

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 600, Page 5, Section
2 45.030, Line 3, by inserting after all of said section and line the following:

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4 "57.280. 1. Sheriffs shall receive a charge for service of any summons, writ or other order
5 of court, in connection with any civil case, and making on the same either a return indicating
6 service, a non est return or a nulla bona return, the sum of twenty dollars for each item to be served,
7 except that a sheriff shall receive a charge for service of any subpoena, and making a return on the
8 same, the sum of ten dollars; however, no such charge shall be collected in any proceeding when
9 court costs are to be paid by the state, county or municipality. In addition to such charge, the sheriff
10 shall be entitled to receive for each mile actually traveled in serving any summons, writ, subpoena
11 or other order of court the rate prescribed by the Internal Revenue Service for all allowable expenses
12 for motor vehicle use expressed as an amount per mile, provided that such mileage shall not be
13 charged for more than one subpoena or summons or other writ served in the same cause on the same
14 trip. All of such charges shall be received by the sheriff who is requested to perform the service.
15 Except as otherwise provided by law, all charges made pursuant to this section shall be collected by
16 the court clerk as court costs and are payable prior to the time the service is rendered; provided that
17 if the amount of such charge cannot be readily determined, then the sheriff shall receive a deposit
18 based upon the likely amount of such charge, and the balance of such charge shall be payable
19 immediately upon ascertainment of the proper amount of said charge. A sheriff may refuse to
20 perform any service in any action or proceeding, other than when court costs are waived as provided
21 by law, until the charge provided by this section is paid. Failure to receive the charge shall not
22 affect the validity of the service.

23 2. The sheriff shall receive for receiving and paying moneys on execution or other process,
24 where lands or goods have been levied and advertised and sold, five percent on five hundred dollars
25 and four percent on all sums above five hundred dollars, and half of these sums, when the money is
26 paid to the sheriff without a levy, or where the lands or goods levied on shall not be sold and the
27 money is paid to the sheriff or person entitled thereto, his agent or attorney. The party at whose
28 application any writ, execution, subpoena or other process has issued from the court shall pay the
29 sheriff's costs for the removal, transportation, storage, safekeeping and support of any property to be
30 seized pursuant to legal process before such seizure. The sheriff shall be allowed for each mile,
31 going and returning from the courthouse of the county in which he resides to the place where the
32 court is held, the rate prescribed by the Internal Revenue Service for all allowable expenses for
33 motor vehicle use expressed as an amount per mile. The provisions of this subsection shall not
34 apply to garnishment proceeds.

35 3. The sheriff upon the receipt of the charge herein provided for shall pay into the treasury
36 of the county any and all charges received pursuant to the provisions of this section. The funds

Action Taken _____ Date _____

collected pursuant to this section, not to exceed fifty thousand dollars in any calendar year, shall be held in a fund established by the county treasurer, which may be expended at the discretion of the sheriff for the furtherance of the sheriff's set duties. Any such funds in excess of fifty thousand dollars in any calendar year shall be placed to the credit of the general revenue fund of the county. Moneys in the fund shall be used only for the procurement of services and equipment to support the operation of the sheriff's office. Moneys in the fund established pursuant to this subsection shall not lapse to the county general revenue fund at the end of any county budget or fiscal year.

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

5. Notwithstanding the provisions of subsection 3 of this section to the contrary, the court clerk shall collect ten dollars as a court cost for service of any summons, writ, subpoena, or other order of the court included under subsection 1 of this section when any person other than a sheriff is specially appointed to serve in a county that receives funds under section 57.278. The money received by the clerk under this subsection shall be paid into the county treasury and the county treasurer shall make such money payable to the state treasurer. The state treasurer shall deposit such moneys in the deputy sheriff salary supplementation fund created under section 57.278."; and

Further amend said bill, Page 59, Section 321.552, Line 69, by inserting after all of said section and line the following:

"488.435. 1. Sheriffs shall receive a charge, as provided in section 57.280, 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, as provided in section 57.280, 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, as provided in section 57.280; 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, as provided in section 57.280, 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 section 57.280 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 such 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, as provided in section 57.280, receive for receiving and paying moneys on execution or other process, where lands or goods have been levied and advertised and sold, five

1 percent on five hundred dollars and four percent on all sums above five hundred dollars, and half of
2 these sums, when the money is paid to the sheriff without a levy, or where the lands or goods levied
3 on shall not be sold and the money is paid to the sheriff or person entitled thereto, his or her agent or
4 attorney. The party at whose application any writ, execution, subpoena or other process has issued
5 from the court shall pay the sheriff's costs, as provided in section 57.280, for the removal,
6 transportation, storage, safekeeping and support of any property to be seized pursuant to legal
7 process before such seizure. The sheriff shall be allowed for each mile, as provided in section
8 57.280, going and returning from the courthouse of the county in which he or she resides to the
9 place where the court is held, the rate prescribed by the Internal Revenue Service for all allowable
10 expenses for motor vehicle use expressed as an amount per mile. The provisions of this subsection
11 shall not apply to garnishment proceeds.

12 3. As provided in subsection 4 of section 57.280, the sheriff shall receive ten dollars for
13 service of any summons, writ, subpoena, or other order of the court included under subsection 1 of
14 section 57.280, in addition to the charge for such service that each sheriff receives under subsection
15 1 of section 57.280. The money received by the sheriff under subsection 4 of section 57.280 shall
16 be paid into the county treasury and the county treasurer shall make such money payable to the state
17 treasurer. The state treasurer shall deposit such moneys in the deputy sheriff salary supplementation
18 fund created under section 57.278.

19 4. The court clerk shall collect ten dollars as a court cost for service of any summons, writ,
20 subpoena, or other order of the court included under subsection 1 of this section when any person
21 other than a sheriff is specially appointed to serve in a county that receives funds under section
22 57.278. The money received by the clerk under this subsection shall be paid into the county
23 treasury and the county treasurer shall make such money payable to the state treasurer. The state
24 treasurer shall deposit such moneys in the deputy sheriff salary supplementation fund created under
25 section 57.278."; and

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