

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for
2 Senate Bill No. 72, Page 10, Section 43.540, Line 131, by inserting after all of said section and line
3 the following:
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5 "57.280. 1. Sheriffs shall receive a charge for service of any summons, writ or other order
6 of court, in connection with any civil case, and making on the same either a return indicating
7 service, a non est return or a nulla bona return, the sum of twenty dollars for each item to be served,
8 except that a sheriff shall receive a charge for service of any subpoena, and making a return on the
9 same, the sum of ten dollars; however, no such charge shall be collected in any proceeding when
10 court costs are to be paid by the state, county or municipality. In addition to such charge, the sheriff
11 shall be entitled to receive for each mile actually traveled in serving any summons, writ, subpoena
12 or other order of court the rate prescribed by the Internal Revenue Service for all allowable expenses
13 for motor vehicle use expressed as an amount per mile, provided that such mileage shall not be
14 charged for more than one subpoena or summons or other writ served in the same cause on the same
15 trip. All of such charges shall be received by the sheriff who is requested to perform the service.
16 Except as otherwise provided by law, all charges made pursuant to this section shall be collected by
17 the court clerk as court costs and are payable prior to the time the service is rendered; provided that
18 if the amount of such charge cannot be readily determined, then the sheriff shall receive a deposit
19 based upon the likely amount of such charge, and the balance of such charge shall be payable
20 immediately upon ascertainment of the proper amount of said charge. A sheriff may refuse to
21 perform any service in any action or proceeding, other than when court costs are waived as provided
22 by law, until the charge provided by this section is paid. Failure to receive the charge shall not
23 affect the validity of the service.

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

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

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

15 4. Notwithstanding the provisions of subsection 3 of this section to the contrary, the sheriff],
 16 ~~or any other person specially appointed to serve in a county that receives funds under section~~
 17 ~~57.278,]~~ shall receive ten dollars for service of any summons, writ, subpoena, or other order of the
 18 court included under subsection 1 of this section, in addition to the charge for such service that each
 19 sheriff receives under subsection 1 of this section. The money received by the sheriff], ~~or any other~~
 20 ~~person specially appointed to serve in a county that receives funds under section 57.278,]~~ under this
 21 subsection shall be paid into the county treasury and the county treasurer shall make such money
 22 payable to the state treasurer. The state treasurer shall deposit such moneys in the deputy sheriff
 23 salary supplementation fund created under section 57.278. Any other person specially appointed to
 24 serve in a county shall execute and deliver to the circuit clerk, along with the confirmation of
 25 service, a signed and notarized affidavit of confirmation, made under penalty of perjury, that
 26 includes the amount, check number, and date of payment to evidence payment was made to the
 27 sheriff for the deputy sheriff salary supplementation fund as required by this subsection.

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

35 [5-] 6. Sheriffs shall receive up to fifty dollars for service of any summons, writ, or other
 36 order of the court in connection with any eviction proceeding, in addition to the charge for such
 37 service that each sheriff receives under this section. All of such charges shall be received by the
 38 sheriff who is requested to perform the service and shall be paid to the county treasurer in a fund
 39 established by the county treasurer, which may be expended at the discretion of the sheriff for the

1 furtherance of the sheriff's set duties. All charges shall be payable prior to the time the service is
2 rendered; provided that if the amount of such charge cannot be readily determined, then the sheriff
3 shall receive a deposit based upon the likely amount of such charge, and the balance of such charge
4 shall be payable immediately upon ascertainment of the proper amount of said charge."; and

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6 Further amend said bill, Page 52, Section 488.426, Line 21, by inserting after all of said section and
7 line the following:

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9 "488.435. 1. Sheriffs shall receive a charge, as provided in section 57.280, for service of
10 any summons, writ or other order of court, in connection with any civil case, and making on the
11 same either a return indicating service, a non est return or a nulla bona return, the sum of twenty
12 dollars for each item to be served, as provided in section 57.280, except that a sheriff shall receive a
13 charge for service of any subpoena, and making a return on the same, the sum of ten dollars, as
14 provided in section 57.280; however, no such charge shall be collected in any proceeding when
15 court costs are to be paid by the state, county or municipality. In addition to such charge, the sheriff
16 shall be entitled, as provided in section 57.280, to receive for each mile actually traveled in serving
17 any summons, writ, subpoena or other order of court, the rate prescribed by the Internal Revenue
18 Service for all allowable expenses for motor vehicle use expressed as an amount per mile, provided
19 that such mileage shall not be charged for more than one subpoena or summons or other writ served
20 in the same cause on the same trip. All of such charges shall be received by the sheriff who is
21 requested to perform the service. Except as otherwise provided by law, all charges made pursuant to
22 section 57.280 shall be collected by the court clerk as court costs and are payable prior to the time
23 the service is rendered; provided that if the amount of such charge cannot be readily determined,
24 then the sheriff shall receive a deposit based upon the likely amount of such charge, and the balance
25 of such charge shall be payable immediately upon ascertainment of the proper amount of such
26 charge. A sheriff may refuse to perform any service in any action or proceeding, other than when
27 court costs are waived as provided by law, until the charge provided by this section is paid. Failure
28 to receive the charge shall not affect the validity of the service.

29 2. The sheriff shall, as provided in section 57.280, receive for receiving and paying moneys
30 on execution or other process, where lands or goods have been levied and advertised and sold, five
31 percent on five hundred dollars and four percent on all sums above five hundred dollars, and half of
32 these sums, when the money is paid to the sheriff without a levy, or where the lands or goods levied
33 on shall not be sold and the money is paid to the sheriff or person entitled thereto, his or her agent or
34 attorney. The party at whose application any writ, execution, subpoena or other process has issued
35 from the court shall pay the sheriff's costs, as provided in section 57.280, for the removal,
36 transportation, storage, safekeeping and support of any property to be seized pursuant to legal
37 process before such seizure. The sheriff shall be allowed for each mile, as provided in section
38 57.280, going and returning from the courthouse of the county in which he or she resides to the
39 place where the court is held, the rate prescribed by the Internal Revenue Service for all allowable

1 expenses for motor vehicle use expressed as an amount per mile. The provisions of this subsection
2 shall not apply to garnishment proceeds.

3 3. As provided in subsection 4 of section 57.280, the sheriff shall receive ten dollars for
4 service of any summons, writ, subpoena, or other order of the court included under subsection 1 of
5 section 57.280, in addition to the charge for such service that each sheriff receives under subsection
6 1 of section 57.280. The money received by the sheriff under subsection 4 of section 57.280 shall
7 be paid into the county treasury and the county treasurer shall make such money payable to the state
8 treasurer. The state treasurer shall deposit such moneys in the deputy sheriff salary supplementation
9 fund created under section 57.278.

10 4. As provided in subsection 5 of section 57.280, the court clerk shall collect ten dollars as a
11 court cost for service of any summons, writ, subpoena, or other order of the court included under
12 subsection 1 of this section if any person other than a sheriff is specially appointed to serve in a
13 county that receives funds under section 57.278. The moneys received by the clerk under this
14 subsection shall be paid into the county treasury and the county treasurer shall make such moneys
15 payable to the state treasurer. The state treasurer shall deposit such moneys in the deputy sheriff
16 salary supplementation fund created under section 57.278."; and

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