3/23/15 1:32 P.M.

Chapter No. 404
15/SS26/R255CS
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SENATE BILL NO. 2390

Originated in Senate _____ Secretary

SENATE BILL NO. 2390

AN ACT TO AMEND SECTION 25-7-19, MISSISSIPPI CODE OF 1972, TO ALLOW THE SHERIFF OR DEPUTY SHERIFF TO RETAIN FEES SUBMITTED FOR SERVICE OF PROCESS IN CASES WHERE THE PERSON SOUGHT TO BE SERVED IS NOT FOUND; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 25-7-19, Mississippi Code of 1972, is amended as follows:

25-7-19. (1) The sheriffs of the various counties of the State of Mississippi shall charge the following fees:

(a) A uniform total fee in all criminal and civil cases for the service <u>or attempted service</u> of any process, summons, warrant, writ or other notice as may be required by law or the court, each $35.00

(b) In all cases where there is more than one (1) defendant residing at the same household, service on each additional defendant ..... $ 5.00

(c) After final judgment has been enrolled, notice of further proceedings involving levy of execution on judgments, and

attachment and garnishment proceedings, shall be deemed a new suit and the sheriff shall be entitled to the following fee $35.00

(d) Taking bonds of every kind (for purposes of this fee multiple bonds for criminal charges arising out of a single incident or transaction shall be considered a single bond) $25.00

(e) Attendance in habeas corpus proceeding in vacation, eminent domain court and commitment cases $25.00

(f) On all money made by virtue of any decree, execution or attachment, or other process, the following commissions, to wit:

On the first One Hundred Dollars ($100.00), five percent (5%),

On the second One Hundred Dollars ($100.00), four percent (4%),

On all sums over Two Hundred Dollars ($200.00), three percent (3%).

(g) For all service of all process of every kind and nature issued from without the county wherein it is to be served, a fee of $35.00

In civil cases, all process sent out of the county, where issued to another county for service, shall be accompanied by a fee of Thirty-five Dollars ($35.00) to pay the sheriff's fee for his execution of such process unless the clerk or justice shall endorse on the process that the party at whose instance it issued

had filed an affidavit of inability to pay costs thereof. All fees sent and unearned, and the whole of it, shall be unearned if the writ be not legally and properly executed and returned, and shall be remitted by the sheriff with the writ at his own expense.

(2) (a) The sheriff shall keep a complete account of every fee of every nature, commission or charge collected by him, and shall file an itemized statement thereof monthly, under oath, with the clerk of the board of supervisors of his county who shall preserve same as a part of the records of his office, and he shall make a remittance to the clerk of the board of supervisors of his county on or before the fifteenth of each month for deposit into the general fund of the county of all said fees, commissions and charges collected during the preceding month. A fee for attempted service of process is unearned absent two (2) documented actual attempts to serve the process.

(b) At least Ten Dollars ($10.00) from each fee collected and deposited into the county's general fund under the provisions of paragraphs (a), (c) and (g) of subsection (1) of this section shall be used for the sheriffs' salaries authorized in Section 25-3-25 * * *, as such Ten Dollar ($10.00) amount was authorized during the 2007 Regular Session in Chapter 331, Laws of 2007, for the purpose of providing additional monies to the counties for sheriffs' salaries.

(3) Any sheriff who shall knowingly fail to collect any fee established by law which was in fact collectible by him or having

collected the fee shall fail to keep account of such fee or fail to deposit the fee with the clerk of the board of supervisors as provided by subsection (2), or such other person or office entitled thereto, shall be guilty of a misdemeanor in office and, upon conviction therefor, shall be fined in an amount not to exceed double the amount he failed to collect or pay over, or imprisoned for not to exceed six (6) months in the county jail, or be punished by both such fine and imprisonment.

This provision shall in no way lessen the sheriff's civil liability on his bond, but shall be an additional penalty for misfeasance or nonfeasance in office.

SECTION 2. This act shall take effect and be in force from and after July 1, 2015.

PASSED BY THE SENATE
February 11, 2015

Tate Reeves

PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
March 11, 2015

Philip Gunn

SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR

Phil Bryant

GOVERNOR

3/23/15
1:32pm