

MAY 23 1975

HOUSE FILE 891

WAYS & MEANS CALENDAR
Sen. " " 6/2 Pass 6/5

By COMMITTEE ON WAYS AND MEANS

Passed House, Date 5-28-75 (1970) Passed Senate, Date 6-13-75 (2053)
Vote: Ayes 86 Nays 1 Vote: Ayes 44 Nays 1
Approved 6-29

A BILL FOR

1 An Act relating to fees collected by sheriffs and certain
2 other police authorities.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section one hundred one A point three (101A.3),
2 Code 1975, is amended by adding the following new subsection:

3 NEW SUBSECTION. The sheriff or the chief of police shall
4 charge a fee of three dollars for each permit issued. The
5 money collected from permit fees shall be deposited in the
6 general fund of the county or the city.

7 Sec. 2. Section one hundred one A point twelve (101A.12),
8 Code 1975, is amended to read as follows:

9 101A.12 USE OF FEES. The fees collected by the
10 commissioner of public safety in issuing licenses shall be
11 deposited in a special fund in the state treasury to be used
12 by the commissioner in administering and enforcing the
13 provisions of this chapter. However, one-sixth of the
14 commercial license fee established under section one hundred
15 one A point two (101A.2) of the Code shall be paid by the
16 treasurer of state to the general fund of the county or city
17 for each storage facility inspected by the sheriff or the
18 police authority of such city.

19 Sec. 3. Section three hundred twenty-one point four hundred
20 eighty-five (321.485), subsection two (2), Code 1975, is
21 amended by adding the following new paragraph:

22 NEW PARAGRAPH. For preparing the summons or memorandum
23 referred to in paragraphs a or b of this subsection, there
24 shall be charged to the person named in the summons or
25 memorandum, upon his conviction, a fee of two dollars. The
26 fee shall be assessed as part of the court costs and shall
27 be paid into the general fund of the county.

28 Sec. 4. Section three hundred thirty-seven point eleven
29 (337.11), Code 1975, is amended to read as follows:

30 337.11 FEES. The sheriff shall charge and be entitled
31 to collect the following fees:

32 1. For serving a notice and making return thereof, for
33 the first person served, ~~seventy-five-cents~~ three dollars,
34 and each additional person, ~~fifty-cents~~ three dollars except
35 the fee for serving additional persons in the same household

- 1 shall be one dollar for each additional service.
- 2 2. For each warrant served, three dollars, and the
3 repayment of necessary expenses incurred, in executing such
4 warrant, as sworn to by the sheriff; if service of the warrant
5 cannot be made, the repayment of all necessary expenses
6 actually incurred by the sheriff while attempting in good
7 faith to serve such warrant.
- 8 3. For serving and returning a subpoena, for each person
9 served, ~~fifty-cents~~ three dollars, and the necessary expenses
10 incurred while serving subpoenas in criminal cases or insane
11 process.
- 12 4. For summoning a grand or trial jury, all necessary
13 and actual expenses incurred by him.
- 14 5. For summoning a jury to assess the damages to the
15 owners of lands taken for works of internal improvement, and
16 attending them, ~~seven-and-one-half~~ thirty dollars per day,
17 and necessary expenses incurred. This subsection shall not
18 be so construed as to allow a sheriff to make separate charges
19 for different assessments, which can be made by the same jury
20 and completed in one day of ten hours.
- 21 6. For serving an execution, attachment, or order for
22 the delivery of personal property, injunction, or any order
23 of court, and making return thereof, ~~three~~ five dollars.
- 24 7. For making and executing a certificate or deed for
25 lands sold on execution, or a bill of sale for personal
26 property sold, ~~one-and-one-half~~ five dollars.
- 27 8. For the time necessarily employed in making an inventory
28 of personal property attached or levied upon, ~~one-dollar~~ three
29 dollars per hour.
- 30 9. For a copy of any paper required by law, made by him,
31 ~~for each one-hundred-words-or-fraction-thereof~~, twenty-five
32 cents.
- 33 10. Mileage in all cases required by law, going and
34 returning, provided that this subsection shall not apply where
35 provision is made for expenses, and in no case shall the law

1 be construed to allow both mileage and expenses for the same
2 services and for the same trip. In case the sheriff transports
3 by auto, one or more persons to any state institution or any
4 other destination required by law, or in case one or more
5 legal papers are served on the same trip, he shall be entitled
6 to but one mileage at the rate prescribed herein, the mileage
7 cost thereof to be prorated to the respective persons
8 transported and also in the case of separate papers served.
9 Provided, however, that in the serving of original notices
10 in civil cases and in the serving and returning of a subpoena
11 the sheriff shall be allowed mileage expenses in each action
12 wherein such original notices or subpoena are served, with
13 a minimum mileage expense of one dollar for each service,
14 and, he may refuse to serve original notices in civil cases
15 until the statutory fees and estimated mileage for service
16 have been paid.

17 11. For attending sale of property, for each day, ~~one~~
18 dollar three dollars.

19 12. For conveying one or more persons to any state, county,
20 or private institution by order of court, or commission, he
21 shall be allowed his necessary expenses, for himself and such
22 person or persons, and in addition thereto, ~~forty-cents~~ three
23 dollars per hour for the time necessarily employed in going
24 to and from such institution, same to be charged and accounted
25 for as fees. Should the sheriff or deputy sheriff need any
26 assistance in taking any person to any such institution, the
27 same shall be furnished at the expense of the county.

