

By: Representative Coleman (29th)

To: Fees and Salaries of
Public Officers;
Appropriations

HOUSE BILL NO. 1508

1 AN ACT TO AMEND SECTION 9-11-27, MISSISSIPPI CODE OF 1972, TO
2 INCREASE THE JUSTICE COURT CLERKS' COMPENSATION; TO AMEND SECTION
3 25-7-25, MISSISSIPPI CODE OF 1972, TO REVISE FEES CHARGED BY
4 JUSTICE COURT FOR CERTAIN SERVICE; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 9-11-27, Mississippi Code of 1972, is
7 amended as follows:

8 9-11-27. The board of supervisors of each county shall, at
9 its own expense, appoint one (1) person to serve as clerk of the
10 justice court system of the county, and may appoint such other
11 employees for the justice court of the county as it deems
12 necessary, including a person or persons to serve as deputy clerk
13 or deputy clerks. The board of supervisors of each county with
14 two (2) judicial districts may, at its own expense, appoint two
15 (2) persons to serve as clerks of the justice court system of the
16 county, one (1) for each judicial district, and may appoint such
17 other employees for the justice court system of the county as it
18 deems necessary including persons to serve as deputy clerks. The
19 salary of the justice court clerk shall not be less than the
20 salary of the justice court judges for that county, as provided in
21 Section 25-3-36. The clerk and deputy clerks shall be empowered
22 to file and record actions and pleadings, to receive and receipt
23 for monies, to acknowledge affidavits, to issue warrants in
24 criminal cases upon direction by a justice court judge in the
25 county, to approve the sufficiency of bonds in civil and criminal
26 cases, to certify and issue copies of all records, documents and
27 pleadings filed in the justice court and to issue all process
28 necessary for the operation of the justice court. The clerk or

29 deputy clerks may refuse to accept a personal check in payment of
 30 any fine or cost or to satisfy any other payment required to be
 31 made to the justice court. All orders from the justice court
 32 judge to the clerk of the justice court shall be written. All
 33 cases, civil and criminal, shall be assigned by the clerk to the
 34 justice court judges of the county in the manner provided in
 35 Section 11-9-105 and Section 99-33-2. A deputy clerk who works in
 36 an office separate from the clerk and who is the head deputy clerk
 37 of the separate office may be designated to be trained as a clerk
 38 as provided in Section 9-11-29.

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

41 25-7-25. (1) Costs and fees in the justice court shall be
 42 charged as follows and shall be paid in advance to the clerk of
 43 the justice court in accordance with the provisions of Section
 44 9-11-10:

- 45 (a) A uniform total fee in all civil cases, whether
 46 contested or uncontested, which shall include all services in
 47 connection therewith, except as hereinafter stated, each... \$25.00
- 48 (b) For more than one (1) defendant, for service of
 49 process on each defendant..... 5.00
- 50 (c) After final judgment has been enrolled, further
 51 proceedings involving levy of execution on judgments, and
 52 attachment and garnishment proceedings..... 15.00
- 53 (d) For all services in connection with the issuance of
 54 a peace bond..... 25.00
- 55 (e) For celebrating a marriage, and certificate
 56 thereof..... 10.00
- 57 (f) Commission to take depositions..... 5.00
- 58 (g) Appeal with proceedings and bond..... 5.00
- 59 (h) A clerk's fee to be collected in all criminal cases
 60 in which the defendant is convicted * * *..... 25.00

61 (2) The justice court shall have the power to impose a fee
62 not to exceed Fifty Dollars (\$50.00) for dismissal of any criminal
63 affidavit, complaint or charge.

64 (3) In addition to the salary provided for in subsection (1)
65 of Section 25-3-36, each justice court judge may receive a fee of
66 not more than Twenty-five Dollars (\$25.00) for each marriage
67 ceremony he performs in the courtroom or offices of the justice
68 court at any time the courtroom or offices are open to the public.
69 This fee shall be paid by the parties to the marriage. Each
70 justice court judge may receive money or gratuities for marriage
71 ceremonies performed outside of and away from the courtroom and
72 the offices of the justice court, that the parties to the marriage
73 request to have performed at any time the courtroom or offices of
74 the justice court are closed. These monies or gratuities, in an
75 amount agreed upon by the parties to the marriage, are not
76 considered fees for the justice court and are not subject to the
77 requirements set forth in the provisions of Section 9-11-10.

78 **SECTION 3.** This act shall take effect and be in force from
79 and after July 1, 2007.