

By: Representative Malone

To: County Affairs

HOUSE BILL NO. 1543

1 AN ACT TO AMEND SECTION 19-3-41, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT THE BOARD OF SUPERVISORS OF ANY COUNTY, WITH THE
3 APPROVAL OF THE SHERIFF, MAY CONTRACT WITH A PRIVATE ENTITY FOR
4 THE MANAGEMENT, OPERATION AND MAINTENANCE OF A COUNTY JAIL; TO
5 AMEND SECTION 19-25-71, MISSISSIPPI CODE OF 1972, IN CONFORMITY
6 THERETO; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 19-3-41, Mississippi Code of 1972, is
9 amended as follows:

10 19-3-41. (1) The boards of supervisors shall have within
11 their respective counties full jurisdiction over roads, ferries
12 and bridges, except as otherwise provided by Section 170 of the
13 Constitution, and all other matters of county police. They shall
14 have jurisdiction over the subject of paupers. They shall have
15 power to levy such taxes as may be necessary to meet the demands
16 of their respective counties, upon such persons and property as
17 are subject to state taxes for the time being, not exceeding the
18 limits that may be prescribed by law. They shall cause to be
19 erected and kept in good repair, in their respective counties, a
20 good and convenient courthouse and a jail. A courthouse shall be
21 erected and kept in good repair in each judicial district and a
22 jail may be erected in each judicial district. They may close a
23 jail in either judicial district, at their discretion, where one
24 (1) jail will suffice. They shall have the power, in their
25 discretion, to prohibit or regulate the sale and use of
26 firecrackers, roman candles, torpedoes, skyrockets, and any and
27 all explosives commonly known and referred to as fireworks,
28 outside the confines of municipalities. They shall have and
29 exercise such further powers as are or shall be conferred upon

30 them by law. They shall have authority to negotiate with and
31 contract with licensed real estate brokers for the purpose of
32 advertising and showing and procuring prospective purchasers for
33 county-owned real property offered for sale in accordance with the
34 provisions of Section 19-7-3.

35 (2) The board of supervisors of any county, in its
36 discretion, may contract with a private attorney or private
37 collection agent or agency to collect any type of delinquent
38 payment owed to the county including, but not limited to, past due
39 fees and fines, delinquent ad valorem taxes on personal property
40 and delinquent ad valorem taxes on mobile homes that are entered
41 as personal property on the mobile home rolls. Any such contract
42 may provide for payment contingent upon successful collection
43 efforts or payment based upon a percentage of the delinquent
44 amount collected; however, the entire amount of all delinquent
45 payments collected shall be remitted to the county and shall not
46 be reduced by any collection costs or fees. There shall be due to
47 the county from any person whose delinquent payment is collected
48 pursuant to a contract executed under this subsection an amount,
49 in addition to the delinquent payment, of not to exceed
50 twenty-five percent (25%) of the delinquent payment for
51 collections made within this state and not to exceed fifty percent
52 (50%) of the delinquent payment for collections made outside of
53 this state. However, in the case of delinquent fees owed to the
54 county for garbage or rubbish collection or disposal, only the
55 amount of the delinquent fees may be collected and no amount in
56 addition to the delinquent fees may be collected if the board of
57 supervisors of the county has notified the county tax collector
58 under Section 19-5-22 for the purpose of prohibiting the issuance
59 of a motor vehicle road and bridge privilege license tag to the
60 person delinquent in the payment of such fees. Any private
61 attorney or private collection agent or agency contracting with
62 the county under the provisions of this subsection shall give bond

63 or other surety payable to the county in such amount as the board
64 of supervisors deems sufficient. Any private attorney with whom
65 the county contracts under the provisions of this subsection must
66 be a member in good standing of The Mississippi Bar. Any private
67 collection agent or agency with whom the county contracts under
68 the provisions of this subsection must meet all licensing
69 requirements for doing business in the State of Mississippi.
70 Neither the county nor any officer or employee of the county shall
71 be liable, civilly or criminally, for any wrongful or unlawful act
72 or omission of any person or business with whom the county has
73 contracted under the provisions of this subsection. The
74 Mississippi Department of Audit shall establish rules and
75 regulations for use by counties in contracting with persons or
76 businesses under the provisions of this subsection.

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

92 (4) If a county uses its own employees to collect any type
93 of delinquent payment owed to the county, then from and after July
94 1, 1999, the county may charge an additional fee for collection of
95 the delinquent payment provided the payment has been delinquent

96 for ninety (90) days. The collection fee may not exceed fifteen
97 percent (15%) of the delinquent payment if the collection is made
98 within this state and may not exceed twenty-five percent (25%) of
99 the delinquent payment if the collection is made outside this
100 state. In conducting collection of delinquent payments, the
101 county may utilize credit cards or electronic fund transfers. The
102 county may pay any service fees for the use of such methods of
103 collection from the collection fee, but not from the delinquent
104 payment.

105 (5) In addition to such authority as is otherwise granted
106 under this section, the board of supervisors of any county may
107 expend funds necessary to maintain and repair, and to purchase
108 liability insurance, tags and decals for, any personal property
109 acquired under the Federal Excess Personal Property Program that
110 is used by the local volunteer fire department.

111 (6) The board of supervisors of any county, in its
112 discretion, may expend funds to provide for training and education
113 of newly elected or appointed county officials before the
114 beginning of the term of office or employment of such officials.
115 Any expenses incurred for such purposes may be allowed only upon
116 prior approval of the board of supervisors. Any payments or
117 reimbursements made under the provisions of this subsection may be
118 paid only after presentation to and approval by the board of
119 supervisors.

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

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

132 (9) The board of supervisors of any county may perform and
133 exercise any duty, responsibility or function, may enter into
134 agreements and contracts, may provide and deliver any services or
135 assistance, and may receive, expend and administer any grants,
136 gifts, matching funds, loans or other monies, in accordance with
137 and as may be authorized by any federal law, rule or regulation
138 creating, establishing or providing for any program, activity or
139 service. The provisions of this paragraph shall not be construed
140 as authorizing any county, the board of supervisors of any county
141 or any member of a board of supervisors to perform any function or
142 activity that is specifically prohibited under the laws of this
143 state or as granting any authority in addition to or in conflict
144 with the provisions of any federal law, rule or regulation.

145 (10) The board of supervisors of any county, with the
146 approval of the sheriff, may contract with a private entity for
147 the management, operation and maintenance of a county jail.

148 **SECTION 2.** Section 19-25-71, Mississippi Code of 1972, is
149 amended as follows:

150 19-25-71. (1) The sheriff shall be the jailer of his county
151 and, in the performance of his duties as jailer, he shall employ a
152 jailer or jailers to have charge of the prisoners in the jail.
153 However, in any county in which there is a jointly owned jail, the
154 jailer, pursuant to Section 47-1-49, shall be the person appointed
155 by the governing authorities of the municipality insofar as
156 municipal prisoners are concerned. The sheriff shall keep in the
157 jail thereof separate rooms by gender, and shall not permit any
158 communication between a male and a female prisoner, unless they be
159 married.

160 (2) The board of supervisors of the county shall pay the
161 tuition, living and travel expenses incurred by a person in

162 attending and participating in the basic and continuing education
163 courses for county jail officers.

164 (3) The sheriff of any county may approve of the actions of
165 a board of supervisors that enters into a contract with a private
166 entity for the management, operation and maintenance of a county
167 jail.

168 **SECTION 3.** This act shall take effect and be in force from
169 and after July 1, 2004.