

By: Senator(s) Ross

To: Judiciary, Division A

SENATE BILL NO. 2757

1 AN ACT TO CREATE NEW SECTION 9-21-14, MISSISSIPPI CODE OF
2 1972, TO CREATE THE COMPREHENSIVE ELECTRONIC COURT SYSTEMS FUND;
3 TO BRING FORWARD SECTIONS 25-7-9 AND 25-7-13, MISSISSIPPI CODE OF
4 1972, FOR PURPOSES OF AMENDMENT; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** The following shall be codified as Section
7 9-21-14, Mississippi Code of 1972:

8 9-21-14. (1) There is created in the State Treasury a
9 special fund to be known as the Comprehensive Electronic Court
10 Systems Fund. The purpose of the fund shall be to provide funding
11 for the development, implementation and maintenance of a
12 comprehensive case management and electronic filing system, one of
13 the purposes of which will be to provide duplicate dockets and
14 case files at remote sites. The system will be designed to:

15 (a) Provide a framework for the seamless, transparent
16 exchange of data among courts and with appropriate law
17 enforcement, children's services and public welfare agencies.

18 (b) Allow judges and prosecutors to determine whether
19 there are holds or warrants from other jurisdictions for
20 defendants prior to release on bail or otherwise.

21 (c) Assist related agencies in tracking the court
22 activity of individuals in all participating jurisdictions.

23 (d) Assist child protection and human services agencies
24 to determine the status of children and caregivers in the
25 participating jurisdictions.

26 (e) Duplicate and preserve court documents at remote
27 sites so that they may be protected against catastrophic loss.

28 (f) Improve the ability of the Administrative Office of
29 Courts and the state courts to handle efficiently monies flowing
30 through the courts and to collect delinquent fees, fines and
31 costs.

32 (g) Enable the state courts and clerks to generate
33 management reports and analysis tools, allowing them to constantly
34 track individual cases and the overall caseload.

35 (h) Provide a uniform system for docketing and tracking
36 cases and to automatically generate status reports.

37 (i) Enable the Administrative Office of Courts to
38 acquire statistical data promptly and efficiently.

39 (j) Make trial court and individual case dockets
40 available to the public on-line through use of the Internet.

41 (2) Monies from the fund shall be distributed by the State
42 Treasurer upon warrants issued by the Administrative Office of
43 Courts.

44 (3) The fund shall be a continuing fund, not subject to
45 fiscal-year limitations, and shall consist of:

46 (a) Monies appropriated by the Legislature for the
47 purposes of funding the comprehensive case management and
48 electronic filing system;

49 (b) The interest accruing to the fund;

50 (c) Monies received from the federal government;

51 (d) Donations; and

52 (e) Monies received from such other sources as may be
53 provided by law.

54 **SECTION 2.** Section 25-7-9, Mississippi Code of 1972, is
55 brought forward as follows:

56 25-7-9. (1) The clerks of the chancery courts shall charge
57 the following fees:

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

60 (b) Recording deeds, wills, leases, amendments,
61 subordinations, liens, releases, cancellations, orders, decrees,
62 oaths, etc., including indexing; for the first fifteen (15)
63 pages..... \$ 10.00
64 Each additional page..... 1.00
65 Sectional index entries per section or subdivision
66 lot..... 1.00
67 (c) Recording deeds of trust, for the first fifteen
68 (15) pages..... \$ 15.00
69 Each additional page..... 1.00
70 Sectional index entries per section or subdivision
71 lot..... 1.00
72 (d) Recording oil and gas leases, cancellations,
73 assignments, etc., including indexing in general indices; for the
74 first fifteen (15) pages \$ 18.00
75 Each additional page..... 1.00
76 Sectional index entries per section or subdivision
77 lot..... 1.00
78 (e) Furnishing copies of any papers of record or on
79 file and entering marginal notations on documents of record:
80 If performed by the clerk or his employee,
81 per page..... \$.50
82 If performed by any other person, per page..... .25
83 (f) For each day's attendance on the board of
84 supervisors, for himself and one (1) deputy, each..... \$ 20.00
85 (g) For other services as clerk of the board of
86 supervisors an allowance shall be made to him (payable
87 semiannually at the July and January meetings) out of the county
88 treasury, an annual sum not exceeding..... \$3,000.00
89 (h) For each day's attendance on the chancery court, to
90 be approved by the chancellor:
91 For the first chancellor sitting only, clerk and two (2)
92 deputies, each..... \$ 50.00

93 For the second chancellor sitting, clerk only..... \$ 50.00

94 Provided that the fees herein prescribed shall be the total
95 remuneration for the clerk and his deputies for attending chancery
96 court.

