

By: Senator(s) Carlton

To: Judiciary

SENATE BILL NO. 2539

1 AN ACT TO AMEND SECTION 93-21-117, MISSISSIPPI CODE OF 1972,  
2 TO REVISE THE VICTIMS OF DOMESTIC VIOLENCE FUND; TO AMEND SECTION  
3 25-7-9, MISSISSIPPI CODE OF 1972, TO INCREASE THE FILING FEE IN  
4 DIVORCE ACTIONS TO GENERATE REVENUE FOR THE FUND; 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 The chancery clerks of the state shall deposit in such fund on a  
15 monthly basis the additional fee charged and collected for divorce  
16 actions under the provisions of Section 25-7-9. In addition, all  
17 other monies received from every source for the support of the  
18 program for victims of domestic violence, established by Sections  
19 93-21-101 through 93-21-113, shall be deposited in the "Victims of  
20 Domestic Violence Fund." The monies in the fund shall be used by  
21 the State Department of Health solely for funding and  
22 administering domestic violence shelters under the provisions of  
23 Sections 93-21-101 through 93-21-113, in such amounts as the  
24 Legislature may appropriate to the department for the program for  
25 victims of domestic violence established by Sections 93-21-101  
26 through 93-21-113. Not more than ten percent (10%) of the monies  
27 in the "Victims of Domestic Violence Fund" shall be appropriated  
28 to the State Department of Health for the administration of



29 domestic violence shelters. The monies in the fund derived from  
30 the additional fee charged for divorce actions pursuant to Section  
31 25-7-9 shall be for support of children's programs under the  
32 operation and direction of any domestic violence shelter defined  
33 in Section 93-21-101(b) and meeting the qualifications for  
34 receiving state funding as established by Sections 93-21-105 and  
35 93-21-107.

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

38 25-7-9. (1) The clerks of the chancery courts shall charge  
39 the following fees:

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

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

45 Sectional index entries per section or  
46 subdivision..... 1.00

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

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

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

52 Sectional index entries per section or  
53 subdivision..... 1.00

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

56 First page..... 5.00

57 Each additional page..... 2.00

58 Abstracting each section or subdivision..... 1.00

59 Sectional index entries per section or  
60 subdivision..... 6.00



61 (e) Furnishing copies of any papers of record or on  
62 file and entering marginal notations on documents of record:

63 If performed by the clerk or his employee,  
64 per page..... .50

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

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

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

72 (h) For each day's attendance on the chancery court, to  
73 be approved by the chancellor: For the first chancellor sitting  
74 only, clerk and two (2) deputies, each..... 30.00

75 For the second chancellor sitting, clerk only..... 30.00

76 Provided that the fees herein prescribed shall be the total  
77 remuneration for the clerk and his deputies for attending chancery  
78 court.

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

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

86 The chancery clerk shall itemize on the original document a  
87 detailed fee bill of all charges due or paid for filing, recording  
88 and abstracting same. No person shall be required to pay such  
89 fees until same have been so itemized, but said fees may be  
90 demanded before the document is recorded.

91 (2) In accordance with Uniform Chancery Court Rule 9.01 as  
92 approved by Order of the Mississippi Supreme Court, the following  
93 fees shall be a total fee for all services performed by the clerk



94 with respect to a complaint which shall be payable upon filing and  
95 shall accrue to the chancery clerk at the time of filing. The  
96 clerk or his successor in office shall perform all duties set  
97 forth without additional compensation or fee to wit:

98	(a) Divorce to be contested.....	<u>\$125.00</u>
99	(b) Divorce uncontested.....	<u>80.00</u>
100	(c) Alteration of birth or marriage certificate	25.00
101	(d) Removal of minority.....	25.00
102	(e) Guardianship or conservatorship.....	75.00
103	(f) Estate of deceased, intestate.....	75.00
104	(g) Estate of deceased, testate.....	75.00
105	(h) Adoption.....	75.00
106	(i) Land dispute.....	75.00
107	(j) Injunction.....	75.00
108	(k) Settlement of small claim.....	30.00
109	(l) Contempt in child support.....	75.00
110	(m) Partition suit.....	75.00
111	(n) Any cross-complaint.....	25.00

112 The clerk shall deposit Fifty Dollars (\$50.00) of each fee  
113 collected for a divorce, whether contested or uncontested, in the  
114 Victims of Domestic Violence Fund established in Section  
115 93-21-117, on a monthly basis.

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.

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