28 13. For serving any warrant for the seizure of intoxicating
29 liquors, one dollar; for the removal and custody of such
30 liquor, actual and reasonable expenses; for the destruction
31 of such liquor under the order of the court, one dollar and
32 his actual and reasonable expenses; for posting and leaving
33 notices in such cases, one dollar and his actual expenses.

34 EXPLANATION

35 This bill provides for the increase of fees collected by

1 sheriffs in issuing and serving various documents and papers
2 for the courts. The bill also provides for a user permit
3 fee relating to the use of explosive material and the sharing
4 of the license fee collected by the state from commercial
5 establishments using, storing or manufacturing explosive
6 materials.

7 The schedule of fees collected by the sheriff has not been
8 increased since 1951, so therefore, the general fund of the
9 county from which the sheriff's offices are funded, are
10 subsidizing the service of papers and documents at the current
11 annual rate of approximately \$750,000.

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LSB 1657
bk/rh/31

HOUSE FILE 391

AN ACT

RELATING TO FEES COLLECTED BY SHERIFFS AND CERTAIN OTHER
POLICE AUTHORITIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section one hundred one A point three (101A.3), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. The sheriff or the chief of police shall charge a fee of three dollars for each permit issued. The money collected from permit fees shall be deposited in the general fund of the county or the city.

Sec. 2. Section one hundred one A point twelve (101A.12), Code 1975, is amended to read as follows:

101A.12 USE OF FEES. The fees collected by the commissioner of public safety in issuing licenses shall be deposited in a special fund in the state treasury to be used by the commissioner in administering and enforcing the provisions of this chapter. However, one-sixth of the commercial license fee established under section one hundred one A point two (101A.2) of the Code shall be paid by the treasurer of state to the general fund of the county or city for each storage facility inspected by the sheriff or the police authority of such city.

Sec. 3. Section three hundred twenty-one point four hundred eighty-five (321.485), subsection two (2), Code 1975, is amended by adding the following new paragraph:

NEW PARAGRAPH. For preparing the summons or memorandum referred to in paragraphs a or b of this subsection, there shall be charged to the person named in the summons or memorandum, upon his conviction, a fee of two dollars. The fee shall be assessed as part of the court costs and shall be paid into the general fund of the county.

Sec. 4. Section three hundred thirty-seven point eleven (337.11), Code 1975, is amended to read as follows:

337.11 FEES. The sheriff shall charge and be entitled to collect the following fees:

1. For serving a notice and making return thereof, for the first person served, seventy-five-cents three dollars, and each additional person, fifty-cents three dollars except the fee for serving additional persons in the same household shall be one dollar for each additional service.
2. For each warrant served, three dollars, and the repayment of necessary expenses incurred, in executing such warrant, as sworn to by the sheriff; 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 such warrant.
3. For serving and returning a subpoena, for each person served, fifty-cents three dollars, and the necessary expenses incurred while serving subpoenas in criminal cases or insane process.
4. For summoning a grand or trial jury, all necessary and actual expenses incurred by him.
5. For summoning a jury to assess the damages to the owners of lands taken for works of internal improvement, and attending them, seven-and-one-half thirty dollars per day, and necessary expenses incurred. This subsection shall not be so construed as to 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.
6. For serving an execution, attachment, or order for the delivery of personal property, injunction, or any order of court, and making return thereof, three five dollars.
7. For making and executing a certificate or deed for lands sold on execution, or a bill of sale for personal property sold, one-and-one-half five dollars.
8. For the time necessarily employed in making an inventory

of personal property attached or levied upon, ~~one-dollar~~ three dollars per hour.

9. For a copy of any paper required by law, made by him, ~~fer-each-one-hundred-words-or-fraction-thereof~~, twenty-five cents.

10. Mileage in all cases required by law, going and returning, provided that this subsection shall not apply where provision is made for expenses, and in no case shall the law be construed to allow both mileage and expenses for the same services and for the same trip. In case the sheriff transports by auto, one or more persons to any state institution or any other destination required by law, or in case one or more legal papers are served on the same trip, he shall be entitled to but one mileage at the rate prescribed herein, the mileage cost thereof to be prorated to the respective persons transported and also in the case of separate papers served. Provided, however, that in the serving of original notices in civil cases and in the serving and returning of a subpoena the sheriff shall be allowed mileage expenses in each action wherein such original notices or subpoena are served, with a minimum mileage expense of one dollar for each service, and, he may refuse to serve original notices in civil cases until the statutory fees and estimated mileage for service have been paid.

11. For attending sale of property, for each day, ~~one dollar~~ three dollars.

12. For conveying one or more persons to any state, county, or private institution by order of court, or commission, he shall be allowed his necessary expenses, for himself and such person or persons, and in addition thereto, ~~forty-cents~~ three dollars per hour for the time necessarily employed in going to and from such institution, same to be charged and accounted for as fees. Should the sheriff or deputy sheriff need any assistance in taking any person to any such institution, the same shall be furnished at the expense of the county.

13. For serving any warrant for the seizure of intoxicating liquors, one dollar; for the removal and custody of such liquor, actual and reasonable expenses; for the destruction of such liquor under the order of the court, one dollar and his actual and reasonable expenses; for posting and leaving notices in such cases, one dollar and his actual expenses.

DALE H. COCHRAN
Speaker of the House

ARTHUR A. NEU
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 891, Sixty-sixth General Assembly.

DAVID L. WRAY
Chief Clerk of the House

Approved _____, 1975

ROBERT D. RAY
Governor