

By: Representative Smith (39th)

To: Fees and Salaries of Public Officers

HOUSE BILL NO. 1257

1 AN ACT TO AMEND SECTION 25-7-13, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT WITH RESPECT TO EACH INDICTMENT THE COUNTY SHALL PAY
3 TO THE CIRCUIT CLERK THE FILING FEE AT THE TIME OF FILING; TO
4 PROVIDE THAT UPON CONVICTION THE FEE SHALL BE COLLECTED FROM THE
5 DEFENDANT AND REMITTED TO THE COUNTY GENERAL FUND; AND FOR RELATED
6 PURPOSES.

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

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

10 25-7-13. (1) The clerks of the circuit court shall charge
11 the following fees:

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

14 The fee set forth in this paragraph shall be the total fee
15 for all services performed by the clerk up to and including entry
16 of judgment with respect to each complaint, petition or
17 indictment, including all answers, claims, orders, continuances
18 and other papers filed therein, issuing each writ, summons,
19 subpoena or other such instruments, swearing witnesses, taking and
20 recording bonds and pleas, and recording judgments, orders, fiats
21 and certificates; the fee shall be payable upon filing and shall
22 accrue to the clerk at the time of filing. The clerk or his
23 successor in office shall perform all duties set forth above
24 without additional compensation or fee. With respect to each
25 indictment, the county shall pay the fee to the circuit clerk at
26 the time of filing and, upon conviction, the fee shall be
27 collected from the defendant and remitted to the county general
28 fund.

29 (b) Docketing and filing each suggestion for a writ of
30 garnishment, suggestion for a writ of execution and judgment
31 debtor actions and issuing all process, filing and recording
32 orders or other papers and swearing witnesses..... 30.00

33 (2) Except as provided in subsection (1) of this section,
34 the clerks of the circuit court shall charge the following fees:

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

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

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

40 (d) Certifying copies of filed documents, for each
41 complete document..... 1.00

42 (e) Recording orders, fiats, licenses, certificates,
43 oaths and bonds:

44 First page..... 2.00

45 Each additional page..... 1.00

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

48 If performed by the clerk or his employee,
49 per page..... 1.00

50 If performed by any other person, per page..... .25

51 (g) Judgment roll entry..... 5.00

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

53 (i) For taking and recording application for marriage
54 license, for filing and recording consent of parents when required
55 by law, for filing and recording medical certificate, filing and
56 recording proof of age, recording and issuing license, recording
57 and filing returns..... 20.00

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

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

65 (k) For public service not particularly provided for,
66 the circuit court may allow the clerk, per annum, to be paid by
67 the county on presentation of the circuit court's order, the
68 following amount..... 5,000.00

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

71 (l) For drawing jurors and issuing venire, to be paid
72 by the county..... 5.00

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

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

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

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

84 (4) * * * Clerks in the circuit court, in cases where
85 appeals are taken in criminal cases and no appeal bond is filed,
86 shall be allowed by the board of supervisors of the county after
87 approval of their accounts by the circuit court, in addition to
88 the above fees, for making such transcript the rate of Two Dollars
89 (\$2.00) per page.

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

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

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

106 SECTION 2. This act shall take effect and be in force from
107 and after July 1, 2001.