

By: Representative Yates

To: Judiciary A

HOUSE BILL NO. 1249

1 AN ACT TO AMEND SECTIONS 25-7-9 AND 25-7-13, MISSISSIPPI CODE
2 OF 1972, TO INCREASE THE ADDITIONAL FEES THAT ARE DEPOSITED INTO
3 THE COMPREHENSIVE ELECTRONIC COURT SYSTEMS FUND AND THE JUDICIAL
4 SYSTEM OPERATION FUND; AND FOR RELATED PURPOSES.

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

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

8 **[From and after January 1, 2024, and through December 31,**
9 **2027, this section shall read as follows:]**

10 25-7-9. (1) The clerks of the chancery courts shall charge
11 the following fees:

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

14 (b) (i) Recording each deed, will, lease, amendment,
15 subordination, lien, release, cancellation, order, decree, oath,
16 etc., per book and page listed where applicable, each deed of
17 trust, or any other document, for the first five (5)

18 pages.....\$ 25.00

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



20 (c) (i) Recording oil and gas leases, cancellations,
 21 etc., including indexing in general indices; for the first five
 22 (5) pages.....\$ 25.00
 23 (ii) Recording each oil and gas assignment,
 24 amendment of assignment, release, etc., first five (5)
 25 pages.....\$ 25.00
 26 per additional assignee.....\$ 18.00
 27 (iii) Each additional page.....\$ 1.00
 28 (iv) Sectional index entries per section or
 29 subdivision lot.....\$ 1.00
 30 (v) Archive fee.....\$ 1.00
 31 (vi) Entering marginal notations, if requested on
 32 document or by cover letter, pertaining to the recording of any
 33 oil and gas document only per book and page.....\$ 4.00
 34 (d) (i) Furnishing copies of any papers of record or
 35 on file:
 36 If performed by the clerk or his employee,
 37 per page.....\$.50
 38 If performed by any other person,
 39 per page.....\$.25
 40 (ii) Entering marginal notations on
 41 documents of record.....\$ 1.00
 42 (e) For attending the board of supervisors' meeting, an
 43 annual sum not exceeding.....\$ 2,500.00



44 (f) For other services as clerk of the board of
45 supervisors an allowance shall be made to him (payable
46 semiannually at the July and January meetings) out of the county
47 treasury, an annual sum not exceeding.....\$ 5,500.00

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

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

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

53 Provided that the fees herein prescribed shall be the total
54 remuneration for the clerk and his deputies for attending chancery
55 court.

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

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

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

65 The chancery clerk shall itemize on the original document a
66 detailed fee bill of all charges due or paid for filing, recording
67 and abstracting same. No person shall be required to pay such



68 fees until same have been so itemized, but those fees may be
69 demanded before the document is recorded.

70 (2) The following fee shall be a total fee for all services
71 performed by the clerk with respect to any civil case filed that
72 includes, but is not limited to, divorce, alteration of birth or
73 marriage certificate, removal of minority, guardianship or
74 conservatorship, estate of deceased, adoption that does not
75 involve the Department of Child Protection Services, land dispute
76 injunction, settlement of small claim, contempt, modification,
77 partition suit, or commitment, which shall be payable upon filing
78 and shall accrue to the chancery clerk at the time of filing. The
79 clerk or his successor in office shall perform all duties set
80 forth without additional compensation or fee \$ 85.00

81 (3) For every civil case filed:

82 (a) An additional fee to be deposited to the credit of
83 the Comprehensive Electronic Court Systems Fund established in
84 Section 9-21-14.....\$ * * * 25.00

85 (b) An additional fee to be deposited to the
86 credit of the Judicial System Operation Fund established in
87 Section 9-21-45.....\$ * * * 50.00

88 (4) Cost of process shall be borne by the issuing party.
89 Additionally, should the attorney or person filing the pleadings
90 desire the clerk to pay the cost to the sheriff for serving
91 process on one (1) person or more, or to pay the cost of



92 publication, the clerk shall demand the actual charges therefor,
93 at the time of filing.

94 (5) For each civil case filed including an adoption
95 involving the Department of Child Protection Services, the filing
96 shall be exempt from any fee under this section.

97 **[From and after January 1, 2028, this section shall read as**
98 **follows:]**

99 25-7-9. (1) The clerks of the chancery courts shall charge
100 the following fees:

101 (a) For the act of certifying copies of filed
102 documents, for each complete document \$ 1.00

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

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

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

112 (ii) Recording each oil and gas assignment,
113 amendment of assignment, release, etc., first five (5)
114 pages.....\$ 25.00

115 per additional assignee.....\$ 18.00

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



117 (iv) Sectional index entries per section or
 118 subdivision lot.....\$ 1.00
 119 (v) Archive fee.....\$ 1.00
 120 (vi) Entering marginal notations, if requested on
 121 document or by cover letter, pertaining to the recording of any
 122 oil and gas document only per book and page.....\$ 4.00
 123 (d) (i) Furnishing copies of any papers of record or
 124 on file:
 125 If performed by the clerk or his employee,
 126 per page.....\$.50
 127 If performed by any other person,
 128 per page.....\$.25
 129 (ii) Entering marginal notations on
 130 documents of record.....\$ 1.00
 131 (e) For attending the board of supervisors' meeting an
 132 annual sum not exceeding.....\$ 5,000.00
 133 (f) For other services as clerk of the board of
 134 supervisors an allowance shall be made to him (payable
 135 semiannually at the July and January meetings) out of the county
 136 treasury, an annual sum not exceeding.....\$10,000.00
 137 (g) For each day's attendance on the chancery court, to
 138 be approved by the chancellor:
 139 For the first chancellor sitting only, clerk and two (2) deputies,
 140 each.....\$ 85.00
 141 For the second chancellor sitting, clerk only.....\$ 85.00



142 Provided that the fees herein prescribed shall be the total
143 remuneration for the clerk and his deputies for attending chancery
144 court.

