

By: Representative Smith (39th)

To: Fees and Salaries of Public Officers

HOUSE BILL NO. 1065  
(As Passed the House)

1 AN ACT TO AMEND SECTION 25-7-13, MISSISSIPPI CODE OF 1972, TO  
2 INCREASE THE FEE CHARGED BY CIRCUIT CLERKS FOR FILING WRITS OF  
3 GARNISHMENT; AND FOR RELATED PURPOSES.

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

5 SECTION 1. Section 25-7-13, Mississippi Code of 1972, is  
6 amended as follows:

7 25-7-13. (1) The clerks of the circuit court shall charge  
8 the following fees:

9 (a) Docketing, filing, marking and registering each  
10 complaint, petition and indictment..... \$75.00

11 The fee set forth in this paragraph shall be the total fee  
12 for all services performed by the clerk up to and including entry  
13 of judgment with respect to each complaint, petition or  
14 indictment, including all answers, claims, orders, continuances  
15 and other papers filed therein, issuing each writ, summons,  
16 subpoena or other such instruments, swearing witnesses, taking and  
17 recording bonds and pleas, and recording judgments, orders, fiats  
18 and certificates; the fee shall be payable upon filing and shall  
19 accrue to the clerk at the time of filing. The clerk or his  
20 successor in office shall perform all duties set forth above  
21 without additional compensation or fee.

22 (b) Docketing and filing each suggestion for a writ of  
23 garnishment, suggestion for a writ of execution and judgment  
24 debtor actions and issuing all process, filing and recording  
25 orders or other papers and swearing witnesses..... 30.00

26 (2) Except as provided in subsection (1) of this section,

27 the clerks of the circuit court shall charge the following fees:

28 (a) Filing and marking each order or other paper and  
29 recording and indexing same..... 2.00

30 (b) Issuing each writ, summons, subpoena, citation,  
31 capias and other such instruments..... 1.00

32 (c) Administering an oath and taking bond..... 2.00

33 (d) \* \* \* Certifying copies of filed documents, for  
34 each complete document..... 1.00

35 (e) Recording orders, fiats, licenses, certificates,  
36 oaths and bonds:

37 First page..... 2.00

38 Each additional page..... 1.00

39 (f) Furnishing copies of any papers of record or on  
40 file and entering marginal notations on documents of record:

41 If performed by the clerk or his employee,  
42 per page..... .50

43 If performed by any other person,  
44 per page..... .25

45 (g) Judgment roll entry..... 3.00

46 (h) Taxing cost and certificate..... 1.00

47 (i) For taking and recording application for marriage  
48 license, for filing and recording consent of parents when required  
49 by law, for filing and recording medical certificate, filing and  
50 recording proof of age, recording and issuing license, recording  
51 and filing returns..... 20.00

52 The clerk shall deposit Fourteen Dollars (\$14.00) of each fee  
53 collected for a marriage license in the Victims of Domestic  
54 Violence Fund established in Section 93-21-117, on a monthly  
55 basis.

56 (j) For certified copy of marriage license and search  
57 of record, the same fee charged by the Bureau of Vital Statistics  
58 of the State Board of Health.

59 (k) For public service not particularly provided for,

60 the circuit court may allow the clerk, per annum, to be paid by  
61 the county on presentation of the circuit court's order, the  
62 following amount..... 5,000.00

63 However, in the counties having two (2) judicial districts,  
64 such above allowance shall be made for each judicial district.

65 (1) For drawing jurors and issuing venire, to be paid  
66 by the county..... 5.00

67 (m) For each day's attendance upon the circuit court  
68 term, for himself and necessary deputies allowed by the court,  
69 each to be paid by the county..... 30.00

70 (n) Summons, each juror to be paid by the county upon  
71 the allowance of the court..... 1.00

72 (o) For issuing each grand jury subpoena, to be paid by  
73 the county on allowance by the court, not to exceed Twenty-five  
74 Dollars (\$25.00) in any one (1) term of court..... 1.00

75 (3) On order of the court, clerks and deputies may be  
76 allowed five (5) extra days for attendance upon the court to get  
77 up records.

78 (4) The clerk's fees in state cases where the state fails in  
79 the prosecution, or in cases of felony where the defendant is  
80 convicted and the cost cannot be made out of his estate, in an  
81 amount not to exceed Four Hundred Dollars (\$400.00) in one (1)  
82 year, shall be paid out of the county treasury on approval of the  
83 circuit court, and the allowance thereof by the board of  
84 supervisors of the county. In counties having two (2) judicial  
85 districts, such allowance shall be made in each judicial district;  
86 however, the maximum thereof shall not exceed Eight Hundred  
87 Dollars (\$800.00). Clerks in the circuit court, in cases where  
88 appeals are taken in criminal cases and no appeal bond is filed,  
89 shall be allowed by the board of supervisors of the county after  
90 approval of their accounts by the circuit court, in addition to  
91 the above fees, for making such transcript the rate of Two Dollars  
92 (\$2.00) per page.

93           (5) The clerk of the circuit court may retain as his  
94 commission on all money coming into his hands, by law or order of  
95 the court, a sum to be fixed by the court not exceeding one-half  
96 of one percent (1/2 of 1%) on all such sums.

97           (6) For making final records required by law, including, but  
98 not limited to, circuit and county court minutes, and furnishing  
99 transcripts of records, the circuit clerk shall charge Two Dollars  
100 (\$2.00) per page. The same fees shall be allowed to all officers  
101 for making and certifying copies of records or papers which they  
102 are authorized to copy and certify.

103           (7) The circuit clerk shall prepare an itemized statement of  
104 fees for services performed, cost incurred, or for furnishing  
105 copies of any papers of record or on file, and shall submit the  
106 statement to the parties or, if represented, to their attorneys  
107 within sixty (60) days. A bill for same shall accompany the  
108 statement.

109           SECTION 2. This act shall take effect and be in force from  
110 and after July 1, 1999.