

Angelo
Zieman
Hansen

SSB-1088
Local Government
Succeeded By
SENATE FILE SF/HF 184
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL BY
CHAIRPERSON MILLER)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to duties of the county sheriff by increasing the
2 fees and expenses collected by the county sheriff for various
3 services and the release of a garnishment.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 331.655, subsection 1, paragraphs a, b,
2 c, e, f, g, h, k, l, m, and n, Code 2001, are amended to read
3 as follows:

4 a. For serving a notice and returning it, for the first
5 person served, ten fifteen dollars, and each additional
6 person, ten fifteen dollars except the fee for serving
7 additional persons in the same household shall be five ten
8 dollars for each additional service, or if the service of
9 notice cannot be made or several attempts are necessary, the
10 repayment of all necessary expenses actually incurred by the
11 sheriff while attempting in good faith to serve the notice.

12 b. For each warrant served, fifteen twenty dollars, and
13 the repayment of necessary expenses incurred in executing the
14 warrant, as sworn to by the sheriff, or if service of the
15 warrant cannot be made, the repayment of all necessary
16 expenses actually incurred by the sheriff while attempting in
17 good faith to serve the warrant.

18 c. For serving and returning a subpoena, for each person
19 served, fifteen twenty dollars, and the necessary expenses
20 incurred while serving subpoenas in criminal cases or cases
21 relating to hospitalization of persons with mental illness.

22 e. For summoning a jury to assess the damages to the
23 owners of lands taken for works of internal improvement, and
24 attending them, sixty two hundred dollars per day, and
25 necessary expenses incurred. This subsection does not allow a
26 sheriff to make separate charges for different assessments
27 which can be made by the same jury and completed in one day of
28 ten hours.

29 f. For serving an execution, attachment, order for the
30 delivery of personal property, injunction, or any order of
31 court, and returning it, ten fifteen dollars.

32 g. For making and executing a certificate or deed for
33 lands sold on execution, or a bill of sale for personal
34 property sold, twenty-five thirty dollars.

35 h. For the time necessarily employed in making an

SSB 1088

H.F. _____

1 inventory of personal property attached or levied upon, eight
2 ten dollars per hour.

3 k. For attending sale of property, thirty fifty dollars.

4 l. For conveying one or more persons to a state, county,
5 or private institution by order of court or commission,
6 necessary expenses for the sheriff and the person conveyed and
7 ten fifteen dollars per hour for the time necessarily employed
8 in going to and from the institution, the expenses and hourly
9 rate to be charged and accounted for as fees. If the sheriff
10 needs assistance in taking a person to an institution, the
11 assistance shall be furnished at the expense of the county
12 court.

13 m. For serving a warrant for the seizure of intoxicating
14 liquors, ~~one-dollar~~ five dollars; for the removal and custody
15 of the liquor, actual expenses; for the destruction of the
16 liquor under the order of the court, ~~one-dollar~~ five dollars
17 and actual expenses; for posting and leaving notices in these
18 cases, ~~one-dollar~~ five dollars and actual expenses.

19 n. For posting a notice or advertisement, ~~one-dollar~~ five
20 dollars.

21 Sec. 2. Section 642.22, subsection 1, paragraph d, Code
22 2001, is amended by striking the paragraph and inserting in
23 lieu thereof the following:

24 d. The garnishment is released by the sheriff at the
25 request of the plaintiff or the plaintiff's attorney.

26 EXPLANATION

27 This bill increases the fees which the county sheriff shall
28 collect for serving various notices, warrants, orders,
29 summons, executions, and subpoenas by amounts ranging from \$2
30 to \$5, and increases the hourly or daily fees for attending
31 property sales, summoning and attending juries, or conveying
32 patients to and from public institutions.

33 The fee increases are as follows:

34 1. For serving and returning notices, from \$10 to \$15 for
35 the first and each additional person served except in the same

1 household where the fee for each additional person is
2 increased from \$5 to \$10.

3 2. For each warrant served, from \$15 to \$20.

4 3. For serving and returning a subpoena, from \$15 to \$20.

5 4. For summoning a jury to assess the damages to property
6 owners for works of internal improvement, and attending the
7 jury, from \$60 to \$200 per day.

8 5. For serving an execution, attachment, order for
9 delivery of personal property, injunction, or court order and
10 returning the same, from \$10 to \$15.

11 6. For making and executing a certificate or deed for
12 lands sold on execution, or bill of sale for personal property
13 sold, from \$25 to \$30.

14 7. For time employed in making an inventory of property
15 attached or levied upon, from \$8 to \$10 per hour.

16 8. For attending a sale of property, from \$30 to \$50.

