

Department of Finance and Administration

Legislative Impact Statement

Bill: HB1567

Bill Subtitle: TO CLARIFY THE AMOUNT AND PAYMENT OF FEES FOR SHERIFFS IN CONNECTION WITH CIVIL AND CRIMINAL CASES.

Basic Change :

Representatives Gillam, and Baine

Increases the sheriff's fees charged in civil or criminal cases for serving a writ, summons, or subpoena from \$100 to \$120. Also increases the sheriff's fees if the writ of execution is returned because nothing could be found upon which to levy. In the past if a writ was returned because the sheriff's efforts were unsuccessful, a fee of \$20.00 was charged. Under this bill, the \$120 fee will now be charged on all writs, including those that are returned. Subsection 1(B) Added the following requirement: "Before taking an action under subdivision (a)(1)(A) of this section, a sheriff may require payment of the associated fees." This will require the payment of fees in advance of service.

This bill would also increase the fees for serving a writ of garnishment from \$30.00 to \$50.00.

Revenue Impact :

This bill will result in an additional \$165,800.00 charged to DFA for various collections fees. There are no additional funds budgeted to cover this increase in fees.

Taxpayer Impact :

None

Resources Required :

Changes will need to be made to our fees payment processing if we are to pay sheriffs fees in advance of service.

Time Required :

The bill does not state an effective date.

Procedural Changes :

The bill will require changes to our payment processes related to sheriff fees.

Other Comments :

DFA does not currently have the ability to pay sheriff fees in advance of service. This will require additional processing changes to allow payment prior to official invoicing.

Legal Analysis :

The bill authorizes a sheriff to require payment of the fee before taking the action associated with the fee in civil cases. This action is not mandatory and the sheriff could choose to allow payment after the service has been provided. The bill combines the current fees for serving a writ of garnishment or subpoena (\$30.00) and the fee for returning either of these (\$20.00) into a single fee of \$50.00 for both service and return. The bill does the same by combining the current fee for serving a writ of execution (\$100.00) with the fee for returning the execution (\$20.00) into a single \$120 fee for both service and return.

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