

By: Representatives Hood, Horan

To: Judiciary A;  
Appropriations ACOMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1366

1 AN ACT TO AMEND SECTION 9-1-36, MISSISSIPPI CODE OF 1972, TO  
2 REVISE HOW CIRCUIT AND CHANCERY JUDGES MAY USE THEIR OFFICE  
3 EXPENSE ALLOWANCES; TO BRING FORWARD SECTIONS 25-7-9 AND 25-7-13,  
4 MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE COMPREHENSIVE  
5 ELECTRONIC COURT SYSTEMS FUND, FOR PURPOSES OF AMENDMENT; AND FOR  
6 RELATED PURPOSES.

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

8 **SECTION 1.** Section 9-1-36, Mississippi Code of 1972, is  
9 amended as follows:

10 9-1-36. (1) Each circuit judge and chancellor shall receive  
11 an office operating allowance for the expenses of operating the  
12 office of the judge, including retaining a law clerk, legal  
13 research, stenographic help, stationery, stamps, furniture, office  
14 equipment, telephone, office rent and other items and expenditures  
15 the judge finds to be necessary and incident to maintaining the  
16 office of the judge \* \* \*. This may include expenses to travel  
17 out of state once per state fiscal year for continuing legal  
18 education classes and or seminars if approved by the Chief  
19 Justice. In addition to the once per fiscal year out of state  
20 travel for continuing legal education classes and or seminars, the



allowance may be used for out of state travel to the Mississippi Bar Convention if no other funds are available. The allowance shall be paid only to the extent of actual expenses incurred by the judge as itemized and certified by the judge to the Supreme Court in the amounts set forth in this subsection; however, the judge may expend sums in excess thereof from the compensation otherwise provided for his office.

\* \* \* The office operating allowance under this subsection shall be Fifteen Thousand Dollars (\$15,000.00) per annum. Any circuit judge or chancellor who does not have suitable primary office space provided by the county in which he or she resides, is allowed an additional Seven Thousand Dollars (\$7,000.00) per annum to defray the actual expenses incurred by the judge or chancellor in maintaining an office. Whether primary office space offered by a county is suitable for the needs of the circuit judge or chancellor to whom it is offered, is left to the sound discretion of the circuit judge or chancellor. Any county in which a circuit judge or chancellor to whom it is offered, is left to the sound discretion of the circuit judge or chancellor. Any county in which a circuit judge or chancellor sits is authorized to provide funds from any available source to assist in defraying the actual expenses to maintain an office.

(2) In addition to the amounts provided for in subsection (1), there is created a separate office allowance fund for the



purpose of providing support staff to judges. This fund shall be managed by the Administrative Office of Courts.

(3) Each judge who desires to employ support staff must have each candidate approved by the Administrative Office of Courts before the positions may be filled. The Administrative Office of Courts shall not approve any hire which does not first require the expenditure of the funds in the support staff fund for compensation of any of the support staff before expenditure is authorized of county funds for that purpose. Upon approval by the Administrative Office of Courts, the judge or judges may appoint the employees to the position or positions, and each employee so appointed will work at the will and pleasure of the judge or judges who appointed him but will be employees of the Administrative Office of Courts. Upon approval by the Administrative Office of Courts, the appointment of any support staff shall be evidenced by the entry of an order on the minutes of the court. When support staff is appointed jointly by two (2) or more judges, the order setting forth any appointment shall be entered on the minutes of each participating court.

(4) Support staff shall receive compensation pursuant to personnel policies established by the Administrative Office of Courts, provided however, that the salary range for any staff member that is authorized to practice law in the State of Mississippi shall be the same as provided for in Section 25-3-35(7) for assistant district attorneys. Each judge shall be



allotted the amount of One Hundred Thirty Thousand Dollars (\$130,000.00) per fiscal year for all support staff approved by the Administrative Office of Courts.

The Administrative Office of Courts may approve expenditures from the fund for additional equipment for support staff appointed pursuant to this section in any year in which the allocation per judge is sufficient to meet the equipment expense after provision for the compensation of the support staff.

(5) For the purposes of this section, the following terms have the meaning ascribed in this subsection unless the context clearly requires otherwise:

(a) "Judges" means circuit judges and chancellors, or any combination thereof.

(b) "Support staff" means court administrators, law clerks, legal research assistants or secretaries, or any combination thereof, but shall not mean school attendance officers.

(c) "Compensation" means the gross salary plus all amounts paid for benefits or otherwise as a result of employment or as required by employment; however, only salary earned for services rendered shall be reported and credited for Public Employees' Retirement System purposes. Amounts paid for benefits or otherwise, including reimbursement for travel expenses, shall not be reported or credited for retirement purposes.



94 (d) "Law clerk" means a clerk hired to assist a judge  
95 or judges who has a law degree or who is a full-time law student  
96 who is making satisfactory progress at an accredited law school.

97 (6) Title to all tangible property, excepting stamps,  
98 stationery and minor expendable office supplies, procured with  
99 funds authorized by this section, shall be and forever remain in  
100 the State of Mississippi to be used by the circuit judge or  
101 chancellor during the term of his office and thereafter by his  
102 successors.

