

By: Representative Watson

To: Judiciary B; Fees and Salaries of Public Officers

HOUSE BILL NO. 1233

1 AN ACT TO AMEND SECTION 93-21-117, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE AN ADDITIONAL FEE ON DIVORCE ACTIONS TO BE DEPOSITED
3 INTO THE VICTIMS OF DOMESTIC VIOLENCE FUND; TO AMEND SECTION
4 25-7-9, MISSISSIPPI CODE OF 1972, IN CONFORMITY; AND FOR RELATED
5 PURPOSES.

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

7 **SECTION 1.** Section 93-21-117, Mississippi Code of 1972, is
8 amended as follows:

9 93-21-117. There is hereby created in the State Treasury a
10 special fund to be known as the "Victims of Domestic Violence
11 Fund." The circuit clerks of the state shall deposit in such fund
12 on a monthly basis the additional fee charged and collected for
13 marriage licenses under the provisions of Section 25-7-13,
14 Mississippi Code of 1972. In addition, all other monies received
15 from every source for the support of the program for victims of
16 domestic violence, established by Sections 93-21-101 through
17 93-21-113, shall be deposited in the "Victims of Domestic Violence
18 Fund." The monies in the fund shall be used by the State
19 Department of Health solely for funding and administering domestic
20 violence shelters under the provisions of Sections 93-21-101
21 through 93-21-113, in such amounts as the Legislature may
22 appropriate to the department for the program for victims of
23 domestic violence established by Sections 93-21-101 through
24 93-21-113. Not more than ten percent (10%) of the monies in the
25 "Victims of Domestic Violence Fund" shall be appropriated to the
26 State Department of Health for the administration of domestic
27 violence shelters.



28 In addition to any other fee collected for filing an action
29 for divorce in chancery court, there shall be an additional fee of
30 Fifty Dollars (\$50.00) collected for each divorce action which
31 shall be remitted to the "Victims of Domestic Violence Fund."
32 These funds shall be for support of children's programs under the
33 operation and direction of any domestic violence shelter, defined
34 in Section 93-21-101(b), and meeting the qualifications for
35 receiving state funding established by Sections 93-21-105 and
36 93-21-107. The divorce fee shall be collected by the chancery
37 clerks of the state and deposited to the fund on a monthly basis.

38 **SECTION 2.** Section 25-7-9, Mississippi Code of 1972, is
39 amended as follows:

40 25-7-9. (1) The clerks of the chancery courts shall charge
41 the following fees:

42 (a) For the act of certifying copies of filed
43 documents, for each complete document..... \$1.00

44 (b) Recording deeds, wills, leases, amendments,
45 subordinations, liens, releases, cancellations, orders, decrees,
46 oaths, etc., including indexing..... 6.00

47 Sectional index entries per section or
48 subdivision..... 1.00

49 (c) Recording deeds of trust..... 10.00

50 Sectional index entries per section or
51 subdivision..... 1.00

52 (d) (i) Recording oil and gas leases, etc., including
53 indexing in general indices..... 12.00

54 Sectional index entries per section or
55 subdivision..... 1.00

56 (ii) Recording oil and gas cancellations,
57 assignments, etc., including indexing in general indices:

58 First page..... 5.00

59 Each additional page..... 2.00

60 Abstracting each section or subdivision..... 1.00



61 Sectional index entries per section or
62 subdivision..... 6.00

63 (e) Furnishing copies of any papers of record or on
64 file and entering marginal notations on documents of record:
65 If performed by the clerk or his employee,
66 per page..... .50
67 If performed by any other person, per page..... .25

68 (f) For each day's attendance on the board of
69 supervisors, for himself and one (1) deputy, each..... 20.00

70 (g) For other services as clerk of the board of
71 supervisors an allowance shall be made to him (payable
72 semiannually at the July and January meetings) out of the county
73 treasury, an annual sum not exceeding..... 1,500.00

74 (h) For each day's attendance on the chancery court, to
75 be approved by the chancellor:
76 For the first chancellor sitting only, clerk and
77 two (2) deputies, each..... 30.00
78 For the second chancellor sitting, clerk
79 only..... 30.00

80 Provided that the fees herein prescribed shall be
81 the total remuneration for the clerk and his deputies for
82 attending chancery court.

83 (i) On order of the court, clerks and not more than two
84 (2) deputies may be allowed five (5) extra days for each term of
85 court for attendance upon the court to get up records.

86 (j) For public service not otherwise specifically
87 provided for, the chancery court may by order allow the clerk to
88 be paid by the county on the order of the board of supervisors, an
89 annual sum not exceeding..... 5,000.00

90 The chancery clerk shall itemize on the original document a
91 detailed fee bill of all charges due or paid for filing, recording
92 and abstracting same. No person shall be required to pay such



93 fees until same have been so itemized, but said fees may be
94 demanded before the document is recorded.

95 (2) In accordance with Uniform Chancery Court Rule 9.01 as
96 approved by Order of the Mississippi Supreme Court, the following
97 fees shall be a total fee for all services performed by the clerk
98 with respect to a complaint which shall be payable upon filing and
99 shall accrue to the chancery clerk at the time of filing. The
100 clerk or his successor in office shall perform all duties set
101 forth without additional compensation or fee to wit:

- 102 (a) Divorce to be contested..... \$ 75.00
- 103 (b) Divorce uncontested..... 30.00
- 104 (c) Alteration of birth or marriage certificate.. 25.00
- 105 (d) Removal of minority..... 25.00
- 106 (e) Guardianship or conservatorship..... 75.00
- 107 (f) Estate of deceased, intestate..... 75.00
- 108 (g) Estate of deceased, testate..... 75.00
- 109 (h) Adoption..... 75.00
- 110 (i) Land dispute..... 75.00
- 111 (j) Injunction..... 75.00
- 112 (k) Settlement of small claim..... 30.00
- 113 (l) Contempt in child support..... 75.00
- 114 (m) Partition suit..... 75.00
- 115 (n) Any cross-complaint..... 25.00

116 Cost of process shall be borne by the issuing party.
117 Additionally, should the attorney or person filing the pleadings
118 desire the clerk to pay the cost to the sheriff for serving
119 process on one person or more, or to pay the cost of publication,
120 the clerk shall demand the actual charges therefor, at the time of
121 filing. An additional fee on divorce actions shall be paid as
122 provided in Section 93-21-117.

123 **SECTION 3.** This act shall take effect and be in force from
124 and after July 1, 2002.

