

By: Representative Moore (100th)

To: Fees and Salaries of
Public Officers; County
Affairs

HOUSE BILL NO. 245

1 AN ACT TO AMEND SECTIONS 19-25-31 AND 25-7-27, MISSISSIPPI
2 CODE OF 1972, TO INCREASE TO \$65.00 PER DAY THE AMOUNT OF
3 COMPENSATION THAT COUNTIES SHALL PAY BAILIFFS FOR SERVICE WHEN THE
4 COURT IS IN SESSION; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 19-25-31, Mississippi Code of 1972, is
7 amended as follows:

8 19-25-31. Each judge of a circuit, chancery or county court,
9 or a court of eminent domain may, in the judge's discretion, by
10 order entered on the minutes of the court, allow the sheriff
11 riding bailiffs to serve in the respective court of the judge, not
12 to exceed four (4) bailiffs. Any such person so employed shall be
13 paid by the county on allowances of the court on issuance of a
14 warrant therefor in the amount of Sixty-five Dollars (\$65.00) for
15 each day, or part thereof, for which he serves as bailiff when the
16 court is in session. No full-time deputy sheriff shall be paid as
17 a riding bailiff of any court. County court judges shall be
18 limited to one (1) bailiff per each court day.

19 **SECTION 2.** Section 25-7-27, Mississippi Code of 1972, is
20 amended as follows:

21 25-7-27. (1) Marshals and constables shall charge the
22 following fees:

23 (a) A uniform total fee in all cases, civil and
24 criminal, whether contested or uncontested, which shall include
25 all services in connection therewith, except as hereinafter
26 stated, each..... \$25.00

27 * * * However, * * * in all cases where there is more than
28 one (1) defendant, for service on each additional



29 defendant..... \$ 5.00

30 * * * When a complaining party has provided erroneous
31 information to the clerk of the court relating to the service of
32 process on the defendant or defendants and process cannot be
33 served after diligent search and inquiry, the uniform fee shall be
34 assessed upon subsequent successful service and an additional fee
35 shall be due in the following amount \$15.00

36 (b) * * * After final judgment has been enrolled,
37 further 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..... \$25.00

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.

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

49 (e) For service as a bailiff in any court in a civil
50 case, to be paid by the county on allowance of the court on
51 issuance of a warrant therefor, the amount of Sixty-five Dollars
52 (\$65.00) for each day, or part thereof, for which he serves as
53 bailiff when the court is in session.

54 (f) For serving all warrants and other process,
55 attending all trials in state cases in which the state fails in
56 the prosecution, to be paid out of the county treasury on the
57 allowance of the board of supervisors without itemization,
58 subject, however, to the condition that the marshal or constable
59 must not have overcharged in the collection of fees for costs,
60 contrary to the provisions of this section, annually not to
61 exceed..... \$1,000.00



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

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

70 **SECTION 3.** The Attorney General of the State of Mississippi
71 shall submit this act, immediately upon approval by the Governor,
72 or upon approval by the Legislature subsequent to a veto, to the
73 Attorney General of the United States or to the United States
74 District Court for the District of Columbia in accordance with the
75 provisions of the Voting Rights Act of 1965, as amended and
76 extended.

77 **SECTION 4.** This act shall take effect and be in force from
78 and after October 1, 2003, if it is effectuated on or before that
79 date under Section 5 of the Voting Rights Act of 1965, as amended
80 and extended. If it is effectuated under Section 5 of the Voting
81 Rights Act of 1965, as amended and extended, after October 1,
82 2003, this act shall take effect and be in force from and after
83 the date it is effectuated under Section 5 of the Voting Rights
84 Act of 1965, as amended and extended.

