

By: Representatives Denton, Harness

To: Ways and Means

HOUSE BILL NO. 813

1 AN ACT TO AMEND SECTIONS 9-11-7, 9-3-13, 25-34-41, 25-1-12,  
 2 27-1-1, 25-1-13, 19-4-9, 19-25-5, 19-19-3, 9-7-123, 19-27-1,  
 3 9-5-131, 9-7-121, 9-11-29, 19-3-5, 21-9-21, 21-15-23, 7-7-205,  
 4 7-9-7, 7-3-1, 7-1-19, 7-9-5, 7-1-401, 21-3-5, 21-21-1, MISSISSIPPI  
 5 CODE OF 1972, TO INCREASE THE BOND AMOUNT FOR VARIOUS ELECTED  
 6 OFFICIALS WHO HANDLE PUBLIC FUNDS BY VIRTUE OF THEIR OFFICE; AND  
 7 FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 9-11-7, Mississippi Code of 1972, is  
 10 amended as follows:

11 9-11-7. Every person elected a justice court judge shall,  
 12 before he enters on the duties of the office, take the oath of  
 13 office prescribed by Section 155 of the Constitution, and give  
 14 bond, with sufficient surety, to be payable, conditioned and  
 15 approved as provided by law and in the same manner as other county  
 16 officers, in a penalty not less than \* \* \* One Hundred Thousand  
 17 Dollars (\$100,000.00); and any party interested may proceed on  
 18 such bond in a summary way, by motion in any court having  
 19 jurisdiction of the same, against the principal and surety, upon  
 20 giving five (5) days' previous notice.



21           **SECTION 2.** Section 9-3-13, Mississippi Code of 1972, is  
22 amended as follows:

23           9-3-13. The clerk of the Supreme Court, before he enters on  
24 the discharge of the duties of his office, shall take the oath  
25 prescribed in the constitution, and enter into bond with at least  
26 two (2) sufficient sureties, to be approved by the court, or in  
27 vacation by two of the judges, payable to the state in the penalty  
28 of \* \* \* Sixty Thousand Dollars (\$60,000.00), conditioned for the  
29 faithful performance of the duties of his office. The bond shall  
30 be recorded in the minutes of the court, and, immediately  
31 thereafter deposited and filed in the Office of the Secretary of  
32 State.

33           **SECTION 3.** Section 25-34-41, Mississippi Code of 1972, is  
34 amended as follows:

35           25-34-41. (1) An individual qualified under subsection (2)  
36 may apply to the Secretary of State for a commission as a notary  
37 public. The applicant must comply with and provide the  
38 information required by rules established by the Secretary of  
39 State and pay any application fee.

40           (2) An applicant for a commission as a notary public must:

41                   (a) Be at least eighteen (18) years of age;

42                   (b) Be a citizen or permanent legal resident of the  
43 United States;



44 (c) Be a resident of Mississippi for not less than  
45 thirty (30) days immediately preceding the date of the  
46 application;

47 (d) Be able to read and write English;

48 (e) Not be disqualified to receive a commission under  
49 Section 25-34-43; and

50 (f) Meet such other requirements as the Secretary of  
51 State may establish by rule.

52 (3) Before issuance of a commission as a notary public, an  
53 applicant for the commission must execute the oath of office  
54 prescribed by Section 268 of the Constitution and submit it to the  
55 Secretary of State.

56 (4) Before issuance of a commission as a notary public, the  
57 applicant for a commission must submit to the Secretary of State  
58 an assurance in the form of a surety bond or its functional  
59 equivalent in the amount of \* \* \* Sixty Thousand Dollars  
60 (\$60,000.00) pursuant to the rules set forth by the Secretary of  
61 State. The assurance must be issued by a surety or other entity  
62 licensed by the Mississippi Department of Insurance. The  
63 assurance must cover acts performed during the term of the notary  
64 public's commission and must be in the form prescribed by the  
65 Secretary of State. If a notary public violates a law with  
66 respect to notaries public in this state, the surety or issuing  
67 entity is liable under the assurance. The surety or issuing  
68 entity must give thirty (30) days' notice to the Secretary of



69 State before canceling the assurance. The surety or issuing  
70 entity must notify the Secretary of State not later than thirty  
71 (30) days after making a payment to a claimant under the  
72 assurance. A notary public may perform notarial acts in this  
73 state only during the period that a valid assurance is on file  
74 with the Secretary of State.

