

**75TH OREGON LEGISLATIVE ASSEMBLY
STAFF MEASURE SUMMARY
HOUSE REVENUE COMMITTEE**

**MEASURE: HB 2393A
CARRIER: Rep. Sprenger**

**REVENUE: Yes – Revenue Impact Issued
FISCAL: Yes – Fiscal Impact Issued**

Action: Do Pass
Vote: 10-0-0
Yeas: Bailey, Bentz, Berger, Bruun, Gelser, Kahl, Read, Riley, Sprenger, Barnhart
Nays: 0
Exc.: 0
Prepared By: Dae Baek, Economist
Meeting Dates: 3/25, 4/8

WHAT THE BILL DOES: Increases fees collectible by sheriff for serving legal documents and performing other civil duties. Requires establishment and maintenance of website for purpose of posting legal notices relating to writs of execution issued to sheriffs if all sheriffs in this state enter into intergovernmental agreement to establish and maintain website. Specifies procedures by which challenges to notices of garnishment issued by state agencies are provided to sheriffs. Requires the law enforcement agency seizing certain property for forfeiture to hold the property rather than delivering it to the sheriff. Makes fee change effective on January 1, 2010. Changes in custody of seized property for forfeiture apply to property seized on or after January 1, 2010.

ISSUES DISCUSSED:

- Current and inflation-adjusted cost of sheriff's fees in serving legal documents and performing other duties
- Role of private process services in serving legal documents
- Workings of website and cost of running it
- Explanation of reduction in fees in amendment
- Labor intensive nature of preparing garnishment

EFFECT OF COMMITTEE AMENDMENTS: None

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.

This bill changes a number of sheriff's service fees: it increases (1) fees collectible by sheriff for serving legal documents and performing other civil duties from current \$28 to \$36, (2) the fee for serving an additional party at the same address from \$15 to \$20, (3) 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, (4) the fee for a conveyance of real property from \$15 to \$30, and (5) the fee for delivery of a writ of garnishment from \$15 to \$25. Some of the fees have not changed since 1981.

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