

FIRST REGULAR SESSION

# HOUSE BILL NO. 722

## 100TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE DINKINS.

1637H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To repeal section 57.280, RSMo, and to enact in lieu thereof one new section relating to charges for the service of court orders.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 57.280, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 57.280, to read as follows:

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

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 in any action or proceeding, other than when court costs are waived as provided by law, until the  
19 charge provided by this section is paid. Failure to receive the charge shall not affect the validity  
20 of the service.

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

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

43 4. Notwithstanding the provisions of subsection 3 of this section to the contrary, the  
44 sheriff, **or any other person specially appointed to serve in a county that receives funds**  
45 **under section 57.278**, shall receive ten dollars for service of any summons, writ, subpoena, or  
46 other order of the court included under subsection 1 of this section, in addition to the charge for  
47 such service that each sheriff receives under subsection 1 of this section. The money received  
48 by the sheriff, **or any other person specially appointed to serve in a county that receives**  
49 **funds under section 57.278**, under this subsection shall be paid into the county treasury and the  
50 county treasurer shall make such money payable to the state treasurer. The state treasurer shall  
51 deposit such moneys in the deputy sheriff salary supplementation fund created under section  
52 57.278.

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