75 (5) On compliance with this section, the Secretary of State  
76 shall issue a commission as a notary public to an applicant for a  
77 term of four (4) years.

78 (6) A commission to act as a notary public authorizes the  
79 notary public to perform notarial acts. The commission does not  
80 provide the notary public any immunity or benefit conferred by the  
81 laws of this state on public officials or employees.

82 **SECTION 4.** Section 25-1-12, Mississippi Code of 1972, is  
83 amended as follows:

84 25-1-12. (1) Notwithstanding any other provision of law to  
85 the contrary, any public officer or employee handling or having  
86 the custody of public funds, by virtue of his or her office or  
87 employment, shall give an individual bond or be covered by a  
88 blanket bond. The amount of such bonds shall not be less  
89 than \* \* \* Seventy-five Thousand Dollars (\$75,000.00) for each  
90 public officer or employee, unless a specific amount is otherwise  
91 required by law. The provisions of this section shall not apply  
92 to any public officer or employee whose activity of handling or  
93 having custody of public funds is incidental to his or her



94 employment or job duties, as defined by the regulations of the  
95 State Auditor's office.

96 (2) All individual bonds and blanket bonds as required by  
97 this section shall follow the form and content as provided in  
98 Section 25-1-15.

99 **SECTION 5.** Section 27-1-1, Mississippi Code of 1972, is  
100 amended as follows:

101 27-1-1. The assessor of each county, except in those  
102 counties wherein the office of assessor and the office of tax  
103 collector are combined as provided in Section 27-1-7, shall take  
104 and file the oath of office required by the Constitution and give  
105 bond, with sufficient surety, to be payable, conditioned and  
106 approved as provided by law, in a penalty equal to \* \* \* One  
107 Hundred Thousand Dollars (\$100,000.00).

108 **SECTION 6.** Section 25-1-13, Mississippi Code of 1972, is  
109 amended as follows:

110 25-1-13. The state officials hereinafter named shall give  
111 bond in the penalty specified for each, with surety by one or more  
112 guaranty or surety companies authorized to do business in the  
113 state. Said bonds shall be approved by the Governor and  
114 Commissioner of Insurance and, when so approved, shall be filed  
115 and recorded in the Office of the Secretary of State.

116 The bond of the Auditor of Public Accounts shall be for \* \* \*  
117 Eighty Thousand Dollars (\$80,000.00); the State Treasurer, \* \* \*  
118 One Hundred Fifty Thousand Dollars (\$150,000.00); the Land



119 Commissioner, \* \* \* Sixty-five Thousand Dollars (\$65,000.00); each  
120 of the public service commissioners, \* \* \* Sixty Thousand Dollars  
121 (\$60,000.00); director of the feed and fertilizer division,  
122 Department of Agriculture and Commerce, \* \* \* Sixty Thousand  
123 Dollars (\$60,000.00); assistant Secretary of State, \* \* \*  
124 Fifty-five Thousand Dollars (\$55,000.00); State Forester, \* \* \*  
125 Fifty-five Thousand Dollars (\$55,000.00); sergeant of the guard of  
126 the Penitentiary, \* \* \* Fifty-one Thousand Dollars (\$51,000.00);  
127 dispatch sergeant of the State Penitentiary, \* \* \* Fifty-one  
128 Thousand Dollars (\$51,000.00).

129 The official bonds of all other state officers shall continue  
130 and remain as to amounts thereof as now fixed elsewhere by law,  
131 but said bonds shall be subject to the provisions stated herein  
132 for sureties, approval, filing, and premium payment unless  
133 otherwise specifically provided.

