

SENATE BILL REPORT

SHB 2766

AS REPORTED BY COMMITTEE ON GOVERNMENTAL OPERATIONS,  
FEBRUARY 25, 1992

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

**SPONSORS:** 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

**Majority Report:** Do pass as amended.

Signed by Senators McCaslin, Chairman; Madsen, and Matson.

**Staff:** Barbara Howard (786-7410)

**Hearing Dates:** February 25, 1992

**BACKGROUND:**

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

The sheriff must submit a statement of the fees 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.

It has been suggested that the amount of sheriff's fee has not been raised since 1981, 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:

- Service of summons or complaint, raised from \$6 to \$10 for one defendant at one residence, and \$12 for two or more defendants at one residence;
- Making a return of service, raised from \$5 to \$7;
- Levying a writ of attachment or execution, raised from \$15 to \$30 per hour;

- Filing a copy of a writ of attachment or execution with the county auditor, raised from \$5 to \$10;
- Serving a writ of possession or restitution, raised from \$15 to \$25 (or, with county assistance, from \$25 to \$40);
- Serving an arrest warrant, raised from \$15 to \$30;
- Executing any other writ or process in a civil proceeding, raised from \$15 to \$30 per hour;
- For each mile traveled going to or returning from any place of service or attempted service, raised from 25 cents up to 35 cents;
- 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;
- Serving any other document for which no other fee is provided, raised from \$6 to \$12;
- Posting a notice of sale or postponement, raised from \$5 to \$10;
- Certificate or bill of sale of property, or certificate of redemption, raised from \$20 to \$30; and
- Conducting a sale of property, raised from \$15 to \$30 per hour spent at a sheriff's sale.

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

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

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.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** none requested

**SUMMARY OF PROPOSED SENATE AMENDMENT:**

Service of process is changed from a residence to any location where the person is found, and a new fee for copies of incident or case reports is deleted.

**TESTIMONY FOR:**

It has been over ten years since sheriffs' fees have been increased; costs have actually increased about 300 percent. These proposed fees are not that high, but will help to defray the amount of inflation. Another driving factor is the increased criminal justice workload that has developed in the county.

**TESTIMONY AGAINST:** None

**TESTIFIED:** PRO: Ron Snowden, Adams County Sheriff; Marie Taylor, Island County Sheriff's office; Bill Wiester, Grant County Sheriff; Gary Ramey, Washington State Process Servers Association