★ 3/23

0461S02.07S

SENATE AMENDMENT NO. 1

Offered by Riddle of 10

ADC

Amend SCS/Senate Bill Nos. 53 & 60, Page 1, Section A, Line ~~4~~ 5 ADC

by inserting after all of said line the following:

"57.280. 1. Sheriffs shall receive a charge for service of any summons, writ or other order of court, in connection with any civil case, and making on the same either a return indicating service, a non est return or a nulla bona return, the sum of twenty dollars for each item to be served, except that a sheriff shall receive a charge for service of any subpoena, and making a return on the same, the sum of ten dollars; however, no such charge shall be collected in any proceeding when court costs are to be paid by the state, county or municipality. In addition to such charge, the sheriff shall be entitled to receive for each mile actually traveled in serving any summons, writ, subpoena or other order of court the rate prescribed by the Internal Revenue Service for all allowable expenses for motor vehicle use expressed as an amount per mile, provided that such mileage shall not be charged for more than one subpoena or summons or other writ served in the same cause on the same trip. All of such charges shall be received by the sheriff who is requested to perform the service. Except as otherwise provided by law, all charges made pursuant to this section shall be collected by the court clerk as court costs and are payable prior to the time the service is rendered; provided that if the amount of such charge cannot 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] <u>one hundred</u> 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.