134 Premiums paid on all bonds under the provisions of this  
135 section shall be paid out of the State Treasury upon warrant of  
136 the Auditor, which shall be issued upon the approval of the bonds  
137 as herein provided; provided, however, that the said premiums  
138 shall be at the lowest rate obtainable. If from any cause such  
139 guaranty or surety bond or bonds cannot be obtained, in whole or  
140 in part, because of refusal of said guaranty or surety companies,  
141 at a reasonable rate in the judgment of the Insurance Commissioner  
142 or for other cause, to make such bond or bonds, upon certificate  
143 of the Commissioner of Insurance to that effect, the officer or



144 officers having thus been unable to make a bond or bonds may make  
145 such bond with personal or individual surety in the required  
146 penalty, to be approved by the Governor and filed and recorded as  
147 directed herein, together with the certificate of the Commissioner  
148 of Insurance attached to the bond.

149       **SECTION 7.** Section 19-4-9, Mississippi Code of 1972, is  
150 amended as follows:

151       19-4-9. The county administrator shall take the official  
152 oath of office and shall give bond to the board of supervisors,  
153 with sufficient surety, to be payable, conditioned and approved as  
154 provided by law, in a penalty equal to three percent (3%) of the  
155 sum of all the state and county taxes shown by the assessment  
156 rolls and the levies to have been collectible in the county for  
157 the year immediately preceding the commencement of the term of  
158 office for such administrator; however, such bond shall not exceed  
159 the amount of \* \* \* One Hundred Fifty Thousand Dollars  
160 (\$150,000.00). The bond premiums shall be paid from the county  
161 general fund or other available funds of the county.

162       **SECTION 8.** Section 19-25-5, Mississippi Code of 1972, is  
163 amended as follows:

164       19-25-5. The sheriffs of the several counties shall give  
165 bond, with sufficient surety, to be payable, conditioned and  
166 approved as provided by law and in the same manner as other county  
167 officials, in a penalty equal to \* \* \* One Hundred Fifty Thousand



168 Dollars (\$150,000.00), the premium for which shall be paid by the  
169 county.

170 **SECTION 9.** Section 19-19-3, Mississippi Code of 1972, is  
171 amended as follows:

172 19-19-3. Constables shall take the oath of office prescribed  
173 by the Constitution and give bond, with sufficient surety, to be  
174 payable, conditioned and approved as provided by law and in the  
175 same manner as other county officials, in a penalty not less  
176 than \* \* \* One Hundred Thousand Dollars (\$100,000.00). The bond  
177 premium for each constable shall be paid from the general county  
178 fund of the respective counties. The board of supervisors of the  
179 county may at any time require such additional sum as it deems  
180 necessary.

181 **SECTION 10.** Section 9-7-123, Mississippi Code of 1972, is  
182 amended as follows:

183 9-7-123. (1) The clerk of the circuit court shall have  
184 power, with the approbation of the court, or of the judge in  
185 vacation, to appoint one or more deputies, who shall take the oath  
186 of office and may give bond, and who thereupon shall have power to  
187 do and perform all the acts and duties which their principal may  
188 lawfully do; such approval, when given by the judge in vacation,  
189 shall be in writing, and shall be entered on the minutes of the  
190 court at the next term.

191 (2) Each deputy clerk of the circuit court, before he enters  
192 upon the duties of the appointment, shall take the oath of office,





193 and shall give bond, with sufficient surety, to be payable,  
194 conditioned and approved as provided by law, in a penalty equal to  
195 three percent (3%) of the sum of all the state and county taxes  
196 shown by the assessment rolls and the levies to have been  
197 collectible in the county for the year immediately preceding the  
198 commencement of the term of office for the circuit clerk.  
199 However, the amount of such bond shall not be less than \* \* \* One  
200 Hundred Thousand Dollars (\$100,000.00) nor more than \* \* \* One  
201 Hundred Fifty Thousand Dollars (\$150,000.00). The bond shall  
202 cover all monies coming into the hands of the deputy clerk by law  
203 or order of the court. The board of supervisors, in its  
204 discretion, may pay the bond on behalf of the deputy clerk.

205       **SECTION 11.** Section 19-27-1, Mississippi Code of 1972, is  
206 amended as follows:

207       19-27-1. There shall be elected for each county a surveyor  
208 who shall take and subscribe the oath of office prescribed by the  
209 Constitution and give bond, with sufficient surety, to be payable,  
210 conditioned and approved as provided by law and in the same manner  
211 as other county officials, in a penalty not less than \* \* \* One  
212 Hundred Thousand Dollars (\$100,000.00).

