

HOUSE _____ **AMENDMENT NO.** _____

Offered By

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 769, Page 1,
Section A, Line 3, by inserting after all of said line the following:

“57.280. 1. Sheriffs shall receive a charge for service of any summons, writ or other order of court, in connection with any civil case, and making on the same either a return indicating service, a non est return or a nulla bona return, the sum of twenty dollars for each item to be served, except that a sheriff shall receive a charge for service of any subpoena, and making a return on the same, the sum of ten dollars; however, no such charge shall be collected in any proceeding when court costs are to be paid by the state, county or municipality. In addition to such charge, the sheriff shall be entitled to receive for each mile actually traveled in serving any summons, writ, subpoena or other order of court the rate prescribed by the Internal Revenue Service for all allowable expenses for motor vehicle use expressed as an amount per mile, provided that such mileage shall not be charged for more than one subpoena or summons or other writ served in the same cause on the same trip. All of such charges shall be received by the sheriff who is requested to perform the service. Except as otherwise provided by law, all charges made pursuant to this section shall be collected by the court clerk as court costs and are payable prior to the time the service is rendered; provided that if the amount of such charge cannot be readily determined, then the sheriff shall receive a deposit based upon the likely amount of such charge, and the balance of such charge shall be payable immediately upon ascertainment of the proper amount of said charge. A sheriff may refuse to perform any service in any action or proceeding, other than when court costs are waived as provided by law, until the charge provided by this section is paid. Failure to receive the charge shall not affect the validity of the service.

2. The sheriff shall receive for receiving and paying moneys on execution or other process, where lands or goods have been levied and advertised and sold, five percent on five hundred dollars and four percent on all sums above five hundred dollars, and half of these sums, when the money is paid to the sheriff without a levy, or where the lands or goods levied on shall not be sold and the money is paid to the sheriff or person entitled thereto, his agent or attorney. The party at whose application any writ, execution, subpoena or other process has issued from the court shall pay the sheriff's costs for the removal, transportation, storage, safekeeping and support of any property to be seized pursuant to legal process before such seizure. The sheriff shall be

1 allowed for each mile, going and returning from the courthouse of the county in which he resides
2 to the place where the court is held, the rate prescribed by the Internal Revenue Service for all
3 allowable expenses for motor vehicle use expressed as an amount per mile. The provisions of this
4 subsection shall not apply to garnishment proceeds.

5 3. The sheriff upon the receipt of the charge herein provided for shall pay into the treasury
6 of the county any and all charges received pursuant to the provisions of this section[; however, in
7 any county, any funds, not to exceed fifty thousand dollars in any calendar year, other than as a
8 result of regular budget allocations or land sale proceeds, coming into the possession of the
9 sheriff's office, such as from the sale of recovered evidence]. The funds collected pursuant to this
10 section, not to exceed fifty thousand dollars in any calendar year, shall be held in a fund
11 established by the county treasurer, which may be expended at the discretion of the sheriff for the
12 furtherance of the sheriff's set duties. Any such funds in excess of fifty thousand dollars[, other
13 than regular budget allocations or land sale proceeds,] in any calendar year shall be placed to the
14 credit of the general revenue fund of the county. Moneys in the fund shall be used only for the
15 procurement of services and equipment to support the operation of the sheriff's office. Moneys in
16 the fund established pursuant to this subsection shall not lapse to the county general revenue fund
17 at the end of any county budget or fiscal year.

18 4. Notwithstanding the provisions of subsection 3 of this section to the contrary, the
19 sheriff shall receive ten dollars for service of any summons, writ, subpoena, or other order of the
20 court included under subsection 1 of this section, in addition to the charge for such service that
21 each sheriff receives under subsection 1 of this section. The money received by the sheriff under
22 this subsection shall be paid into the county treasury and the county treasurer shall make such
23 money payable to the state treasurer. The state treasurer shall deposit such moneys in the deputy
24 sheriff salary supplementation fund created under section 57.278.” ; and
25

26 Further amend said bill by amending the title, enacting clause, and intersectional references
27 accordingly.