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

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

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

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

159 (2) The following fee shall be a total fee for all services
160 performed by the clerk with respect to any civil case filed that
161 includes, but is not limited to, divorce, alteration of birth or
162 marriage certificate, removal of minority, guardianship or
163 conservatorship, estate of deceased, adoption that does not
164 involve the Department of Child Protection Services, land dispute
165 injunction, settlement of small claim, contempt, modification,
166 partition suit, or commitment, which shall be payable upon filing



and shall accrue to the chancery clerk at the time of filing. The clerk or his successor in office shall perform all duties set forth without additional compensation or fee.....\$ 85.00

(3) For every civil case filed:

(a) An additional fee to be deposited to the credit of the Comprehensive Electronic Court Systems Fund established in Section 9-21-14.....\$ * * * 25.00

(b) An additional fee to be deposited to the credit of the Judicial System Operation Fund established in Section 9-21-45.....\$ * * * 50.00

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

(5) For each civil case filed including an adoption involving the Department of Child Protection Services, the filing shall be exempt from any fee under this section.

SECTION 2. Section 25-7-13, Mississippi Code of 1972, is amended as follows:

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

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



192 The fee set forth in this paragraph shall be the total fee
193 for all services performed by the clerk up to and including entry
194 of judgment with respect to each complaint, petition or
195 indictment, including all answers, claims, orders, continuances
196 and other papers filed therein, issuing each writ, summons,
197 subpoena or other such instruments, swearing witnesses, taking and
198 recording bonds and pleas, and recording judgments, orders, fiats
199 and certificates; the fee shall be payable upon filing and shall
200 accrue to the clerk at the time of collection. The clerk or his
201 successor in office shall perform all duties set forth above
202 without additional compensation or fee.

203 (b) Docketing and filing each motion to renew judgment,
204 notice of renewal of judgment, suggestion for a writ of
205 garnishment, suggestion for a writ of execution and judgment
206 debtor actions and issuing all process, filing and recording
207 orders or other papers and swearing witnesses.....\$ 35.00

208 (c) For every civil case filed, an additional fee to be
209 deposited to the credit of the Comprehensive Electronic Court
210 Systems Fund established in Section 9-21-14.....\$ * * * 25.00

211 (d) For every civil case filed, an additional fee to be
212 deposited to the credit of the Judicial System Operation Fund
213 established in Section 9-21-45.....\$ * * * 50.00

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



216 (a) Filing and marking each order or other paper and
 217 recording and indexing same.....\$ 2.00
 218 (b) Issuing each writ, summons, subpoena, citation,
 219 capias and other such instruments.....\$ 1.00
 220 (c) Administering an oath and taking bond.....\$ 2.00
 221 (d) Certifying copies of filed documents, for each
 222 complete document.....\$ 1.00
 223 (e) Recording orders, fiats, licenses, certificates,
 224 oaths and bonds:
 225 First page.....\$ 2.00
 226 Each additional page.....\$ 1.00
 227 (f) Furnishing copies of any papers of record or on
 228 file and entering marginal notations on documents of record:
 229 If performed by the clerk or his employee, per page
 230\$ 1.00
 231 If performed by any other person, per page.....\$.25
 232 (g) Judgment roll entry.....\$ 5.00
 233 (h) Taxing cost and certificate.....\$ 1.00
 234 (i) For taking and recording application for marriage
 235 license, for filing and recording consent of parents when required
 236 by law, for filing and recording medical certificate, filing and
 237 recording proof of age, recording and issuing license, recording
 238 and filing returns.....\$ 35.00
 239 The clerk shall deposit Fourteen Dollars (\$14.00) of each fee
 240 collected for a marriage license in the Victims of Domestic



241 Violence Fund established in Section 93-21-117, on a monthly
242 basis.

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

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

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

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

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

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

259 (o) For issuing each grand jury subpoena, to be paid by
260 the county on allowance by the court, not to exceed Twenty-five
261 Dollars (\$25.00) in any one (1) term of court.....
262\$ 1.00

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



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

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

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

(6) For making final records required by law, including, but not limited to, circuit and county court minutes, and furnishing transcripts of records, the circuit clerk shall charge Two Dollars



290 (\$2.00) per page. The same fees shall be allowed to all officers
291 for making and certifying copies of records or papers which they
292 are authorized to copy and certify.

293 (7) The circuit clerk shall prepare an itemized statement of
294 fees for services performed, cost incurred, or for furnishing
295 copies of any papers of record or on file, and shall submit the
296 statement to the parties or, if represented, to their attorneys
297 within sixty (60) days. A bill for same shall accompany the
298 statement.

299 **SECTION 3.** This act shall take effect and be in force from
300 and after July 1, 2025.