103 \* \* \*

104 ( \* \* \*7) The Supreme Court, through the Administrative  
105 Office of Courts, shall submit to the Department of Finance and  
106 Administration the itemized and certified expenses for office  
107 operating allowances that are directed to the court pursuant to  
108 this section.

109 ( \* \* \*8) The Supreme Court, through the Administrative  
110 Office of Courts, \* \* \* may adopt advisory rules and regulations  
111 to assist the circuit judges and chancellors regarding the  
112 administration of the office operating allowance authorized  
113 pursuant to this section. However, the circuit and chancery court  
114 judges shall determine the needs of their respective offices and  
115 how the office operating allowances provided to them are to be  
116 expended.

117 (9) Any office allowance funds provided for in subsection  
118 (1) that are not spent in the budget year in which they were



appropriated shall carryover and be available for use in the  
succeeding or succeeding budget years.

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

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

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

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

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

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

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

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

per additional assignee.....\$ 18.00

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



143 (iv) Sectional index entries per section or  
 144 subdivision lot.....\$ 1.00  
 145 (v) Archive fee.....\$ 1.00  
 146 (vi) Entering marginal notations, if requested on  
 147 document or by cover letter, pertaining to the recording of any  
 148 oil and gas document only per book and page.....\$ 4.00  
 149 (d) (i) Furnishing copies of any papers of record or  
 150 on file:  
 151 If performed by the clerk or his employee,  
 152 per page.....\$ .50  
 153 If performed by any other person,  
 154 per page.....\$ .25  
 155 (ii) Entering marginal notations on  
 156 documents of record.....\$ 1.00  
 157 (e) For attending the board of supervisors' meeting, an  
 158 annual sum not exceeding.....\$ 2,500.00  
 159 (f) For other services as clerk of the board of  
 160 supervisors an allowance shall be made to him (payable  
 161 semiannually at the July and January meetings) out of the county  
 162 treasury, an annual sum not exceeding.....\$ 5,500.00  
 163 (g) For each day's attendance on the chancery court, to  
 164 be approved by the chancellor:  
 165 For the first chancellor sitting only, clerk and two (2) deputies,  
 166 each.....\$ 85.00  
 167 For the second chancellor sitting, clerk only.....\$ 85.00



168           Provided that the fees herein prescribed shall be the total  
169 remuneration for the clerk and his deputies for attending chancery  
170 court.

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

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

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

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

185           (2) The following fee shall be a total fee for all services  
186 performed by the clerk with respect to any civil case filed that  
187 includes, but is not limited to, divorce, alteration of birth or  
188 marriage certificate, removal of minority, guardianship or  
189 conservatorship, estate of deceased, adoption that does not  
190 involve the Department of Child Protection Services, land dispute  
191 injunction, settlement of small claim, contempt, modification,  
192 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.....\$ 10.00

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

(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.

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

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

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



218 (b) (i) Recording each deed, will, lease, amendment,  
 219 subordination, lien, release, cancellation, order, decree, oath,  
 220 etc., per book and page listed where applicable, each deed of  
 221 trust, or any other document, for the first five (5)  
 222 pages.....\$ 25.00  
 223 (ii) Each additional page.....\$ 1.00  
 224 (c) (i) Recording oil and gas leases, cancellations,  
 225 etc., including indexing in general indices; for the first five  
 226 (5) pages.....\$ 25.00  
 227 (ii) Recording each oil and gas assignment,  
 228 amendment of assignment, release, etc., first five (5)  
 229 pages.....\$ 25.00  
 230 per additional assignee.....\$ 18.00  
 231 (iii) Each additional page.....\$ 1.00  
 232 (iv) Sectional index entries per section or  
 233 subdivision lot.....\$ 1.00  
 234 (v) Archive fee.....\$ 1.00  
 235 (vi) Entering marginal notations, if requested on  
 236 document or by cover letter, pertaining to the recording of any  
 237 oil and gas document only per book and page.....\$ 4.00  
 238 (d) (i) Furnishing copies of any papers of record or  
 239 on file:  
 240 If performed by the clerk or his employee,  
 241 per page.....\$ .50  
 242 If performed by any other person,



243 per page.....\$ .25

244 (ii) Entering marginal notations on

245 documents of record.....\$ 1.00

246 (e) For attending the board of supervisors' meeting an

247 annual sum not exceeding.....\$ 5,000.00

248 (f) For other services as clerk of the board of

249 supervisors an allowance shall be made to him (payable

250 semiannually at the July and January meetings) out of the county

251 treasury, an annual sum not exceeding.....\$10,000.00

252 (g) For each day's attendance on the chancery court, to

253 be approved by the chancellor:

254 For the first chancellor sitting only, clerk and two (2) deputies,

255 each.....\$ 85.00

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

257 Provided that the fees herein prescribed shall be the total

258 remuneration for the clerk and his deputies for attending chancery

259 court.

260 (h) On order of the court, clerks and not more than two

261 (2) deputies may be allowed five (5) extra days for each term of

262 court for attendance upon the court to get up records.