17 9. For conveying one or more persons to a state, county,
18 or private institution by court or commission order, from \$10
19 to \$15 per hour. If the sheriff needs assistance in making
20 the conveyance, the assistance shall be furnished at the
21 expense of the court. Currently the assistance is furnished
22 at the expense of the county.

23 10. For serving a warrant for seizure of liquor, from \$1 to
24 \$5, for destruction of liquor under court order, from \$1 to \$5
25 and actual expenses, and for posting and leaving notices in
26 liquor cases, from \$1 to \$5 and actual expenses.

27 11. For posting a notice or advertisement, from \$1 to \$5.

28 Concerning the release of a garnishment, Code section
29 642.22 is amended so that a garnishment may be released by the
30 county sheriff without formally serving notice to the
31 garnishee, if the garnishment is released at the request of
32 the plaintiff or the plaintiff's attorney.

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Substituted for HF 730
4-24-01
(P. 1433)

REPRINTED

3/14/01 Amend/Do Pass w/s- 3180
H- 3/22/01 W. & Means

FILED FEB 14 2001

SENATE FILE 184
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO SSB 1088)

Passed Senate, Date 3/20/01 (P. 732) Passed House, Date 4-24-01 (P. 1435)
Vote: Ayes 38 Nays 12 Vote: Ayes 96 Nays 0
Approved April 30, 2001

A BILL FOR

1 An Act relating to duties of the county sheriff by increasing the
2 fees and expenses collected by the county sheriff for various
3 services and the release of a garnishment.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SENATE FILE 184

S-3180

- 1 Amend Senate File 184 as follows:
- 2 1. Page 1, line 24, by striking the word "two"
- 3 and inserting the following: "one".
- 4 2. Page 2, line 11, by striking the word "county"
- 5 and inserting the following: "county."
- 6 3. Page 2, by striking line 12.

By COMMITTEE ON WAYS AND MEANS AMENDMENT
LARRY MCKIBBEN, CHAIRPERSON

W/D 3/20/01 (P. 731)

S-3180 FILED MARCH 14, 2001

SENATE FILE 184

S-3153

- 1 Amend Senate File 184 as follows:
- 2 1. Page 1, line 24, by striking the word "two"
- 3 and inserting the following: "one".
- 4 2. Page 2, line 11, by striking the word "county"
- 5 and inserting the following: "county."
- 6 3. Page 2, by striking line 12.

By RICHARD F. DRAKE

Adopted 3/20/01 (P. 731)

S-3153 FILED MARCH 6, 2001

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22

1 Section 1. Section 331.655, subsection 1, paragraphs a, b,
2 c, e, f, g, h, k, l, m, and n, Code 2001, are amended to read
3 as follows:

4 a. For serving a notice and returning it, for the first
5 person served, ~~ten~~ fifteen dollars, and each additional
6 person, ~~ten~~ fifteen dollars except the fee for serving
7 additional persons in the same household shall be ~~five~~ ten
8 dollars for each additional service, or if the service of
9 notice cannot be made or several attempts are necessary, the
10 repayment of all necessary expenses actually incurred by the
11 sheriff while attempting in good faith to serve the notice.

12 b. For each warrant served, ~~fifteen~~ twenty dollars, and
13 the repayment of necessary expenses incurred in executing the
14 warrant, as sworn to by the sheriff, or if service of the
15 warrant cannot be made, the repayment of all necessary
16 expenses actually incurred by the sheriff while attempting in
17 good faith to serve the warrant.

18 c. For serving and returning a subpoena, for each person
19 served, ~~fifteen~~ twenty dollars, and the necessary expenses
20 incurred while serving subpoenas in criminal cases or cases
21 relating to hospitalization of persons with mental illness.

22 e. For summoning a jury to assess the damages to the
23 owners of lands taken for works of internal improvement, and
24 attending them, ~~sixty~~ two hundred dollars per day, and
25 necessary expenses incurred. This subsection does not allow a
26 sheriff to make separate charges for different assessments
27 which can be made by the same jury and completed in one day of
28 ten hours.

29 f. For serving an execution, attachment, order for the
30 delivery of personal property, injunction, or any order of
31 court, and returning it, ~~ten~~ fifteen dollars.

32 g. For making and executing a certificate or deed for
33 lands sold on execution, or a bill of sale for personal
34 property sold, ~~twenty-five~~ thirty dollars.

35 h. For the time necessarily employed in making an

1 inventory of personal property attached or levied upon, eight
2 ten dollars per hour.

3 k. For attending sale of property, thirty fifty dollars.

