

By: Senator(s) Browning

To: Judiciary, Division A

SENATE BILL NO. 2482

1 AN ACT TO AMEND SECTION 9-1-45, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE CIVIL PENALTIES WHICH MAY BE IMPOSED WHENEVER A CHANCERY  
3 OR CIRCUIT CLERK FAILS TO TIMELY FILE AN ANNUAL REPORT WITH THE  
4 STATE AUDITOR; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 9-1-45, Mississippi Code of 1972, is  
7 amended as follows:

8 9-1-45. (1) Each chancery and circuit clerk shall file, not  
9 later than April 15 of each year, with the State Auditor of Public  
10 Accounts a true and accurate annual report on a form to be  
11 designed and supplied to each clerk by the State Auditor of Public  
12 Accounts immediately after January 1 of each year. The form shall  
13 include the following information: (a) revenues subject to the  
14 salary cap, including fees; (b) revenues not subject to the salary  
15 cap; and (c) expenses of office, including any salary paid to a  
16 clerk's spouse or children. Each chancery and circuit clerk shall  
17 provide any additional information requested by the Public  
18 Employees' Retirement System for the purpose of retirement  
19 calculations.

20 (2) In any county having two (2) judicial districts, a  
21 separate report may be filed by the chancery clerk and circuit  
22 clerk for each judicial district. Whenever the chancery clerk  
23 serves as deputy to the circuit clerk in one (1) judicial district  
24 and the circuit clerk serves as deputy to the chancery clerk in  
25 the other judicial district, each clerk may file, for the judicial  
26 district in which he serves, one (1) report for the revenues and  
27 expenses of his office in his capacity as chancery or circuit  
28 clerk and a separate report for reporting the revenues collected

29 and expenses incurred in his capacity as deputy circuit or deputy  
30 chancery clerk.

31 (3) If the chancery or circuit clerk fails to provide the  
32 reports required in this section, then the State Auditor shall  
33 give by United States certified mail, return receipt requested,  
34 written notification to the chancery or circuit clerk of  
35 noncompliance. If within thirty (30) days after receipt of the  
36 notice, the chancery or circuit clerk, in the opinion of the State  
37 Auditor, remains in noncompliance, the State Auditor may institute  
38 civil proceedings in a court of the county in which the clerk  
39 serves. The court, upon a hearing, shall decide the issue and if  
40 it determines that the clerk is not in substantial compliance,  
41 shall order the clerk to immediately and thereafter comply.  
42 Violations of any order of the court shall be punishable as for  
43 contempt. In addition, the court in its discretion may impose a  
44 civil penalty in an amount not to exceed Five Thousand Dollars  
45 (\$5,000.00) upon the clerk, for which he shall be liable in his  
46 individual capacity, for any such noncompliance that the court  
47 determines as intentional or willful.

48 **SECTION 2.** This act shall take effect and be in force from  
49 and after its passage.