

\* 3/23

**SENATE AMENDMENT NO. 1**

Offered by Riddle of 10

APC

SS

Amend SCS/Senate Bill Nos. 53 & 60, Page 1, Section A, Line X, 5 APC

2 by inserting after all of said line the following:

3 "57.280. 1. Sheriffs shall receive a charge for

4 service of any summons, writ or other order of court, in

5 connection with any civil case, and making on the same

6 either a return indicating service, a non est return or a

7 nulla bona return, the sum of twenty dollars for each item

8 to be served, except that a sheriff shall receive a charge

9 for service of any subpoena, and making a return on the

10 same, the sum of ten dollars; however, no such charge shall

11 be collected in any proceeding when court costs are to be

12 paid by the state, county or municipality. In addition to

13 such charge, the sheriff shall be entitled to receive for

14 each mile actually traveled in serving any summons, writ,

15 subpoena or other order of court the rate prescribed by the

16 Internal Revenue Service for all allowable expenses for

17 motor vehicle use expressed as an amount per mile, provided

18 that such mileage shall not be charged for more than one

19 subpoena or summons or other writ served in the same cause

20 on the same trip. All of such charges shall be received by

21 the sheriff who is requested to perform the service. Except

22 as otherwise provided by law, all charges made pursuant to

23 this section shall be collected by the court clerk as court

24 costs and are payable prior to the time the service is

25 rendered; provided that if the amount of such charge cannot

26 be readily determined, then the sheriff shall receive a

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27 deposit based upon the likely amount of such charge, and the  
28 balance of such charge shall be payable immediately upon  
29 ascertainment of the proper amount of said charge. A  
30 sheriff may refuse to perform any service in any action or  
31 proceeding, other than when court costs are waived as  
32 provided by law, until the charge provided by this section  
33 is paid. Failure to receive the charge shall not affect the  
34 validity of the service.

35         2. The sheriff shall receive for receiving and paying  
36 moneys on execution or other process, where lands or goods  
37 have been levied and advertised and sold, five percent on  
38 five hundred dollars and four percent on all sums above five  
39 hundred dollars, and half of these sums, when the money is  
40 paid to the sheriff without a levy, or where the lands or  
41 goods levied on shall not be sold and the money is paid to  
42 the sheriff or person entitled thereto, his agent or  
43 attorney. The party at whose application any writ,  
44 execution, subpoena or other process has issued from the  
45 court shall pay the sheriff's costs for the removal,  
46 transportation, storage, safekeeping and support of any  
47 property to be seized pursuant to legal process before such  
48 seizure. The sheriff shall be allowed for each mile, going  
49 and returning from the courthouse of the county in which he  
50 resides to the place where the court is held, the rate  
51 prescribed by the Internal Revenue Service for all allowable  
52 expenses for motor vehicle use expressed as an amount per  
53 mile. The provisions of this subsection shall not apply to  
54 garnishment proceeds.

55         3. The sheriff upon the receipt of the charge herein  
56 provided for shall pay into the treasury of the county any  
57 and all charges received pursuant to the provisions of this  
58 section. The funds collected pursuant to this section, not  
59 to exceed [fifty] one hundred thousand dollars in any

60 calendar year, shall be held in a fund established by the  
61 county treasurer, which may be expended at the discretion of  
62 the sheriff for the furtherance of the sheriff's set  
63 duties. Any such funds in excess of [fifty] one hundred  
64 thousand dollars in any calendar year shall be placed to the  
65 credit of the general revenue fund of the county. Moneys in  
66 the fund shall be used only for the procurement of services  
67 and equipment to support the operation of the sheriff's  
68 office. Moneys in the fund established pursuant to this  
69 subsection shall not lapse to the county general revenue  
70 fund at the end of any county budget or fiscal year.

71 4. Notwithstanding the provisions of subsection 3 of  
72 this section to the contrary, the sheriff, or any other  
73 person specially appointed to serve in a county that  
74 receives funds under section 57.278, shall receive ten  
75 dollars for service of any summons, writ, subpoena, or other  
76 order of the court included under subsection 1 of this  
77 section, in addition to the charge for such service that  
78 each sheriff receives under subsection 1 of this section.  
79 The money received by the sheriff, or any other person  
80 specially appointed to serve in a county that receives funds  
81 under section 57.278, under this subsection shall be paid  
82 into the county treasury and the county treasurer shall make  
83 such money payable to the state treasurer. The state  
84 treasurer shall deposit such moneys in the deputy sheriff  
85 salary supplementation fund created under section 57.278.

86 5. Sheriffs shall receive up to one hundred dollars  
87 for service of any summons, writ, or other order of the  
88 court in connection with any eviction proceeding, in  
89 addition to the charge for such service that each sheriff  
90 receives under this section. All of such charges shall be  
91 received by the sheriff who is requested to perform the  
92 service and shall be paid to the county treasurer in a fund

93 established by the county treasurer, which may be expended  
94 at the discretion of the sheriff for the furtherance of the  
95 sheriff's set duties. All charges shall be payable prior to  
96 the time the service is rendered; provided that if the  
97 amount of such charge cannot be readily determined, then the  
98 sheriff shall receive a deposit based upon the likely amount  
99 of such charge, and the balance of such charge shall be  
100 payable immediately upon ascertainment of the proper amount  
101 of said charge."; and

102 Further amend the title and enacting clause accordingly.