4 l. For conveying one or more persons to a state, county,
5 or private institution by order of court or commission,
6 necessary expenses for the sheriff and the person conveyed and
7 ten fifteen dollars per hour for the time necessarily employed
8 in going to and from the institution, the expenses and hourly
9 rate to be charged and accounted for as fees. If the sheriff
10 needs assistance in taking a person to an institution, the
11 assistance shall be furnished at the expense of the county
12 court.

13 m. For serving a warrant for the seizure of intoxicating
14 liquors, ~~one-dollar~~ five dollars; for the removal and custody
15 of the liquor, actual expenses; for the destruction of the
16 liquor under the order of the court, ~~one-dollar~~ five dollars
17 and actual expenses; for posting and leaving notices in these
18 cases, ~~one-dollar~~ five dollars and actual expenses.

19 n. For posting a notice or advertisement, ~~one-dollar~~ five
20 dollars.

21 Sec. 2. Section 642.22, subsection 1, paragraph d, Code
22 2001, is amended by striking the paragraph and inserting in
23 lieu thereof the following:

24 d. The garnishment is released by the sheriff at the
25 request of the plaintiff or the plaintiff's attorney.

26 EXPLANATION

27 This bill increases the fees which the county sheriff shall
28 collect for serving various notices, warrants, orders,
29 summons, executions, and subpoenas by amounts ranging from \$2
30 to \$5, and increases the hourly or daily fees for attending
31 property sales, summoning and attending juries, or conveying
32 patients to and from public institutions.

33 The fee increases are as follows:

34 1. For serving and returning notices, from \$10 to \$15 for
35 the first and each additional person served except in the same

1 household where the fee for each additional person is
2 increased from \$5 to \$10.

3 2. For each warrant served, from \$15 to \$20.

4 3. For serving and returning a subpoena, from \$15 to \$20.

5 4. For summoning a jury to assess the damages to property
6 owners for works of internal improvement, and attending the
7 jury, from \$60 to \$200 per day.

8 5. For serving an execution, attachment, order for
9 delivery of personal property, injunction, or court order and
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21 expense of the court. Currently the assistance is furnished
22 at the expense of the county.

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24 \$5, for destruction of liquor under court order, from \$1 to \$5
25 and actual expenses, and for posting and leaving notices in
26 liquor cases, from \$1 to \$5 and actual expenses.

27 11. For posting a notice or advertisement, from \$1 to \$5.

28 Concerning the release of a garnishment, Code section
29 642.22 is amended so that a garnishment may be released by the
30 county sheriff without formally serving notice to the
31 garnishee, if the garnishment is released at the request of
32 the plaintiff or the plaintiff's attorney.

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SENATE FILE 184
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO SSB 1088)

(AS AMENDED AND PASSED BY THE SENATE MARCH 20, 2001)

_____ - New Language by the Senate

* - Language Stricken by the Senate

Passed Senate, Date _____ Passed House, ^(p. 1434) Date 4-24-01
Vote: Ayes _____ Nays _____ Vote: Ayes 96 Nays 0
Approved April 30, 2001

A BILL FOR

1 An Act relating to duties of the county sheriff by increasing the
2 fees and expenses collected by the county sheriff for various
3 services and the release of a garnishment.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 184

1 Section 1. Section 331.655, subsection 1, paragraphs a, b,
2 c, e, f, g, h, k, l, m, and n, Code 2001, are amended to read
3 as follows:

4 a. For serving a notice and returning it, for the first
5 person served, ~~ten~~ fifteen dollars, and each additional
6 person, ~~ten~~ fifteen dollars except the fee for serving
7 additional persons in the same household shall be ~~five~~ ten
8 dollars for each additional service, or if the service of
9 notice cannot be made or several attempts are necessary, the
10 repayment of all necessary expenses actually incurred by the
11 sheriff while attempting in good faith to serve the notice.

12 b. For each warrant served, ~~fifteen~~ twenty dollars, and
13 the repayment of necessary expenses incurred in executing the
14 warrant, as sworn to by the sheriff, or if service of the
15 warrant cannot be made, the repayment of all necessary
16 expenses actually incurred by the sheriff while attempting in
17 good faith to serve the warrant.

18 c. For serving and returning a subpoena, for each person
19 served, ~~fifteen~~ twenty dollars, and the necessary expenses
20 incurred while serving subpoenas in criminal cases or cases
21 relating to hospitalization of persons with mental illness.

22 e. For summoning a jury to assess the damages to the
23 owners of lands taken for works of internal improvement, and
24 attending them, ~~sixty~~ one hundred dollars per day, and
25 necessary expenses incurred. This subsection does not allow a
26 sheriff to make separate charges for different assessments
27 which can be made by the same jury and completed in one day of
28 ten hours.

