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AMENDMENT NO 1 PROPOSED TO**

Senate Bill No. 2499

BY: Senator(s) Wiggins

1 **AMEND after line 13 by inserting the following as new**
2 **sections and renumbering subsequent sections:**

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

5 25-7-13. (1) The clerks of the circuit court shall charge
6 the following fees:

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

9 The fee set forth in this paragraph shall be the total fee
10 for all services performed by the clerk up to and including entry
11 of judgment with respect to each complaint, petition or
12 indictment, including all answers, claims, orders, continuances
13 and other papers filed therein, issuing each writ, summons,
14 subpoena or other such instruments, swearing witnesses, taking and



15 recording bonds and pleas, and recording judgments, orders, fiats
16 and certificates; the fee shall be payable upon filing and shall
17 accrue to the clerk at the time of collection. The clerk or his
18 successor in office shall perform all duties set forth above
19 without additional compensation or fee.

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

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

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

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

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

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

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

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



40 (e) Recording orders, fiats, licenses, certificates,
41 oaths and bonds:
42 First page.....\$ 2.00
43 Each additional page.....\$ 1.00

44 (f) Furnishing copies of any papers of record or on
45 file and entering marginal notations on documents of record:
46 If performed by the clerk or his employee, per page
47\$ 1.00
48 If performed by any other person, per page.....\$.25

49 (g) Judgment roll entry.....\$ 5.00
50 (h) Taxing cost and certificate.....\$ 1.00

51 (i) For taking and recording application for marriage
52 license, for filing and recording consent of parents when required
53 by law, for filing and recording medical certificate, filing and
54 recording proof of age, recording and issuing license, recording
55 and filing returns.....\$ 35.00

56 The clerk shall deposit Fourteen Dollars (\$14.00) of each fee
57 collected for a marriage license in the Victims of Domestic
58 Violence Fund established in Section 93-21-117, on a monthly
59 basis.

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

63 (k) For public service not particularly provided for,
64 the circuit court may allow the clerk, per annum, to be paid by



65 the county on presentation of the circuit court's order, the
66 following amount.....\$5,000.00

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

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

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

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

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

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

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

85 (4) The clerk's fees in state cases where the state fails in
86 the prosecution, or in cases of felony where the defendant is
87 convicted and the cost cannot be made out of his estate, in an
88 amount not to exceed Four Hundred Dollars (\$400.00) in one (1)
89 year, shall be paid out of the county treasury on approval of the



90 circuit court, and the allowance thereof by the board of
91 supervisors of the county. In counties having two (2) judicial
92 districts, such allowance shall be made in each judicial district;
93 however, the maximum thereof shall not exceed Eight Hundred
94 Dollars (\$800.00). Clerks in the circuit court, in cases where
95 appeals are taken in criminal cases and no appeal bond is filed,
96 shall be allowed by the board of supervisors of the county after
97 approval of their accounts by the circuit court, in addition to
98 the above fees, for making such transcript the rate of Two Dollars
99 (\$2.00) per page.

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

104 (6) In no less than a quarterly basis, the justice court
105 clerk, within the same jurisdiction as the clerk of the circuit
106 court, shall forward to the circuit clerk all fees collected on
107 cases filed with an amount greater than Three Thousand Five
108 Hundred Dollars (\$3,500.00) except for the fees authorized under
109 Section 25-7-25(2)(b).

110 (* * *7) For making final records required by law,
111 including, but not limited to, circuit and county court minutes,
112 and furnishing transcripts of records, the circuit clerk shall
113 charge Two Dollars (\$2.00) per page. The same fees shall be



114 allowed to all officers for making and certifying copies of
115 records or papers which they are authorized to copy and certify.

116 (* * *8) The circuit clerk shall prepare an itemized
117 statement of fees for services performed, cost incurred, or for
118 furnishing copies of any papers of record or on file, and shall
119 submit the statement to the parties or, if represented, to their
120 attorneys within sixty (60) days. A bill for same shall accompany
121 the statement.

122 **SECTION *.** Section 25-7-25, Mississippi Code of 1972, is
123 amended as follows:

124 25-7-25. (1) Costs and fees in the justice court shall be
125 charged as follows and shall be paid in advance to the clerk of
126 the justice court in accordance with the provisions of Section
127 9-11-10:

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

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

133 (c) After final judgment has been enrolled, further
134 proceedings involving levy of execution on judgments, and
135 attachment and garnishment proceedings..... 15.00

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

138 (e) For celebrating a marriage, and certificate



139 thereof..... 10.00

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

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

142 (h) A clerk's fee to be collected in all criminal cases

143 in which the defendant is convicted, as follows:

144 (i) For all violations in Title 63 other than

145 driving under the influence of intoxicating liquor or reckless

146 driving..... 5.00

147 (ii) All other criminal cases..... 25.00

148 (2) The justice court shall have the power to impose:

149 (a) A fee not to exceed Fifty Dollars (\$50.00) for an

150 expungement or dismissal of any criminal affidavit, complaint or

151 charge * * *; and

152 (b) An additional fee not to exceed Thirty Dollars

153 (\$30.00) for every cases filed that exceeds Three Thousand Five

154 Hundred Dollars (\$3,500.00).

155 (3) In addition to the salary provided for in subsection (1)

156 of Section 25-3-36, each justice court judge may receive a fee of

157 not more than Twenty-five Dollars (\$25.00) for each marriage

158 ceremony he performs in the courtroom or offices of the justice

159 court at any time the courtroom or offices are open to the public.

160 This fee shall be paid by the parties to the marriage. Each

161 justice court judge may receive money or gratuities for marriage

162 ceremonies performed outside of and away from the courtroom and

163 the offices of the justice court, that the parties to the marriage



164 request to have performed at any time the courtroom or offices of
165 the justice court are closed. These monies or gratuities, in an
166 amount agreed upon by the parties to the marriage, are not
167 considered fees for the justice court and are not subject to the
168 requirements set forth in the provisions of Section 9-11-10.

169 **FURTHER, AMEND the title to conform.**

