

1 **TRANSPORTATION OF MENTAL ILLNESS PATIENTS**

2 2011 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Paul Ray**

5 Senate Sponsor: Jerry W. Stevenson

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies code provisions relating to fees of county sheriffs.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ authorizes a sheriff to charge \$2.50 for each mile necessarily traveled, in going only,
13 in transporting a patient to or from a hospital or mental health facility.

14 **Money Appropriated in this Bill:**

15 None

16 **Other Special Clauses:**

17 None

18 **Utah Code Sections Affected:**

19 AMENDS:

20 **17-22-2.5**, as last amended by Laws of Utah 2010, Chapters 75 and 254

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

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

24 **17-22-2.5. Fees of sheriff.**

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

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

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

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

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

35 (a) for serving a notice, rule, order, subpoena, garnishment, summons, or summons and
36 complaint, or garnishee execution, or other process by which an action or proceeding is
37 commenced, on each defendant, including copies when furnished by plaintiff, \$20;

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

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

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

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

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

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

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

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

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

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

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

60 (m) for taking a prisoner from the place of arrest to prison, in civil cases, or before a
61 court or magistrate, for each mile necessarily traveled, in going only, to a maximum of 100
62 miles, \$2.50;

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

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

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

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

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

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

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

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

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

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

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

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

90 (6) (a) For ~~[delivering]~~ transporting a patient to the Utah State Hospital or to or from a
91 hospital or a mental health facility, as defined in Section 62A-15-602, when the cost of
92 ~~[delivery]~~ transportation is payable by private individuals, the sheriff may collect, except as
93 otherwise provided under Subsection (1)(a), \$2.50 ~~[per mile for the distance from the county~~
94 ~~seat of the sheriff's county to the Utah State Hospital]~~ for each mile necessarily traveled, in
95 going only, to a maximum of 100 miles.

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

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

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