

By: Representative Watson

To: Judiciary B

HOUSE BILL NO. 642

1 AN ACT TO AMEND SECTION 9-21-43, MISSISSIPPI CODE OF 1972, TO
2 SPECIFY THE SOURCES OF FUNDING FOR THE CIVIL LEGAL ASSISTANCE
3 FUND; TO BRING FORWARD SECTIONS 25-7-9, 25-7-13, 27-19-56.99 AND
4 27-19-56.135, MISSISSIPPI CODE OF 1972, WHICH SPECIFY CHANCERY AND
5 CIRCUIT COURT FEES AND FEES FOR CERTAIN SPECIALIZED MOTOR VEHICLE
6 LICENSE TAGS, FOR THE PURPOSES OF AMENDMENT; AND FOR RELATED
7 PURPOSES.

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

9 **SECTION 1.** Section 9-21-43, Mississippi Code of 1972, is
10 amended as follows:

11 9-21-43. (1) There is * * * created in the State Treasury a
12 special fund designated as the Civil Legal Assistance Fund. The
13 funds shall be administered by the Supreme Court through the
14 Administrative Office of Courts. The special fund shall consist
15 of monies that are directed to be paid into the fund by Sections
16 25-7-9, 25-7-13, 27-19-56.99 and 27-19-56.135, and any other
17 monies made available for the fund by the Legislature. The
18 Administrative Office of Courts may also accept monies from any
19 public or private source for deposit into the fund. Money
20 remaining in the fund at the end of a fiscal year shall not lapse



21 into the State General Fund, and any interest earned from the
22 investment of monies in the fund shall be deposited to the credit
23 of the * * * fund.

24 (2) All monies shall be allocated to only those
25 organizations providing legal services to low income
26 Mississippians. Furthermore, no monies from this fund shall be
27 expended to provide legal services in matters currently prohibited
28 by the Legal Services Corporation, Washington, D.C., and no funds
29 shall be expended on persons who are not financially eligible to
30 receive legal services as directed by the Legal Services
31 Corporation, Washington, D.C.

32 (3) The monies appropriated shall be distributed to eligible
33 legal services programs based on the percentage of poverty
34 population within the program service area, consistent with the
35 formula used by the Legal Services Corporation.

36 (4) Monies appropriated to the fund may be used to promote
37 increased participation by the private bar in the delivery of
38 legal services to the indigent through the Mississippi Volunteer
39 Lawyers Project.

40 (5) Recipients of funds shall have the following duties:

41 (a) To develop, operate and administer programs within
42 their respective service areas that provide free legal services to
43 indigent clients involved in civil matters;

44 (b) To report annually to the Supreme Court, through
45 the Administrative Office of Courts, on its activities, including



46 providing a copy of its annual audit that accounts for the use of
47 the funds; and

48 (c) To refund annually all unused or uncommitted funds.

49 **SECTION 2.** Section 25-7-9, Mississippi Code of 1972, is
50 brought forward as follows:

51 25-7-9. (1) The clerks of the chancery courts shall charge
52 the following fees:

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

55 (b) (i) Recording each deed, will, lease, amendment,
56 subordination, lien, release, cancellation, order, decree, oath,
57 etc., per book and page listed where applicable, each deed of
58 trust, or any other document, for the first five (5)
59 pages..... \$ 25.00

60 (ii) Each additional page.....\$ 1.00

61 (c) (i) Recording oil and gas leases, cancellations,
62 etc., including indexing in general indices; for the first five
63 (5) pages.....\$ 25.00

64 (ii) Recording each oil and gas assignment,
65 amendment of assignment, release, etc., first five (5)
66 pages.....\$ 25.00

67 per additional assignee.....\$ 18.00

68 (iii) Each additional page.....\$ 1.00

69 (iv) Sectional index entries per section or
70 subdivision lot.....\$ 1.00



71 (v) Archive fee.....\$ 1.00

72 (vi) Entering marginal notations, if requested on
73 document or by cover letter, pertaining to the recording of any
74 oil and gas document only per book and page.....\$ 4.00

