

17-25-3 Fees for constables -- Criminal.

- (1)
 - (a) In criminal matters constables shall be paid for each copy of a summons, subpoena, notice, court order, or other criminal paper, except a warrant of arrest;
 - (i) \$5 for each defendant served; and
 - (ii) mileage of \$1 per mile for each mile necessarily traveled in going only, to be computed from either the courthouse, or when transmitted by mail, from the post office where received.
 - (b) If more than one trip is necessary to serve, or diligently attempt to serve, service of process, mileage charges for more than two trips may be collected only if the party requesting the service of process has approved the additional mileage charges.
 - (c) Each charge shall be individually documented on the affidavit of return of service.
- (2) Lower charges may be established by contract for services under this section.
- (3) If a constable serves process in a county other than the county where the process originated, travel expenses may not exceed the fee that would be charged if served by the sheriff of that county.
- (4)
 - (a) For each mile traveled for the purpose of serving, or to diligently attempt service of, a warrant of arrest, both in going to and returning from defendant's address, a fee of \$1 may be charged.
 - (b) If more than one trip is necessary to serve, or diligently attempt to serve, a warrant of arrest, no more than two additional mileage charges may be collected.
 - (c) Each charge shall be individually documented on the affidavit of return of service.
- (5) For arresting each prisoner and bringing him into court, or otherwise satisfying a warrant, a fee of \$15 may be charged.

Renumbered and Amended by Chapter 46, 2001 General Session