

FIRST REGULAR SESSION

# SENATE BILL NO. 12

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CUNNINGHAM.

Pre-filed December 1, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0414S.011

## AN ACT

To repeal section 57.280, RSMo, and to enact in lieu thereof one new section relating to charges for the service of court orders.

*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Section A. Section 57.280, RSMo, is repealed and one new section enacted  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  
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 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. The funds collected pursuant to this section, not to  
41 exceed fifty thousand dollars in any calendar year, shall be held in a fund  
42 established by the county treasurer, which may be expended at the discretion of  
43 the sheriff for the furtherance of the sheriff's set duties. Any such funds in  
44 excess of fifty thousand dollars in any calendar year shall be placed to the credit  
45 of the general revenue fund of the county. Moneys in the fund shall be used only  
46 for the procurement of services and equipment to support the operation of the  
47 sheriff's office. Moneys in the fund established pursuant to this subsection shall  
48 not lapse to the county general revenue fund at the end of any county budget or  
49 fiscal year.

50         4. Notwithstanding the provisions of subsection 3 of this section to the  
51 contrary, the sheriff, **or any other person specially appointed to serve in**  
52 **a county that receives funds under section 57.278**, shall receive ten dollars  
53 for service of any summons, writ, subpoena, or other order of the court included  
54 under subsection 1 of this section, in addition to the charge for such service that  
55 each sheriff receives under subsection 1 of this section. The money received by  
56 the sheriff, **or any other person specially appointed to serve in a county**

57 **that receives funds under section 57.278**, under this subsection shall be paid  
58 into the county treasury and the county treasurer shall make such money payable  
59 to the state treasurer. The state treasurer shall deposit such moneys in the  
60 deputy sheriff salary supplementation fund created under section 57.278.

✓

Unofficial

Bill

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