75 (d) (i) Furnishing copies of any papers of record or
76 on file:

77 If performed by the clerk or his employee,
78 per page.....\$.50

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

81 (ii) Entering marginal notations on
82 documents of record.....\$ 1.00

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

85 (f) For other services as clerk of the board of
86 supervisors an allowance shall be made to him (payable
87 semiannually at the July and January meetings) out of the county
88 treasury, an annual sum not
89 exceeding.....\$3,000.00

90 (g) For each day's attendance on the chancery court, to
91 be approved by the chancellor:

92 For the first chancellor sitting only, clerk and two (2)
93 deputies, each.....\$ 85.00

94 For the second chancellor sitting, clerk only.....\$ 85.00



95 Provided that the fees herein prescribed shall be the total
96 remuneration for the clerk and his deputies for attending chancery
97 court.

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

101 (i) For public service not otherwise specifically
102 provided for, the chancery court may by order allow the clerk to
103 be paid by the county on the order of the board of supervisors, an
104 annual sum not exceeding.....\$5,000.00

105 (j) For each civil filing, to be deposited into the
106 Civil Legal Assistance Fund.....\$ 5.00

107 The chancery clerk shall itemize on the original document a
108 detailed fee bill of all charges due or paid for filing, recording
109 and abstracting same. No person shall be required to pay such
110 fees until same have been so itemized, but those fees may be
111 demanded before the document is recorded.

112 (2) The following fee shall be a total fee for all services
113 performed by the clerk with respect to any civil case filed that
114 includes, but is not limited to, divorce, alteration of birth or
115 marriage certificate, removal of minority, guardianship or
116 conservatorship, estate of deceased, adoption, land dispute
117 injunction, settlement of small claim, contempt, modification,
118 partition suit, or commitment, which shall be payable upon filing
119 and shall accrue to the chancery clerk at the time of filing. The



120 clerk or his successor in office shall perform all duties set
121 forth without additional compensation or
122 fee.....\$ 85.00

123 (3) For every civil case filed:

124 (a) An additional fee to be deposited to the credit of
125 the Comprehensive Electronic Court Systems Fund established in
126 Section 9-21-14.....\$ 10.00

127 (b) An additional fee to be deposited to the
128 credit of the Judicial System Operation Fund established in
129 Section 9-21-45.....\$ 40.00

130 (4) Cost of process shall be borne by the issuing party.
131 Additionally, should the attorney or person filing the pleadings
132 desire the clerk to pay the cost to the sheriff for serving
133 process on one (1) person or more, or to pay the cost of
134 publication, the clerk shall demand the actual charges therefor,
135 at the time of filing.

136 **SECTION 3.** Section 25-7-13, Mississippi Code of 1972, is
137 brought forward as follows:

138 25-7-13. (1) The clerks of the circuit court shall charge
139 the following fees:

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

142 The fee set forth in this paragraph shall be the total fee
143 for all services performed by the clerk up to and including entry
144 of judgment with respect to each complaint, petition or



145 indictment, including all answers, claims, orders, continuances
146 and other papers filed therein, issuing each writ, summons,
147 subpoena or other such instruments, swearing witnesses, taking and
148 recording bonds and pleas, and recording judgments, orders, fiats
149 and certificates; the fee shall be payable upon filing and shall
150 accrue to the clerk at the time of collection. The clerk or his
151 successor in office shall perform all duties set forth above
152 without additional compensation or fee.

