

By: Senator(s) Thames, Gordon

To: Fees, Salaries and Administration

SENATE BILL NO. 2220

1 AN ACT TO AMEND SECTION 25-7-25, MISSISSIPPI CODE OF 1972, TO
2 INCREASE THE JUSTICE COURT CLERK'S FEE FOR TITLE 63 VIOLATIONS TO
3 CONFORM TO THE FEE COLLECTED IN ALL OTHER CRIMINAL CASES; TO AMEND
4 SECTION 9-11-27, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE
5 SALARY OF THE JUSTICE COURT CLERK SHALL NOT BE LESS THAN THE
6 SALARY OF THE JUSTICE COURT JUDGES IN HIS RESPECTIVE COUNTY; AND
7 FOR RELATED PURPOSES.

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

9 SECTION 1. Section 25-7-25, Mississippi Code of 1972, is
10 amended as follows:

11 25-7-25. (1) Costs and fees in the justice court shall be
12 charged as follows and shall be paid in advance to the clerk of
13 the justice court in accordance with the provisions of Section
14 9-11-10:

15 (a) A uniform total fee in all civil cases, whether
16 contested or uncontested, which shall include all services in
17 connection therewith, except as hereinafter stated, each... \$25.00

18 (b) For more than one (1) defendant, for service of
19 process on each defendant..... 5.00

20 (c) After final judgment has been enrolled, further
21 proceedings involving levy of execution on judgments, and
22 attachment and garnishment proceedings..... 15.00

23 (d) For all services in connection with the issuance of
24 a peace bond..... 25.00

25 (e) For celebrating a marriage, and certificate
26 thereof..... 10.00

27 (f) Commission to take depositions..... 5.00

28 (g) Appeal with proceedings and bond..... 5.00

29 (h) A clerk's fee to be collected in all criminal cases  
30 in which the defendant is convicted \* \* \*..... 25.00

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

34 (3) In addition to the salary provided for in subsection (1)  
35 of Section 25-3-36, each justice court judge may receive a fee of  
36 not more than Twenty-five Dollars (\$25.00) for each marriage  
37 ceremony he performs in the courtroom or offices of the justice  
38 court at any time the courtroom or offices are open to the public.  
39 This fee shall be paid by the parties to the marriage. Each  
40 justice court judge may receive money or gratuities for marriage  
41 ceremonies performed outside of and away from the courtroom and  
42 the offices of the justice court, that the parties to the marriage  
43 request to have performed at any time the courtroom or offices of  
44 the justice court are closed. These monies or gratuities, in an  
45 amount agreed upon by the parties to the marriage, are not  
46 considered fees for the justice court and are not subject to the  
47 requirements set forth in the provisions of Section 9-11-10.

48 **SECTION 2.** Section 9-11-27, Mississippi Code of 1972, is  
49 amended as follows:

50 9-11-27. The board of supervisors of each county shall, at  
51 its own expense, appoint one (1) person to serve as clerk of the  
52 justice court system of the county, and may appoint such other  
53 employees for the justice court of the county as it deems  
54 necessary, including a person or persons to serve as deputy clerk  
55 or deputy clerks. The board of supervisors of each county with  
56 two (2) judicial districts may, at its own expense, appoint two  
57 (2) persons to serve as clerks of the justice court system of the  
58 county, one (1) for each judicial district, and may appoint such  
59 other employees for the justice court system of the county as it  
60 deems necessary including persons to serve as deputy clerks. The  
61 salary of the justice court clerk shall not be less than the

62 salary of the justice court judges in his respective county. The  
63 clerk and deputy clerks shall be empowered to file and record  
64 actions and pleadings, to receive and receipt for monies, to  
65 acknowledge affidavits, to issue warrants in criminal cases upon  
66 direction by a justice court judge in the county, to approve the  
67 sufficiency of bonds in civil and criminal cases, to certify and  
68 issue copies of all records, documents and pleadings filed in the  
69 justice court and to issue all process necessary for the operation  
70 of the justice court. The clerk or deputy clerks may refuse to  
71 accept a personal check in payment of any fine or cost or to  
72 satisfy any other payment required to be made to the justice  
73 court. All orders from the justice court judge to the clerk of  
74 the justice court shall be written. All cases, civil and  
75 criminal, shall be assigned by the clerk to the justice court  
76 judges of the county in the manner provided in Section 11-9-105  
77 and Section 99-33-2. A deputy clerk who works in an office  
78 separate from the clerk and who is the head deputy clerk of the  
79 separate office may be designated to be trained as a clerk as  
80 provided in Section 9-11-29.

81 **SECTION 3.** Section 1 of this act shall take effect and be in  
82 force from and after July 1, 2007. Section 2 of this act shall  
83 take effect and be in force from and after October 1, 2007.