

By: Senator(s) Williamson

To: Fees, Salaries and Administration

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2631

1 AN ACT TO AMEND SECTION 25-7-27, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE FEES CHARGED BY MARSHALS AND CONSTABLES; TO AMEND
3 SECTION 25-7-13, MISSISSIPPI CODE OF 1972, TO INCREASE THE CIRCUIT
4 CLERK'S FEE FOR EACH DAY'S ATTENDANCE UPON THE CIRCUIT COURT TERM;
5 AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 25-7-27, Mississippi Code of 1972, is
8 amended as follows:

9 25-7-27. (1) Marshals and constables shall charge the
10 following fees:

11 (a) (i) A uniform total fee in all civil cases, * * *
12 whether contested or uncontested, which shall include all services
13 in connection therewith, except as * * * stated otherwise in this
14 section, each..... \$25.00

15 (ii) A uniform total fee in all criminal cases,
16 whether contested or uncontested, which shall include all services
17 in connection therewith, except as stated otherwise in this
18 section, each..... \$35.00

19 (iii) * * * In all cases where there is more than
20 one (1) defendant, for service on each additional
21 defendant..... \$ 5.00

22 (iv) * * * When a complaining party has provided
23 erroneous information to the clerk of the court relating to the
24 service of process on the defendant or defendants and process
25 cannot be served after diligent search and inquiry, the uniform
26 fee shall be assessed upon subsequent successful service and an
27 additional fee shall be due in the following amount..... \$15.00



28 (b) * * * After final judgment has been enrolled,
29 further proceedings involving levy of execution on judgments, and
30 attachment and garnishment proceedings shall be a new suit for
31 which the marshal or constable shall be entitled to the following
32 fee..... \$25.00

33 (c) For conveying a person charged with a crime to
34 jail, mileage reimbursement in an amount not to exceed the rate
35 established under Section 25-3-41(2).

36 To be paid out of the county treasury on the allowance of the
37 board of supervisors, when the state fails in the prosecution, or
38 the person is convicted but is not able to pay the costs.

39 (d) For other service, the same fees allowed sheriffs
40 for similar services.

41 (e) For service as a bailiff in any court in a civil
42 case, to be paid by the county on allowance of the court on
43 issuance of a warrant therefor, an amount equal to the per diem
44 compensation provided under Section 25-3-69 for each day, or part
45 thereof, for which he serves as bailiff when the court is in
46 session.

47 (f) For serving all warrants and other process and
48 attending all trials in state cases in which the state fails in
49 the prosecution, to be paid out of the county treasury on the
50 allowance of the board of supervisors without itemization,
51 subject, however, to the condition that the marshal or constable
52 must not have overcharged in the collection of fees for costs,
53 contrary to the provisions of this section, annually * * *
54 \$1,800.00

55 (2) Marshals and constables shall be paid all uncollected
56 fees levied under subsection (1) of this section in full from the
57 first proceeds received by the court from the guilty party or from
58 any other source of payment in connection with the case.

59 (3) In addition to the fees authorized to be paid to a
60 constable under subsection (1) of this section, a constable may



61 receive payments for collecting delinquent criminal fines in
62 justice court pursuant to the provisions of Section 19-3-41(3).

63 **SECTION 2.** Section 25-7-13, Mississippi Code of 1972, is
64 amended as follows:

65 25-7-13. (1) The clerks of the circuit court shall charge
66 the following fees:

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

69 The fee set forth in this paragraph shall be the total fee
70 for all services performed by the clerk up to and including entry
71 of judgment with respect to each complaint, petition or
72 indictment, including all answers, claims, orders, continuances
73 and other papers filed therein, issuing each writ, summons,
74 subpoena or other such instruments, swearing witnesses, taking and
75 recording bonds and pleas, and recording judgments, orders, fiats
76 and certificates; the fee shall be payable upon filing and shall
77 accrue to the clerk at the time of collection. The clerk or his
78 successor in office shall perform all duties set forth above
79 without additional compensation or fee.

