

331.655 Fees — mileage — expenses.

1. The sheriff shall collect the following fees:

a. For serving a notice and returning it, for the first person served, thirty dollars, and for each additional person, thirty dollars, except that the fee for serving additional persons in the same household shall be twenty dollars for each additional service, or if the service of notice cannot be made or several attempts are necessary, the repayment of all necessary expenses actually incurred by the sheriff while attempting in good faith to serve the notice.

b. For each warrant served, thirty-five dollars, and the repayment of necessary expenses incurred in executing the warrant, as sworn to by the sheriff, or if service of the warrant cannot be made, the repayment of all necessary expenses actually incurred by the sheriff while attempting in good faith to serve the warrant.

c. For serving and returning a subpoena, for each person served, thirty-five dollars, and the necessary expenses incurred while serving subpoenas in criminal cases or cases relating to hospitalization of persons with mental illness.

d. For summoning a grand or trial jury, all necessary and actual expenses incurred by the sheriff.

e. For summoning a jury to assess the damages to the owners of lands taken for works of internal improvement, two hundred dollars per day, and necessary expenses incurred. [This subsection](#) does not allow a sheriff to make separate charges for different assessments which can be made by the same jury and completed in one day of ten hours.

f. For serving an execution, attachment, order for the delivery of personal property, injunction, or any order of court, and returning it, thirty dollars.

g. For making and executing a certificate or deed for lands sold on execution, fifty dollars, or for making and executing a bill of sale for personal property sold, thirty dollars.

h. For the time necessarily employed in making an inventory of personal property attached or levied upon, twenty dollars per hour.

i. For a copy of any paper required by law, made by the sheriff, fifty cents.

j. Mileage at the rate specified in [section 70A.9](#) in all cases required by law, going and returning. Mileage fees do not apply where provision is made for expenses, and both mileage and expenses shall not be allowed for the same services and for the same trip. If the sheriff transports one or more persons by auto to a state institution or any other destination required by law or if one or more legal papers are served on the same trip, the sheriff is entitled to one mileage, the mileage cost of which shall be prorated to the persons transported or papers served. However, in serving original notices in civil cases and in serving and returning a subpoena, the sheriff shall be allowed mileage in each action where the original notice or subpoena is served, with a minimum mileage of one dollar for each service. The sheriff may refuse to serve any legal processes in civil cases until the fees and estimated mileage for service have been paid.

k. For setting a sale of property, seventy-five dollars.

l. For conveying one or more persons to a state, county, or private institution by order of court or commission, necessary expenses for the sheriff and the person conveyed and twenty-five dollars per hour for the time necessarily employed in going to and from the institution, the expenses and hourly rate to be charged and accounted for as fees. If the sheriff needs assistance in taking a person to an institution, the assistance shall be furnished at the expense of the county.

m. For serving a warrant for the seizure of intoxicating liquors, ten dollars; for the removal and custody of the liquor, actual expenses; for the destruction of the liquor under the order of the court, ten dollars and actual expenses; for posting and leaving notices in these cases, ten dollars and actual expenses.

n. For posting a notice or advertisement, ten dollars.

o. For delivering prisoners under a change of venue, the fee authorized under [section 815.8](#).

p. For the necessary time employed in attending the service of a writ, twenty-five dollars per hour.

2. The mileage fees allowed by law may be retained by the sheriff as an addition to the sheriff's annual salary. In counties having a population of one hundred thousand or more,

the county may contract with the sheriff for the use of an automobile on a monthly basis in lieu of payment of mileage in the service of criminal processes.

3. The sheriff shall keep an accurate record of the fees collected in the county system, make a quarterly report of the fees collected to the board, and pay the fees belonging to the county into the county treasury as provided in [section 331.902](#).

4. The sheriff shall deposit funds collected and held by the sheriff in an approved depository as provided in [chapter 12C](#).

5. The Iowa state sheriffs' and deputies' association shall, no later than December 1, 2016, and every six years thereafter, submit to the chairpersons and ranking members of the standing committees on ways and means and to the legislative services agency a report that details, based on at least one year's data from a random sampling of at least ten rural counties and at least six urban counties as determined by the association, the total annual county budget allocation to the sheriff to fulfill those duties for which the sheriff is required to collect a fee under [subsection 1](#), the average cost per service, summons, execution, or other activity by activity category, the revenue generated by collection of those fees by category, and the associated impact on property taxes for each county to fulfill those duties for which the sheriff is required to collect a fee under [subsection 1](#). The standing committees on ways and means shall review the report during the next succeeding legislative session and the committees may sponsor and submit legislative bills for consideration by the general assembly to adjust the fees collected by the sheriff pursuant to [subsection 1](#). For the purposes of [this subsection](#), the term "category" means each separate activity for which the sheriff is required to collect a fee under [subsection 1](#).

1. [C51, §2536; R60, §1570, 4145; C73, §3788, 3789, 3807; C97, S13, §511; C24, 27, 31, 35, 39, §5191; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §337.11; S81, §331.655(1); [81 Acts, ch 117, §654](#)]

2. [C24, §5192; C27, 31, 35, §5191-a1, 5192; C39, §5191.2, 5192; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §337.13, 337.14; S81, §331.655(2); [81 Acts, ch 117, §654](#)]

3. [C97, S13, §508; C24, 27, 31, 35, 39, §5246, 5247; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §342.2, 342.3; S81, §331.655(3); [81 Acts, ch 117, §654](#)]

4. [S81, §331.655(4); [81 Acts, ch 117, §654](#)]

[83 Acts, ch 198, §23](#); [85 Acts, ch 118, §1](#); [88 Acts, ch 1133, §2](#); [90 Acts, ch 1230, §92](#); [96 Acts, ch 1129, §85](#); [97 Acts, ch 121, §8](#); [2001 Acts, ch 92, §1](#); [2016 Acts, ch 1080, §1](#); [2017 Acts, ch 29, §102](#); [2017 Acts, ch 137, §1, 2](#)

Referred to in [§331.652, §815.8](#)

See Code editor's note on simple harmonization

Subsection 1, paragraphs a – c, e – h, and k – n amended

Subsection 1, NEW paragraph p