

By: Representative Fillingane (By Request)

To: Judiciary B; County Affairs

HOUSE BILL NO. 731

1 AN ACT TO AMEND SECTION 25-7-25, MISSISSIPPI CODE OF 1972, TO
2 LIMIT JUSTICE COURT COSTS IN CASES INVOLVING TRAFFIC VIOLATIONS;
3 AND FOR RELATED PURPOSES.

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

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

7 25-7-25. Costs and fees in the justice court shall be
8 charged as follows and shall be paid in advance to the clerk of
9 the justice court in accordance with the provisions of Section
10 9-11-10:

11 (a) A uniform total fee in all civil cases, whether
12 contested or uncontested, which shall include all services in
13 connection therewith, except as hereinafter stated, each... \$25.00

14 (b) For more than one (1) defendant, for service of
15 process on each defendant..... 5.00

16 (c) After final judgment has been enrolled, further
17 proceedings involving levy of execution on judgments, and
18 attachment and garnishment proceedings..... 15.00

19 (d) For all services in connection with the issuance of
20 a peace bond..... 25.00

21 (e) For celebrating a marriage, and certificate
22 thereof..... 10.00

23 (f) Commission to take depositions..... 5.00

24 (g) Appeal with proceedings and bond..... 5.00

25 (h) A clerk's fee to be collected in all criminal cases
26 in which the defendant is convicted, as follows:

27 (i) For all violations in Title 63 other than
28 driving under the influence of intoxicating liquor or reckless
29 driving..... 5.00
30 (ii) All other criminal cases..... 25.00

31 (i) In addition to the salary provided for in
32 subsection (1) of Section 25-3-36, each justice court judge may
33 receive a fee of not more than Twenty-five Dollars (\$25.00) for
34 each marriage ceremony he performs in the courtroom or offices of
35 the justice court at any time the courtroom or offices are open to
36 the public. This fee shall be paid by the parties to the
37 marriage. Each justice court judge may receive money or
38 gratuities for marriage ceremonies performed outside of and away
39 from the courtroom and the offices of the justice court, that the
40 parties to the marriage request to have performed at any time the
41 courtroom or offices of the justice court are closed. These
42 monies or gratuities, in an amount agreed upon by the parties to
43 the marriage, are not considered fees for the justice court and
44 are not subject to the requirements set forth in the provisions of
45 Section 9-11-10.

46 The total costs assessed in any proceeding for a traffic
47 violation in justice court shall not exceed Fifty Dollars (\$50.00)
48 for one (1) case.

49 **SECTION 2.** This act shall take effect and be in force from
50 and after July 1, 2005.