80 (b) Docketing and filing each suggestion for a writ of
81 garnishment, suggestion for a writ of execution and judgment
82 debtor actions and issuing all process, filing and recording
83 orders or other papers and swearing witnesses..... \$30.00

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

86 (a) Filing and marking each order or other paper and
87 recording and indexing same..... \$ 2.00

88 (b) Issuing each writ, summons, subpoena, citation,
89 capias and other such instruments..... \$ 1.00

90 (c) Administering an oath and taking bond..... \$ 2.00

91 (d) Certifying copies of filed documents, for each
92 complete document..... \$ 1.00



93 (e) Recording orders, fiats, licenses, certificates,
94 oaths and bonds:

95 First page..... \$ 2.00
96 Each additional page..... \$ 1.00

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

99 If performed by the clerk or his employee,
100 per page..... \$ 1.00
101 If performed by any other person, per page.. \$.25

102 (g) Judgment roll entry..... \$ 5.00
103 (h) Taxing cost and certificate..... \$ 1.00

104 (i) For taking and recording application for marriage
105 license, for filing and recording consent of parents when required
106 by law, for filing and recording medical certificate, filing and
107 recording proof of age, recording and issuing license, recording
108 and filing returns..... \$20.00

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

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

116 (k) For public service not particularly provided for,
117 the circuit court may allow the clerk, per annum, to be paid by
118 the county on presentation of the circuit court's order, the
119 following amount..... \$5,000.00

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

122 (l) For drawing jurors and issuing venire, to be paid
123 by the county..... \$ 5.00



124 (m) For each day's attendance upon the circuit court
125 term, for himself and necessary deputies allowed by the court,
126 each to be paid by the county..... \$45.00

127 (n) Summons, each juror to be paid by the county upon
128 the allowance of the court..... \$ 1.00

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

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

135 (4) The clerk's fees in state cases where the state fails in
136 the prosecution, or in cases of felony where the defendant is
137 convicted and the cost cannot be made out of his estate, in an
138 amount not to exceed Four Hundred Dollars (\$400.00) in one (1)
139 year, shall be paid out of the county treasury on approval of the
140 circuit court, and the allowance thereof by the board of
141 supervisors of the county. In counties having two (2) judicial
142 districts, such allowance shall be made in each judicial district;
143 however, the maximum thereof shall not exceed Eight Hundred
144 Dollars (\$800.00). Clerks in the circuit court, in cases where
145 appeals are taken in criminal cases and no appeal bond is filed,
146 shall be allowed by the board of supervisors of the county after
147 approval of their accounts by the circuit court, in addition to
148 the above fees, for making such transcript the rate of Two Dollars
149 (\$2.00) per page.

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

154 (6) For making final records required by law, including, but
155 not limited to, circuit and county court minutes, and furnishing
156 transcripts of records, the circuit clerk shall charge Two Dollars



157 (\$2.00) per page. The same fees shall be allowed to all officers
158 for making and certifying copies of records or papers which they
159 are authorized to copy and certify.

160 (7) The circuit clerk shall prepare an itemized statement of
161 fees for services performed, cost incurred, or for furnishing
162 copies of any papers of record or on file, and shall submit the
163 statement to the parties or, if represented, to their attorneys
164 within sixty (60) days. A bill for same shall accompany the
165 statement.

166 **SECTION 3.** The Attorney General of the State of Mississippi
167 shall submit this act, immediately upon approval by the Governor,
168 or upon approval by the Legislature subsequent to a veto, to the
169 Attorney General of the United States or to the United States
170 District Court for the District of Columbia in accordance with the
171 provisions of the Voting Rights Act of 1965, as amended and
172 extended.

173 **SECTION 4.** This act shall take effect and be in force from
174 and after October 1, 2002, if it is effectuated on or before that
175 date under Section 5 of the Voting Rights Act of 1965, as amended
176 and extended. If it is effectuated under Section 5 of the voting
177 Rights Act of 1965, as amended and extended, after October 1,
178 2002, this act shall take effect and be in force from and after
179 the date it is effectuated under Section 5 of the voting Rights
180 Act of 1965, as amended and extended.

