



Lynn Fitch
ATTORNEY GENERAL
OPINIONS AND POLICY

January 12, 2026

The Honorable Alan Weatherford
Constable, Harrison County
Post Office Box 792
Long Beach, Mississippi 39560

Re: Real Property Owners Protection Act Enforcement Authority

Dear Constable Weatherford:

The Office of the Attorney General has received your request for an official opinion.

Background

The Real Property Owners Protection Act (“Act”), Miss. House Bill No. 1200, 2025 Regular Legislative Session, took effect on July 1, 2025. Since that time, some landlords seeking enforcement of the Act have been referred to the Harrison County Constable’s office.

Questions Presented

1. Is a constable included as a “law enforcement agency” for the purposes of the Act?
2. If the answer to Question 1 is “Yes,” should the sworn affidavit be filed with the constable or the justice court clerk?
3. If the answer to Question 1 is “Yes,” how would the constable be paid?

Brief Response

1. The Act does not define “law enforcement agency” nor does it specifically provide for constable enforcement of its provisions. A constable is only a law enforcement officer when he or she meets the requirements of Mississippi Code Annotated Section 19-19-5.
2. The response to question one renders this question moot.
3. The response to question one renders this question moot.

Applicable Law and Discussion

As an initial matter, this office can only opine on prospective questions of state law. Miss. Code Ann. § 7-5-25. We cannot validate or invalidate a past action. MS AG Op., *Magee* at *1 (Aug. 29, 2008). To the extent that your request asks about past action, we are unable to respond with an official opinion.

The language of the Act states that “[t]o commence the process to expel a squatter, the owner of the property or his or her agent shall file a sworn affidavit with *the* law enforcement agency of the municipality, county or political subdivision in which the property is located.” Miss. Code Ann. § 89-10-3(3)(b) (emphasis added) (referring to *the* law enforcement agency of the county, not *any* law enforcement agency of the county). The Act does not define “law enforcement agency.”

Where there is no statutory definition of a phrase, the Mississippi Supreme Court has stated that the phrase “must be given its common and ordinary meaning.” *Taylor Constr. Co., Inc. v. Superior Mat Co., Inc.*, 298 So. 3d 956, 958-59 (Miss. 2020) (quoting *Buffington v. Miss. State Tax Comm’n*, 43 So. 3d 450, 455 (Miss. 2010)); *see also* Miss. Code Ann. § 1-3-65 (“All words and phrases contained in the statutes are used according to their common and ordinary acceptance and meaning; but technical words and phrases according to their technical meaning.”). Neither *Merriam-Webster Dictionary* nor *Black’s Law Dictionary* defines the term “law enforcement agency.”

Examining the authority of a constable, Section 19-19-5(1) establishes the general powers and duties of constables and tasks them with “keep[ing] and preserv[ing] the peace” and “faithfully aiding and assisting in executing the criminal laws of the state.” However, whether a particular constable is a law enforcement officer is a determination of fact. A constable does not, by his or her elected position alone, qualify as a law enforcement officer. As provided in Section 19-19-5(2)(a), “[a]ny constable who does not complete the required training when required . . . shall not be allowed to exercise any law enforcement functions or to carry a firearm in the performance of his duties until he has completed such training.” It follows that whether a constable qualifies as a “law enforcement agency” would depend on each constable’s qualifications.

Given the Act’s silence on the matter and the fact that constables must meet statutory requirements beyond their election in order to be law enforcement officers, an opinion as to whether constables fall within the definition of “law enforcement agency” under the Act would require determinations of fact beyond the scope of an official opinion. MS AG Op., *Barton* at *2 n.2 (May 17, 2021) (identifying questions of fact as one of various kinds of questions that cannot be addressed by official opinion). Because the Act fails to define “law enforcement agency,” and based upon the text alone, there is no clear indication that the Act contemplates constable enforcement of its provisions.

As to your second and third questions, our response to question one renders these questions moot.

If this office may be of any further assistance to you, please do not hesitate to contact us.

Sincerely,

LYNN FITCH, ATTORNEY GENERAL

By: */s/ Misty Monroe*

Misty Monroe
Assistant Attorney General

OFFICIAL OPINION