WEST VIRGINIA CODE: §59-1-14

§59-1-14. Fees to be charged by sheriffs.

(a) The county commission shall determine the amount which the sheriff may charge, which charges shall not exceed the following:

For serving on any person an order, notice, summons, or other process where the body is not taken, except a subpoena served on a witness, and making return thereof $30.00

For summoning a witness $30.00

For serving on any person an attachment or

other process under which the body is taken $30.00

For levying an attachment on real estate and

making the return $30.00

For making any other levy $30.00

For serving a writ of possession $30.00

(b) Notwithstanding any provision of this code to the contrary, a county sheriff shall owe the fees set forth in subsection (a) of this section to another sheriff's department or law-enforcement agency for service of an order, notice, summons, or other process, or for service of an attachment once the requested service has been completed.

(c) The county commission shall determine the amount which the sheriff may charge, which charges shall not exceed the following:

For conveying a prisoner to or from jail, for each mile of necessary travel either in going or returning .25

For taking any bond $1.00

When a jury is sworn in court, for summoning and impaneling such jury $1.00

For issuing receipt to purchaser at delinquent tax sale $1.00

(d) The county commission, giving due regard to the cost thereof, may, from time to time, prescribe the amount which the sheriff may charge for keeping any property or in removing any property. When, after distraining or levying, he or she neither sells nor receives payment, and either takes no bond or takes one which is not forfeited, he or she shall, if guilty of no default, have (in addition to the $1 for a bond, if one was taken) a fee of $3,

WV Legislature

unless this be more than half of what his or her commission would have amounted to if he or she had received payment; in which case he or she shall (whether a bond was taken or not) have a fee of $1 at the least, and so much more as is necessary to make the said half of his or her commission. The commission to be included in a forthcoming bond (when one is taken) shall be five percent on the first $300 of the money for which the distress or levy is made, and two percent on the residue of the money; but the commission shall not be received, in whole or in part, except as hereinbefore provided, unless the bond be forfeited, or the amount (including the commission) be paid to the plaintiff. An officer receiving payment in money, or selling property, shall have the like commission of five percent on the first $300 of the money paid or proceeds from the sale, and two percent on the residue, except that when the payment or sale is on an execution on a forthcoming bond, his or her commission shall be only half what it would be if the execution were not on the bond.

(e) Any amounts collected by the sheriff pursuant to this section shall be deposited in a separate account of the county general fund and used by the sheriff for the expenses of providing the services herein described: *Provided*, That $5 of each fee collected pursuant to the provisions of subsection (a) of this section shall be deposited by the county commission in the West Virginia Deputy Sheriff Retirement Fund created in §7-14D-6 of this code and $3 of each fee collected pursuant to the provisions of subsection (a) of this section shall be deposited by the county commission in the general revenue account of the county commission. Any surplus funds that remain in the separate account of the county general fund required by the provisions of this subsection on the last day of the fiscal year, and have not been expended for the purposes herein described, shall revert to the county general fund.

WV Legislature