed under this subsection an
51 amount, in addition to the delinquent payment, of not to exceed
52 twenty-five percent (25%) of the delinquent payment for
53 collections made within this state and not to exceed fifty percent
54 (50%) of the delinquent payment for collections made outside of
55 this state. However, in the case of delinquent fees owed to the
56 county for garbage or rubbish collection or disposal, only the
57 amount of the delinquent fees, which may include an additional
58 amount not to exceed up to One Dollar (\$1.00) or ten percent (10%)
59 per month, whichever is greater, on the current monthly bill on
60 the balance of delinquent monthly fees as prescribed under
61 Sections 19-5-21 and 19-5-22, may be collected and no amount in
62 addition to such delinquent fees may be collected if the board of
63 supervisors of the county has notified the county tax collector
64 under Section 19-5-22 for the purpose of prohibiting the issuance
65 of a motor vehicle road and bridge privilege license tag to the
66 person delinquent in the payment of such fees. Any private
67 attorney or private collection agent or agency contracting with
68 the county under the provisions of this subsection shall give bond
69 or other surety payable to the county in such amount as the board



70 of supervisors deems sufficient. Any private attorney with whom
71 the county contracts under the provisions of this subsection must
72 be a member in good standing of The Mississippi Bar. Any private
73 collection agent or agency with whom the county contracts under
74 the provisions of this subsection must meet all licensing
75 requirements for doing business in the State of Mississippi.
76 Neither the county nor any officer or employee of the county shall
77 be liable, civilly or criminally, for any wrongful or unlawful act
78 or omission of any person or business with whom the county has
79 contracted under the provisions of this subsection. The
80 Mississippi Department of Audit shall establish rules and
81 regulations for use by counties in contracting with persons or
82 businesses under the provisions of this subsection.

83 (3) In addition to the authority granted under subsection
84 (2) of this section, the board of supervisors of any county, in
85 its discretion, may contract with one or more of the constables of
86 the county to collect delinquent criminal fines imposed in the
87 justice court of the county. Any such contract shall provide for
88 payment contingent upon successful collection efforts, and the
89 amount paid to a constable may not exceed twenty-five percent
90 (25%) of the amount which the constable collects. The entire
91 amount of all delinquent criminal fines collected under such a
92 contract shall be remitted by the constable to the clerk of the
93 justice court for deposit into the county general fund as provided
94 under Section 9-11-19. Any payments made to a constable pursuant



95 to a contract executed under the provisions of this section may be
96 paid only after presentation to and approval by the board of
97 supervisors of the county.

98 (4) If a county uses its own employees to collect any type
99 of delinquent payment owed to the county, then from and after July
100 1, 1999, the county may charge an additional fee for collection of
101 the delinquent payment provided the payment has been delinquent
102 for ninety (90) days. The collection fee may not exceed
103 twenty-five percent (25%) of the delinquent payment if the
104 collection is made within this state and may not exceed fifty
105 percent (50%) of the delinquent payment if the collection is made
106 outside this state. In conducting collection of delinquent
107 payments, the county may utilize credit cards or electronic fund
108 transfers. The county may pay any service fees for the use of
109 such methods of collection from the collection fee, but not from
110 the delinquent payment.

111 (5) In addition to such authority as is otherwise granted
112 under this section, the board of supervisors of any county may
113 expend funds necessary to maintain and repair, and to purchase
114 liability insurance, tags and decals for, any personal property
115 acquired under the Federal Excess Personal Property Program and
116 the Firefighter Property Program that is used by the local
117 volunteer fire department.

118 (6) The board of supervisors of any county, in its
119 discretion, may expend funds to provide for training and education



120 of newly elected or appointed county officials before the
121 beginning of the term of office or employment of such officials.
122 Any expenses incurred for such purposes may be allowed only upon
123 prior approval of the board of supervisors. Any payments or
124 reimbursements made under the provisions of this subsection may be
125 paid only after presentation to and approval by the board of
126 supervisors.

127 (7) The board of supervisors of any county may expend funds
128 to purchase, maintain and repair equipment for the electronic
129 filing and storage of filings, files, instruments, documents and
130 records using microfilm, microfiche, data processing, magnetic
131 tape, optical discs, computers or other electronic process which
132 correctly and legibly stores and reproduces or which forms a
133 medium for storage, copying or reproducing documents, files and
134 records for use by one (1), all or any combination of county
135 offices, employees and officials, whether appointed or elected.

136 (8) In addition to the authority granted in this section,
137 the board of supervisors of any county may expend funds as
138 provided in Section 29-3-23(2).

139 (9) The board of supervisors of any county may perform and
140 exercise any duty, responsibility or function, may enter into
141 agreements and contracts, may provide and deliver any services or
142 assistance, and may receive, expend and administer any grants,
143 gifts, matching funds, loans or other monies, in accordance with
144 and as may be authorized by any federal law, rule or regulation



145 creating, establishing or providing for any program, activity or
146 service. The provisions of this subsection shall not be construed
147 as authorizing any county, the board of supervisors of any county
148 or any member of a board of supervisors to perform any function or
149 activity that is specifically prohibited under the laws of this
150 state or as granting any authority in addition to or in conflict
151 with the provisions of any federal law, rule or regulation.

152 (10) The board of supervisors of any county may provide
153 funds from any available source to assist in defraying the actual
154 expenses to maintain an office as provided in Section 9-1-36. The
155 authority provided in this subsection shall apply to any office
156 regardless of ownership of such office or who may be making any
157 lease payments for such office.

158 (11) The board of supervisors of any county may reimburse
159 the cost of an insured's deductible for an automobile insurance
160 coverage claim if the claim has been paid for damages to the
161 insured's property arising from the negligence of a duly
162 authorized officer, agent, servant, attorney or employee of the
163 county in the performance of his or her official duties, and the
164 officer, agent, servant, attorney or employee owning or operating
165 the motor vehicle is protected by immunity under the Mississippi
166 Tort Claims Act, Section 11-46-1 et seq.

167 **SECTION 2.** This act shall take effect and be in force from
168 and after July 1, 2022.

