

By: Representative Watson

To: Judiciary A; Fees and Salaries of Public Officers

HOUSE BILL NO. 975

1 AN ACT TO AMEND SECTION 25-7-9, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT CHANCERY COURT CLERKS SHALL CHARGE A CERTAIN
3 ADDITIONAL FILING FEE FOR FUNDS TO BE DEPOSITED IN THE CIVIL LEGAL
4 ASSISTANCE FUND; TO AMEND SECTION 25-7-13, MISSISSIPPI CODE OF
5 1972, TO PROVIDE THAT CIRCUIT COURT CLERKS SHALL CHARGE A CERTAIN
6 ADDITIONAL FILING FEE FOR FUNDS TO BE DEPOSITED IN THE CIVIL LEGAL
7 ASSISTANCE FUND; AND FOR RELATED PURPOSES.

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

9 SECTION 1. Section 25-7-9, Mississippi Code of 1972, is
10 amended as follows:

11 25-7-9. (1) The clerks of the chancery courts shall charge
12 the following fees:

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

15 (b) Recording deeds, wills, leases, amendments,
16 subordinations, liens, releases, cancellations, orders, decrees,
17 oaths, etc., including indexing..... 6.00
18 Sectional index entries per section or subdivision.... 1.00

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

21 (d) (i) Recording oil and gas leases, etc., including
22 indexing in general indices..... 12.00
23 Sectional index entries per section or subdivision.... 1.00

24 (ii) Recording oil and gas cancellations,
25 assignments, etc., including indexing in general indices:
26 First page..... 5.00
27 Each additional page..... 2.00
28 Abstracting each section or subdivision..... 1.00
29 Sectional index entries per section or subdivision.... 6.00

30 (e) Furnishing copies of any papers of record or on
31 file and entering marginal notations on documents of record:
32 If performed by the clerk or his employee, per page... .50
33 If performed by any other person, per page..... .25

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

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

40 (h) For each day's attendance on the chancery court, to
41 be approved by the chancellor:
42 For the first chancellor sitting only, clerk and two (2)
43 deputies, each..... 30.00
44 For the second chancellor sitting, clerk only..... 30.00

45 Provided that the fees herein prescribed shall be the total
46 remuneration for the clerk and his deputies for attending chancery
47 court.

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

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

55 (k) For each civil filing to be deposited into the
56 Civil Legal Assistance Fund created in Section 9-21-43..... \$5.00

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

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

69	(a) Divorce to be contested.....	\$75.00
70	(b) Divorce uncontested.....	30.00
71	(c) Alteration of birth or marriage certificate.	25.00
72	(d) Removal of minority.....	25.00
73	(e) Guardianship or conservatorship.....	75.00
74	(f) Estate of deceased, intestate.....	75.00
75	(g) Estate of deceased, testate.....	75.00
76	(h) Adoption.....	75.00
77	(i) Land dispute.....	75.00
78	(j) Injunction.....	75.00
79	(k) Settlement of small claim.....	30.00
80	(l) Contempt in child support.....	75.00
81	(m) Partition suit.....	75.00
82	(n) Any cross-complaint.....	25.00

83 Cost of process shall be borne by the issuing party.
84 Additionally, should the attorney or person filing the pleadings
85 desire the clerk to pay the cost to the sheriff for serving
86 process on one person or more, or to pay the cost of publication,
87 the clerk shall demand the actual charges therefor, at the time of
88 filing.

89 **SECTION 2.** Section 25-7-13, Mississippi Code of 1972, is
90 amended as follows:

91 25-7-13. (1) The clerks of the circuit court shall charge
92 the following fees:

93	(a) Docketing, filing, marking and registering each 94 complaint, petition and indictment.....	\$75.00
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95 The fee set forth in this paragraph shall be the total fee
96 for all services performed by the clerk up to and including entry
97 of judgment with respect to each complaint, petition or
98 indictment, including all answers, claims, orders, continuances
99 and other papers filed therein, issuing each writ, summons,
100 subpoena or other such instruments, swearing witnesses, taking and
101 recording bonds and pleas, and recording judgments, orders, fiats
102 and certificates; the fee shall be payable upon filing and shall
103 accrue to the clerk at the time of collection. The clerk or his
104 successor in office shall perform all duties set forth above
105 without additional compensation or fee.

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

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

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

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

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

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

119 (e) Recording orders, fiats, licenses, certificates,
120 oaths and bonds:

121 First page..... \$ 2.00

122 Each additional page..... \$ 1.00

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

125 If performed by the clerk or his employee,

126 per page..... \$ 1.00

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

- 128 (g) Judgment roll entry..... \$ 5.00
- 129 (h) Taxing cost and certificate..... \$ 1.00
- 130 (i) For taking and recording application for marriage
- 131 license, for filing and recording consent of parents when required
- 132 by law, for filing and recording medical certificate, filing and
- 133 recording proof of age, recording and issuing license, recording
- 134 and filing returns..... \$20.00

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

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

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

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

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

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

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

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

158 (p) For each civil filing, to be deposited into the
 159 Civil Legal Assistance Fund created in Section 9-21-43..... \$ 5.00

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

163 (4) The clerk's fees in state cases where the state fails in
164 the prosecution, or in cases of felony where the defendant is
165 convicted and the cost cannot be made out of his estate, in an
166 amount not to exceed Four Hundred Dollars (\$400.00) in one (1)
167 year, shall be paid out of the county treasury on approval of the
168 circuit court, and the allowance thereof by the board of
169 supervisors of the county. In counties having two (2) judicial
170 districts, such allowance shall be made in each judicial district;
171 however, the maximum thereof shall not exceed Eight Hundred
172 Dollars (\$800.00). Clerks in the circuit court, in cases where
173 appeals are taken in criminal cases and no appeal bond is filed,
174 shall be allowed by the board of supervisors of the county after
175 approval of their accounts by the circuit court, in addition to
176 the above fees, for making such transcript the rate of Two Dollars
177 (\$2.00) per page.

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

182 (6) For making final records required by law, including, but
183 not limited to, circuit and county court minutes, and furnishing
184 transcripts of records, the circuit clerk shall charge Two Dollars
185 (\$2.00) per page. The same fees shall be allowed to all officers
186 for making and certifying copies of records or papers which they
187 are authorized to copy and certify.

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

192 within sixty (60) days. A bill for same shall accompany the
193 statement.

194 **SECTION 3.** This act shall take effect and be in force from
195 and after July 1, 2004.