

Senate Study Bill 1088

Bill Text

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1 1 Section 1. Section [331.655](#), subsection 1, paragraphs a, b,
1 2 c, e, f, g, h, k, l, m, and n, Code 2001, are amended to read
1 3 as follows:
1 4 a. For serving a notice and returning it, for the first
1 5 person served,

~~ten~~
- fifteen dollars, and each additional
1 6 person,

~~ten~~
- fifteen dollars except the fee for serving
1 7 additional persons in the same household shall be

~~five~~
- ten
1 8 dollars for each additional service, or if the service of
1 9 notice cannot be made or several attempts are necessary, the
1 10 repayment of all necessary expenses actually incurred by the
1 11 sheriff while attempting in good faith to serve the notice.
1 12 b. For each warrant served,

~~fifteen~~
- twenty dollars, and
1 13 the repayment of necessary expenses incurred in executing the
1 14 warrant, as sworn to by the sheriff, or if service of the
1 15 warrant cannot be made, the repayment of all necessary
1 16 expenses actually incurred by the sheriff while attempting in
1 17 good faith to serve the warrant.
1 18 c. For serving and returning a subpoena, for each person
1 19 served,

~~fifteen~~
- twenty dollars, and the necessary expenses
1 20 incurred while serving subpoenas in criminal cases or cases
1 21 relating to hospitalization of persons with mental illness.
1 22 e. For summoning a jury to assess the damages to the
1 23 owners of lands taken for works of internal improvement, and
1 24 attending them,

~~sixty~~
- two hundred dollars per day, and
1 25 necessary expenses incurred. This subsection does not allow a
1 26 sheriff to make separate charges for different assessments
1 27 which can be made by the same jury and completed in one day of
1 28 ten hours.
1 29 f. For serving an execution, attachment, order for the
1 30 delivery of personal property, injunction, or any order of
1 31 court, and returning it,

~~ten~~
- fifteen dollars.
1 32 g. For making and executing a certificate or deed for
1 33 lands sold on execution, or a bill of sale for personal
1 34 property sold,

~~twenty five~~

- thirty dollars.

1 35 h. For the time necessarily employed in making an
2 1 inventory of personal property attached or levied upon,

~~eight~~

-

2 2 ten dollars per hour.

2 3 k. For attending sale of property,

~~thirty~~

- fifty dollars.

2 4 l. For conveying one or more persons to a state, county,
2 5 or private institution by order of court or commission,
2 6 necessary expenses for the sheriff and the person conveyed and
2 7

~~ten~~

- fifteen dollars per hour for the time necessarily employed

2 8 in going to and from the institution, the expenses and hourly
2 9 rate to be charged and accounted for as fees. If the sheriff
2 10 needs assistance in taking a person to an institution, the
2 11 assistance shall be furnished at the expense of the

~~county~~

-

2 12 court.

2 13 m. For serving a warrant for the seizure of intoxicating
2 14 liquors,

~~one dollar~~

- five dollars; for the removal and custody

2 15 of the liquor, actual expenses; for the destruction of the
2 16 liquor under the order of the court,

~~one dollar~~

- five dollars

2 17 and actual expenses; for posting and leaving notices in these
2 18 cases,

~~one dollar~~

- five dollars and actual expenses.

2 19 n. For posting a notice or advertisement,

~~one dollar~~

- five

2 20 dollars.

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

2 24 d. The garnishment is released by the sheriff at the
2 25 request of the plaintiff or the plaintiff's attorney.

2 26 EXPLANATION

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

2 33 The fee increases are as follows:

2 34 1. For serving and returning notices, from \$10 to \$15 for
2 35 the first and each additional person served except in the same
3 1 household where the fee for each additional person is
3 2 increased from \$5 to \$10.

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

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

3 5 4. For summoning a jury to assess the damages to property

3 6 owners for works of internal improvement, and attending the
3 7 jury, from \$60 to \$200 per day.

3 8 5. For serving an execution, attachment, order for
3 9 delivery of personal property, injunction, or court order and
3 10 returning the same, from \$10 to \$15.

3 11 6. For making and executing a certificate or deed for
3 12 lands sold on execution, or bill of sale for personal property
3 13 sold, from \$25 to \$30.

3 14 7. For time employed in making an inventory of property
3 15 attached or levied upon, from \$8 to \$10 per hour.

3 16 8. For attending a sale of property, from \$30 to \$50.

3 17 9. For conveying one or more persons to a state, county,
3 18 or private institution by court or commission order, from \$10
3 19 to \$15 per hour. If the sheriff needs assistance in making
3 20 the conveyance, the assistance shall be furnished at the
3 21 expense of the court. Currently the assistance is furnished
3 22 at the expense of the county.

3 23 10. For serving a warrant for seizure of liquor, from \$1 to
3 24 \$5, for destruction of liquor under court order, from \$1 to \$5
3 25 and actual expenses, and for posting and leaving notices in
3 26 liquor cases, from \$1 to \$5 and actual expenses.

3 27 11. For posting a notice or advertisement, from \$1 to \$5.

3 28 Concerning the release of a garnishment, Code section
3 29 642.22 is amended so that a garnishment may be released by the
3 30 county sheriff without formally serving notice to the
3 31 garnishee, if the garnishment is released at the request of
3 32 the plaintiff or the plaintiff's attorney.

3 33 LSB 1965SC 79
3 34 tj/gg/8