

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 662,  
2 Page 2, Section 21.405, Line 20, by inserting after all of said section and line the following:

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

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

35 3. The sheriff upon the receipt of the charge herein provided for shall pay into the treasury  
36 of the county any and all charges received pursuant to the provisions of this section. The funds

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

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

8 4. Notwithstanding the provisions of subsection 3 of this section to the contrary, the sheriff[,  
 9 or any other person specially appointed to serve in a county that receives funds under section  
 10 57.278,] shall receive ten dollars for service of any summons, writ, subpoena, or other order of the  
 11 court included under subsection 1 of this section, in addition to the charge for such service that each  
 12 sheriff receives under subsection 1 of this section. The money received by the sheriff[, or any other  
 13 person specially appointed to serve in a county that receives funds under section 57.278,] under this  
 14 subsection shall be paid into the county treasury and the county treasurer shall make such money  
 15 payable to the state treasurer. The state treasurer shall deposit such moneys in the deputy sheriff  
 16 salary supplementation fund created under section 57.278.

17 5. Notwithstanding the provisions of subsection 3 of this section to the contrary, the court  
 18 clerk shall collect ten dollars as a court cost for service of any summons, writ, subpoena, or other  
 19 order of the court included under subsection 1 of this section when any person other than a sheriff is  
 20 specially appointed to serve in a county that receives funds under section 57.278. The money  
 21 received by the clerk under this subsection shall be paid into the county treasury and the county  
 22 treasurer shall make such money payable to the state treasurer. The state treasurer shall deposit such  
 23 moneys in the deputy sheriff salary supplementation fund created under section 57.278."; and

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 25 Further amend said bill, Page 9, Section 485.060, Line 23, by inserting after all of said section and  
 26 line the following:

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 28 "488.435. 1. Sheriffs shall receive a charge, as provided in section 57.280, for service of  
 29 any summons, writ or other order of court, in connection with any civil case, and making on the  
 30 same either a return indicating service, a non est return or a nulla bona return, the sum of twenty  
 31 dollars for each item to be served, as provided in section 57.280, except that a sheriff shall receive a  
 32 charge for service of any subpoena, and making a return on the same, the sum of ten dollars, as  
 33 provided in section 57.280; however, no such charge shall be collected in any proceeding when  
 34 court costs are to be paid by the state, county or municipality. In addition to such charge, the sheriff  
 35 shall be entitled, as provided in section 57.280, to receive for each mile actually traveled in serving  
 36 any summons, writ, subpoena or other order of court, the rate prescribed by the Internal Revenue  
 37 Service for all allowable expenses for motor vehicle use expressed as an amount per mile, provided  
 38 that such mileage shall not be charged for more than one subpoena or summons or other writ served  
 39 in the same cause on the same trip. All of such charges shall be received by the sheriff who is  
 40 requested to perform the service. Except as otherwise provided by law, all charges made pursuant to  
 41 section 57.280 shall be collected by the court clerk as court costs and are payable prior to the time  
 42 the service is rendered; provided that if the amount of such charge cannot be readily determined,  
 43 then the sheriff shall receive a deposit based upon the likely amount of such charge, and the balance  
 44 of such charge shall be payable immediately upon ascertainment of the proper amount of such  
 45 charge. A sheriff may refuse to perform any service in any action or proceeding, other than when  
 46 court costs are waived as provided by law, until the charge provided by this section is paid. Failure  
 47 to receive the charge shall not affect the validity of the service.

48 2. The sheriff shall, as provided in section 57.280, receive for receiving and paying moneys  
 49 on execution or other process, where lands or goods have been levied and advertised and sold, five

1 percent on five hundred dollars and four percent on all sums above five hundred dollars, and half of  
2 these sums, when the money is paid to the sheriff without a levy, or where the lands or goods levied  
3 on shall not be sold and the money is paid to the sheriff or person entitled thereto, his or her agent or  
4 attorney. The party at whose application any writ, execution, subpoena or other process has issued  
5 from the court shall pay the sheriff's costs, as provided in section 57.280, for the removal,  
6 transportation, storage, safekeeping and support of any property to be seized pursuant to legal  
7 process before such seizure. The sheriff shall be allowed for each mile, as provided in section  
8 57.280, going and returning from the courthouse of the county in which he or she resides to the  
9 place where the court is held, the rate prescribed by the Internal Revenue Service for all allowable  
10 expenses for motor vehicle use expressed as an amount per mile. The provisions of this subsection  
11 shall not apply to garnishment proceeds.

12 3. As provided in subsection 4 of section 57.280, the sheriff shall receive ten dollars for  
13 service of any summons, writ, subpoena, or other order of the court included under subsection 1 of  
14 section 57.280, in addition to the charge for such service that each sheriff receives under subsection  
15 1 of section 57.280. The money received by the sheriff under subsection 4 of section 57.280 shall  
16 be paid into the county treasury and the county treasurer shall make such money payable to the state  
17 treasurer. The state treasurer shall deposit such moneys in the deputy sheriff salary supplementation  
18 fund created under section 57.278.

19 4. The court clerk shall collect ten dollars as a court cost for service of any summons, writ,  
20 subpoena, or other order of the court included under subsection 1 of this section when any person  
21 other than a sheriff is specially appointed to serve in a county that receives funds under section  
22 57.278. The money received by the clerk under this subsection shall be paid into the county  
23 treasury and the county treasurer shall make such money payable to the state treasurer. The state  
24 treasurer shall deposit such moneys in the deputy sheriff salary supplementation fund created under  
25 section 57.278."; and

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28 Further amend said bill by amending the title, enacting clause, and intersectional references  
29 accordingly.