

FEES FOR SHERIFF

2003 GENERAL SESSION

STATE OF UTAH

Sponsor: Mike Dmitrich

This act modifies provisions relating to counties to increase the amount of fees that a sheriff receives for the performance of certain duties and services.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

17-22-2.5, as last amended by Chapter 140, Laws of Utah 2002

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:

(a) for serving a notice, rule, order, subpoena, garnishment, summons, or summons and complaint, or garnishee execution, or other process by which an action or proceeding is commenced, on each defendant, including copies when furnished by plaintiff, [~~\$6~~] \$15;

(b) for taking or approving a bond or undertaking in any case in which he is authorized to take or approve a bond or undertaking, including justification, [~~\$2~~] \$5;

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

(d) for serving an attachment on property, or levying an execution, or executing an order of arrest or an order for the delivery of personal property, including copies when furnished by plaintiff, [~~\$25~~] \$75;

(e) for taking and keeping possession of and preserving property under attachment or execution or other process, the amount the court orders to a maximum of [~~\$5~~] \$15 per day;

(f) for advertising property for sale on execution, or any judgment, or order of sale, exclusive of the cost of publication, [~~\$5~~] \$15;



(g) for drawing and executing a sheriff's deed or a certificate of redemption, exclusive of acknowledgment, [~~\$5~~] \$15, to be paid by the grantee;

(h) for recording each deed, conveyance, or other instrument affecting real estate, exclusive of the cost of recording, [~~\$2~~] \$15, to be paid by the grantee;

(i) for serving a writ of possession or restitution, and putting any person entitled to possession into possession of premises, and removing occupant, [~~\$25~~] \$75;

(j) for holding each trial of right of property, to include all services in the matter, except mileage, [~~\$15~~] \$50;

(k) for conducting, postponing, or canceling a sale of property, [~~\$5~~] \$15;

(l) for taking a prisoner in civil cases from prison before a court or magistrate, for each mile necessarily traveled, in going only, [~~\$1~~] \$3;

(m) for taking a prisoner from the place of arrest to prison, in civil cases, or before a court or magistrate, for each mile necessarily traveled, in going only, [~~\$1~~] \$3;

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

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

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

(o) for executing in duplicate a certificate of sale, exclusive of filing it, [~~\$5~~] \$15.

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

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

(a) accompany the summons in the action; and

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

(4) (a) (i) When traveling generally to serve notices, orders, process, or other papers, the sheriff may receive [~~\$1~~] \$3 for each mile necessarily traveled, in going only, computed from the courthouse for each person served.

59 (ii) When transmitting notices, orders, process, or other papers by mail, the sheriff may
60 receive [~~\$1~~] \$3 for each mile necessarily traveled, in going only, computed from the post office
61 where received for each person served.

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

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

66 (5) (a) For delivering an insane person to the Utah State Hospital, when the cost of
67 delivery is payable by private individuals, the sheriff may collect [~~\$1~~] \$3 per mile for the
68 distance from the county seat of his county to the Utah State Hospital.

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

71 (6) For obtaining a saliva DNA specimen under Section 53-10-404, the sheriff shall
72 collect the fee of \$75 in accordance with Section 53-10-404.

Legislative Review Note
as of 11-25-02 9:36 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Fiscal Note**Fees for Sheriff***13-Jan-03***Bill Number SB0033***2:57 PM*

State Impact

It is estimated that provisions of this bill can be implemented with existing resources. Counties would financially benefit from the increased fees for the performance of certain duties and services. It is estimated that counties would generate an additional \$1.5 million annually.

Individual and Business Impact

Individuals, businesses, and other organizations required to pay for these services will commensurately pay more annually.

Office of the Legislative Fiscal Analyst