

By: Representative Baker (74th)

To: County Affairs; Ways and Means

HOUSE BILL NO. 1274

1 AN ACT TO AMEND SECTION 25-7-27, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE A SEPARATE FEE FOR CONSTABLES WHEN THEY CONTACT
3 OFFENDERS AND SERVICE OF PROCESS IS NOT RENDERED; AND FOR RELATED
4 PURPOSES.

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

6 SECTION 1. Section 25-7-27, Mississippi Code of 1972, is
7 amended as follows:

8 25-7-27. (1) Marshals and constables shall charge the
9 following fees:

10 (a) (i) A uniform total fee in all civil cases,
11 whether contested or uncontested, which shall include all services
12 in connection therewith, except as stated otherwise in this
13 section, each..... \$25.00

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

18 (iii) In all cases where there is more than one
19 (1) defendant, for service on each additional
20 defendant..... \$ 5.00

21 (iv) When a complaining party has provided
22 erroneous information to the clerk of the court relating to the
23 service of process on the defendant or defendants and process
24 cannot be served after diligent search and inquiry, the uniform
25 fee shall be assessed upon subsequent successful service and an
26 additional fee shall be due in the following amount..... \$15.00

27 (b) After final judgment has been enrolled, further
28 proceedings involving levy of execution on judgments, and

29 attachment and garnishment proceedings shall be a new suit for
30 which the marshal or constable shall be entitled to the following
31 fee..... \$25.00

32 (c) For conveying a person charged with a crime to
33 jail, mileage reimbursement in an amount not to exceed the rate
34 established under Section 25-3-41(2).

35 To be paid out of the county treasury on the allowance of the
36 board of supervisors, when the state fails in the prosecution, or
37 the person is convicted but is not able to pay the costs.

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

40 (e) For service as a bailiff in any court in a civil
41 case, to be paid by the county on allowance of the court on
42 issuance of a warrant therefor, an amount equal to the per diem
43 compensation provided under Section 25-3-69 for each day, or part
44 thereof, for which he serves as bailiff when the court is in
45 session.

46 (f) For serving all warrants and other process and attending
47 all trials in state cases in which the state fails in the
48 prosecution, to be paid out of the county treasury on the
49 allowance of the board of supervisors without itemization,
50 subject, however, to the condition that the marshal or constable
51 must not have overcharged in the collection of fees for costs,
52 contrary to the provisions of this section, annually... \$1,800.00.

53 (g) For contacting offenders when there is no service
54 of process, documentation is required:

55 (i) For mail return receipt requested.....\$10.00

56 (ii) For mail return receipt requested and phone
57 \$15.00.

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

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

66 **SECTION 2.** The Attorney General of the State of Mississippi
67 shall submit this act, immediately upon approval by the Governor,
68 or upon approval by the Legislature subsequent to a veto, to the
69 Attorney General of the United States or to the United States
70 District Court for the District of Columbia in accordance with the
71 provisions of the Voting Rights Act of 1965, as amended and
72 extended.

73 **SECTION 3.** This act shall take effect and be in force from
74 and after the date it is effectuated under Section 5 of the Voting
75 Rights Act of 1965, as amended and extended.