

REVENUE: Revenue statement issued

FISCAL: Fiscal statement issued

Action:	Do Pass as Amended, Be Printed Engrossed, and Be Referred to Revenue by Prior Reference.
Vote:	10 - 0 - 0
Yeas:	Barton, Cameron, Garrett, Krieger, Olson, Shields, Smith J., Stiegler, Whisnant, Barker
Nays:	0
Exc.:	0
Prepared By:	Bill Taylor, Counsel
Meeting Dates:	2/11, 3/3

WHAT THE MEASURE DOES: Increases from \$28 to \$36 the fee a sheriff charges for serving legal documents such as a summons, a subpoena, a citation or other orders. Increases from \$15 to \$20 the fee for serving an additional party at the same address. Increases the fee from \$47 to \$70 for seizure and sale of property pursuant to a writ of execution of judgment of restitution or other writ of attachment or execution. Removes the requirement that advertising the sale be in a newspaper. Increases from \$15 to \$30 the fee for a conveyance of real property. Increases the fee from \$25 to \$40 for travel in excess of 75 miles when serving a document. Removes the provision that authorizes the Court Administrator to establish a website for the purposes of giving legal notice. Requires the law enforcement agency seizing a gambling device to hold the device rather than delivering the device to the sheriff. Requires the law enforcement agency seizing, boats, fishing gear and vehicles used in violation of the commercial fishing laws or rules of the State Fishing and Wildlife Commission to retain these items until ordered to either return the items or to confiscate them rather than turning the items over to the local sheriff. Requires all sheriffs to enter into an intergovernmental agreement to establish a website for the posting of legal notices. Allows the sheriff to give notice by posting on the website. Applies to service served and property seized after the effective date of this Act.

ISSUES DISCUSSED:

- Need to have all sheriffs support the web page
- Clarify that private parties can delivery writs of garnishment

EFFECT OF COMMITTEE AMENDMENT: Sets the increase for serving a summons and other legal documents at \$36 rather than \$40. Sets the fee for delivery of a writ of garnishment at \$25. Clarifies that persons other than a sheriff can delivery writs of garnishment. Requires all sheriffs to enter into an intergovernmental agreement to establish a website for the posting of legal notices.

BACKGROUND: In addition to being the chief law enforcement officer for a county, sheriffs perform other functions such as the service of summons, subpoenas and other legal documents in civil and criminal matters. They also serve as the legal custodian of seized illegal gambling devices and boats and fishing gear used illegally.