263 (i) For public service not otherwise specifically

264 provided for, the chancery court may by order allow the clerk to

265 be paid by the county on the order of the board of supervisors, an

266 annual sum not exceeding.....\$ 5,000.00



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

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

274 (2) The following fee shall be a total fee for all services  
275 performed by the clerk with respect to any civil case filed that  
276 includes, but is not limited to, divorce, alteration of birth or  
277 marriage certificate, removal of minority, guardianship or  
278 conservatorship, estate of deceased, adoption that does not  
279 involve the Department of Child Protection Services, land dispute  
280 injunction, settlement of small claim, contempt, modification,  
281 partition suit, or commitment, which shall be payable upon filing  
282 and shall accrue to the chancery clerk at the time of filing. The  
283 clerk or his successor in office shall perform all duties set  
284 forth without additional compensation or fee.....\$ 85.00

285 (3) For every civil case filed:

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

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



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

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

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

303 25-7-13. (1) The clerks of the circuit court shall charge  
304 the following fees:

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

307 The fee set forth in this paragraph shall be the total fee  
308 for all services performed by the clerk up to and including entry  
309 of judgment with respect to each complaint, petition or  
310 indictment, including all answers, claims, orders, continuances  
311 and other papers filed therein, issuing each writ, summons,  
312 subpoena or other such instruments, swearing witnesses, taking and  
313 recording bonds and pleas, and recording judgments, orders, fiats  
314 and certificates; the fee shall be payable upon filing and shall  
315 accrue to the clerk at the time of collection. The clerk or his



316 successor in office shall perform all duties set forth above  
317 without additional compensation or fee.

318 (b) Docketing and filing each motion to renew judgment,  
319 notice of renewal of judgment, suggestion for a writ of  
320 garnishment, suggestion for a writ of execution and judgment  
321 debtor actions and issuing all process, filing and recording  
322 orders or other papers and swearing witnesses.....\$ 35.00

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

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

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

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

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

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

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

338 (e) Recording orders, fiats, licenses, certificates,  
339 oaths and bonds:

340 First page.....\$ 2.00



341 Each additional page.....\$ 1.00  
342 (f) Furnishing copies of any papers of record or on  
343 file and entering marginal notations on documents of record:  
344 If performed by the clerk or his employee, per page  
345 .....\$ 1.00  
346 If performed by any other person, per page.....\$ .25  
347 (g) Judgment roll entry.....\$ 5.00  
348 (h) Taxing cost and certificate.....\$ 1.00  
349 (i) For taking and recording application for marriage  
350 license, for filing and recording consent of parents when required  
351 by law, for filing and recording medical certificate, filing and  
352 recording proof of age, recording and issuing license, recording  
353 and filing returns.....\$ 35.00  
354 The clerk shall deposit Fourteen Dollars (\$14.00) of each fee  
355 collected for a marriage license in the Victims of Domestic  
356 Violence Fund established in Section 93-21-117, on a monthly  
357 basis.  
358 (j) For certified copy of marriage license and search  
359 of record, the same fee charged by the Bureau of Vital Statistics  
360 of the State Board of Health.  
361 (k) For public service not particularly provided for,  
362 the circuit court may allow the clerk, per annum, to be paid by  
363 the county on presentation of the circuit court's order, the  
364 following amount.....\$5,000.00



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

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

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

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

374           (o) For issuing each grand jury subpoena, to be paid by  
375 the county on allowance by the court, not to exceed Twenty-five  
376 Dollars (\$25.00) in any one (1) term of court.....  
377 .....\$       1.00

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

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

383           (4) The clerk's fees in state cases where the state fails in  
384 the prosecution, or in cases of felony where the defendant is  
385 convicted and the cost cannot be made out of his estate, in an  
386 amount not to exceed Four Hundred Dollars (\$400.00) in one (1)  
387 year, shall be paid out of the county treasury on approval of the  
388 circuit court, and the allowance thereof by the board of  
389 supervisors of the county. In counties having two (2) judicial





390 districts, such allowance shall be made in each judicial district;  
391 however, the maximum thereof shall not exceed Eight Hundred  
392 Dollars (\$800.00). Clerks in the circuit court, in cases where  
393 appeals are taken in criminal cases and no appeal bond is filed,  
394 shall be allowed by the board of supervisors of the county after  
395 approval of their accounts by the circuit court, in addition to  
396 the above fees, for making such transcript the rate of Two Dollars  
397 (\$2.00) per page.

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

402 (6) For making final records required by law, including, but  
403 not limited to, circuit and county court minutes, and furnishing  
404 transcripts of records, the circuit clerk shall charge Two Dollars  
405 (\$2.00) per page. The same fees shall be allowed to all officers  
406 for making and certifying copies of records or papers which they  
407 are authorized to copy and certify.

408 (7) The circuit clerk shall prepare an itemized statement of  
409 fees for services performed, cost incurred, or for furnishing  
410 copies of any papers of record or on file, and shall submit the  
411 statement to the parties or, if represented, to their attorneys  
412 within sixty (60) days. A bill for same shall accompany the  
413 statement.



414           **SECTION 4.** This act shall take effect and be in force from  
415 and after July 1, 2025.