213       From and after January 1, 1984, such surveyor shall be a  
214 registered land surveyor as provided for in Sections 73-13-71  
215 through 73-13-99. However, this requirement shall not apply to  
216 any person who was holding the office of county surveyor by either  
217 election or appointment on December 31, 1983.



218           **SECTION 12.** Section 9-5-131, Mississippi Code of 1972, is  
219 amended as follows:

220           9-5-131. The clerk of the chancery court, before he enters  
221 upon the duties of the office, shall take the oath of office and  
222 give bond, with sufficient surety, to be payable, conditioned and  
223 approved as provided by law, in a penalty equal to five percent  
224 (5%) of the sum of all the state and county taxes shown by the  
225 assessment rolls and the levies to have been collectible in the  
226 county for the year immediately preceding the commencement of the  
227 term of office for such clerk; however, such bond shall not exceed  
228 the amount of \* \* \* One Hundred Fifty Thousand Dollars  
229 (\$150,000.00). Such clerk may be required by the court, or the  
230 chancellor in vacation, to give additional bond in any particular  
231 case, which shall be a cumulative security, and shall not in any  
232 manner affect the liability on his official bond for any matter  
233 covered by it. His official bond shall be held to cover all his  
234 official acts, and all moneys which may come into his hands  
235 according to law or by order of the court or chancellor.

236           **SECTION 13.** Section 9-7-121, Mississippi Code of 1972, is  
237 amended as follows:

238           9-7-121. The clerk of the circuit court, before he enters  
239 upon the duties of the office, shall take the oath of office, and  
240 give bond, with sufficient surety, to be payable, conditioned and  
241 approved as provided by law, in a penalty equal to three percent  
242 (3%) of the sum of all the state and county taxes shown by the



243 assessment rolls and the levies to have been collectible in the  
244 county for the year immediately preceding the commencement of the  
245 term of office for such clerk. However, such bond shall not  
246 exceed the amount of \* \* \* One Hundred Fifty Thousand Dollars  
247 (\$150,000.00). And he may be required to give additional bond  
248 from time to time, for the faithful application of all moneys  
249 coming into his hands by law or order of the court; but such  
250 additional bonds shall be cumulative security, and the original  
251 bond shall likewise cover all moneys coming into the hands of the  
252 clerk by law or order of the court.

253 **SECTION 14.** Section 9-11-29, Mississippi Code of 1972, is  
254 amended as follows:

255 9-11-29. (1) Within ninety (90) days after appointment,  
256 every person appointed as clerk of the justice court under the  
257 provisions of Section 9-11-27, or a deputy clerk designated to  
258 receive training under Section 9-11-27, shall file annually in the  
259 office of the circuit clerk a certificate of completion of a  
260 course of training and education conducted by the Mississippi  
261 Judicial College of the University of Mississippi Law Center. The  
262 training course shall be known as the "Justice Court Clerks  
263 Training Course" and shall consist of at least twelve (12) hours  
264 of instruction. The contents of the courses and when and where  
265 the courses are to be conducted shall be determined by the  
266 judicial college. The judicial college shall issue a certificate



267 of completion to the clerks and deputy clerks who complete a  
268 course.

269 (2) Every person appointed as clerk and deputy clerk of the  
270 justice court shall, before entering into the duties of the  
271 position, give bond, with sufficient surety, to be payable,  
272 conditioned and approved as provided by law and in the same manner  
273 as other county officers, in a penalty equal to \* \* \* One Hundred  
274 Thousand Dollars (\$100,000.00); and any party interested may  
275 proceed on such bond in a summary way, by motion in any court  
276 having jurisdiction of the same, against the principal and  
277 sureties, upon giving five (5) days' previous notice. The cost of  
278 the bond shall be paid by the county.

279 (3) Upon the failure of any person appointed as clerk of the  
280 justice court to file the certificates of completion as provided  
281 in subsection (1) of this section, that person shall not be  
282 allowed to carry out any of the duties of the office of clerk of  
283 the justice court, and shall not be entitled to compensation for  
284 the period of time during which the required certificates remain  
285 unfiled.