153 (b) Docketing and filing each motion to renew judgment,
154 notice of renewal of judgment, suggestion for a writ of
155 garnishment, suggestion for a writ of execution and judgment
156 debtor actions and issuing all process, filing and recording
157 orders or other papers and swearing witnesses.....\$ 35.00

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

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

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

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

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



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

171 (d) Certifying copies of filed documents, for each

172 complete document.....\$ 1.00

173 (e) Recording orders, fiats, licenses, certificates,

174 oaths and bonds:

175 First page.....\$ 2.00

176 Each additional page.....\$ 1.00

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

178 file and entering marginal notations on documents of record:

179 If performed by the clerk or his employee,

180 per page.....\$ 1.00

181 If performed by any other person,

182 per page.....\$.25

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

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

185 (i) For taking and recording application for marriage

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

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

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

189 and filing returns.....\$ 35.00

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

191 collected for a marriage license in the Victims of Domestic

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

193 basis.



194 (j) For certified copy of marriage license and search
195 of record, the same fee charged by the Bureau of Vital Statistics
196 of the State Board of Health.

197 (k) For public service not particularly provided for,
198 the circuit court may allow the clerk, per annum, to be paid by
199 the county on presentation of the circuit court's order, the
200 following amount.....\$5,000.00

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

203 (l) For drawing jurors and issuing venire, to be paid
204 by the county.....\$ 5.00

205 (m) For each day's attendance upon the circuit court
206 term, for himself and necessary deputies allowed by the court,
207 each to be paid by the county.....\$ 75.00

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

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

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

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



218 (4) The clerk's fees in state cases where the state fails in
219 the prosecution, or in cases of felony where the defendant is
220 convicted and the cost cannot be made out of his estate, in an
221 amount not to exceed Four Hundred Dollars (\$400.00) in one (1)
222 year, shall be paid out of the county treasury on approval of the
223 circuit court, and the allowance thereof by the board of
224 supervisors of the county. In counties having two (2) judicial
225 districts, such allowance shall be made in each judicial district;
226 however, the maximum thereof shall not exceed Eight Hundred
227 Dollars (\$800.00). Clerks in the circuit court, in cases where
228 appeals are taken in criminal cases and no appeal bond is filed,
229 shall be allowed by the board of supervisors of the county after
230 approval of their accounts by the circuit court, in addition to
231 the above fees, for making such transcript the rate of Two Dollars
232 (\$2.00) per page.

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

237 (6) For making final records required by law, including, but
238 not limited to, circuit and county court minutes, and furnishing
239 transcripts of records, the circuit clerk shall charge Two Dollars
240 (\$2.00) per page. The same fees shall be allowed to all officers
241 for making and certifying copies of records or papers which they
242 are authorized to copy and certify.



243 (7) The circuit clerk shall prepare an itemized statement of
244 fees for services performed, cost incurred, or for furnishing
245 copies of any papers of record or on file, and shall submit the
246 statement to the parties or, if represented, to their attorneys
247 within sixty (60) days. A bill for same shall accompany the
248 statement.

249 **SECTION 4.** Section 27-19-56.99, Mississippi Code of 1972, is
250 brought forward as follows:

251 27-19-56.99. (1) Any owner of a motor vehicle, who is a
252 resident of this state, upon complying with the motor vehicle laws
253 relating to registration and licensing of motor vehicles, and upon
254 payment of the road and bridge privilege taxes, ad valorem taxes
255 and registration fees as prescribed by law for private carriers of
256 passengers, pickup trucks and other noncommercial motor vehicles,
257 and upon payment of an additional annual fee in the amount
258 provided in subsection (3) of this section, shall be issued a
259 special license tag for each motor vehicle registered in his name
260 identifying such person as a supporter of the Civil Legal
261 Assistance Fund. The distinctive license tags so issued shall be
262 of such color and design as the Department of Revenue, with the
263 advice of the Administrative Office of Courts, may prescribe, and
264 shall consist of such letters or numbers, or both, as may be
265 necessary to distinguish each license tag.

