

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2005



ENROLLED

COMMITTEE SUBSTITUTE
FOR

House Bill No. 2296

(By Delegates Stemple, Campbell, Varner,
Swartzmiller and Michael)



Passed April 8, 2005

In Effect July 1, 2005

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H. B. 2296

(BY DELEGATES STEMPLE, CAMPBELL, VARNER,
SWARTZMILLER AND MICHAEL)

[Passed April 8, 2005; in effect July 1, 2005.]

AN ACT to amend and reenact §59-1-14 of the Code of West Virginia, 1931, as amended, relating to increasing service of process fees charged by the sheriff; and providing that two dollars of the fees charged and collected by the sheriff for service of process be placed in the Deputy Sheriff Retirement Fund and that three dollars of the increased fees be placed in the general revenue account of the county commission.

Be it enacted by the Legislature of West Virginia:

That §59-1-14 of the Code of West Virginia, 1931, 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 (a) The county commission shall determine the amount
2 which the sheriff may charge, which charges shall not exceed
3 the following:

4 For serving on any person an order, notice,
5 summons or other process where the body is
6 not taken, except a subpoena served on a
7 witness, and making return thereof \$25.00

8 For summoning a witness 25.00

9 For serving on any person an attachment or
10 other process under which the body is taken 25.00

11 For levying an attachment on real estate and
12 making the return 25.00

13 For making any other levy 25.00

14 For serving a writ of possession 25.00

15 (b) The county commission shall determine the amount
16 which the sheriff may charge, which charges shall not exceed
17 the following:

18 For conveying a prisoner to or from jail, for
19 each mile of necessary travel either
20 in going or returning25

21 For taking any bond 1.00

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

24 For issuing receipt to purchaser at
25 delinquent tax sale 1.00

26 (c) The county commission, giving due regard to the cost
27 thereof, may from time to time prescribe the amount which the
28 sheriff may charge for keeping any property or in removing any
29 property. When, after distraining or levying, he or she neither
30 sells nor receives payment, and either takes no bond or takes
31 one which is not forfeited, he or she shall, if guilty of no
32 default, have (in addition to the one dollar for a bond, if one
33 was taken) a fee of three dollars, unless this be more than half
34 of what his or her commission would have amounted to if he or
35 she had received payment; in which case he or she shall
36 (whether a bond was taken or not) have a fee of one dollar at
37 the least, and so much more as is necessary to make the said
38 half of his or her commission. The commission to be included
39 in a forthcoming bond (when one is taken) shall be five percent
40 on the first three hundred dollars of the money for which the
41 distress or levy is made, and two percent on the residue of the
42 money; but the commission shall not be received, in whole or
43 in part, except as hereinbefore provided, unless the bond be
44 forfeited, or the amount (including the commission) be paid to
45 the plaintiff. An officer receiving payment in money, or selling
46 property, shall have the like commission of five percent on the
47 first three hundred dollars of the money paid or proceeds from
48 the sale, and two percent on the residue, except that when the
49 payment or sale is on an execution on a forthcoming bond, his
50 or her commission shall be only half what it would be if the
51 execution were not on the bond.

52 (d) Any amounts collected by the sheriff pursuant to this
53 section shall be deposited in a separate account of the county
54 general fund and used by the sheriff for the expenses of
55 providing the services herein described: *Provided*, That two
56 dollars of each fee collected pursuant to the provisions of
57 subsection (a) of this section shall be deposited by the county
58 commission in the "West Virginia Deputy Sheriff Retirement
59 Fund" created in section six, article fourteen-d, chapter seven
60 of this code and three dollars of each fee collected pursuant to

61 the provisions of subsection (a) of this section shall be depos-
62 ited by the county commission in the general revenue account
63 of the county commission. Any surplus funds that remain in the
64 separate account of the county general fund required by the
65 provisions of this subsection on the last day of the fiscal year,
66 and have not been expended for the purposes herein described,
67 shall revert to the county general fund.

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

Clayton White
Chairman Senate Committee

H. Reece Berry
Chairman House Committee

Originating in the House.

In effect July 1, 2005.

Carroll Helms
Clerk of the Senate

George M. Bay
Clerk of the House of Delegates

Carl Ray Tomblin
President of the Senate

Robert Hiss
Speaker of the House of Delegates

The within *is approved* this the *3rd*
day of *May*, 2005.

Robert M. Byrd
Governor

PRESENTED TO THE
GOVERNOR

APR 22 2005

Time 2:05 pm