286 **SECTION 15.** Section 19-3-5, Mississippi Code of 1972, is  
287 amended as follows:

288 19-3-5. Each member of the board of supervisors, before  
289 entering upon the duties of his office, shall give bond, with  
290 sufficient surety, to be payable, conditioned and approved as  
291 provided by law, in a penalty equal to five percent (5%) of the



292 sum of all the state and county taxes shown by the assessment  
293 rolls and the levies to have been collectible in the county for  
294 the year immediately preceding the commencement of the term of  
295 office of said member; however, such bond shall not exceed the  
296 amount of \* \* \* One Hundred Fifty Thousand Dollars (\$150,000.00).  
297 Furthermore, any taxpayer of the county may sue on such bond for  
298 the use of the county, and such taxpayer shall be liable for all  
299 costs in case his suit shall fail. No member of the board shall  
300 be surety for any other member.

301 **SECTION 16.** Section 21-9-21, Mississippi Code of 1972, is  
302 amended as follows:

303 21-9-21. In a city in which the council-manager plan of  
304 government is in effect under the provisions of this chapter, no  
305 city official or employee shall be elected by the voters except  
306 members of the council and the mayor. All other officials and  
307 employees shall be appointed as hereinafter provided.

308 The city council shall require all officers and employees  
309 handling or having the custody of any of the public funds of such  
310 municipality to give bond, with sufficient surety, to be payable,  
311 conditioned and approved as provided by law, in an amount to be  
312 determined by the council (which shall not be less than \* \* \* One  
313 Hundred Thousand Dollars (\$100,000.00)), the premium on which  
314 bonds shall be paid by the city.

315 **SECTION 17.** Section 21-15-23, Mississippi Code of 1972, is  
316 amended as follows:



317           21-15-23. Every city in the State of Mississippi, whether  
318 operating under a code charter, a special charter, or commission  
319 form of government, acting through its governing authorities, is  
320 hereby authorized and empowered, by resolution or ordinance duly  
321 adopted, to appoint one or more deputy city clerks, each of whom  
322 shall have all of the power and authority that is vested in the  
323 city clerk of such city. Such governing authorities shall have  
324 the right to pay such salary to such deputy city clerk, or clerks,  
325 as may be fixed in the resolution or ordinance appointing such  
326 deputy city clerk, but not exceeding the salary paid to the city  
327 clerk.

328           Every deputy city clerk so appointed shall serve at the will  
329 and pleasure of said governing authorities and may be removed at  
330 any time at the pleasure of such municipal governing authorities,  
331 and upon such removal all salaries or fees of such deputy city  
332 clerk shall thereupon cease.

333           Every deputy city clerk, before entering upon the duties of  
334 his office, shall take and subscribe the same oath required of the  
335 city clerk. The appointment of said deputy city clerk, with the  
336 certificate of the oath, shall be filed and preserved in the  
337 office of the clerk of the governing authorities of such city.  
338 Such deputy city clerk shall give bond, with sufficient surety, to  
339 be payable, conditioned and approved as provided by law, in an  
340 amount to be determined by the governing authority (which shall be  
341 not less than \* \* \* One Hundred Thousand Dollars (\$100,000.00)).



342           **SECTION 18.** Section 7-7-205, Mississippi Code of 1972, is  
343 amended as follows:

344           7-7-205. The director, the assistant director, and all  
345 accountants and auditors of the department shall be required to  
346 execute surety bonds in such amounts as the state auditor may deem  
347 sufficient to ensure faithful performance of duties and financial  
348 accountability, provided the amount of such bond of the director  
349 shall not be less than \* \* \* Seventy-five Thousand Dollars  
350 (\$75,000.00). The costs of such bonds shall be paid out of the  
351 department of audit fund in the same manner as other expenses are  
352 paid.

