

# FINAL BILL REPORT

## SHB 2766

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C 164 L 92  
*Synopsis As Enacted*

**Brief Description:** Increasing official fees for a sheriff's services.

By House Committee on Local Government (originally sponsored by Representatives Rayburn, Nealey, Riley, Edmondson, Paris and Basich).

House Committee on Local Government  
Senate Committee on Governmental Operations

**Background:** The county sheriff, like other county officers, is required to collect fees for official services. Fees collected by the sheriff for services connected with a lawsuit may be recovered by the prevailing party in the lawsuit as a part of court costs.

A fee schedule must be posted in the sheriff's office. The sheriff must make out a bill for the fees upon request. The bill must specify each particular item and a receipt must be provided upon payment of the fees. The sheriff may allow payment to be made after the official services have been performed. The sheriff must submit a statement of the fees charged and collected to the county auditor by the first Monday of each month. All fees are paid into the county treasury on the first Monday in each month.

A county officer may charge a fee for performing a service even though no fee for such service is provided in statute. The county officer may charge fees similar and equal to those allowed for services of the same kind. It is suggested that the statutorily expressed amount that the sheriff may charge for various services should be raised, and that fees for performing other services not currently established in statute be expressly authorized.

**Summary:** The fees that a sheriff is required to collect for performing official services are raised as follows:

- (1) Service of summons or complaint, raised from \$6 to \$10 for one defendant at any location, and \$12 for two or more defendants at one residence;
- (2) Making a return trip, raised from \$5 to \$7;

- (3) Levying a writ of attachment or execution, raised from \$15 to \$30 per hour;
- (4) Filing a copy of a writ of attachment or execution with the county auditor, raised from \$5 to \$10;
- (5) Serving a writ of possession or restitution, raised from \$15 to \$25;
- (6) Serving an arrest warrant, raised from \$15 to \$30;
- (7) Executing any other writ or process in a civil proceeding, raised from \$15 to \$30 per hour;
- (8) For each mile traveled going to or returning from any place of service or attempted service, raised from 25 cents to 35 cents;
- (9) Making a deed to lands sold upon execution or order of sale or other decree of court, payable by the purchaser, raised from \$20 to \$30;
- (10) Serving any other document for which no other fee is provided, raised from \$6 to \$12;
- (11) Posting a notice of sale or postponement, raised from \$5 to \$10;
- (12) Issuing a certificate or bill of sale of property, or certificate of redemption, raised from \$20 to \$30; and
- (13) Conducting a sale of property, raised from \$15 to \$30 per hour.

The following fees are newly authorized to be imposed by a sheriff:

- (1) \$5 for notarizing each document;
- (2) \$10 for fingerprinting for noncriminal purposes for up to two sets, \$3 for each additional set;
- (3) Actual cost of postage for mailings required by statute;
- (4) \$10 for internal criminal history record checks;
- (5) Actual cost of reproducing audio, visual, or photographic material, or magnetic microfilming, including personnel time.

A county legislative authority may set the amount of the fees collected by the sheriff to cover the costs of administration and operation, notwithstanding the amount set by statute.

Language is added to clarify that public funds may not be spent to pay for the costs of private litigation. Costs are to be paid by the party seeking action by the sheriff, and may be recovered from the proceeds of any subsequent judicial sale, or may be added to any judgment.

***Votes on Final Passage:***

House	91	2	
Senate	46	2	(Senate amended)
House	90	0	(House concurred)

***Effective:*** June 11, 1992