

By: Senator(s) Rayborn

To: Judiciary; County
Affairs

SENATE BILL NO. 2789

1 AN ACT TO AMEND SECTION 25-7-25, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE A FEE IN JUSTICE COURT TO BE PAID BY AN AFFIANT WHO DROPS
3 CRIMINAL CHARGES; TO ALLOW THE JUSTICE COURT JUDGE TO WAIVE THIS
4 FEE; AND FOR RELATED PURPOSES. BE IT ENACTED BY THE
5 LEGISLATURE OF THE STATE OF MISSISSIPPI:
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7 SECTION 1. Section 25-7-25, Mississippi Code of 1972, is
8 amended as follows:

9 25-7-25. Costs and fees in the justice court shall be
10 charged as follows and shall be paid in advance to the clerk of
11 the justice court in accordance with the provisions of Section
12 9-11-10:

- 13 (a) A uniform total fee in all civil cases,
14 whether contested or uncontested, which
15 shall include all services in connection
16 therewith, except as hereinafter
17 stated, each..... \$25.00
- 18 (b) For more than one (1) defendant, for
19 service of process on each defendant..... 5.00
- 20 (c) After final judgment has been enrolled,
21 further proceedings involving levy of
22 execution on judgments, and attachment and
- 23 (d) For all services in connection with the
24 issuance of a peace bond..... 25.00
- 25 (e) For celebrating a marriage, and certificate
- 26 (f) Commission to take depositions..... 5.00
- 27 (g) Appeal with proceedings and bond..... 5.00
- 28 (h) A clerk's fee to be collected in all
29 criminal cases in which the defendant

30 is convicted, as follows:
 31 (i) For all violations in Title 63
 32 other than driving under the
 33 influence of intoxicating liquor
 34 or reckless driving..... 5.00
 35 (ii) All other criminal cases..... 25.00

36 (i) A clerk's fee to be collected in all
 37 criminal cases in which the affiant
 38 drops the charges, to be paid by the
 39 affiant, but provided that the
 40 imposition of the fee may be waived
 41 in the discretion of the court..... 25.00

42 (j) In addition to the salary provided for
 43 in subsection (1) of Section 25-3-36,
 44 each justice court judge may receive a
 45 fee of not more than Twenty-five Dollars
 46 (\$25.00) for each marriage ceremony he
 47 performs in the courtroom or offices of
 48 the justice court at any time the courtroom
 49 or offices are open to the public. This
 50 fee shall be paid by the parties to the
 51 marriage. Each justice court judge may
 52 receive money or gratuities for marriage
 53 ceremonies performed outside of and away
 54 from the courtroom and the offices of the
 55 justice court, that the parties to the
 56 marriage request to have performed at any
 57 time the courtroom or offices of the justice
 58 court are closed. These monies or gratuities,
 59 in an amount agreed upon by the parties to the
 60 marriage, are not considered fees for the
 61 justice court and are not subject to the
 62 requirements set forth in the provisions of
 63 Section 9-11-10.

64 SECTION 2. This act shall take effect and be in force from
65 and after October 1, 1999.