353           **SECTION 19.** Section 7-9-7, Mississippi Code of 1972, is  
354 amended as follows:

355           7-9-7. It shall be the duty of the bond clerk to keep a  
356 record of all bonds or other securities coming into the possession  
357 of the state treasury and to do and perform any other duties  
358 required of him by the treasurer. Said clerk shall, before  
359 entering upon the duties of his office, execute a good and  
360 sufficient bond payable to the state treasurer, in some surety  
361 company authorized to do business in Mississippi, in the sum  
362 of \* \* \* One Hundred Thousand Dollars (\$100,000.00), said bond to  
363 be conditioned for the faithful discharge of the duties of such  
364 clerk and shall be liable for any misfeasance, malfeasance,  
365 mistakes, or misappropriations of said clerk, the premium on said  
366 bond to be paid as the premium on the State Treasurer's bond is



367 paid. The provisions of this section and the bond required shall  
368 in no way alter or change the duties, responsibilities, and  
369 liabilities of the State Treasurer.

370 **SECTION 20.** Section 7-3-1, Mississippi Code of 1972, is  
371 amended as follows:

372 7-3-1. The Secretary of State shall give bond to the state  
373 in the penalty of \* \* \* One Hundred Thousand Dollars  
374 (\$100,000.00), with two or more sufficient sureties to be approved  
375 by the Governor, conditioned according to law. When approved,  
376 said bond shall be filed and preserved in the office of the clerk  
377 of the Supreme Court.

378 **SECTION 21.** Section 7-1-19, Mississippi Code of 1972, is  
379 amended as follows:

380 7-1-19. For the purpose of seeing that the laws are  
381 faithfully executed and for the purpose of suppressing crimes of  
382 violence and acts of intimidation and terror, the Governor is  
383 hereby authorized to employ such investigators and other qualified  
384 personnel as he or she may deem necessary to make investigation of  
385 crimes of violence and acts of terrorism or intimidation, and to  
386 aid in the arrest and prosecution of persons charged with such  
387 crimes of violence, acts of terrorism or intimidation, or threats  
388 of violence. Such investigators and other personnel so employed  
389 by the Governor shall have full power to investigate, apprehend,  
390 and arrest persons committing acts of violence, intimidation, or  
391 terrorism anywhere in the state, and shall be vested with the





392 power of police officers in the performance of such duties as set  
393 out herein. Such investigators and other personnel shall perform  
394 their duties under the direction of the Governor. Each such  
395 regularly employed investigator shall enter into an official bond  
396 in the sum of \* \* \* Fifty-two Thousand Five Hundred Dollars  
397 (\$2,500.00) for the faithful performance of his or her duties, the  
398 bond premiums to be paid by the Governor out of the appropriations  
399 made for the enforcement of the provisions of Sections 7-1-19  
400 through 7-1-23. Said bonds shall be kept by the Governor without  
401 a public record of same being required.

402 The Governor shall also be authorized to employ, upon a  
403 temporary basis from time to time, such additional investigators  
404 and other personnel as he or she may deem necessary to carry out  
405 the purposes of the cited sections, who may not be required to  
406 give bond.

407 The Governor shall be authorized to offer and pay suitable  
408 rewards to other persons for aiding in such investigation and in  
409 the apprehension and conviction of persons charged with acts of  
410 violence, or threats of violence, or intimidation, or acts of  
411 terrorism.

412 **SECTION 22.** Section 7-9-5, Mississippi Code of 1972, is  
413 amended as follows:

414 7-9-5. The State Treasurer shall be entitled to a  
415 bookkeeper, a chief clerk, a bond clerk, and a stenographer to  
416 assist him in the discharge of the duties of his office; and he



417 may appoint a deputy who shall possess all the powers and may  
418 perform any of the duties of the treasurer. If a deputy treasurer  
419 be appointed, he shall also perform all the duties of the chief  
420 clerk and shall receive the salary of such clerk, and thereafter  
421 no chief clerk shall be employed. The bond of the said deputy  
422 shall be \* \* \* One Hundred Fifty Thousand Dollars (\$150,000.00),  
423 and the premium thereon shall be paid as other premiums of state  
424 officers.

