

By: Senator(s) Thames, Gordon

To: Fees, Salaries and Administration

SENATE BILL NO. 2353

1 AN ACT TO AMEND SECTION 25-7-13, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE THAT THE FEE CHARGED BY CIRCUIT CLERKS FOR ALL SERVICES  
3 PERFORMED WITH RESPECT TO EACH COMPLAINT, PETITION OR INDICTMENT  
4 SHALL ACCRUE TO THE CLERK AT THE TIME OF COLLECTION; AND FOR  
5 RELATED PURPOSES.

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

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

9 25-7-13. (1) The clerks of the circuit court shall charge  
10 the following fees:

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

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

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

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

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

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

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

35           (d) Certifying copies of filed documents, for each  
36 complete document..... 1.00

37           (e) Recording orders, fiats, licenses, certificates,  
38 oaths and bonds:

39                   First page..... 2.00

40                   Each additional page..... 1.00

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

43                   If performed by the clerk or his employee,  
44 per page..... 1.00

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

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

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

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

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

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

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

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

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

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

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

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

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

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

92 the above fees, for making such transcript the rate of Two Dollars  
93 (\$2.00) per page.

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

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

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

110 SECTION 2. This act shall take effect and be in force from  
111 and after its passage.