

By: Senator(s) Ross

To: Judiciary, Division A

SENATE BILL NO. 2757
(As Sent to Governor)

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; TO
7 CONFORM TO THE PROVISIONS OF HOUSE BILL NO. 1363 AND SENATE BILL
8 NO. 2935, 2006 REGULAR SESSION; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** The following shall be codified as Section
11 9-21-14, Mississippi Code of 1972:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

53 (b) The interest accruing to the fund;

54 (c) Monies received from the federal government;

55 (d) Donations; and

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

58 (4) The Supreme Court shall utilize as a pilot program any
59 case management and electronic filing system of the Three Rivers
60 Planning and Development District or that of any county or vendor
61 that complies with the data and case management and electronic
62 filing policy standards adopted by the Supreme Court. No

63 statewide comprehensive case management and electronic system
64 shall be implemented by the Mississippi Supreme Court unless such
65 system is approved by the Legislature.

66 **SECTION 2.** Section 25-7-9, Mississippi Code of 1972, as
67 amended by House Bill No. 1363, 2006 Regular Session, is amended
68 as follows:

69 25-7-9. (1) The clerks of the chancery courts shall charge
70 the following fees:

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

73 (b) (i) Recording deeds, wills, leases, amendments,
74 subordinations, liens, releases, cancellations, orders, decrees,
75 oaths, etc., including indexing; for the first fifteen (15)
76 pages..... \$ 10.00

77 Each additional page..... 1.00

78 (ii) Sectional index entries per section or
79 subdivision lot..... 1.00

80 (iii) Recording each cancellation
81 per deed of trust..... 10.00

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

84 Each additional page..... 1.00

85 Sectional index entries per section or subdivision
86 lot..... 1.00

87 (d) (i) Recording oil and gas leases,
88 cancellations, etc., including indexing in general
89 indices; for the first fifteen (15) pages \$ 18.00

90 Each additional page..... 1.00

91 (ii) Sectional index entries per section or
92 subdivision lot..... 1.00

93 (iii) Recording each oil and gas
94 assignment per assignee..... 18.00

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

97 If performed by the clerk or his employee,
98 per page..... \$.50

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

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

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

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

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

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

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

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

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

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

126 (2) In accordance with Uniform Chancery Court Rule 9.01 as
127 approved by Order of the Mississippi Supreme Court, the following

128 fees shall be a total fee for all services performed by the clerk
129 with respect to a complaint which shall be payable upon filing and
130 shall accrue to the chancery clerk at the time of filing. The
131 clerk or his successor in office shall perform all duties set
132 forth without additional compensation or fee to wit:

- 133 (a) Divorce to be contested..... \$75.00
- 134 (b) Divorce uncontested..... 30.00
- 135 (c) Alteration of birth or marriage certificate. 25.00
- 136 (d) Removal of minority..... 25.00
- 137 (e) Guardianship or conservatorship..... 75.00
- 138 (f) Estate of deceased, intestate..... 75.00
- 139 (g) Estate of deceased, testate..... 75.00
- 140 (h) Adoption..... 75.00
- 141 (i) Land dispute..... 75.00
- 142 (j) Injunction..... 75.00
- 143 (k) Settlement of small claim..... 30.00
- 144 (l) Contempt in child support..... 75.00
- 145 (m) Partition suit..... 75.00
- 146 (n) Any cross-complaint..... 25.00

147 (3) For every civil case filed, an additional fee to be
148 deposited to the credit of the Comprehensive Electronic Court
149 Systems Fund established in Section 9-21-14..... \$10.00

150 (4) Cost of process shall be borne by the issuing party.
151 Additionally, should the attorney or person filing the pleadings
152 desire the clerk to pay the cost to the sheriff for serving
153 process on one person or more, or to pay the cost of publication,
154 the clerk shall demand the actual charges therefor, at the time of
155 filing.

156 **SECTION 3.** Section 25-7-13, Mississippi Code of 1972, as
157 amended by Senate Bill No. 2935, 2006 Regular Session, is amended
158 as follows:

159 25-7-13. (1) The clerks of the circuit court shall charge
160 the following fees:

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

163 The fee set forth in this paragraph shall be the total fee
164 for all services performed by the clerk up to and including entry
165 of judgment with respect to each complaint, petition or
166 indictment, including all answers, claims, orders, continuances
167 and other papers filed therein, issuing each writ, summons,
168 subpoena or other such instruments, swearing witnesses, taking and
169 recording bonds and pleas, and recording judgments, orders, fiats
170 and certificates; the fee shall be payable upon filing and shall
171 accrue to the clerk at the time of collection. The clerk or his
172 successor in office shall perform all duties set forth above
173 without additional compensation or fee.