425       **SECTION 23.** Section 7-1-401, Mississippi Code of 1972, is  
426 amended as follows:

427       7-1-401. There is hereby created within the Bureau of Budget  
428 and Fiscal Management of the State Fiscal Management Board a  
429 division to be known as the "State Bond Advisory Division." The  
430 State Fiscal Management Board shall appoint a director, who shall  
431 have knowledge in the field of state governmental operation and of  
432 the state's fiscal and economic affairs and shall employ such  
433 other technical, professional and clerical help as he deems  
434 necessary. The director shall, before entering upon the duties of  
435 his appointment, execute a good and sufficient bond payable to the  
436 state in some surety company qualified and doing business in the  
437 State of Mississippi in the penal sum of \* \* \* One Hundred  
438 Thousand Dollars (\$100,000.00), conditioned upon the faithful  
439 performance of his duties as required by law. The premium on said  
440 bond shall be paid as the premium on the Governor's bond.



441           **SECTION 24.** Section 21-3-5, Mississippi Code of 1972, is  
442 amended as follows:

443           21-3-5. From and after the expiration of the terms of office  
444 of present municipal officers, the mayor and board of aldermen of  
445 all municipalities operating under this chapter shall have the  
446 power and authority to appoint a street commissioner, and such  
447 other officers and employees as may be necessary, and to prescribe  
448 the duties and fix the compensation of all such officers and  
449 employees. All officers and employees so appointed shall hold  
450 office at the pleasure of the governing authorities and may be  
451 discharged by such governing authorities at any time, either with  
452 or without cause. The governing authorities of municipalities  
453 shall have the power and authority, in their discretion, to  
454 appoint the same person to any two (2) or more of the appointive  
455 offices, and in a municipality having a population of less than  
456 fifteen thousand (15,000), according to the latest \* \* \* federal  
457 decennial census, a member of the board of aldermen may be  
458 appointed to the office of street commissioner. In municipalities  
459 not having depositories, the clerk shall serve as ex officio  
460 treasurer. The municipal governing authorities shall require all  
461 officers and employees handling or having the custody of any  
462 public funds of such city to give bond, with sufficient surety, to  
463 be payable, conditioned and approved as provided by law, in an  
464 amount to be determined by the governing authority (which shall be  
465 not less than \* \* \* One Hundred Thousand Dollars (\$100,000.00)),



466 the premium on same to be paid from the municipal treasury. The  
467 terms of office or employment of all officers and employees so  
468 appointed shall expire at the expiration of the term of office of  
469 the governing authorities making the appointment, unless such  
470 officers or employees shall have been sooner discharged as herein  
471 provided. All officers and employees so appointed are authorized  
472 to serve until the appointment and qualification of their  
473 successors not exceeding the limitation period provided in Section  
474 21-15-41.

475 **SECTION 25.** Section 21-21-1, Mississippi Code of 1972, is  
476 amended as follows:

477 21-21-1. The marshal or chief of police shall be the chief  
478 law enforcement officer of the municipality and shall have control  
479 and supervision of all police officers employed by said  
480 municipality. The marshal or chief of police shall be an ex  
481 officio constable within the boundaries of the municipality, and  
482 he shall perform such other duties as shall be required of him by  
483 proper ordinance. Before performing any of the duties of his  
484 office, the marshal or chief of police shall give bond, with  
485 sufficient surety, to be payable, conditioned and approved as  
486 provided by law, in an amount to be determined by the municipal  
487 governing authority (which shall be not less than \* \* \* One  
488 Hundred Thousand Dollars (\$100,000.00)). The premium upon said  
489 bond shall be paid from the municipal treasury. If any marshal or  
490 chief of police shall fail to perform any of the duties of his



491 office, it shall be the duty of the district attorney or county  
492 attorney upon receiving notice thereof to immediately file quo  
493 warranto proceedings against such official.

494 The provisions of this section shall be applicable to all  
495 municipalities of this state, whether operating under a code  
496 charter, special charter, or the commission form of government,  
497 except in cases of conflict between the provisions of this section  
498 and the provisions of the special charter of a municipality, or  
499 the law governing the commission form of government, in which case  
500 of conflict the provisions of the special charter or the statutes  
501 relative to the commission form of government shall control.

502 **SECTION 26.** This act shall take effect and be in force from  
503 and after July 1, 2024.