29 f. For serving an execution, attachment, order for the
30 delivery of personal property, injunction, or any order of
31 court, and returning it, ~~ten~~ fifteen dollars.

32 g. For making and executing a certificate or deed for
33 lands sold on execution, or a bill of sale for personal
34 property sold, ~~twenty-five~~ thirty dollars.

35 h. For the time necessarily employed in making an

1 inventory of personal property attached or levied upon, eight
2 ten dollars per hour.

3 k. For attending sale of property, ~~thirty~~ fifty dollars.

4 l. For conveying one or more persons to a state, county,
5 or private institution by order of court or commission,
6 necessary expenses for the sheriff and the person conveyed and
7 ten fifteen dollars per hour for the time necessarily employed
8 in going to and from the institution, the expenses and hourly
9 rate to be charged and accounted for as fees. If the sheriff
10 needs assistance in taking a person to an institution, the
11 assistance shall be furnished at the expense of the county.

*12 m. For serving a warrant for the seizure of intoxicating
13 liquors, ~~one-dollar~~ five dollars; for the removal and custody
14 of the liquor, actual expenses; for the destruction of the
15 liquor under the order of the court, ~~one-dollar~~ five dollars
16 and actual expenses; for posting and leaving notices in these
17 cases, ~~one-dollar~~ five dollars and actual expenses.

18 n. For posting a notice or advertisement, ~~one-dollar~~ five
19 dollars.

20 Sec. 2. Section 642.22, subsection 1, paragraph d, Code
21 2001, is amended by striking the paragraph and inserting in
22 lieu thereof the following:

23 d. The garnishment is released by the sheriff at the
24 request of the plaintiff or the plaintiff's attorney.

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SENATE FILE 184

AN ACT

RELATING TO DUTIES OF THE COUNTY SHERIFF BY INCREASING THE FEES AND EXPENSES COLLECTED BY THE COUNTY SHERIFF FOR VARIOUS SERVICES AND THE RELEASE OF A GARNISHMENT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 331.655, subsection 1, paragraphs a, b, c, e, f, g, h, k, l, m, and n, Code 2001, are amended to read as follows:

- a. For serving a notice and returning it, for the first person served, ten fifteen dollars, and each additional person, ten fifteen dollars except the fee for serving additional persons in the same household shall be five ten dollars for each additional service, or if the service of notice cannot be made or several attempts are necessary, the repayment of all necessary expenses actually incurred by the sheriff while attempting in good faith to serve the notice.
- b. For each warrant served, fifteen twenty dollars, and the repayment of necessary expenses incurred in executing the warrant, as sworn to by the sheriff, or if service of the warrant cannot be made, the repayment of all necessary expenses actually incurred by the sheriff while attempting in good faith to serve the warrant.
- c. For serving and returning a subpoena, for each person served, fifteen twenty dollars, and the necessary expenses incurred while serving subpoenas in criminal cases or cases relating to hospitalization of persons with mental illness.
- e. For summoning a jury to assess the damages to the owners of lands taken for works of internal improvement, and

attending them, sixty one hundred dollars per day, and necessary expenses incurred. This subsection does not allow a sheriff to make separate charges for different assessments which can be made by the same jury and completed in one day of ten hours.

f. For serving an execution, attachment, order for the delivery of personal property, injunction, or any order of court, and returning it, ten fifteen dollars.

g. For making and executing a certificate or deed for lands sold on execution, or a bill of sale for personal property sold, twenty-five thirty dollars.

h. For the time necessarily employed in making an inventory of personal property attached or levied upon, eight ten dollars per hour.

k. For attending sale of property, thirty fifty dollars.

l. For conveying one or more persons to a state, county, or private institution by order of court or commission, necessary expenses for the sheriff and the person conveyed and ten fifteen dollars per hour for the time necessarily employed in going to and from the institution, the expenses and hourly rate to be charged and accounted for as fees. If the sheriff needs assistance in taking a person to an institution, the assistance shall be furnished at the expense of the county.

m. For serving a warrant for the seizure of intoxicating liquors, one-dollar five dollars; for the removal and custody of the liquor, actual expenses; for the destruction of the liquor under the order of the court, one-dollar five dollars and actual expenses; for posting and leaving notices in these cases, one-dollar five dollars and actual expenses.

n. For posting a notice or advertisement, one-dollar five dollars.

Sec. 2. Section 642.22, subsection 1, paragraph d, Code 2001, is amended by striking the paragraph and inserting in lieu thereof the following:

d. The garnishment is released by the sheriff at the request of the plaintiff or the plaintiff's attorney.

MARY E. KRAMER
President of the Senate

BRENT SIEGRIST
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 184, Seventy-ninth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved April 30, 2001

THOMAS J. VILSACK
Governor