174 (b) Docketing and filing each motion to renew judgment,
175 suggestion for a writ of garnishment, suggestion for a writ of
176 execution and judgment debtor actions and issuing all process,
177 filing and recording orders or other papers and swearing
178 witnesses..... \$30.00

179 (c) For every civil case filed, an additional fee to be
180 deposited to the credit of the Comprehensive Electronic Court
181 Systems Fund established in Section 9-21-14..... \$10.00

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

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

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

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

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

191 (e) Recording orders, fiats, licenses, certificates,
192 oaths and bonds:

193 First page..... \$ 2.00

194 Each additional page..... \$ 1.00

195 (f) Furnishing copies of any papers of record or on

196 file and entering marginal notations on documents of record:

197 If performed by the clerk or his employee,

198 per page..... \$ 1.00

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

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

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

202 (i) For taking and recording application for marriage

203 license, for filing and recording consent of parents when required

204 by law, for filing and recording medical certificate, filing and

205 recording proof of age, recording and issuing license, recording

206 and filing returns..... \$20.00

207 The clerk shall deposit Fourteen Dollars (\$14.00) of each fee

208 collected for a marriage license in the Victims of Domestic

209 Violence Fund established in Section 93-21-117, on a monthly

210 basis.

211 (j) For certified copy of marriage license and search

212 of record, the same fee charged by the Bureau of Vital Statistics

213 of the State Board of Health.

214 (k) For public service not particularly provided for,

215 the circuit court may allow the clerk, per annum, to be paid by

216 the county on presentation of the circuit court's order, the

217 following amount..... \$5,000.00

218 However, in the counties having two (2) judicial districts,

219 such above allowance shall be made for each judicial district.

220 (l) For drawing jurors and issuing venire, to be paid

221 by the county..... \$ 5.00

222 (m) For each day's attendance upon the circuit court

223 term, for himself and necessary deputies allowed by the court,

224 each to be paid by the county..... \$50.00

225 (n) Summons, each juror to be paid by the county upon

226 the allowance of the court..... \$ 1.00

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

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

233 (4) The clerk's fees in state cases where the state fails in
234 the prosecution, or in cases of felony where the defendant is
235 convicted and the cost cannot be made out of his estate, in an
236 amount not to exceed Four Hundred Dollars (\$400.00) in one (1)
237 year, shall be paid out of the county treasury on approval of the
238 circuit court, and the allowance thereof by the board of
239 supervisors of the county. In counties having two (2) judicial
240 districts, such allowance shall be made in each judicial district;
241 however, the maximum thereof shall not exceed Eight Hundred
242 Dollars (\$800.00). Clerks in the circuit court, in cases where
243 appeals are taken in criminal cases and no appeal bond is filed,
244 shall be allowed by the board of supervisors of the county after
245 approval of their accounts by the circuit court, in addition to
246 the above fees, for making such transcript the rate of Two Dollars
247 (\$2.00) per page.

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

252 (6) For making final records required by law, including, but
253 not limited to, circuit and county court minutes, and furnishing
254 transcripts of records, the circuit clerk shall charge Two Dollars
255 (\$2.00) per page. The same fees shall be allowed to all officers
256 for making and certifying copies of records or papers which they
257 are authorized to copy and certify.

258 (7) The circuit clerk shall prepare an itemized statement of
259 fees for services performed, cost incurred, or for furnishing

260 copies of any papers of record or on file, and shall submit the
261 statement to the parties or, if represented, to their attorneys
262 within sixty (60) days. A bill for same shall accompany the
263 statement.

264 **SECTION 4.** It is the intent of the Legislature that the
265 amendments contained in Sections 2 and 3 of this act shall be
266 integrated with the amendments to the corresponding code sections
267 contained in House Bill No. 1363 and House Bill No. 961, and
268 Senate Bill No. 2935, 2006 Regular Session, without regard to the
269 effective date of such acts.

270 **SECTION 5.** This act shall take effect and be in force from
271 and after July 1, 2006.