

SECOND REGULAR SESSION

SENATE BILL NO. 1025

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR KOSTER.

Read 1st time February 7, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

3445S.051

AN ACT

To repeal section 57.280, RSMo, and to enact in lieu thereof two new sections relating to compensation for sheriffs and deputy sheriffs.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 57.280, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 57.229 and 57.280, to read as follows:

57.229. Notwithstanding any provision of law to the contrary, each deputy sheriff of any county shall receive annual compensation of not less than twenty-six thousand dollars. Any amount of compensation received above twenty-six thousand dollars shall be determined by the sheriff.

57.280. 1. Sheriffs shall receive a charge for service of any summons, writ or other order of court, in connection with any civil case, and making on the same either a return indicating service, a non est return or a nulla bona return, the sum of twenty dollars for each item to be served, except that a sheriff shall receive a charge for service of any subpoena, and making a return on the same, the sum of ten dollars; however, no such charge shall be collected in any proceeding when court costs are to be paid by the state, county or municipality. In addition to such charge, the sheriff shall be entitled to receive for each mile actually traveled in serving any summons, writ, subpoena or other order of court, the rate prescribed by the Internal Revenue Service for all allowable expenses for motor vehicle use expressed as an amount per mile, provided that such mileage shall not be charged for more than one subpoena or summons or other writ served in the same cause on the same trip. All of such charges shall be received by the sheriff who is requested to perform the service. Except as otherwise provided by law, all charges made pursuant to this section shall be collected by the court clerk as court costs and are payable prior to the time the service is rendered; provided

17 that if the amount of such charge cannot be readily determined, then the sheriff
18 shall receive a deposit based upon the likely amount of such charge, and the
19 balance of such charge shall be payable immediately upon ascertainment of the
20 proper amount of said charge. A sheriff may refuse to perform any service in any
21 action or proceeding, other than when court costs are waived as provided by law,
22 until the charge provided by this section is paid. Failure to receive the charge
23 shall not affect the validity of the service.

24 2. The sheriff shall receive for receiving and paying moneys on execution
25 or other process, where lands or goods have been levied and advertised and sold,
26 five percent on five hundred dollars and four percent on all sums above five
27 hundred dollars, and half of these sums, when the money is paid to the sheriff
28 without a levy, or where the lands or goods levied on shall not be sold and the
29 money is paid to the sheriff or person entitled thereto, his agent or attorney. The
30 party at whose application any writ, execution, subpoena or other process has
31 issued from the court shall pay the sheriff's costs for the removal, transportation,
32 storage, safekeeping and support of any property to be seized pursuant to legal
33 process before such seizure. The sheriff shall be allowed for each mile, going and
34 returning from the courthouse of the county in which he resides to the place
35 where the court is held, the rate prescribed by the Internal Revenue Service for
36 all allowable expenses for motor vehicle use expressed as an amount per
37 mile. The provisions of this subsection shall not apply to garnishment proceeds.

38 3. **Notwithstanding the provisions of subsection 4 of this section,**
39 the sheriff upon the receipt of the charge herein provided for shall pay into the
40 treasury of the county any and all charges received pursuant to the provisions of
41 this section; however, in any county, any funds, not to exceed fifty thousand
42 dollars in any calendar year, other than as a result of regular budget allocations
43 or land sale proceeds, coming into the possession of the sheriff's office, such as
44 from the sale of recovered evidence, shall be held in a fund established by the
45 county treasurer, which may be expended at the discretion of the sheriff for the
46 furtherance of the sheriff's set duties. Any such funds in excess of fifty thousand
47 dollars, other than regular budget allocations or land sale proceeds, shall be
48 placed to the credit of the general revenue fund of the county. Moneys in the
49 fund shall be used only for the procurement of services and equipment to support
50 the operation of the sheriff's office. Moneys in the fund established pursuant to
51 this subsection shall not lapse to the county general revenue fund at the end of
52 any county budget or fiscal year.

53 4. **The sheriff shall receive twenty dollars for service of any**
54 **summons, writ, or other order for the court under subsection 1 of this**

55 section, in addition to the twenty dollar charge for service that each
56 sheriff receives under subsection 1 of this section. The sheriff shall
57 receive the additional twenty dollars under this subsection regardless
58 of whether a private entity performs the service on behalf of the
59 sheriff. The moneys shall be collected by the county treasurer and made
60 payable to the state treasurer. The state treasurer shall deposit such
61 moneys into the public safety enhancement fund, which is hereby
62 created in the state treasury. The fund shall be administered by the
63 department of public safety. Ten percent of the moneys in the fund shall
64 be deposited and credited annually to the sheriffs' retirement fund, as
65 created by section 57.952. The department shall appropriate annually to
66 the counties on a per capita basis a sufficient amount of the moneys in
67 the fund to compensate duly commissioned deputy sheriffs and pay
68 related costs resulting from the minimum compensation required under
69 section 57.229. Such moneys shall be used only to supplement the
70 current amount of funding that the county provides, as of August 28,
71 2006, or a higher amount if the county commission chooses to provide
72 such amount, to compensate deputy sheriffs. The county commission
73 shall provide an equal amount of funding from the county general
74 revenue fund to compensate each additional deputy sheriff hired after
75 August 28, 2006, as is received for each current deputy sheriff. If such
76 funding is not provided by the county commission from the county
77 general revenue fund, the sheriff shall not be permitted to hire or use
78 moneys from the fund to compensate any additional deputy sheriff. If
79 any moneys remain in the fund after paying such compensation and
80 costs, the department shall deposit and credit annually the remaining
81 balance of the fund to the MoSMART fund, as created by section 650.350,
82 RSMo. Less any administrative costs, the moneys deposited into the
83 public safety enhancement fund shall be used only to fulfill the purposes
84 of this subsection. Any moneys remaining in the fund at the end of the
85 year shall not revert to the credit of the state general revenue fund.

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