

FIRST REGULAR SESSION

# SENATE BILL NO. 404

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR RIDDLE.

1259S.02I

ADRIANE D. CROUSE, Secretary

## AN ACT

To repeal section 57.280, RSMo, and to enact in lieu thereof one new section relating to court costs.

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Section A. Section 57.280, RSMo, is repealed and one new  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

57.280. 1. Sheriffs shall receive a charge for  
2 service of any summons, writ or other order of court, in  
3 connection with any civil case, and making on the same  
4 either a return indicating service, a non est return or a  
5 nulla bona return, the sum of twenty dollars for each item  
6 to be served, except that a sheriff shall receive a charge  
7 for service of any subpoena, and making a return on the  
8 same, the sum of ten dollars; however, no such charge shall  
9 be collected in any proceeding when court costs are to be  
10 paid by the state, county or municipality. In addition to  
11 such charge, the sheriff shall be entitled to receive for  
12 each mile actually traveled in serving any summons, writ,  
13 subpoena or other order of court the rate prescribed by the  
14 Internal Revenue Service for all allowable expenses for  
15 motor vehicle use expressed as an amount per mile, provided  
16 that such mileage shall not be charged for more than one  
17 subpoena or summons or other writ served in the same cause  
18 on the same trip. All of such charges shall be received by

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

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

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

51 mile. The provisions of this subsection shall not apply to  
52 garnishment proceeds.

53         3. The sheriff upon the receipt of the charge herein  
54 provided for shall pay into the treasury of the county any  
55 and all charges received pursuant to the provisions of this  
56 section. The funds collected pursuant to this section, not  
57 to exceed [fifty] **one hundred** thousand dollars in any  
58 calendar year, shall be held in a fund established by the  
59 county treasurer, which may be expended at the discretion of  
60 the sheriff for the furtherance of the sheriff's set  
61 duties. Any such funds in excess of [fifty] **one hundred**  
62 thousand dollars in any calendar year shall be placed to the  
63 credit of the general revenue fund of the county. Moneys in  
64 the fund shall be used only for the procurement of services  
65 and equipment to support the operation of the sheriff's  
66 office. Moneys in the fund established pursuant to this  
67 subsection shall not lapse to the county general revenue  
68 fund at the end of any county budget or fiscal year.

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

82 treasurer shall deposit such moneys in the deputy sheriff  
83 salary supplementation fund created under section 57.278.

84       5. Sheriffs shall receive up to one hundred dollars  
85 for service of any summons, writ, or other order of the  
86 court in connection with any eviction proceeding, in  
87 addition to the charge for such service that each sheriff  
88 receives under this section. All of such charges shall be  
89 received by the sheriff who is requested to perform the  
90 service and shall be paid to the county treasurer in a fund  
91 established by the county treasurer, which may be expended  
92 at the discretion of the sheriff for the furtherance of the  
93 sheriff's set duties. All charges shall be payable prior to  
94 the time the service is rendered; provided that if the  
95 amount of such charge cannot be readily determined, then the  
96 sheriff shall receive a deposit based upon the likely amount  
97 of such charge, and the balance of such charge shall be  
98 payable immediately upon ascertainment of the proper amount  
99 of said charge.

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