

# SENATE AMENDMENT NO. \_\_\_\_\_

Offered by \_\_\_\_\_ Of \_\_\_\_\_

Amend SS/SCS/HCS/House Bill No. 192, Page 1, Section A, Line 4,

2 by inserting after all of said line the following:

3 "57.280. 1. Sheriffs shall receive a charge for service of  
 4 any summons, writ or other order of court, in connection with any  
 5 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  
 7 twenty dollars for each item to be served, except that a sheriff  
 8 shall receive a charge for service of any subpoena, and making a  
 9 return on the same, the sum of ten dollars; however, no such  
 10 charge shall be collected in any proceeding when court costs are  
 11 to be paid by the state, county or municipality. In addition to  
 12 such charge, the sheriff shall be entitled to receive for each  
 13 mile actually traveled in serving any summons, writ, subpoena or  
 14 other order of court the rate prescribed by the Internal Revenue  
 15 Service for all allowable expenses for motor vehicle use  
 16 expressed as an amount per mile, provided that such mileage shall  
 17 not be charged for more than one subpoena or summons or other  
 18 writ served in the same cause on the same trip. All of such  
 19 charges shall be received by the sheriff who is requested to  
 20 perform the service. Except as otherwise provided by law, all  
 21 charges made pursuant to this section shall be collected by the  
 22 court clerk as court costs and are payable prior to the time the  
 23 service is rendered; provided that if the amount of such charge  
 24 cannot be readily determined, then the sheriff shall receive a

1 deposit based upon the likely amount of such charge, and the  
2 balance of such charge shall be payable immediately upon  
3 ascertainment of the proper amount of said charge. A sheriff may  
4 refuse to perform any service in any action or proceeding, other  
5 than when court costs are waived as provided by law, until the  
6 charge provided by this section is paid. Failure to receive the  
7 charge shall not affect the validity of the service.

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

26 3. The sheriff upon the receipt of the charge herein  
27 provided for shall pay into the treasury of the county any and  
28 all charges received pursuant to the provisions of this section.  
29 The funds collected pursuant to this section, not to exceed fifty

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

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

26 Further amend the title and enacting clause accordingly.