

By: Representative Watson

To: Judiciary A; Fees and Salaries of Public Officers

HOUSE BILL NO. 1023

1 AN ACT TO CREATE A SPECIAL FUND TO BE KNOWN AS THE  
2 MISSISSIPPI CIVIL LEGAL ASSISTANCE FUND AND TO DESIGNATE  
3 ORGANIZATIONS ELIGIBLE TO RECEIVE FUNDS THEREFROM; TO AMEND  
4 SECTIONS 25-7-9 and 25-7-13, MISSISSIPPI CODE OF 1972, TO PROVIDE  
5 A FEE TO BE DEPOSITED INTO THE FUND; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** (1) There is hereby created in the State  
8 Treasury a special fund designated as the Civil Legal Assistance  
9 Fund. The funds shall be administered by the Supreme Court  
10 through the Administrative Office of Courts. The Administrative  
11 Office of Courts may also accept monies from any public or private  
12 source for deposit into the fund. Money remaining in the fund at  
13 the end of a fiscal year shall not lapse into the State General  
14 Fund, and any interest earned from the investment of monies in the  
15 fund shall be deposited to the credit of the funds. Money in the  
16 fund shall be utilized by the Administrative Office of Courts to  
17 provide legal representation for poor persons in civil matters as  
18 determined by the Supreme Court.

19 (2) All monies shall be allocated to only those  
20 organizations providing legal services to low income  
21 Mississippians, specifically those eligible to receive funds from  
22 the Legal Services Corporation, Washington, D.C.

23 (3) The monies appropriated shall be distributed to eligible  
24 legal services programs based on the percentage of poverty  
25 population within the program service area, consistent with the  
26 formula used by the Legal Services Corporation.

27 (4) Monies appropriated to the fund may be used to promote  
28 increased participation by the private bar in the delivery of



29 legal services to the indigent through the Mississippi Volunteer  
30 Lawyers Project.

31 (5) Recipients of funds shall have the following duties:

32 (a) To develop, operate, and administer programs within  
33 their respective service areas that provide free legal services to  
34 indigent clients involved in civil matters;

35 (b) To report annually to the Supreme Court, through  
36 the Administrative Office of Courts, on its activities, including  
37 providing a copy of its annual audit that accounts for the use of  
38 the funds; and

39 (c) To refund annually all unused or uncommitted funds.

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

42 25-7-9. (1) The clerks of the chancery courts shall charge  
43 the following fees:

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

46 (b) Recording deeds, wills, leases, amendments,  
47 subordinations, liens, releases, cancellations, orders, decrees,  
48 oaths, etc., including indexing..... 6.00  
49 Sectional index entries per section or subdivision.... 1.00

50 (c) Recording deeds of trust..... 10.00  
51 Sectional index entries per section or 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 subdivision.... 1.00

55 (ii) Recording oil and gas cancellations,  
56 assignments, etc., including indexing in general indices:  
57 First page..... 5.00  
58 Each additional page..... 2.00  
59 Abstracting each section or subdivision..... 1.00  
60 Sectional index entries per section or 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, per page... .50  
 64 If performed by any other person, per page..... .25

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

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

71 (h) For each day's attendance on the chancery court, to  
 72 be approved by the chancellor:

73 For the first chancellor sitting only, clerk and two (2)  
 74 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 (k) For each civil filing to be deposited into the Civil  
 87 Legal Assistance Fund..... \$1.00

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



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

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

114 Cost of process shall be borne by the issuing party.  
115 Additionally, should the attorney or person filing the pleadings  
116 desire the clerk to pay the cost to the sheriff for serving  
117 process on one person or more, or to pay the cost of publication,  
118 the clerk shall demand the actual charges therefor, at the time of  
119 filing.

120 **SECTION 3.** Section 25-7-13, Mississippi Code of 1972, is  
121 amended as follows:

122 25-7-13. (1) The clerks of the circuit court shall charge  
123 the following fees:

124	(a) Docketing, filing, marking and registering each 125 complaint, petition and indictment.....	\$75.00
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126           The fee set forth in this paragraph shall be the total fee  
127 for all services performed by the clerk up to and including entry  
128 of judgment with respect to each complaint, petition or  
129 indictment, including all answers, claims, orders, continuances  
130 and other papers filed therein, issuing each writ, summons,  
131 subpoena or other such instruments, swearing witnesses, taking and  
132 recording bonds and pleas, and recording judgments, orders, fiats  
133 and certificates; the fee shall be payable upon filing and shall  
134 accrue to the clerk at the time of collection. The clerk or his  
135 successor in office shall perform all duties set forth above  
136 without additional compensation or fee.

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

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

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

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

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

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

150           (e) Recording orders, fiats, licenses, certificates,  
151 oaths and bonds:

152                   First page..... \$ 2.00

153                   Each additional page..... \$ 1.00

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

156                   If performed by the clerk or his employee,  
157 per page..... \$ 1.00

158                   If performed by any other person, per page.. \$ .25



- 159 (g) Judgment roll entry..... \$ 5.00
- 160 (h) Taxing cost and certificate..... \$ 1.00
- 161 (i) For taking and recording application for marriage
- 162 license, for filing and recording consent of parents when required
- 163 by law, for filing and recording medical certificate, filing and
- 164 recording proof of age, recording and issuing license, recording
- 165 and filing returns..... \$20.00

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

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

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

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

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

181 (m) For each day's attendance upon the circuit court term,  
 182 for himself and necessary deputies allowed by the court, each to  
 183 be paid by the county..... \$30.00

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

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

189 (p) For each civil filing, to be deposited into the  
 190 Civil Legal Assistance Fund..... \$1.00



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

194 (4) The clerk's fees in state cases where the state fails in  
195 the prosecution, or in cases of felony where the defendant is  
196 convicted and the cost cannot be made out of his estate, in an  
197 amount not to exceed Four Hundred Dollars (\$400.00) in one (1)  
198 year, shall be paid out of the county treasury on approval of the  
199 circuit court, and the allowance thereof by the board of  
200 supervisors of the county. In counties having two (2) judicial  
201 districts, such allowance shall be made in each judicial district;  
202 however, the maximum thereof shall not exceed Eight Hundred  
203 Dollars (\$800.00). Clerks in the circuit court, in cases where  
204 appeals are taken in criminal cases and no appeal bond is filed,  
205 shall be allowed by the board of supervisors of the county after  
206 approval of their accounts by the circuit court, in addition to  
207 the above fees, for making such transcript the rate of Two Dollars  
208 (\$2.00) per page.

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

213 (6) For making final records required by law, including, but  
214 not limited to, circuit and county court minutes, and furnishing  
215 transcripts of records, the circuit clerk shall charge Two Dollars  
216 (\$2.00) per page. The same fees shall be allowed to all officers  
217 for making and certifying copies of records or papers which they  
218 are authorized to copy and certify.

219 (7) The circuit clerk shall prepare an itemized statement of  
220 fees for services performed, cost incurred, or for furnishing  
221 copies of any papers of record or on file, and shall submit the  
222 statement to the parties or, if represented, to their attorneys



223 within sixty (60) days. A bill for same shall accompany the  
224 statement.

225           **SECTION 4.** This act shall take effect and be in force from  
226 and after July 1, 2003.

