

By: Senator(s) Robertson

To: Fees, Salaries and Administration

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2457

1 AN ACT TO AMEND SECTION 25-7-13, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE FEE CHARGED BY CIRCUIT COURT CLERKS FOR FILING EACH
3 COMPLAINT, PETITION AND INDICTMENT; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 25-7-13, Mississippi Code of 1972, is
6 amended as follows:

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

9 (a) Docketing, filing, marking and registering each
10 complaint, petition and indictment shall be as follows:

<u>Number of plaintiffs</u>	<u>Amount of fee</u>
11 <u>1-5</u>	<u>\$75.00 per plaintiff,</u>
12 <u>6-10</u>	<u>\$50.00 per plaintiff,</u>
13 <u>More than 10</u>	<u>\$25.00 per plaintiff,</u>
14	<u>but shall not exceed</u>
15	<u>a total fee of</u>
16	<u>\$7,500.00.</u>

17
18 The fee set forth in this paragraph shall be the total fee
19 for all services performed by the clerk up to and including entry
20 of judgment with respect to each complaint, petition or
21 indictment, including all answers, claims, orders, continuances
22 and other papers filed therein, issuing each writ, summons,
23 subpoena or other such instruments, swearing witnesses, taking and
24 recording bonds and pleas, and recording judgments, orders, fiats
25 and certificates; the fee shall be payable upon filing and shall
26 accrue to the clerk at the time of collection. The clerk or his



27 successor in office shall perform all duties set forth above
28 without additional compensation or fee.

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

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

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

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

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

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

42 (e) Recording orders, fiats, licenses, certificates,
43 oaths and bonds:

44 First page..... \$ 2.00

45 Each additional page..... \$ 1.00

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

48 If performed by the clerk or his employee,
49 per page..... \$ 1.00

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

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

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

53 (i) For taking and recording application for marriage
54 license, for filing and recording consent of parents when required
55 by law, for filing and recording medical certificate, filing and
56 recording proof of age, recording and issuing license, recording
57 and filing returns..... \$20.00

58 The clerk shall deposit Fourteen Dollars (\$14.00) of each fee
59 collected for a marriage license in the Victims of Domestic



60 Violence Fund established in Section 93-21-117, on a monthly
61 basis.

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

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

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

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

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

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

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

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

84 (4) The clerk's fees in state cases where the state fails in
85 the prosecution, or in cases of felony where the defendant is
86 convicted and the cost cannot be made out of his estate, in an
87 amount not to exceed Four Hundred Dollars (\$400.00) in one (1)
88 year, shall be paid out of the county treasury on approval of the
89 circuit court, and the allowance thereof by the board of
90 supervisors of the county. In counties having two (2) judicial
91 districts, such allowance shall be made in each judicial district;
92 however, the maximum thereof shall not exceed Eight Hundred



93 Dollars (\$800.00). Clerks in the circuit court, in cases where
94 appeals are taken in criminal cases and no appeal bond is filed,
95 shall be allowed by the board of supervisors of the county after
96 approval of their accounts by the circuit court, in addition to
97 the above fees, for making such transcript the rate of Two Dollars
98 (\$2.00) per page.

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

103 (6) For making final records required by law, including, but
104 not limited to, circuit and county court minutes, and furnishing
105 transcripts of records, the circuit clerk shall charge Two Dollars
106 (\$2.00) per page. The same fees shall be allowed to all officers
107 for making and certifying copies of records or papers which they
108 are authorized to copy and certify.

109 (7) The circuit clerk shall prepare an itemized statement of
110 fees for services performed, cost incurred, or for furnishing
111 copies of any papers of record or on file, and shall submit the
112 statement to the parties or, if represented, to their attorneys
113 within sixty (60) days. A bill for same shall accompany the
114 statement.

115 **SECTION 2.** This act shall take effect and be in force from
116 and after July 1, 2003.

