

**Adopted
AMENDMENT NO 1 PROPOSED TO**

Cmte Sub for Senate Bill No. 2757

BY: Senator(s) Ross, Williamson

1 **AMEND by inserting after line 52 the following and renumber**
2 **subsequent section(s) accordingly:**

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

5 25-7-9. (1) The clerks of the chancery courts shall charge
6 the following fees:

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

9 (b) Recording deeds, wills, leases, amendments,
10 subordinations, liens, releases, cancellations, orders, decrees,
11 oaths, etc., including indexing; for the first fifteen (15)
12 pages..... \$ 10.00

13 Each additional page..... 1.00

14 Sectional index entries per section or subdivision
15 lot..... 1.00

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

18 Each additional page..... 1.00

19 Sectional index entries per section or subdivision
20 lot..... 1.00

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

24 Each additional page..... 1.00

25 Sectional index entries per section or subdivision

26 lot..... 1.00

27 (e) Furnishing copies of any papers of record or on

28 file and entering marginal notations on documents of record:

29 If performed by the clerk or his employee,

30 per page..... \$.50

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

32 (f) For each day's attendance on the board of

33 supervisors, for himself and one (1) deputy, each..... \$ 20.00

34 (g) For other services as clerk of the board of

35 supervisors an allowance shall be made to him (payable

36 semiannually at the July and January meetings) out of the county

37 treasury, an annual sum not exceeding..... \$3,000.00

38 (h) For each day's attendance on the chancery court, to

39 be approved by the chancellor:

40 For the first chancellor sitting only, clerk and two (2)

41 deputies, each..... \$ 50.00

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

43 Provided that the fees herein prescribed shall be the total

44 remuneration for the clerk and his deputies for attending chancery

45 court.

46 (i) On order of the court, clerks and not more than two

47 (2) deputies may be allowed five (5) extra days for each term of

48 court for attendance upon the court to get up records.

49 (j) For public service not otherwise specifically

50 provided for, the chancery court may by order allow the clerk to

51 be paid by the county on the order of the board of supervisors, an

52 annual sum not exceeding..... \$5,000.00

53 The chancery clerk shall itemize on the original document a

54 detailed fee bill of all charges due or paid for filing, recording

55 and abstracting same. No person shall be required to pay such

56 fees until same have been so itemized, but said fees may be
57 demanded before the document is recorded.

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

- 65 (a) Divorce to be contested..... \$75.00
- 66 (b) Divorce uncontested..... 30.00
- 67 (c) Alteration of birth or marriage certificate. 25.00
- 68 (d) Removal of minority..... 25.00
- 69 (e) Guardianship or conservatorship..... 75.00
- 70 (f) Estate of deceased, intestate..... 75.00
- 71 (g) Estate of deceased, testate..... 75.00
- 72 (h) Adoption..... 75.00
- 73 (i) Land dispute..... 75.00
- 74 (j) Injunction..... 75.00
- 75 (k) Settlement of small claim..... 30.00
- 76 (l) Contempt in child support..... 75.00
- 77 (m) Partition suit..... 75.00
- 78 (n) Any cross-complaint..... 25.00

79 (3) From and after July 1, 2006, for every civil case filed,
80 an additional fee to be deposited to the credit of the
81 Comprehensive Electronic Court Systems Fund established in Section
82 9-21-14..... \$10.00

83 (4) Cost of process shall be borne by the issuing party.
84 Additionally, should the attorney or person filing the pleadings
85 desire the clerk to pay the cost to the sheriff for serving
86 process on one person or more, or to pay the cost of publication,

87 the clerk shall demand the actual charges therefor, at the time of
88 filing.

89 **SECTION *.** Section 25-7-13, Mississippi Code of 1972, is
90 amended as follows:

91 25-7-13. (1) The clerks of the circuit court shall charge
92 the following fees:

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

95 The fee set forth in this paragraph shall be the total fee
96 for all services performed by the clerk up to and including entry
97 of judgment with respect to each complaint, petition or
98 indictment, including all answers, claims, orders, continuances
99 and other papers filed therein, issuing each writ, summons,
100 subpoena or other such instruments, swearing witnesses, taking and
101 recording bonds and pleas, and recording judgments, orders, fiats
102 and certificates; the fee shall be payable upon filing and shall
103 accrue to the clerk at the time of collection. The clerk or his
104 successor in office shall perform all duties set forth above
105 without additional compensation or fee.

