

By: Senator(s) Jordan

To: Judiciary

SENATE BILL NO. 2618

1 AN ACT TO AMEND SECTIONS 21-21-1 AND 21-23-13, MISSISSIPPI
2 CODE OF 1972, TO PERMIT MUNICIPAL LAW ENFORCEMENT OFFICERS TO
3 SERVE WARRANTS OUTSIDE THE CITY LIMITS UNDER CERTAIN
4 CIRCUMSTANCES; AND FOR RELATED PURPOSES.

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

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

8 21-21-1. The marshal or chief of police shall be the chief
9 law enforcement officer of the municipality and shall have control
10 and supervision of all police officers employed by said
11 municipality. The marshal or chief of police shall be an ex
12 officio constable within the boundaries of the municipality, and
13 he shall perform such other duties as shall be required of him by
14 proper ordinance and have such authority as granted to him by law.
15 Before performing any of the duties of his office, the marshal or
16 chief of police shall give bond, with sufficient surety, to be
17 payable, conditioned and approved as provided by law, in an amount
18 to be determined by the municipal governing authority (which shall
19 be not less than Fifty Thousand Dollars (\$50,000.00)). The
20 premium upon said bond shall be paid from the municipal treasury.
21 If any marshal or chief of police shall fail to perform any of the
22 duties of his office, it shall be the duty of the district
23 attorney or county attorney upon receiving notice thereof to
24 immediately file quo warranto proceedings against such official.

25 The provisions of this section shall be applicable to all
26 municipalities of this state, whether operating under a code
27 charter, special charter, or the commission form of government,
28 except in cases of conflict between the provisions of this section



29 and the provisions of the special charter of a municipality, or
30 the law governing the commission form of government, in which case
31 of conflict the provisions of the special charter or the statutes
32 relative to the commission form of government shall control.

33 **SECTION 2.** Section 21-23-13, Mississippi Code of 1972, is
34 amended as follows:

35 21-23-13. The marshal or chief of police of the municipality
36 shall be the executive officer of the municipal court. He shall
37 attend the sittings of the court in person or by duly appointed
38 deputies, and he shall be under the direction of the municipal
39 judge. Any police officer of the municipality may be an ex
40 officio deputy marshal. The marshal or chief of police shall
41 execute all process by himself or deputy and do whatever else may
42 be required of him by the court in the line of his duty. The
43 marshal, chief of police and any duly sworn municipal law
44 enforcement officer are authorized to serve a citation, arrest
45 warrant or bench warrant within the municipal limits, within the
46 boundaries of any county in which the municipality is located, and
47 within the boundaries of any county contiguous to any county in
48 which the municipality is located.

49 **SECTION 3.** This act shall take effect and be in force from
50 and after July 1, 2003.

