

By: Senator(s) Thames, Harvey

To: Fees, Salaries and Administration; County Affairs

SENATE BILL NO. 2779

1 AN ACT TO AMEND SECTION 25-7-13, MISSISSIPPI CODE OF 1972, TO  
2 INCREASE THE CIRCUIT CLERK'S FEE FOR EACH DAY'S ATTENDANCE UPON  
3 THE CIRCUIT COURT TERM; 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..... \$75.00

11 The fee set forth in this paragraph shall be the total fee  
12 for all services performed by the clerk up to and including entry  
13 of judgment with respect to each complaint, petition or  
14 indictment, including all answers, claims, orders, continuances  
15 and other papers filed therein, issuing each writ, summons,  
16 subpoena or other such instruments, swearing witnesses, taking and  
17 recording bonds and pleas, and recording judgments, orders, fiats  
18 and certificates; the fee shall be payable upon filing and shall  
19 accrue to the clerk at the time of collection. The clerk or his  
20 successor in office shall perform all duties set forth above  
21 without additional compensation or fee.

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

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



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

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

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

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

35           (e) Recording orders, fiats, licenses, certificates,  
36 oaths and bonds:

37                   First page..... \$ 2.00

38                   Each additional page..... \$ 1.00

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

41                   If performed by the clerk or his employee,  
42 per page..... \$ 1.00

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

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

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

46           (i) For taking and recording application for marriage  
47 license, for filing and recording consent of parents when required  
48 by law, for filing and recording medical certificate, filing and  
49 recording proof of age, recording and issuing license, recording  
50 and filing returns..... \$20.00

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

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

58           (k) For public service not particularly provided for,  
59 the circuit court may allow the clerk, per annum, to be paid by



60 the county on presentation of the circuit court's order, the  
61 following amount..... \$5,000.00

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

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

66 (m) For each day's attendance upon the circuit court  
67 term, for himself and necessary deputies allowed by the court,  
68 each to be paid by the county..... \$60.00

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

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

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

77 (4) The clerk's fees in state cases where the state fails in  
78 the prosecution, or in cases of felony where the defendant is  
79 convicted and the cost cannot be made out of his estate, in an  
80 amount not to exceed Four Hundred Dollars (\$400.00) in one (1)  
81 year, shall be paid out of the county treasury on approval of the  
82 circuit court, and the allowance thereof by the board of  
83 supervisors of the county. In counties having two (2) judicial  
84 districts, such allowance shall be made in each judicial district;  
85 however, the maximum thereof shall not exceed Eight Hundred  
86 Dollars (\$800.00). Clerks in the circuit court, in cases where  
87 appeals are taken in criminal cases and no appeal bond is filed,  
88 shall be allowed by the board of supervisors of the county after  
89 approval of their accounts by the circuit court, in addition to  
90 the above fees, for making such transcript the rate of Two Dollars  
91 (\$2.00) per page.



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

96           (6) For making final records required by law, including, but  
97 not limited to, circuit and county court minutes, and furnishing  
98 transcripts of records, the circuit clerk shall charge Two Dollars  
99 (\$2.00) per page. The same fees shall be allowed to all officers  
100 for making and certifying copies of records or papers which they  
101 are authorized to copy and certify.

102           (7) The circuit clerk shall prepare an itemized statement of  
103 fees for services performed, cost incurred, or for furnishing  
104 copies of any papers of record or on file, and shall submit the  
105 statement to the parties or, if represented, to their attorneys  
106 within sixty (60) days. A bill for same shall accompany the  
107 statement.

108           **SECTION 2.** This act shall take effect and be in force from  
109 and after October 1, 2003.