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

110 (c) From and after July 1, 2006, for every civil case
111 filed, an additional fee to be deposited to the credit of the
112 Comprehensive Electronic Court Systems Fund established in Section
113 9-21-14..... \$10.00

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

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

118 (b) Issuing each writ, summons, subpoena, citation,
119 capias and other such instruments..... \$ 1.00
120 (c) Administering an oath and taking bond..... \$ 2.00
121 (d) Certifying copies of filed documents, for each
122 complete document..... \$ 1.00
123 (e) Recording orders, fiats, licenses, certificates,
124 oaths and bonds:
125 First page..... \$ 2.00
126 Each additional page..... \$ 1.00
127 (f) Furnishing copies of any papers of record or on
128 file and entering marginal notations on documents of record:
129 If performed by the clerk or his employee,
130 per page..... \$ 1.00
131 If performed by any other person, per page.. \$.25
132 (g) Judgment roll entry..... \$ 5.00
133 (h) Taxing cost and certificate..... \$ 1.00
134 (i) For taking and recording application for marriage
135 license, for filing and recording consent of parents when required
136 by law, for filing and recording medical certificate, filing and
137 recording proof of age, recording and issuing license, recording
138 and filing returns..... \$20.00
139 The clerk shall deposit Fourteen Dollars (\$14.00) of each fee
140 collected for a marriage license in the Victims of Domestic
141 Violence Fund established in Section 93-21-117, on a monthly
142 basis.
143 (j) For certified copy of marriage license and search
144 of record, the same fee charged by the Bureau of Vital Statistics
145 of the State Board of Health.
146 (k) For public service not particularly provided for,
147 the circuit court may allow the clerk, per annum, to be paid by
148 the county on presentation of the circuit court's order, the
149 following amount..... \$5,000.00

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

152 (1) For drawing jurors and issuing venire, to be paid
153 by the county..... \$ 5.00

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

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

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

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

165 (4) The clerk's fees in state cases where the state fails in
166 the prosecution, or in cases of felony where the defendant is
167 convicted and the cost cannot be made out of his estate, in an
168 amount not to exceed Four Hundred Dollars (\$400.00) in one (1)
169 year, shall be paid out of the county treasury on approval of the
170 circuit court, and the allowance thereof by the board of
171 supervisors of the county. In counties having two (2) judicial
172 districts, such allowance shall be made in each judicial district;
173 however, the maximum thereof shall not exceed Eight Hundred
174 Dollars (\$800.00). Clerks in the circuit court, in cases where
175 appeals are taken in criminal cases and no appeal bond is filed,
176 shall be allowed by the board of supervisors of the county after
177 approval of their accounts by the circuit court, in addition to
178 the above fees, for making such transcript the rate of Two Dollars
179 (\$2.00) per page.

180 (5) The clerk of the circuit court may retain as his
181 commission on all money coming into his hands, by law or order of

182 the court, a sum to be fixed by the court not exceeding one-half
183 of one percent (1/2 of 1%) on all such sums.

184 (6) For making final records required by law, including, but
185 not limited to, circuit and county court minutes, and furnishing
186 transcripts of records, the circuit clerk shall charge Two Dollars
187 (\$2.00) per page. The same fees shall be allowed to all officers
188 for making and certifying copies of records or papers which they
189 are authorized to copy and certify.

190 (7) The circuit clerk shall prepare an itemized statement of
191 fees for services performed, cost incurred, or for furnishing
192 copies of any papers of record or on file, and shall submit the
193 statement to the parties or, if represented, to their attorneys
194 within sixty (60) days. A bill for same shall accompany the
195 statement.

196 **FURTHER, AMEND the title by inserting after the semicolon on**
197 **line 2 the following:**

198 TO AMEND SECTIONS 25-7-9 AND 25-7-13, MISSISSIPPI CODE OF 1972, TO
199 ENACT AN ADDITIONAL TEN-DOLLAR FEE ON CIVIL CASE FILINGS IN ORDER
200 TO GENERATE FUNDS FOR CREATION, IMPLEMENTATION AND MAINTENANCE OF
201 THE COMPREHENSIVE CASE MANAGEMENT AND ELECTRONIC FILING SYSTEM;