

STATE OF MISSISSIPPI



JIM HOOD  
ATTORNEY GENERAL

OPINIONS  
DIVISION

August 23, 2019

Judith H. Eldridge  
Justice Court Clerk, Grenada County  
16 First Street  
Grenada, Mississippi 38901

Re: Constable Fee for Signing Affidavit

Dear Ms. Eldridge:

Attorney General Jim Hood has received your opinion request and has assigned it to me for research and reply.

### Issue Presented

In your request, you provide:

Does a constable get paid for when he does a warrantless arrest and then signs an affidavit on an individual for domestic violence charges? The individuals committed the act of domestic violence in his presence, he arrested same then charged them. Is he entitled to \$35.00 for each of those charges if the individuals are found guilty of same?

### Applicable Law and Response

A law enforcement officer, including a constable, is required to arrest a person with or without a warrant if he has probable cause to believe that the person has committed an act of domestic violence within twenty-four (24) hours of such arrest. Section 99-3-7(3)(a). This would include an act of domestic violence committed in the presence of a constable.

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The constable's fee of \$35.00 for criminal cases under Section 25-7-27(1)(a)(ii) of the Mississippi Code is paid on a per case basis. Further, the constable must be paid "in full from the first proceeds received by the court from the guilty party or from any other source of payment in connection with the case." Section 25-7-27(2).

Thus, under the scenario you describe in your request, the constable would be entitled to \$35.00 for each of the individuals charged and found guilty under Section 25-7-27.

If we may be of further service, please let us know.

Very truly yours,

JIM HOOD, ATTORNEY GENERAL

By:



Beebe Garrard  
Special Assistant Attorney General

OFFICIAL OPINION