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

100 (j) For public service not otherwise specifically
101 provided for, the chancery court may by order allow the clerk to
102 be paid by the county on the order of the board of supervisors, an
103 annual sum not exceeding..... \$5,000.00

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

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

- 116 (a) Divorce to be contested..... \$75.00
- 117 (b) Divorce uncontested..... 30.00
- 118 (c) Alteration of birth or marriage certificate. 25.00
- 119 (d) Removal of minority..... 25.00
- 120 (e) Guardianship or conservatorship..... 75.00
- 121 (f) Estate of deceased, intestate..... 75.00
- 122 (g) Estate of deceased, testate..... 75.00
- 123 (h) Adoption..... 75.00
- 124 (i) Land dispute..... 75.00
- 125 (j) Injunction..... 75.00

126	(k) Settlement of small claim.....	30.00
127	(l) Contempt in child support.....	75.00
128	(m) Partition suit.....	75.00
129	(n) Any cross-complaint.....	25.00

130 Cost of process shall be borne by the issuing party.

131 Additionally, should the attorney or person filing the pleadings
132 desire the clerk to pay the cost to the sheriff for serving
133 process on one person or more, or to pay the cost of publication,
134 the clerk shall demand the actual charges therefor, at the time of
135 filing.

136 **SECTION 3.** Section 25-7-13, Mississippi Code of 1972, is
137 brought forward as follows:

138 25-7-13. (1) The clerks of the circuit court shall charge
139 the following fees:

140 (a) Docketing, filing, marking and registering each
141 complaint, petition and indictment..... \$75.00

142 The fee set forth in this paragraph shall be the total fee
143 for all services performed by the clerk up to and including entry
144 of judgment with respect to each complaint, petition or
145 indictment, including all answers, claims, orders, continuances
146 and other papers filed therein, issuing each writ, summons,
147 subpoena or other such instruments, swearing witnesses, taking and
148 recording bonds and pleas, and recording judgments, orders, fiats
149 and certificates; the fee shall be payable upon filing and shall
150 accrue to the clerk at the time of collection. The clerk or his
151 successor in office shall perform all duties set forth above
152 without additional compensation or fee.

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

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

- 159 (a) Filing and marking each order or other paper and
160 recording and indexing same..... \$ 2.00
- 161 (b) Issuing each writ, summons, subpoena, citation,
162 capias and other such instruments..... \$ 1.00
- 163 (c) Administering an oath and taking bond..... \$ 2.00
- 164 (d) Certifying copies of filed documents, for each
165 complete document..... \$ 1.00
- 166 (e) Recording orders, fiats, licenses, certificates,
167 oaths and bonds:
- 168 First page..... \$ 2.00
- 169 Each additional page..... \$ 1.00
- 170 (f) Furnishing copies of any papers of record or on
171 file and entering marginal notations on documents of record:
- 172 If performed by the clerk or his employee,
173 per page..... \$ 1.00
- 174 If performed by any other person, per page.. \$.25
- 175 (g) Judgment roll entry..... \$ 5.00
- 176 (h) Taxing cost and certificate..... \$ 1.00
- 177 (i) For taking and recording application for marriage
178 license, for filing and recording consent of parents when required
179 by law, for filing and recording medical certificate, filing and
180 recording proof of age, recording and issuing license, recording
181 and filing returns..... \$20.00
- 182 The clerk shall deposit Fourteen Dollars (\$14.00) of each fee
183 collected for a marriage license in the Victims of Domestic
184 Violence Fund established in Section 93-21-117, on a monthly
185 basis.
- 186 (j) For certified copy of marriage license and search
187 of record, the same fee charged by the Bureau of Vital Statistics
188 of the State Board of Health.
- 189 (k) For public service not particularly provided for,
190 the circuit court may allow the clerk, per annum, to be paid by

191 the county on presentation of the circuit court's order, the
192 following amount..... \$5,000.00

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

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

197 (m) For each day's attendance upon the circuit court
198 term, for himself and necessary deputies allowed by the court,
199 each to be paid by the county..... \$50.00

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

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

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

208 (4) The clerk's fees in state cases where the state fails in
209 the prosecution, or in cases of felony where the defendant is
210 convicted and the cost cannot be made out of his estate, in an
211 amount not to exceed Four Hundred Dollars (\$400.00) in one (1)
212 year, shall be paid out of the county treasury on approval of the
213 circuit court, and the allowance thereof by the board of
214 supervisors of the county. In counties having two (2) judicial
215 districts, such allowance shall be made in each judicial district;
216 however, the maximum thereof shall not exceed Eight Hundred
217 Dollars (\$800.00). Clerks in the circuit court, in cases where
218 appeals are taken in criminal cases and no appeal bond is filed,
219 shall be allowed by the board of supervisors of the county after
220 approval of their accounts by the circuit court, in addition to
221 the above fees, for making such transcript the rate of Two Dollars
222 (\$2.00) per page.

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

227 (6) For making final records required by law, including, but
228 not limited to, circuit and county court minutes, and furnishing
229 transcripts of records, the circuit clerk shall charge Two Dollars
230 (\$2.00) per page. The same fees shall be allowed to all officers
231 for making and certifying copies of records or papers which they
232 are authorized to copy and certify.

233 (7) The circuit clerk shall prepare an itemized statement of
234 fees for services performed, cost incurred, or for furnishing
235 copies of any papers of record or on file, and shall submit the
236 statement to the parties or, if represented, to their attorneys
237 within sixty (60) days. A bill for same shall accompany the
238 statement.

239 **SECTION 4.** This act shall take effect and be in force from
240 and after its passage.