

By: Representatives Mayhall, Fleming, Woods

To: Fees and Salaries of  
Public Officers;  
Appropriations

HOUSE BILL NO. 1333

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, Lieutenant Governor or  
15 Speaker of the House of Representatives appoints a person to a  
16 board, commission or other position that requires confirmation by  
17 the Senate, the person may receive per diem compensation for the  
18 performance of official duties before such appointment is  
19 confirmed by the Senate, as such per diem compensation is  
20 authorized under this section.

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

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

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

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

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

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

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

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

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

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

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

61 (f) For serving all warrants and other process and  
62 attending all trials in state cases in which the state fails in  
63 the prosecution, to be paid out of the county treasury on the  
64 allowance of the board of supervisors without itemization,  
65 subject, however, to the condition that the marshal or constable  
66 must not have overcharged in the collection of fees for costs,  
67 contrary to the provisions of this section, annually  
68 ..... \$1,800.00

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

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

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

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