

By: Representative Blackmon

To: Fees and Salaries of
Public Officers

HOUSE BILL NO. 695

1 AN ACT TO AMEND SECTION 25-7-13, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE FEES CHARGED FOR COMPLAINTS AND PETITIONS FILED IN
3 CIRCUIT COURT; 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
10 each * * * indictment..... \$75.00

11 (b) Docketing, filing, marking and registering each
12 complaint or petition:

13 (i) For the first five (5) plaintiffs and the
14 first five (5) defendants on a complaint or petition, a total
15 of..... \$95.00

16 (ii) For six (6) to ten (10) plaintiffs and six
17 (6) to ten (10) defendants on the same complaint or petition
18 \$50.00
19 for each additional plaintiff and each additional defendant that
20 exceeds the first five (5) plaintiffs and first five (5)
21 defendants.

22 (iii) For eleven (11) or more plaintiffs and
23 eleven (11) or more defendants..... \$10.00
24 for each additional plaintiff and each additional defendant that
25 exceed the first ten (10) plaintiffs and the first ten (10)
26 defendants.

27 The total cost of fees charged under subparagraphs (b)(i),
28 (b)(ii) and (b)(iii) of this subsection shall not exceed Two
29 Thousand Five Hundred Dollars (\$2,500.00), regardless of the
30 number of plaintiffs and defendants.

31 The fees set forth in * * * paragraphs (a) or (b) of this
32 subsection shall be the total fees for all services performed by
33 the clerk up to and including entry of final judgment with respect
34 to each complaint, petition or indictment, including, but not
35 limited to, all answers, claims, orders, continuances and other
36 papers filed therein, issuing each writ, summons, subpoena or
37 other such instruments, swearing witnesses, taking and recording
38 bonds and pleas, and recording judgments, orders, fiats and
39 certificates. The fee shall be payable upon filing and shall
40 accrue to the clerk at the time of collection.

41 Any court order, clerk's instruction, other document, or
42 other assessments to charge additional fees on indictments,
43 complaints or petitions shall be void and of no force or effect.

44 The clerk or his successor in office shall perform all duties
45 set forth above without additional compensation or fee.

46 * * *

47 (2) In addition to the fees provided for under subsection
48 (1) of this section, the clerks of the circuit court shall charge
49 the following fees:

50 (a) Docketing and filing each suggestion for a writ of
51 garnishment, suggestion for a writ of execution and judgment
52 debtor actions and issuing all process, filing and recording
53 orders or other papers and swearing witnesses pursuant thereto
54 \$30.00

55 (b) Certifying copies of filed documents, for each
56 complete document..... \$ 1.00

57 (c) Recording orders, fiats, licenses, certificates,
58 oaths and bonds not recorded in the course of an action filed
59 pursuant to subsection (1) of this section:

60 First page..... \$ 2.00

61 Each additional page..... \$ 1.00

62 (d) 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... \$ 1.00

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

66 (e) Judgment roll entry..... \$ 5.00

67 * * *

68 (f) For taking and recording application for marriage

69 license, for filing and recording consent of parents when required

70 by law, for filing and recording medical certificate, filing and

71 recording proof of age, recording and issuing license, recording

72 and filing returns..... \$20.00

73 The clerk shall deposit Fourteen Dollars (\$14.00) of each fee

74 collected for a marriage license in the Victims of Domestic

75 Violence Fund established in Section 93-21-117, on a monthly

76 basis.

77 (g) For certified copy of marriage license and search

78 of record, the same fee charged by the Bureau of Vital Statistics

79 of the State Board of Health.

80 (h) For public service not particularly provided for,

81 the circuit court may allow the clerk, per annum, to be paid by

82 the county on presentation of the circuit court's order, the

83 following amount..... \$5,000.00

84 However, in the counties having two (2) judicial districts,

85 such above allowance shall be made for each judicial district.

86 (i) For drawing jurors and issuing venire, to be paid

87 by the county..... \$ 5.00

88 (j) For each day's attendance upon the circuit court

89 term, for himself and necessary deputies allowed by the court,

90 each to be paid by the county..... \$30.00

91 (k) Summons, each juror to be paid by the county upon

92 the allowance of the court..... \$ 1.00

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

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

99 (4) The clerk's fees in state cases where the state fails in
100 the prosecution, or in cases of felony where the defendant is
101 convicted and the cost cannot be made out of his estate, in an
102 amount not to exceed Four Hundred Dollars (\$400.00) in one (1)
103 year, shall be paid out of the county treasury on approval of the
104 circuit court, and the allowance thereof by the board of
105 supervisors of the county. In counties having two (2) judicial
106 districts, such allowance shall be made in each judicial district;
107 however, the maximum thereof shall not exceed Eight Hundred
108 Dollars (\$800.00). Clerks in the circuit court, in cases where
109 appeals are taken in criminal cases and no appeal bond is filed,
110 shall be allowed by the board of supervisors of the county after
111 approval of their accounts by the circuit court, in addition to
112 the above fees, for making such transcript the rate of Two Dollars
113 (\$2.00) per page.

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

118 (6) For making final records required by law, including, but
119 not limited to, circuit and county court minutes, and furnishing
120 transcripts of records, the circuit clerk shall charge Two Dollars
121 (\$2.00) per page. The same fees shall be allowed to all officers
122 for making and certifying copies of records or papers which they
123 are authorized to copy and certify.

124 (7) The circuit clerk shall prepare an itemized statement of
125 fees for services performed, cost incurred, or for furnishing

126 copies of any papers of record or on file, and shall submit the
127 statement to the parties or, if represented, to their attorneys
128 within sixty (60) days. A bill for same shall accompany the
129 statement.

130 **SECTION 2.** This act shall take effect and be in force from
131 and after July 1, 2004.