266 (2) Application for the distinctive license tags authorized
267 by this section shall be made to the county tax collector on forms



268 prescribed by the Department of Revenue. The application and the
269 additional fee imposed under subsection (3) of this section, less
270 Two Dollars (\$2.00) thereof to be retained by the tax collector,
271 shall be remitted to the Department of Revenue on a monthly basis
272 as prescribed by the department. The portion of the additional
273 fee retained by the tax collector shall be deposited into the
274 county general fund.

275 (3) Beginning with any registration year commencing on or
276 after July 1, 2004, any person applying for a distinctive license
277 tag under this section shall pay an additional fee in the amount
278 of Thirty Dollars (\$30.00) for each distinctive license tag
279 applied for under this section, which shall be in addition to all
280 other taxes and fees. The additional fee paid shall be for a
281 period of time to run concurrently with the vehicle's established
282 license tag year. The additional fee is due and payable at the
283 time the original application is made for a distinctive license
284 tag under this section and thereafter annually at the time of
285 renewal registration as long as the owner retains the distinctive
286 license tag. If the owner does not wish to retain the distinctive
287 license tag, he must surrender it to the local county tax
288 collector.

289 (4) The Department of Revenue shall deposit all fees into
290 the State Treasury on the day collected. At the end of each
291 month, the Department of Revenue shall certify to the State
292 Treasurer the total fees collected under this section from the



293 issuance of the distinctive license tags issued under this
294 section. The State Treasurer shall distribute such collections as
295 follows:

296 (a) Twenty-four Dollars (\$24.00) of each additional fee
297 collected on distinctive license tags issued pursuant to this
298 section shall be disbursed to the Civil Legal Assistance Fund
299 created under Section 9-21-43.

300 (b) One Dollar (\$1.00) of each additional fee collected
301 on distinctive license tags issued pursuant to this section shall
302 be deposited into the Mississippi Burn Care Fund created pursuant
303 to Section 7-9-70.

304 (c) Two Dollars (\$2.00) of each additional fee
305 collected on distinctive license tags issued pursuant to this
306 section shall be deposited to the credit of the State Highway Fund
307 to be expended solely for the repair, maintenance, construction or
308 reconstruction of highways.

309 (d) One Dollar (\$1.00) of each additional fee collected
310 on distinctive license tags issued pursuant to this section shall
311 be deposited to the credit of the special fund created in Section
312 27-19-44.2.

313 (5) A regular license tag must be properly displayed as
314 required by law until replaced by a distinctive license tag under
315 this section. The regular license tag must be surrendered to the
316 tax collector upon issuance of the distinctive license tag under
317 this section. The tax collector shall issue up to two (2) license



318 decals for each distinctive license tag issued under this section,
319 which will expire the same month and year as the regular license
320 tag.

321 (6) In the case of loss or theft of a distinctive license
322 tag issued under this section, the owner may make application and
323 affidavit for a replacement distinctive license tag as provided by
324 Section 27-19-37. The fee for a replacement distinctive license
325 tag shall be Ten Dollars (\$10.00). The tax collector receiving
326 such application and affidavit shall be entitled to retain and
327 deposit into the county general fund five percent (5%) of the fee
328 for such replacement license tag and the remainder shall be
329 distributed proportionately in the same manner as funds from the
330 sale of regular distinctive license tags issued under this
331 section.

332 **SECTION 5.** Section 27-19-56.135, Mississippi Code of 1972,
333 is brought forward as follows:

334 27-19-56.135. (1) Beginning with any registration year
335 commencing on or after July 1, 2011, any owner of a motor vehicle
336 who is a member of The Mississippi Bar, upon complying with the
337 motor vehicle laws relating to registration and licensing of motor
338 vehicles, and upon payment of the road and bridge privilege taxes,
339 ad valorem taxes and registration fees as prescribed by law for
340 private carriers of passengers, pickup trucks and other
341 noncommercial motor vehicles, and upon payment of an additional
342 annual fee in the amount provided in subsection (3), shall be



343 issued a special license tag for each motor vehicle registered in
344 his name identifying such person as an attorney. The distinctive
345 license tags so issued shall be of such color and design as the
346 Department of Revenue, with the advice of The Mississippi Bar and
347 the Magnolia Bar Association, may prescribe, and shall consist of
348 such letters or numbers, or both, as may be necessary to
349 distinguish each license tag.

