

Weidman, Chair  
Eddie  
Huser

HSB 91  
LOCAL GOVERNMENT

HOUSE FILE SF 371 <sup>Succeeded By</sup>  
BY (PROPOSED COMMITTEE ON  
LOCAL GOVERNMENT BILL BY  
CHAIRPERSON HOUSER)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to duties of the county sheriff by increasing the  
2 fees and expenses collected by the county sheriff for various  
3 services and the release of a garnishment.

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

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1 Section 1. Section 331.655, subsection 1, paragraphs a, b,  
2 c, e, f, g, h, k, l, m, and n, Code 2001, are amended to read  
3 as follows:

4 a. For serving a notice and returning it, for the first  
5 person served, ~~ten~~ fifteen dollars, and each additional  
6 person, ~~ten~~ fifteen dollars except the fee for serving  
7 additional persons in the same household shall be ~~five~~ ten  
8 dollars for each additional service, or if the service of  
9 notice cannot be made or several attempts are necessary, the  
10 repayment of all necessary expenses actually incurred by the  
11 sheriff while attempting in good faith to serve the notice.

12 b. For each warrant served, ~~fifteen~~ twenty dollars, and  
13 the repayment of necessary expenses incurred in executing the  
14 warrant, as sworn to by the sheriff, or if service of the  
15 warrant cannot be made, the repayment of all necessary  
16 expenses actually incurred by the sheriff while attempting in  
17 good faith to serve the warrant.

18 c. For serving and returning a subpoena, for each person  
19 served, ~~fifteen~~ twenty dollars, and the necessary expenses  
20 incurred while serving subpoenas in criminal cases or cases  
21 relating to hospitalization of persons with mental illness.

22 e. For summoning a jury to assess the damages to the  
23 owners of lands taken for works of internal improvement, and  
24 attending them, ~~sixty~~ two hundred dollars per day, and  
25 necessary expenses incurred. This subsection does not allow a  
26 sheriff to make separate charges for different assessments  
27 which can be made by the same jury and completed in one day of  
28 ten hours.

29 f. For serving an execution, attachment, order for the  
30 delivery of personal property, injunction, or any order of  
31 court, and returning it, ~~ten~~ fifteen dollars.

32 g. For making and executing a certificate or deed for  
33 lands sold on execution, or a bill of sale for personal  
34 property sold, ~~twenty-five~~ thirty dollars.

35 h. For the time necessarily employed in making an

1 inventory of personal property attached or levied upon, eight  
2 ten dollars per hour.

3 k. For attending sale of property, thirty fifty dollars.

4 l. For conveying one or more persons to a state, county,  
5 or private institution by order of court or commission,  
6 necessary expenses for the sheriff and the person conveyed and  
7 ten fifteen dollars per hour for the time necessarily employed  
8 in going to and from the institution, the expenses and hourly  
9 rate to be charged and accounted for as fees. If the sheriff  
10 needs assistance in taking a person to an institution, the  
11 assistance shall be furnished at the expense of the county  
12 court.

13 m. For serving a warrant for the seizure of intoxicating  
14 liquors, ~~one-dollar~~ five dollars; for the removal and custody  
15 of the liquor, actual expenses; for the destruction of the  
16 liquor under the order of the court, ~~one-dollar~~ five dollars  
17 and actual expenses; for posting and leaving notices in these  
18 cases, ~~one-dollar~~ five dollars and actual expenses.

19 n. For posting a notice or advertisement, ~~one-dollar~~ five  
20 dollars.

21 Sec. 2. Section 642.22, subsection 1, paragraph d, Code  
22 2001, is amended by striking the paragraph and inserting in  
23 lieu thereof the following:

24 d. The garnishment is released by the sheriff at the  
25 request of the plaintiff or the plaintiff's attorney.

26 EXPLANATION

27 This bill increases the fees which the county sheriff shall  
28 collect for serving various notices, warrants, orders,  
29 summons, executions, and subpoenas by amounts ranging from \$2  
30 to \$5, and increases the hourly or daily fees for attending  
31 property sales, summoning and attending juries, or conveying  
32 patients to and from public institutions.

33 The fee increases are as follows:

34 1. For serving and returning notices, from \$10 to \$15 for  
35 the first and each additional person served except in the same

1 household where the fee for each additional person is  
2 increased from \$5 to \$10.

3 2. For each warrant served, from \$15 to \$20.

4 3. For serving and returning a subpoena, from \$15 to \$20.

5 4. For summoning a jury to assess the damages to property  
6 owners for works of internal improvement, and attending the  
7 jury, from \$60 to \$200 per day.

8 5. For serving an execution, attachment, order for  
9 delivery of personal property, injunction, or court order and  
10 returning the same, from \$10 to \$15.

11 6. For making and executing a certificate or deed for  
12 lands sold on execution, or bill of sale for personal property  
13 sold, from \$25 to \$30.

14 7. For time employed in making an inventory of property  
15 attached or levied upon, from \$8 to \$10 per hour.

16 8. For attending a sale of property, from \$30 to \$50.

17 9. For conveying one or more persons to a state, county,  
18 or private institution by court or commission order, from \$10  
19 to \$15 per hour. If the sheriff needs assistance in making  
20 the conveyance, the assistance shall be furnished at the  
21 expense of the court. Currently the assistance is furnished  
22 at the expense of the county.

23 10. For serving a warrant for seizure of liquor, from \$1 to  
24 \$5, for destruction of liquor under court order, from \$1 to \$5  
25 and actual expenses, and for posting and leaving notices in  
26 liquor cases, from \$1 to \$5 and actual expenses.

27 11. For posting a notice or advertisement, from \$1 to \$5.

28 Concerning the release of a garnishment, Code section  
29 642.22 is amended so that a garnishment may be released by the  
30 county sheriff without formally serving notice to the  
31 garnishee, if the garnishment is released at the request of  
32 the plaintiff or the plaintiff's attorney.

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FEB 22 2001

HOUSE FILE 371  
BY COMMITTEE ON LOCAL GOVERNMENT

**WAYS AND MEANS**

(SUCCESSOR TO HSB 91)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
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