

SECOND REGULAR SESSION

SENATE BILL NO. 834

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATORS MAYER AND PARSON.

Read 1st time February 23, 2012, and ordered printed.

TERRY L. SPIELER, Secretary.

5772S.011

AN ACT

To repeal section 57.280, RSMo, and to enact in lieu thereof one new section relating to funds coming into the possession of sheriffs.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 57.280, RSMo, is repealed and one new section enacted
2 in lieu thereof, to be known as section 57.280, to read as follows:

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

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 proper amount of said charge. A sheriff may refuse to perform any service in any
21 action or proceeding, other than when court costs are waived as provided by law,
22 until the charge provided by this section is paid. Failure to receive the charge
23 shall not affect the validity of the service.

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

38 3. The sheriff upon the receipt of the charge herein provided for shall pay
39 into the treasury of the county any and all charges received pursuant to the
40 provisions of this section[; however, in any county, any funds, not to exceed fifty
41 thousand dollars in any calendar year,]. **The funds collected pursuant to**
42 **this section and any other funds coming into the possession of the**
43 **sheriff's office, such as from the sale of recovered evidence**, other than
44 as a result of regular budget allocations [or land sale proceeds, coming into the
45 possession of the sheriff's office, such as from the sale of recovered evidence] **and**
46 **not to exceed fifty thousand dollars in any calendar year**, shall be held
47 in a fund established by the county treasurer, which may be expended at the
48 discretion of the sheriff for the furtherance of the sheriff's set duties. Any such
49 funds in excess of fifty thousand dollars, other than regular budget allocations [or
50 land sale proceeds], shall be placed to the credit of the general revenue fund of
51 the county. Moneys in the fund shall be used only for the procurement of services
52 and equipment to support the operation of the sheriff's office. Moneys in the fund
53 established pursuant to this subsection shall not lapse to the county general
54 revenue fund at the end of any county budget or fiscal year.

55 4. Notwithstanding the provisions of subsection 3 of this section to the

56 contrary, the sheriff shall receive ten dollars for service of any summons, writ,
57 subpoena, or other order of the court included under subsection 1 of this section,
58 in addition to the charge for such service that each sheriff receives under
59 subsection 1 of this section. The money received by the sheriff under this
60 subsection shall be paid into the county treasury and the county treasurer shall
61 make such money payable to the state treasurer. The state treasurer shall
62 deposit such moneys in the deputy sheriff salary supplementation fund created
63 under section 57.278.

Unofficial ✓

Bill

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