350 (2) Application for the distinctive license tags authorized
351 by this section shall be made to the county tax collector on forms
352 prescribed by the Department of Revenue. The applicant's bar
353 identification card shall be presented at that time as proof of
354 membership in The Mississippi Bar. The application and the
355 additional fee imposed under subsection (3) of this section, less
356 Two Dollars (\$2.00) thereof to be retained by the tax collector,
357 shall be remitted to the Department of Revenue on a monthly basis
358 as prescribed by the department. The portion of the additional
359 fee retained by the tax collector shall be deposited into the
360 county general fund.

361 (3) Any person applying for a distinctive license tag under
362 this section shall pay an additional fee in the amount of Thirty
363 Dollars (\$30.00) for each distinctive license tag applied for
364 under this section, which shall be in addition to all other taxes
365 and fees. The additional fee paid shall be for a period of time
366 to run concurrently with the vehicle's established license tag
367 year. The additional fee is due and payable at the time the



368 original application is made for a distinctive license tag under
369 this section and thereafter annually at the time of renewal
370 registration as long as the owner retains the distinctive license
371 tag. If the owner does not wish to retain the distinctive license
372 tag, he must surrender it to the local county tax collector.

373 (4) The Department of Revenue shall deposit all fees into
374 the State Treasury on the day collected. At the end of each
375 month, the Department of Revenue shall certify to the State
376 Treasurer the total fees collected under this section from the
377 issuance of the distinctive license tags issued under this
378 section. The State Treasurer shall distribute such collections as
379 follows:

380 (a) Twenty-four Dollars (\$24.00) of each additional fee
381 collected on distinctive license tags issued pursuant to this
382 section shall be disbursed to the Mississippi Civil Legal
383 Assistance Fund.

384 (b) One Dollar (\$1.00) of each additional fee collected
385 on distinctive license tags issued pursuant to this section shall
386 be deposited into the Mississippi Burn Care Fund created pursuant
387 to Section 7-9-70.

388 (c) Two Dollars (\$2.00) of each additional fee
389 collected on distinctive license tags issued pursuant to this
390 section shall be deposited to the credit of the State Highway Fund
391 to be expended solely for the repair, maintenance, construction or
392 reconstruction of highways.



393 (d) One Dollar (\$1.00) of each additional fee collected
394 on distinctive license tags issued pursuant to this section shall
395 be deposited to the credit of the special fund created in Section
396 27-19-44.2.

397 (5) A regular license tag must be properly displayed as
398 required by law until replaced by a distinctive license tag under
399 this section. The regular license tag must be surrendered to the
400 tax collector upon issuance of the distinctive license tag under
401 this section. The tax collector shall issue up to two (2) license
402 decals for each distinctive license tag issued under this section,
403 which will expire the same month and year as the regular license
404 tag.

405 (6) In the case of loss or theft of a distinctive license
406 tag issued under this section, the owner may make application and
407 affidavit for a replacement distinctive license tag as provided by
408 Section 27-19-37. The fee for a replacement distinctive license
409 tag shall be Ten Dollars (\$10.00). The tax collector receiving
410 such application and affidavit shall be entitled to retain and
411 deposit into the county general fund five percent (5%) of the fee
412 for such replacement license tag and the remainder shall be
413 distributed proportionately in the same manner as funds from the
414 sale of regular distinctive license tags issued under this
415 section.



416 (7) In order for a distinctive license tag to be issued
417 under this section, the provisions of Section 27-19-44(3) must be
418 satisfied for the distinctive license tag before July 1, 2014.

419 **SECTION 6.** This act shall take effect and be in force from
420 and after July 1, 2022.

