

By: Senator(s) Doty

To: Accountability,
Efficiency, Transparency

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2704

1 AN ACT TO AMEND SECTION 25-7-13, MISSISSIPPI CODE OF 1972, TO
2 INCREASE THE MARRIAGE LICENSE FEE CHARGED BY CIRCUIT CLERKS; AND
3 FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 25-7-13, Mississippi Code of 1972, is
6 amended as follows:

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

9 (a) Docketing, filing, marking and registering each
10 complaint, petition and indictment.....\$ 85.00

11 The fee set forth in this paragraph shall be the total fee
12 for all services performed by the clerk up to and including entry
13 of judgment with respect to each complaint, petition or
14 indictment, including all answers, claims, orders, continuances
15 and other papers filed therein, issuing each writ, summons,
16 subpoena or other such instruments, swearing witnesses, taking and
17 recording bonds and pleas, and recording judgments, orders, fiats
18 and certificates; the fee shall be payable upon filing and shall



19 accrue to the clerk at the time of collection. The clerk or his
20 successor in office shall perform all duties set forth above
21 without additional compensation or fee.

22 (b) Docketing and filing each motion to renew judgment,
23 notice of renewal of judgment, suggestion for a writ of
24 garnishment, suggestion for a writ of execution and judgment
25 debtor actions and issuing all process, filing and recording
26 orders or other papers and swearing witnesses.....\$ 35.00

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

30 (d) For every civil case filed, an additional fee to be
31 deposited to the credit of the Judicial System Operation Fund
32 established in Section 9-21-45.....\$ 40.00

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

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

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

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

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

42 (e) Recording orders, fiats, licenses, certificates,
43 oaths and bonds:



44 First page.....\$ 2.00

45 Each additional page.....\$ 1.00

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

47 file and entering marginal notations on documents of record:

48 If performed by the clerk or his employee,

49 per page.....\$ 1.00

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

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

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

53 (i) For taking and recording application for marriage

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

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

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

57 and filing returns.....\$ * * * 50.00

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

59 collected for a marriage license in the Victims of Domestic

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

61 basis.

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

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

64 of the State Board of Health.

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

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

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

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



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

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

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

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

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

81 (p) For each civil filing, to be deposited into the
82 Civil Legal Assistance Fund.....\$ 5.00

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

86 (4) The clerk's fees in state cases where the state fails in
87 the prosecution, or in cases of felony where the defendant is
88 convicted and the cost cannot be made out of his estate, in an
89 amount not to exceed Four Hundred Dollars (\$400.00) in one (1)
90 year, shall be paid out of the county treasury on approval of the
91 circuit court, and the allowance thereof by the board of
92 supervisors of the county. In counties having two (2) judicial
93 districts, such allowance shall be made in each judicial district;



94 however, the maximum thereof shall not exceed Eight Hundred
95 Dollars (\$800.00). Clerks in the circuit court, in cases where
96 appeals are taken in criminal cases and no appeal bond is filed,
97 shall be allowed by the board of supervisors of the county after
98 approval of their accounts by the circuit court, in addition to
99 the above fees, for making such transcript the rate of Two Dollars
100 (\$2.00) per page.

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

105 (6) For making final records required by law, including, but
106 not limited to, circuit and county court minutes, and furnishing
107 transcripts of records, the circuit clerk shall charge Two Dollars
108 (\$2.00) per page. The same fees shall be allowed to all officers
109 for making and certifying copies of records or papers which they
110 are authorized to copy and certify.

111 (7) The circuit clerk shall prepare an itemized statement of
112 fees for services performed, cost incurred, or for furnishing
113 copies of any papers of record or on file, and shall submit the
114 statement to the parties or, if represented, to their attorneys
115 within sixty (60) days. A bill for same shall accompany the
116 statement.

117 **SECTION 2.** This act shall take effect and be in force from
118 and after July 1, 2017.

