

SHERIFFS FEES

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Richard A. Greenwood

Senate Sponsor: Ralph Okerlund

LONG TITLE

General Description:

This bill authorizes the legislative body of a county to set a fee charged by the county sheriff.

Highlighted Provisions:

This bill:

- ▶ authorizes the legislative body of a county to set a fee charged by the county sheriff;
- ▶ amends existing sheriff fees; and
- ▶ makes technical corrections.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

17-22-2.5, as last amended by Laws of Utah 2006, Chapter 306

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **17-22-2.5** is amended to read:

17-22-2.5. Fees of sheriff.

~~[(1) The sheriff shall receive the following fees:]~~

(1) (a) The legislative body of a county may set a fee for a service described in this

30 section and charged by the county sheriff:

31 (i) in an ordinance adopted under Section 17-53-223; and

32 (ii) in an amount reasonably related to, but not exceeding, the actual cost of providing
33 the service.

34 (b) If the legislative body of a county does not under Subsection (1)(a) set a fee
35 charged by the county sheriff, the sheriff shall charge a fee in accordance with Subsections (2)
36 through (7).

37 (2) Unless under Subsection (1) the legislative body of a county sets a fee amount for a
38 fee described in this Subsection (2), the sheriff shall charge the following fees:

39 (a) for serving a notice, rule, order, subpoena, garnishment, summons, or summons
40 and complaint, or garnishee execution, or other process by which an action or proceeding is
41 commenced, on each defendant, including copies when furnished by plaintiff, [~~\$15~~] \$20;

42 (b) for taking or approving a bond or undertaking in any case in which he is
43 authorized to take or approve a bond or undertaking, including justification, \$5;

44 (c) for a copy of any writ, process or other paper when demanded or required by law,
45 for each folio, 50 cents;

46 (d) for serving an attachment on property, or levying an execution, or executing an
47 order of arrest or an order for the delivery of personal property, including copies when
48 furnished by plaintiff, \$50;

49 (e) for taking and keeping possession of and preserving property under attachment or
50 execution or other process, the amount the court orders to a maximum of \$15 per day;

51 (f) for advertising property for sale on execution, or any judgment, or order of sale,
52 exclusive of the cost of publication, \$15;

53 (g) for drawing and executing a sheriff's deed or a certificate of redemption, exclusive
54 of acknowledgment, \$15, to be paid by the grantee;

55 (h) for recording each deed, conveyance, or other instrument affecting real estate,
56 exclusive of the cost of recording, \$10, to be paid by the grantee;

57 (i) for serving a writ of possession or restitution, and putting any person entitled to

58 possession into possession of premises, and removing occupant, \$50;

59 (j) for holding each trial of right of property, to include all services in the matter,
60 except mileage, \$35;

61 (k) for conducting, postponing, or canceling a sale of property, \$15;

62 (l) for taking a prisoner in civil cases from prison before a court or magistrate, for each
63 mile necessarily traveled, in going only, to a maximum of 100 miles, [~~\$1.50~~] \$2.50;

64 (m) for taking a prisoner from the place of arrest to prison, in civil cases, or before a
65 court or magistrate, for each mile necessarily traveled, in going only, to a maximum of 100
66 miles, [~~\$1.50~~] \$2.50;

67 (n) for receiving and paying over money on execution or other process, as follows:

68 (i) if the amount collected does not exceed \$1,000, 2% of this amount, with a
69 minimum of \$1; and

70 (ii) if the amount collected exceeds \$1,000, 2% on the first \$1,000 and 1-1/2% on the
71 balance; and

72 (o) for executing in duplicate a certificate of sale, exclusive of filing it, \$10.

73 [~~(2)~~] (3) The fees allowed by Subsection [~~(1)~~] (2)(f) for the levy of execution and for
74 advertising shall be collected from the judgment debtor as part of the execution in the same
75 manner as the sum directed to be made.

76 [~~(3)~~] (4) When serving an attachment on property, an order of arrest, or an order for
77 the delivery of personal property, the sheriff may only collect traveling fees for the distance
78 actually traveled beyond the distance required to serve the summons if the attachment or those
79 orders:

80 (a) accompany the summons in the action; and

81 (b) may be executed at the time of the service of the summons.

82 [~~(4)~~] (5) (a) (i) When traveling generally to serve notices, orders, process, or other
83 papers, the sheriff may receive [~~\$1.50~~], except as otherwise provided under Subsection (1)(a),
84 \$2.50 for each mile necessarily traveled, in going only, computed from the courthouse for each
85 person served, to a maximum of 100 miles.

86 (ii) When transmitting notices, orders, process, or other papers by mail, the sheriff
87 may receive ~~[\$1.50]~~, except as otherwise provided under Subsection (1)(a), \$2.50 for each
88 mile necessarily traveled, in going only, computed from the post office where received for
89 each person served, to a maximum of 100 miles.

90 (b) The sheriff may only charge one mileage fee if any two or more papers are required
91 to be served in the same action or proceeding at the same time and at the same address.

92 (c) If it is necessary to make more than one trip to serve any notice, order, process, or
93 other paper, the sheriff may not collect more than two additional mileage charges.

94 ~~[(5)]~~ (6) (a) For delivering an insane person to the Utah State Hospital, when the cost
95 of delivery is payable by private individuals, the sheriff may collect ~~[\$1.50]~~, except as
96 otherwise provided under Subsection (1)(a), \$2.50 per mile for the distance from the county
97 seat of his county to the Utah State Hospital, to a maximum of 100 miles.

98 (b) If the sheriff requires assistance to deliver the person to the Utah State Hospital,
99 the sheriff may also charge the actual and necessary cost of that assistance.

100 ~~[(6) For]~~ (7) (a) Subject to Subsection (7)(b), for obtaining a saliva DNA specimen
101 under Section 53-10-404, the sheriff shall collect the fee of \$100 in accordance with Section
102 53-10-404.

103 (b) The fee amount described in Subsection (7)(a) cannot be changed by a county
104 legislative body under Subsection (1).