

**HOUSE AMENDMENT NO. \_\_\_\_\_**  
**TO**  
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**Offered By**

AMEND House Amendment No. \_\_\_\_\_ to House Committee Substitute for House Bill No. 427,  
Page 1, Line 4, by deleting said line and inserting in lieu thereof 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 allowed for each mile, going and returning from the courthouse of the county in which he resides to the place where the court is held, the rate prescribed by the Internal Revenue Service for all allowable expenses for motor vehicle use expressed as an amount per mile. The provisions of this subsection shall not apply to garnishment proceeds.

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1           3. The sheriff upon the receipt of the charge herein provided for shall pay into the treasury  
2 of the county any and all charges received pursuant to the provisions of this section. The funds  
3 collected pursuant to this section, not to exceed fifty thousand dollars in any calendar year, shall be  
4 held in a fund established by the county treasurer, which may be expended at the discretion of the  
5 sheriff for the furtherance of the sheriff 's set duties. Any such funds in excess of fifty thousand  
6 dollars in any calendar year shall be placed to the credit of the general revenue fund of the county.  
7 Moneys in the fund shall be used only for the procurement of services and equipment to support the  
8 operation of the sheriff 's office. Moneys in the fund established pursuant to this subsection shall  
9 not lapse to the county general revenue fund at the end of any county budget or fiscal year.

10           4. Notwithstanding the provisions of subsection 3 of this section to the contrary, the sheriff,  
11 or any other person specially appointed to serve in a county that receives funds under section  
12 57.278, shall receive ten dollars for service of any summons, writ, subpoena, or other order of the  
13 court included under subsection 1 of this section, in addition to the charge for such service that each  
14 sheriff receives under subsection 1 of this section. The money received by the sheriff, or any other  
15 person specially appointed to serve in a county that receives funds under section 57.278, under this  
16 subsection shall be paid into the county treasury and the county treasurer shall make such money  
17 payable to the state treasurer. The state treasurer shall deposit such moneys in the deputy sheriff  
18 salary supplementation fund created under section 57.278.

19           84.344. 1. Notwithstanding any provisions of this chapter to the contrary, any city not";  
20 and

21  
22 Further amend said bill by amending the title, enacting clause, and intersectional references  
23 accordingly.

24  
25 THIS AMENDS 0589H03.08H.