

Senate File 501 - Introduced

SENATE FILE 501

BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SSB 1052)

A BILL FOR

1 An Act relating to certain fees collected by the county
2 sheriff.

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

1 Section 1. Section 331.655, subsection 1, paragraphs a, b,
2 c, e, f, g, h, k, l, m, and n, Code 2017, are amended to read
3 as follows:

4 a. For serving a notice and returning it, for the first
5 person served, ~~fifteen~~ thirty dollars, and each additional
6 person, ~~fifteen~~ thirty dollars except the fee for serving
7 additional persons in the same household shall be ~~ten~~ twenty
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, ~~twenty~~ thirty-five dollars,
13 and the repayment of necessary expenses incurred in executing
14 the warrant, as sworn to by the sheriff, or if service of the
15 warrant cannot be made, the repayment of all necessary expenses
16 actually incurred by the sheriff while attempting in good faith
17 to serve the warrant.

18 c. For serving and returning a subpoena, for each person
19 served, ~~twenty~~ thirty-five 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 owners
23 of lands taken for works of internal improvement, ~~and attending~~
24 ~~them,~~ one two hundred dollars per day, and necessary expenses
25 incurred. **This subsection** does not allow a sheriff to make
26 separate charges for different assessments which can be made by
27 the same jury and completed in one day of ten hours.

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

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

34 h. For the time necessarily employed in making an inventory
35 of personal property attached or levied upon, ~~ten~~ twenty

1 dollars per hour.

2 *k.* For ~~attending~~ setting a sale of property, ~~fifty~~
3 seventy-five dollars.

4 *l.* For conveying one or more persons to a state, county, or
5 private institution by order of court or commission, necessary
6 expenses for the sheriff and the person conveyed and ~~fifteen~~
7 twenty-five 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 *m.* For serving a warrant for the seizure of intoxicating
13 liquors, ~~five~~ ten dollars; for the removal and custody of the
14 liquor, actual expenses; for the destruction of the liquor
15 under the order of the court, ~~five~~ ten dollars and actual
16 expenses; for posting and leaving notices in these cases, ~~five~~
17 ten dollars and actual expenses.

18 *n.* For posting a notice or advertisement, ~~five~~ ten dollars.

19 Sec. 2. Section 331.655, subsection 1, Code 2017, is amended
20 by adding the following new paragraph:

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

23

EXPLANATION

24 The inclusion of this explanation does not constitute agreement with
25 the explanation's substance by the members of the general assembly.

26 This bill relates to certain fees collected by the county
27 sheriff.

28 The bill raises fees for the serving and returning of
29 notice for each person from \$15 to \$30, and a fee for serving
30 additional persons in the same household is raised from \$10 to
31 \$20. The bill raises the fee for warrants served from \$20 to
32 \$35. The bill raises the fee for each person served a subpoena
33 from \$20 to \$35. The bill raises the fee for summoning a jury
34 (compensation commission) to assess damages in a condemnation
35 proceeding from \$100 to \$200 a day and removes the requirement

1 that the sheriff attend the jury.

2 The bill raises the fee for serving an execution,
3 attachment, order for delivery of personal property,
4 injunction, or any other order of court from \$15 to \$30. The
5 bill also establishes a new separate fee for execution of a
6 certificate or deed for lands sold and sets the fee at \$50.
7 Under current law, the fee for that service and for making and
8 setting a bill of sale for personal property sold is set at
9 \$30. The bill raises the fee charged for the time necessary to
10 inventory personal property from \$10 to \$20 per hour. The bill
11 changes current law by establishing a fee for setting the sale
12 of property, rather than attending the sale. The bill also
13 raises the fee from \$50 to \$75.

14 The bill raises the hourly fee charged for the conveyance
15 of certain persons by order of a court or commission to a
16 public or private institution from \$15 to \$25 per hour. This
17 hourly fee change also applies to fees charged for delivering
18 defendants under change of venue provisions or the transferring
19 of arrested persons pursuant to the provisions of Code section
20 815.8. The bill raises both the fee for serving a warrant
21 for the seizure of intoxicating liquor and the fee for the
22 destruction of liquor by court order from \$5 to \$10. The bill
23 also raises the fee for posting a notice or advertisement from
24 \$5 to \$10.

25 The bill also creates a fee of \$25 per hour for the necessary
26 time employed to attend the service of a writ.