

By: Senator(s) Williamson

To: Fees, Salaries and Administration

SENATE BILL NO. 3011
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 25-7-27, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE FEES WHICH SHALL BE CHARGED BY MARSHALS AND CONSTABLES;
3 AND FOR 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) A uniform total fee in all civil cases, * * *
10 whether contested or uncontested, which shall include all services
11 in connection therewith, except as hereinafter stated,
12 each..... \$25.00

13 (ii) A uniform total fee in all criminal cases,
14 whether contested or uncontested, which shall include all services
15 in connection therewith, except as hereinafter stated,
16 each..... \$35.00

17 Provided, however, that in all cases where there is more than
18 one (1) defendant, for service on each additional
19 defendant..... \$ 5.00

20 Provided further, that 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, the uniform
24 fee shall be assessed upon subsequent successful service and an
25 additional fee shall be due in the following amount..... \$15.00

26 Provided further, that when a complaining party in civil
27 cases has provided erroneous information to the clerk of the court

28 relating to the service of process on the defendant or defendants
29 and process cannot be served after diligent search and inquiry
30 because the defendant or defendants are not in the jurisdiction
31 where the complaint was filed, the uniform total fee in civil
32 cases shall be assessed.

33 (b) Provided, however, that after final judgment has
34 been enrolled, further proceedings involving levy of execution on
35 judgments, and attachment and garnishment proceedings shall be a
36 new suit for which the marshal or constable shall be entitled to
37 the following fee..... \$25.00

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 per diem
49 compensation provided under Section 25-3-69 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 October 1, 2001.