

By: Representative Baker (74th)

To: Fees and Salaries of  
Public Officers;  
Appropriations

HOUSE BILL NO. 372

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..... \$35.00

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 defendant.... \$ 5.00

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

26 (v) When a complaining party has provided  
27 erroneous information to the clerk of the court relating to the  
28 service of process on the defendant or defendants and process

29 cannot be served after diligent search and inquiry, and a  
30 defendant is served in a county other than the county in which a  
31 suit was filed, the constable in the county in which the suit was  
32 filed shall receive an additional fee, upon successful service of  
33 the defendant, in the following amount..... \$15.00

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

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

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

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

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

53 (f) For serving all warrants and other process and  
54 attending all trials in state cases in which the state fails in  
55 the prosecution, to be paid out of the county treasury on the  
56 allowance of the board of supervisors without itemization,  
57 subject, however, to the condition that the marshal or constable  
58 must not have overcharged in the collection of fees for costs,  
59 contrary to the provisions of this section, annually  
60 ..... \$1,800.00

61           (g) For contacting offenders when there is no service  
62 of process, documentation is required to receive the following  
63 amounts:

64                   (i) For mail return receipt requested .....  
65 ..... \$10.00

66                   (ii) For mail return receipt requested and  
67 phone contact.....\$15.00

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 2.** 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 3.** 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.