

STATE OF MISSISSIPPI



JIM HOOD  
ATTORNEY GENERAL

OPINIONS  
DIVISION

September 28, 2018

William C. Hammack, Esq.  
Glover, Young, Hammack,  
Walton & Simmons, PLLC  
Post Office Drawer 5514  
Meridian, MS 39202-5514

Re: City of Meridian, Mississippi Service of Municipal Warrants

Dear Mr. Hammack:

Attorney General Hood is in receipt of your request for an official opinion, and it has been assigned to me for research and reply.

### Background and Issues Presented

Your request states:

This firm serves as municipal attorney for The City of Meridian, Mississippi (the "City"), which operates under a Mayor-Council form of government. This request for an official opinion is being submitted on behalf of the City.

Your office has previously opined on a number of occasions that a "municipal officer has no authority to serve criminal warrants outside of the municipal limits", MS AG Op., (Chamblee, June 13, 2008), 2008 WL 2687404.

In MS AG Op., 2017-00379 (Delgado, January 26, 2018), your office opined that arrest warrants must be served pursuant to Rule 3 of the *Mississippi Rules of Criminal Procedure* which provides in part:

“the warrant shall be directed to and may be executed by any officer authorized by law within the State of Mississippi”

Rule 3.2(c)(1)

Municipal Court officials have inquired whether the referenced Rule now allows municipal officers to serve or execute warrants outside the municipality’s corporate limits.

**Response**

No, Rule 3.2(c)(1) of the Mississippi Rules of Criminal Procedure does not authorize municipal officers to serve or execute warrants outside of the municipality’s corporate limits. Rule 3.2(c)(1) states:

(c) Execution of Arrest Warrant, Return.

(1) By Whom. The arrest warrant shall be directed to and may be executed by any officer authorized by law within the State of Mississippi.

OFFICIAL OPINION

The question presented in MS AG Op., Delgado (January 26, 2018) asked what the proper process was for service but did not ask about the authority of the parties to effectuate the process. Rule 3 of the Mississippi Rules of Criminal Procedure states the appropriate process for the warrant to be executed is by an officer who is authorized by law. The law that gives municipal officers their authority is Miss. Code Ann. Section 21-21-1, which states, in relevant part:

The marshal or chief of police shall be the chief law enforcement officer of the municipality and shall have control and supervision of all police officers employed by said municipality. The marshal or chief of police shall be an ex officio constable within the boundaries of the municipality, and he shall perform such other duties as shall be required of him by proper ordinance.

Based on Mississippi Code Ann. Section 21-21-1, we have previously opined that municipal officers do not have jurisdiction outside of the municipality with the exception of “hot pursuits.” MS AG Op., Courtney (March 4, 1981); MS AG Op., Jones (May 16, 1990); MS AG Op., Brahan (January 8, 2001); and MS AG Op., Dye (July 27, 2018).

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Furthermore, as you pointed out, this office has consistently opined that a municipal officer has no authority to serve warrants outside of the municipal limits. MS AG Op., Tipton (March 1, 1990); MS AG Op., Bullock (June 21, 2004); MS AG Op., Wiggins (January 12, 2006); and MS AG Op., Chamblee (June 13, 2008).

The adoption of the Mississippi Rules of Criminal Procedure does not change our previous stance on a municipal officer's jurisdiction. It is still the opinion of this office that a municipal officer has no authority to serve warrants outside of the municipal limits.

If we can be of further assistance, do not hesitate to call us.

Very truly yours,

JIM HOOD, ATTORNEY GENERAL

By:



Emiko Hemleben  
Special Assistant Attorney General

OFFICIAL OPINION