

By: Senator(s) Ross

To: Judiciary, Division A

SENATE BILL NO. 2757
(As Passed the Senate)

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 AMEND SECTIONS 25-7-9 AND 25-7-13, MISSISSIPPI CODE OF 1972, TO
4 ENACT AN ADDITIONAL TEN-DOLLAR FEE ON CIVIL CASE FILINGS IN ORDER
5 TO GENERATE FUNDS FOR CREATION, IMPLEMENTATION AND MAINTENANCE OF
6 THE COMPREHENSIVE CASE MANAGEMENT AND ELECTRONIC FILING SYSTEM;
7 AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** The following shall be codified as Section
10 9-21-14, Mississippi Code of 1972:

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

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

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

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

26 (d) Assist child protection and human services agencies
27 to determine the status of children and caregivers in the
28 participating jurisdictions.

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

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

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

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

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

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

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

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

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

(b) The interest accruing to the fund;

(c) Monies received from the federal government;

(d) Donations; and

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

SECTION 2. Section 25-7-9, Mississippi Code of 1972, is amended as follows:

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

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

63 (b) Recording deeds, wills, leases, amendments,
64 subordinations, liens, releases, cancellations, orders, decrees,
65 oaths, etc., including indexing; for the first fifteen (15)
66 pages..... \$ 10.00

67 Each additional page..... 1.00

68 Sectional index entries per section or subdivision
69 lot..... 1.00

70 (c) Recording deeds of trust, for the first fifteen
71 (15) pages..... \$ 15.00

72 Each additional page..... 1.00

73 Sectional index entries per section or subdivision
74 lot..... 1.00

75 (d) Recording oil and gas leases, cancellations,
76 assignments, etc., including indexing in general indices; for the
77 first fifteen (15) pages \$ 18.00

78 Each additional page..... 1.00

79 Sectional index entries per section or subdivision
80 lot..... 1.00

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

83 If performed by the clerk or his employee,
84 per page..... \$.50

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

86 (f) For each day's attendance on the board of
87 supervisors, for himself and one (1) deputy, each..... \$ 20.00

88 (g) For other services as clerk of the board of
89 supervisors an allowance shall be made to him (payable
90 semiannually at the July and January meetings) out of the county
91 treasury, an annual sum not exceeding..... \$3,000.00

92 (h) For each day's attendance on the chancery court, to
93 be approved by the chancellor:

For the first chancellor sitting only, clerk and two (2) deputies, each..... \$ 50.00

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

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

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

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

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

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

(a)	Divorce to be contested.....	\$75.00
(b)	Divorce uncontested.....	30.00
(c)	Alteration of birth or marriage certificate.	25.00
(d)	Removal of minority.....	25.00
(e)	Guardianship or conservatorship.....	75.00
(f)	Estate of deceased, intestate.....	75.00
(g)	Estate of deceased, testate.....	75.00
(h)	Adoption.....	75.00

127	(i) Land dispute.....	75.00
128	(j) Injunction.....	75.00
129	(k) Settlement of small claim.....	30.00
130	(l) Contempt in child support.....	75.00
131	(m) Partition suit.....	75.00
132	(n) Any cross-complaint.....	25.00
133	<u>(3) From and after July 1, 2006, for every civil case filed,</u>	
134	<u>an additional fee to be deposited to the credit of the</u>	
135	<u>Comprehensive Electronic Court Systems Fund established in Section</u>	
136	<u>9-21-14.....</u>	<u>\$10.00</u>

137 (4) Cost of process shall be borne by the issuing party.
 138 Additionally, should the attorney or person filing the pleadings
 139 desire the clerk to pay the cost to the sheriff for serving
 140 process on one person or more, or to pay the cost of publication,
 141 the clerk shall demand the actual charges therefor, at the time of
 142 filing.

143 **SECTION 3.** Section 25-7-13, Mississippi Code of 1972, is
 144 amended as follows:
 145 25-7-13. (1) The clerks of the circuit court shall charge
 146 the following fees:

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

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

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

164 (c) From and after July 1, 2006, for every civil case
165 filed, an additional fee to be deposited to the credit of the
166 Comprehensive Electronic Court Systems Fund established in Section
167 9-21-14..... \$10.00

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

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

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

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

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

177 (e) Recording orders, fiats, licenses, certificates,
178 oaths and bonds:

179 First page..... \$ 2.00

180 Each additional page..... \$ 1.00

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

183 If performed by the clerk or his employee,
184 per page..... \$ 1.00

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

186 (g) Judgment roll entry..... \$ 5.00

187 (h) Taxing cost and certificate..... \$ 1.00

188 (i) For taking and recording application for marriage
189 license, for filing and recording consent of parents when required
190 by law, for filing and recording medical certificate, filing and
191 recording proof of age, recording and issuing license, recording
192 and filing returns..... \$20.00

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

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

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

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

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

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

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

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

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

219 (4) The clerk's fees in state cases where the state fails in
220 the prosecution, or in cases of felony where the defendant is
221 convicted and the cost cannot be made out of his estate, in an
222 amount not to exceed Four Hundred Dollars (\$400.00) in one (1)
223 year, shall be paid out of the county treasury on approval of the
224 circuit court, and the allowance thereof by the board of
225 supervisors of the county. In counties having two (2) judicial

226 districts, such allowance shall be made in each judicial district;
227 however, the maximum thereof shall not exceed Eight Hundred
228 Dollars (\$800.00). Clerks in the circuit court, in cases where
229 appeals are taken in criminal cases and no appeal bond is filed,
230 shall be allowed by the board of supervisors of the county after
231 approval of their accounts by the circuit court, in addition to
232 the above fees, for making such transcript the rate of Two Dollars
233 (\$2.00) per page.

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

238 (6) For making final records required by law, including, but
239 not limited to, circuit and county court minutes, and furnishing
240 transcripts of records, the circuit clerk shall charge Two Dollars
241 (\$2.00) per page. The same fees shall be allowed to all officers
242 for making and certifying copies of records or papers which they
243 are authorized to copy and certify.

244 (7) The circuit clerk shall prepare an itemized statement of
245 fees for services performed, cost incurred, or for furnishing
246 copies of any papers of record or on file, and shall submit the
247 statement to the parties or, if represented, to their attorneys
248 within sixty (60) days. A bill for same shall accompany the
249 statement.

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