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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1991



# ENROLLED

HOUSE BILL No. 2139

(By ~~Mr.~~ Delegated Jurisdiction to Boop)



Passed March 9, 1991

In Effect from Passage

**ENROLLED**  
**H. B. 2139**

(By DELEGATES FAIRCLOTH AND ROOP)

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[Passed March 9, 1991; in effect from passage.]

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AN ACT to amend and reenact section fourteen, article one, chapter fifty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to increasing the fees to be charged by sheriffs for service of process, subpoenas and various writs; and increasing the mileage charge for conveying prisoners.

*Be it enacted by the Legislature of West Virginia:*

That section fourteen, article one, chapter fifty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**ARTICLE 1. FEES AND ALLOWANCES.**

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

- 1     The county commission shall determine the amount  
2     which the sheriff may charge, which charges shall not  
3     exceed the following:
- 4     For serving on any person a declaration  
5     in ejectment, or an order, notice,  
6     summons or other process where  
7     the body is not taken, except a  
8     subpoena served on a witness,  
9     and making return thereof .....     \$20.00
- 10    For summoning a witness .....     20.00
- 11    For serving on any person an attachment

12	or other process under which the body	
13	is taken .....	20.00
14	For levying an attachment on real	
15	estate and making the return .....	20.00
16	For making any other levy .....	20.00
17	For conveying a prisoner to or from	
18	jail, for each mile of necessary	
19	travel either in going or returning .....	.25
20	For taking any bond .....	1.00
21	When a jury is sworn in court, for	
22	summoning and impaneling	
23	such jury .....	1.00
24	For serving a writ of possession .....	20.00
25	For issuing receipt to purchaser at	
26	delinquent tax sale .....	1.00
27	The county commission, giving due regard to the cost	
28	thereof, may from time to time prescribe the amount	
29	which the sheriff may charge for keeping any property	
30	or in removing any property. When, after distraining or	
31	levying, he neither sells nor receives payment, and	
32	either takes no bond or takes one which is not forfeited,	
33	he shall, if guilty of no default, have (in addition to the	
34	one dollar for a bond, if one was taken) a fee of three	
35	dollars, unless this be more than half of what his	
36	commission would have amounted to if he had received	
37	payment; in which case he shall (whether a bond was	
38	taken or not) have a fee of one dollar at the least, and	
39	so much more as is necessary to make the said half of	
40	his commission. The commission to be included in a	
41	forthcoming bond (when one is taken) shall be five	
42	percent on the first three hundred dollars of the money	
43	for which the distress or levy is made, and two percent	
44	on the residue of such money; but such commission shall	
45	not be received, in whole or in part, except as herein-	
46	before provided, unless the bond be forfeited, or the	
47	amount (including the commission) be paid to the	
48	plaintiff. An officer receiving payment in money, or	
49	selling property, shall have the like commission of five	

50 percent on the first three hundred dollars of the money  
51 paid or proceeds from such sale, and two percent on the  
52 residue, except that when such payment or sale is on an  
53 execution on a forthcoming bond, his commission shall  
54 be only half what it would be if the execution were not  
55 on such bond. Any amounts collected by the sheriff  
56 pursuant to this section shall be credited to the account  
57 of the sheriff and used for the expense of providing the  
58 services herein described.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Womer Luck*  
-----  
Chairman Senate Committee

*Ernest C. Moore*  
-----  
Chairman House Committee

Originating in the House.

Takes effect from passage.

*Samuel E. Ballou*  
-----  
Clerk of the Senate

*Donald L. Kopp*  
-----  
Clerk of the House of Delegates

*Keith Burdette*  
-----  
President of the Senate

*Bob C. Cole*  
-----  
Speaker of the House of Delegates

The within *is approved* this the *27<sup>th</sup>*  
day of *27<sup>th</sup>*, 1991.

*Yaston Caperton*  
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Governor

PRESENTED TO THE

GOVERNOR

Date 3/20/11

Time 4:50 pm