

By: Senator(s) Robertson

To: Fees, Salaries and  
Administration

SENATE BILL NO. 2457

1           AN ACT TO AMEND SECTION 25-7-13, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE THAT IN CIVIL ACTIONS FOR DAMAGES WITH MULTIPLE  
3 PLAINTIFFS, CIRCUIT COURT CLERKS SHALL CHARGE THE FILING FEE FOR  
4 EACH NAMED PLAINTIFF IN THE COMPLAINT; AND FOR RELATED PURPOSES.

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

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

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

10               (a) Docketing, filing, marking and registering each  
11 complaint, petition and indictment..... \$75.00

12           In civil actions for damages with multiple plaintiffs, the  
13 fee set forth in this paragraph shall be charged for each named  
14 plaintiff in the complaint; provided, however, in such actions  
15 where the multiple plaintiffs are husband and wife or members of  
16 the same family within the first degree of kinship, only one (1)  
17 fee shall be charged. The fee set forth in this paragraph shall  
18 be the total fee for all services performed by the clerk up to and  
19 including entry of judgment with respect to each complaint,  
20 petition or indictment, including all answers, claims, orders,  
21 continuances and other papers filed therein, issuing each writ,  
22 summons, subpoena or other such instruments, swearing witnesses,  
23 taking and recording bonds and pleas, and recording judgments,  
24 orders, fiats and certificates; the fee shall be payable upon  
25 filing and shall accrue to the clerk at the time of collection.  
26 The clerk or his successor in office shall perform all duties set  
27 forth above without additional compensation or fee.

28           (b) Docketing and filing each suggestion for a writ of  
29 garnishment, suggestion for a writ of execution and judgment  
30 debtor actions and issuing all process, filing and recording  
31 orders or other papers and swearing witnesses..... \$30.00  
32           (2) Except as provided in subsection (1) of this section,  
33 the clerks of the circuit court shall charge the following fees:  
34           (a) Filing and marking each order or other paper and  
35 recording and indexing same..... \$ 2.00  
36           (b) Issuing each writ, summons, subpoena, citation,  
37 capias and other such instruments..... \$ 1.00  
38           (c) Administering an oath and taking bond..... \$ 2.00  
39           (d) Certifying copies of filed documents, for each  
40 complete document..... \$ 1.00  
41           (e) Recording orders, fiats, licenses, certificates,  
42 oaths and bonds:  
43                 First page..... \$ 2.00  
44                 Each additional page..... \$ 1.00  
45           (f) Furnishing copies of any papers of record or on  
46 file and entering marginal notations on documents of record:  
47                 If performed by the clerk or his employee,  
48 per page..... \$ 1.00  
49                 If performed by any other person, per page.. \$ .25  
50           (g) Judgment roll entry..... \$ 5.00  
51           (h) Taxing cost and certificate..... \$ 1.00  
52           (i) For taking and recording application for marriage  
53 license, for filing and recording consent of parents when required  
54 by law, for filing and recording medical certificate, filing and  
55 recording proof of age, recording and issuing license, recording  
56 and filing returns..... \$20.00  
57           The clerk shall deposit Fourteen Dollars (\$14.00) of each fee  
58 collected for a marriage license in the Victims of Domestic  
59 Violence Fund established in Section 93-21-117, on a monthly  
60 basis.



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

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

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

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

72 (m) For each day's attendance upon the circuit court  
73 term, for himself and necessary deputies allowed by the court,  
74 each to be paid by the county..... \$30.00

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

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

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

83 (4) The clerk's fees in state cases where the state fails in  
84 the prosecution, or in cases of felony where the defendant is  
85 convicted and the cost cannot be made out of his estate, in an  
86 amount not to exceed Four Hundred Dollars (\$400.00) in one (1)  
87 year, shall be paid out of the county treasury on approval of the  
88 circuit court, and the allowance thereof by the board of  
89 supervisors of the county. In counties having two (2) judicial  
90 districts, such allowance shall be made in each judicial district;  
91 however, the maximum thereof shall not exceed Eight Hundred  
92 Dollars (\$800.00). Clerks in the circuit court, in cases where  
93 appeals are taken in criminal cases and no appeal bond is filed,

94 shall be allowed by the board of supervisors of the county after  
95 approval of their accounts by the circuit court, in addition to  
96 the above fees, for making such transcript the rate of Two Dollars  
97 (\$2.00) per page.

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

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

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

114 **SECTION 2.** This act shall take effect and be in force from  
115 and after July 1, 2003.

