

By: Senator(s) Doxey

To: Judiciary, Division A

SENATE BILL NO. 2416

1 AN ACT TO SECTIONS 25-7-9 AND 25-7-13, MISSISSIPPI CODE OF
2 1972, TO PROVIDE A FEE TO BE DEPOSITED INTO THE MISSISSIPPI CIVIL
3 LEGAL ASSISTANCE FUND; AND FOR RELATED PURPOSES.

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

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

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

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

11 (b) Recording deeds, wills, leases, amendments,
12 subordinations, liens, releases, cancellations, orders, decrees,
13 oaths, etc., including indexing..... 6.00
14 Sectional index entries per section or subdivision.... 1.00

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

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

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

26 (e) Furnishing copies of any papers of record or on
27 file and entering marginal notations on documents of record:

28 If performed by the clerk or his employee, per page... .50
29 If performed by any other person, per page..... .25
30 (f) For each day's attendance on the board of
31 supervisors, for himself and one (1) deputy, each..... 20.00
32 (g) For other services as clerk of the board of
33 supervisors an allowance shall be made to him (payable
34 semiannually at the July and January meetings) out of the county
35 treasury, an annual sum not exceeding..... 1,500.00
36 (h) For each day's attendance on the chancery court, to
37 be approved by the chancellor:
38 For the first chancellor sitting only, clerk and two (2)
39 deputies, each..... 30.00
40 For the second chancellor sitting, clerk only..... 30.00
41 Provided that the fees herein prescribed shall be the total
42 remuneration for the clerk and his deputies for attending chancery
43 court.
44 (i) On order of the court, clerks and not more than two
45 (2) deputies may be allowed five (5) extra days for each term of
46 court for attendance upon the court to get up records.
47 (j) For public service not otherwise specifically
48 provided for, the chancery court may by order allow the clerk to
49 be paid by the county on the order of the board of supervisors, an
50 annual sum not exceeding..... 5,000.00
51 (k) For each civil filing to be deposited into the Civil
52 Legal Assistance Fund..... 5.00

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

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

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

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

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

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

87 25-7-13. (1) The clerks of the circuit court shall charge
88 the following fees:

- 89 (a) Docketing, filing, marking and registering each
90 complaint, petition and indictment..... \$75.00

91 The fee set forth in this paragraph shall be the total fee
92 for all services performed by the clerk up to and including entry
93 of judgment with respect to each complaint, petition or

94 indictment, including all answers, claims, orders, continuances
95 and other papers filed therein, issuing each writ, summons,
96 subpoena or other such instruments, swearing witnesses, taking and
97 recording bonds and pleas, and recording judgments, orders, fiats
98 and certificates; the fee shall be payable upon filing and shall
99 accrue to the clerk at the time of collection. The clerk or his
100 successor in office shall perform all duties set forth above
101 without additional compensation or fee.

102 (b) Docketing and filing each suggestion for a writ of
103 garnishment, suggestion for a writ of execution and judgment
104 debtor actions and issuing all process, filing and recording
105 orders or other papers and swearing witnesses..... 30.00

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

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

110 (b) Issuing each writ, summons, subpoena, citation,
111 capias and other such instruments..... 1.00

112 (c) Administering an oath and taking bond..... 2.00

113 (d) Certifying copies of filed documents, for each
114 complete document..... 1.00

115 (e) Recording orders, fiats, licenses, certificates,
116 oaths and bonds:

117 First page..... 2.00

118 Each additional page..... 1.00

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

121 If performed by the clerk or his employee,
122 per page..... 1.00

123 If performed by any other person, per page... .25

124 (g) Judgment roll entry..... 5.00

125 (h) Taxing cost and certificate..... 1.00

126 (i) For taking and recording application for marriage
127 license, for filing and recording consent of parents when required
128 by law, for filing and recording medical certificate, filing and
129 recording proof of age, recording and issuing license, recording
130 and filing returns..... 20.00

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

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

138 (k) For public service not particularly provided for,
139 the circuit court may allow the clerk, per annum, to be paid by
140 the county on presentation of the circuit court's order, the
141 following amount..... 5,000.00

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

144 (l) For drawing jurors and issuing venire, to be paid
145 by the county..... 5.00

146 (m) For each day's attendance upon the circuit court
147 term, for himself and necessary deputies allowed by the court,
148 each to be paid by the county..... 30.00

149 (n) Summons, each juror to be paid by the county upon
150 the allowance of the court..... 1.00

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

154 (p) For each civil filing, to be deposited into the
155 Civil Legal Assistance Fund..... 5.00

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

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

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

178 (6) For making final records required by law, including, but
179 not limited to, circuit and county court minutes, and furnishing
180 transcripts of records, the circuit clerk shall charge Two Dollars
181 (\$2.00) per page. The same fees shall be allowed to all officers
182 for making and certifying copies of records or papers which they
183 are authorized to copy and certify.

184 (7) The circuit clerk shall prepare an itemized statement of
185 fees for services performed, cost incurred, or for furnishing
186 copies of any papers of record or on file, and shall submit the
187 statement to the parties or, if represented, to their attorneys
188 within sixty (60) days. A bill for same shall accompany the
189 statement.

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