

By: Representative Watson

To: Judiciary A; Fees and Salaries of Public Officers

HOUSE BILL NO. 1024

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 BRING  
4 FORWARD SECTIONS 25-7-9 AND 25-7-13, MISSISSIPPI CODE OF 1972,  
5 WHICH PROVIDE FOR FILING FEES IN CHANCERY AND CIRCUIT COURT; AND  
6 FOR RELATED PURPOSES.

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

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

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

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

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



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

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

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

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

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

41 **SECTION 2.** Section 25-7-9, Mississippi Code of 1972, is  
42 brought forward as follows:

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

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

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

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

53 (d) (i) Recording oil and gas leases, etc., including  
54 indexing in general indices..... 12.00  
55 Sectional index entries per section or 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 subdivision.... 6.00



62 (e) Furnishing copies of any papers of record or on  
63 file and entering marginal notations on documents of record:  
64 If performed by the clerk or his employee, 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:  
74 For the first chancellor sitting only, clerk and two (2)  
75 deputies, each..... 30.00  
76 For the second chancellor sitting, clerk only..... 30.00

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

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

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

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

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



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

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

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

119 **SECTION 3.** Section 25-7-13, Mississippi Code of 1972, is  
120 brought forward as follows:

121 25-7-13. (1) The clerks of the circuit court shall charge  
122 the following fees:

123	(a) Docketing, filing, marking and registering each 124 complaint, petition and indictment.....	\$75.00
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125 The fee set forth in this paragraph shall be the total fee  
126 for all services performed by the clerk up to and including entry  
127 of judgment with respect to each complaint, petition or



128 indictment, including all answers, claims, orders, continuances  
129 and other papers filed therein, issuing each writ, summons,  
130 subpoena or other such instruments, swearing witnesses, taking and  
131 recording bonds and pleas, and recording judgments, orders, fiats  
132 and certificates; the fee shall be payable upon filing and shall  
133 accrue to the clerk at the time of collection. The clerk or his  
134 successor in office shall perform all duties set forth above  
135 without additional compensation or fee.

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

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

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

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

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

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

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

151 First page..... \$ 2.00

152 Each additional page..... \$ 1.00

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

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

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

158 (g) Judgment roll entry..... \$ 5.00

159 (h) Taxing cost and certificate..... \$ 1.00



160 (i) For taking and recording application for marriage  
161 license, for filing and recording consent of parents when required  
162 by law, for filing and recording medical certificate, filing and  
163 recording proof of age, recording and issuing license, recording  
164 and filing returns..... \$20.00

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

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

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

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

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

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

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

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

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

191 (4) The clerk's fees in state cases where the state fails in  
192 the prosecution, or in cases of felony where the defendant is



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

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

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

216 (7) The circuit clerk shall prepare an itemized statement of  
217 fees for services performed, cost incurred, or for furnishing  
218 copies of any papers of record or on file, and shall submit the  
219 statement to the parties or, if represented, to their attorneys  
220 within sixty (60) days. A bill for same shall accompany the  
221 statement.

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

