

HOUSE AMENDMENT NO. _____
TO
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Offered By

1 AMEND House Amendment No. _____ to House Committee Substitute for House Bill No. 427,
2 Page 1, Line 1, by inserting after the number "427," the following:

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4 "Page 1, Section A, Line 3, by inserting after said section and line the following:

5
6 "57.280. 1. Sheriffs shall receive a charge for service of any summons, writ or other order
7 of court, in connection with any civil case, and making on the same either a return indicating
8 service, a non est return or a nulla bona return, the sum of twenty dollars for each item to be served,
9 except that a sheriff shall receive a charge for service of any subpoena, and making a return on the
10 same, the sum of ten dollars; however, no such charge shall be collected in any proceeding when
11 court costs are to be paid by the state, county or municipality. In addition to such charge, the sheriff
12 shall be entitled to receive for each mile actually traveled in serving any summons, writ, subpoena
13 or other order of court the rate prescribed by the Internal Revenue Service for all allowable expenses
14 for motor vehicle use expressed as an amount per mile, provided that such mileage shall not be
15 charged for more than one subpoena or summons or other writ served in the same cause on the same
16 trip. All of such charges shall be received by the sheriff who is requested to perform the service.
17 Except as otherwise provided by law, all charges made pursuant to this section shall be collected by
18 the court clerk as court costs and are payable prior to the time the service is rendered; provided that
19 if the amount of such charge cannot be readily determined, then the sheriff shall receive a deposit
20 based upon the likely amount of such charge, and the balance of such charge shall be payable
21 immediately upon ascertainment of the proper amount of said charge. A sheriff may refuse to
22 perform any service in any action or proceeding, other than when court costs are waived as provided
23 by law, until the charge provided by this section is paid. Failure to receive the charge shall not
24 affect the validity of the service.

25 2. The sheriff shall receive for receiving and paying moneys on execution or other process,
26 where lands or goods have been levied and advertised and sold, five percent on five hundred dollars
27 and four percent on all sums above five hundred dollars, and half of these sums, when the money is
28 paid to the sheriff without a levy, or where the lands or goods levied on shall not be sold and the
29 money is paid to the sheriff or person entitled thereto, his agent or attorney. The party at whose
30 application any writ, execution, subpoena or other process has issued from the court shall pay the
31 sheriff 's costs for the removal, transportation, storage, safekeeping and support of any property to
32 be seized pursuant to legal process before such seizure. The sheriff shall be allowed for each mile,
33 going and returning from the courthouse of the county in which he resides to the place where the
34 court is held, the rate prescribed by the Internal Revenue Service for all allowable expenses for

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1 motor vehicle use expressed as an amount per mile. The provisions of this subsection shall not
2 apply to garnishment proceeds.

3 3. The sheriff upon the receipt of the charge herein provided for shall pay into the treasury
4 of the county any and all charges received pursuant to the provisions of this section. The funds
5 collected pursuant to this section, not to exceed fifty thousand dollars in any calendar year, shall be
6 held in a fund established by the county treasurer, which may be expended at the discretion of the
7 sheriff for the furtherance of the sheriff 's set duties. Any such funds in excess of fifty thousand
8 dollars in any calendar year shall be placed to the credit of the general revenue fund of the county.
9 Moneys in the fund shall be used only for the procurement of services and equipment to support the
10 operation of the sheriff 's office. Moneys in the fund established pursuant to this subsection shall
11 not lapse to the county general revenue fund at the end of any county budget or fiscal year.

12 4. Notwithstanding the provisions of subsection 3 of this section to the contrary, the sheriff,
13 or any other person specially appointed to serve in a county that receives funds under section
14 57.278, shall receive ten dollars for service of any summons, writ, subpoena, or other order of the
15 court included under subsection 1 of this section, in addition to the charge for such service that each
16 sheriff receives under subsection 1 of this section. The money received by the sheriff, or any other
17 person specially appointed to serve in a county that receives funds under section 57.278, under this
18 subsection shall be paid into the county treasury and the county treasurer shall make such money
19 payable to the state treasurer. The state treasurer shall deposit such moneys in the deputy sheriff
20 salary supplementation fund created under section 57.278."; and

21
22 Further amend said bill,"; and

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24 Further amend said bill by amending the title, enacting clause, and intersectional references
25 accordingly.

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27 THIS AMENDS 0589H03.05H.