

1 S.242

2 Introduced by Senator White

3 Referred to Committee on Judiciary

4 Date: January 5, 2016

5 Subject: Service of civil process; fees and costs; constables

6 Statement of purpose of bill as introduced: This bill proposes to require towns
7 to collect civil process fees for constables and remit 15 percent of the fee to the
8 State Treasurer for deposit into the General Fund.

9 An act relating to the service of civil process by a constable

10 It is hereby enacted by the General Assembly of the State of Vermont:

11 Sec. 1. 32 V.S.A. § 1591 is amended to read:

12 § 1591. SHERIFFS AND OTHER OFFICERS

13 There shall be paid to sheriffs' departments and constables in civil causes
14 and to sheriffs, deputy sheriffs, and constables for the transportation and care
15 of prisoners, juveniles, and patients with a mental condition or psychiatric
16 disability the following fees:

17 (1) Civil process:

18 * * *

19 (C)(i) All civil process to be served by a sheriff or deputy sheriff
20 shall be directed to their respective sheriff's department for service. The

1 sheriff shall assign civil process to personnel within the department to ensure
2 that process is completed in a timely and orderly manner. All payments for
3 service of civil process shall be made to the sheriff's department. A sheriff or
4 deputy sheriff shall not be entitled to fees paid for service of process nor shall a
5 sheriff receive fees or payment in lieu of fees for civil process, except payment
6 for actual and necessary expenses. A sheriff may appoint deputy sheriffs and
7 establish compensation for service of civil process.

8 ~~(D)~~(ii) The Executive Director of the Department of State's
9 Attorneys and Sheriffs shall develop a uniform reporting system to reflect:

10 ~~(i)~~(I) ~~Civil~~ civil process received by a sheriff's department;

11 ~~(ii)~~(II) ~~Payments~~ payments made to a sheriff's department for
12 service including fees and reimbursements;

13 ~~(iii)~~(III) ~~Payments~~ payments made by the sheriff's department to
14 deputy sheriffs for serving process; and

15 ~~(iv)~~(IV) ~~Disbursements~~ disbursements for other necessary
16 expenses.

17 ~~(E)~~(iii) Quarterly, 15 percent of the gross civil process fees received
18 by a sheriff's department during that quarter shall be forwarded to the State
19 Treasurer for deposit in the State's General Fund.

20 ~~(D)(i) All civil process to be served by a constable shall be directed~~
21 ~~to the town clerk's office of the town in which the constable serves. The town~~

1 ~~clerk shall assign civil process to the constable to ensure that process is~~
2 ~~completed in a timely and orderly manner. All payments for service of civil~~
3 ~~process shall be made to the town. A constable shall be entitled to fees paid~~
4 ~~for service of process, except as provided in subdivision (ii) of this subdivision~~
5 ~~(D). A constable shall not receive fees or payment in lieu of fees for civil~~
6 ~~process, except payment for actual and necessary expenses.~~

7 ~~(ii) Quarterly, 15 percent of the gross civil process fees received~~
8 ~~by a town during that quarter shall be forwarded to the State Treasurer for~~
9 ~~deposit in the State's General Fund.~~

(D)(i) All civil process to be served by a constable shall be directed to the legislative body of the town in which the constable serves. The legislative body shall assign civil process to the constable to ensure that process is completed in a timely and orderly manner. All payments for service of civil process shall be made to the town. A constable shall be entitled to fees paid for service of process, except as provided in subdivision (ii) of this subdivision (D). A constable shall not receive fees or payment in lieu of fees for civil process, except payment for actual and necessary expenses.

(ii) Quarterly, 15 percent of the gross civil process fees received by a town during that quarter shall be forwarded as follows:

(I) ten percent to the State Treasurer for deposit in the State's General Fund; and

(II) five percent to the town.

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11 ~~Sec. 2. EFFECTIVE DATE~~

12 ~~This act shall take effect on July 1, 2016.~~

Sec. 2. 24 V.S.A. § 1936a is amended to read:

§ 1936a. CONSTABLES; POWERS AND QUALIFICATIONS

(a) A town may vote at a special or annual town meeting to prohibit constables from exercising any law enforcement authority or from exercising the service of civil or criminal process.

(b) Notwithstanding the provisions of subsection (a) of this section, constables may perform the following duties:

*(1) ~~the service of civil or criminal process, under 12 V.S.A. § 691;~~
[Repealed.]*

* * *

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2017.