

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:]~~



28 (1) (a) The legislative body of a county may set a fee for a service described in this
29 section and charged by the county sheriff:

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

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

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

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

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

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

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

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

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

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

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

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

56 (i) for serving a writ of possession or restitution, and putting any person entitled to
57 possession into possession of premises, and removing occupant, \$50;

58 (j) for holding each trial of right of property, to include all services in the matter,

59 except mileage, \$35;

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

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

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

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

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

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

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

72 [~~(2)~~] (3) The fees allowed by Subsection [~~(1)~~] (2)(f) for the levy of execution and for
73 advertising shall be collected from the judgment debtor as part of the execution in the same
74 manner as the sum directed to be made.

75 [~~(3)~~] (4) When serving an attachment on property, an order of arrest, or an order for the
76 delivery of personal property, the sheriff may only collect traveling fees for the distance
77 actually traveled beyond the distance required to serve the summons if the attachment or those
78 orders:

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

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

81 [~~(4)~~] (5) (a) (i) When traveling generally to serve notices, orders, process, or other
82 papers, the sheriff may receive [~~\$1.50~~], except as otherwise provided under Subsection (1)(a),
83 \$2.50 for each mile necessarily traveled, in going only, computed from the courthouse for each
84 person served, to a maximum of 100 miles.

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

89 (b) The sheriff may only charge one mileage fee if any two or more papers are required

90 to be served in the same action or proceeding at the same time and at the same address.

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

93 ~~[(5)]~~ (6) (a) For delivering an insane person to the Utah State Hospital, when the cost
94 of delivery is payable by private individuals, the sheriff may collect ~~[\$1.50]~~, except as
95 otherwise provided under Subsection (1)(a), \$2.50 per mile for the distance from the county
96 seat of his county to the Utah State Hospital, to a maximum of 100 miles.

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

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

102 (b) The fee amount described in Subsection (7)(a) does not apply if a county legislative
103 body has set the fee amount under Subsection (1).

Legislative Review Note
as of **2-11-10 4:23 PM**

Office of Legislative Research and General Counsel

H.B. 348 - Sheriffs Fees

Fiscal Note

2010 General Session
State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Local governments will benefit. Individuals and businesses will pay more for certain services.
