

By: Representatives Mayhall, Hamilton (6th),
Jennings, Mayo, Woods

To: Fees and Salaries of
Public Officers

HOUSE BILL NO. 1329

1 AN ACT TO AMEND SECTIONS 25-3-69 AND 25-7-27, MISSISSIPPI
2 CODE OF 1972, TO INCREASE THE PER DIEM COMPENSATION OF ALL
3 OFFICERS AND EMPLOYEES OF STATE AGENCIES, BOARDS, COMMISSIONS,
4 DEPARTMENTS AND INSTITUTIONS, INCLUDING BAILIFFS; AND FOR RELATED
5 PURPOSES.

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

7 **SECTION 1.** Section 25-3-69, Mississippi Code of 1972, is
8 amended as follows:

9 25-3-69. Unless otherwise provided by law, all officers and
10 employees of state agencies, boards, commissions, departments and
11 institutions authorized by law to receive per diem compensation
12 for each day or fraction thereof occupied with the discharge of
13 official duties shall be entitled to Fifty-five Dollars (\$55.00)
14 per diem compensation. When the Governor or Lieutenant Governor
15 appoints a person to a board, commission or other position that
16 requires confirmation by the Senate, the person may receive per
17 diem compensation for the performance of official duties before
18 such appointment is confirmed by the Senate, as such per diem
19 compensation is authorized under this section.

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

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

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

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

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

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

41 (b) After final judgment has been enrolled, further
42 proceedings involving levy of execution on judgments, and
43 attachment and garnishment proceedings shall be a new suit for
44 which the marshal or constable shall be entitled to the following
45 fee..... \$25.00

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

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

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

54 (e) For service as a bailiff in any court in a civil
55 case, to be paid by the county on allowance of the court on
56 issuance of a warrant therefor, an amount equal to a per diem
57 compensation of Fifty-five Dollars (\$55.00) for each day, or part
58 thereof, for which he serves as bailiff when the court is in
59 session.

60 (f) For serving all warrants and other process and
61 attending all trials in state cases in which the state fails in
62 the prosecution, to be paid out of the county treasury on the
63 allowance of the board of supervisors without itemization,
64 subject, however, to the condition that the marshal or constable
65 must not have overcharged in the collection of fees for costs,
66 contrary to the provisions of this section, annually
67 \$1,800.00

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

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

76 **SECTION 3.** The Attorney General of the State of Mississippi
77 shall submit this act, immediately upon approval by the Governor,
78 or upon approval by the Legislature subsequent to a veto, to the
79 Attorney General of the United States or to the United States
80 District Court for the District of Columbia in accordance with the
81 provisions of the Voting Rights Act of 1965, as amended and
82 extended.

83 **SECTION 4.** This act shall take effect and be in force from
84 and after the date it is effectuated under Section 5 of the Voting
85 Rights Act of 1965, as amended and extended.