

28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **17-22-2.5**, as last amended by Laws of Utah 2010, Chapters 75 and 254

32 ENACTS:

33 **53-13-103.5**, Utah Code Annotated 1953



35 *Be it enacted by the Legislature of the state of Utah:*

36 Section 1. Section **17-22-2.5** is amended to read:

37 **17-22-2.5. Fees of sheriff.**

38 (1) (a) The legislative body of a county may set a fee for a service described in this
39 section and charged by the county sheriff:

40 (i) in an ordinance adopted under Section 17-53-223; and

41 (ii) in an amount reasonably related to, but not exceeding, the actual cost of providing
42 the service.

43 (b) If the legislative body of a county does not under Subsection (1)(a) set a fee
44 charged by the county sheriff, the sheriff shall charge a fee in accordance with Subsections (2)
45 through (7).

46 (2) Unless under Subsection (1) the legislative body of a county sets a fee amount for a
47 fee described in this Subsection (2), the sheriff shall charge the following fees:

48 (a) for serving a notice, rule, order, subpoena, garnishment, summons, or summons and
49 complaint, or garnishee execution, or other process by which an action or proceeding is
50 commenced, on each defendant, including copies when furnished by plaintiff, \$20;

51 (b) for taking or approving a bond or undertaking in any case in which he is authorized
52 to take or approve a bond or undertaking, including justification, \$5;

53 (c) for a copy of any writ, process or other paper when demanded or required by law,
54 for each folio, 50 cents;

55 (d) for serving an attachment on property, or levying an execution, or executing an
56 order of arrest or an order for the delivery of personal property, including copies when
57 furnished by plaintiff, \$50;

58 (e) for taking and keeping possession of and preserving property under attachment or

- 59 execution or other process, the amount the court orders to a maximum of \$15 per day;
- 60 (f) for advertising property for sale on execution, or any judgment, or order of sale,
61 exclusive of the cost of publication, \$15;
- 62 (g) for drawing and executing a sheriff's deed or a certificate of redemption, exclusive
63 of acknowledgment, \$15, to be paid by the grantee;
- 64 (h) for recording each deed, conveyance, or other instrument affecting real estate,
65 exclusive of the cost of recording, \$10, to be paid by the grantee;
- 66 (i) for serving a writ of possession or restitution, and putting any person entitled to
67 possession into possession of premises, and removing occupant, \$50;
- 68 (j) for holding each trial of right of property, to include all services in the matter,
69 except mileage, \$35;
- 70 (k) for conducting, postponing, or canceling a sale of property, \$15;
- 71 (l) for taking a prisoner in civil cases from prison before a court or magistrate, for each
72 mile necessarily traveled, in going only, to a maximum of 100 miles, \$2.50;
- 73 (m) for taking a prisoner from the place of arrest to prison, in civil cases, or before a
74 court or magistrate, for each mile necessarily traveled, in going only, to a maximum of 100
75 miles, \$2.50;
- 76 (n) for receiving and paying over money on execution or other process, as follows:
- 77 (i) if the amount collected does not exceed \$1,000, 2% of this amount, with a
78 minimum of \$1; and
- 79 (ii) if the amount collected exceeds \$1,000, 2% on the first \$1,000 and 1-1/2% on the
80 balance; and
- 81 (o) for executing in duplicate a certificate of sale, exclusive of filing it, \$10.
- 82 (3) The fees allowed by Subsection (2)(f) for the levy of execution and for advertising
83 shall be collected from the judgment debtor as part of the execution in the same manner as the
84 sum directed to be made.
- 85 (4) When serving an attachment on property, an order of arrest, or an order for the
86 delivery of personal property, the sheriff may only collect traveling fees for the distance
87 actually traveled beyond the distance required to serve the summons if the attachment or those
88 orders:
- 89 (a) accompany the summons in the action; and

90 (b) may be executed at the time of the service of the summons.

91 (5) (a) (i) When traveling generally to serve notices, orders, process, or other papers,
92 the sheriff may receive, except as otherwise provided under Subsection (1)(a), \$2.50 for each
93 mile necessarily traveled, in going only, computed from the courthouse for each person served,
94 to a maximum of 100 miles.

95 (ii) When transmitting notices, orders, process, or other papers by mail, the sheriff may
96 receive, except as otherwise provided under Subsection (1)(a), \$2.50 for each mile necessarily
97 traveled, in going only, computed from the post office where received for each person served,
98 to a maximum of 100 miles.

99 (b) The sheriff may only charge one mileage fee if any two or more papers are required
100 to be served in the same action or proceeding at the same time and at the same address.

101 (c) If it is necessary to make more than one trip to serve any notice, order, process, or
102 other paper, the sheriff may not collect more than two additional mileage charges.

103 (6) (a) For ~~[delivering]~~ transporting a patient to the Utah State Hospital or for
104 transporting a patient to or from a hospital or a mental health facility, as defined in Section
105 53-13-103.5, when the cost of ~~[delivery]~~ transportation is payable by private individuals, the
106 sheriff may collect, except as otherwise provided under Subsection (1)(a), \$2.50 per mile for
107 the distance from the county seat of the sheriff's county to the Utah State Hospital, to a
108 maximum of 100 miles.

109 (b) If the sheriff requires the assistance of another officer to ~~[deliver]~~ transfer the
110 person to the Utah State Hospital, the sheriff may also charge the actual and necessary cost of
111 that assistance.

112 (7) (a) Subject to Subsection (7)(b), for obtaining a saliva DNA specimen under
113 Section 53-10-404, the sheriff shall collect the fee of \$100 in accordance with Section
114 53-10-404.

115 (b) The fee amount described in Subsection (7)(a) cannot be changed by a county
116 legislative body under Subsection (1).

117 Section 2. Section **53-13-103.5** is enacted to read:

118 **53-13-103.5. Transportation fees of municipal law enforcement agency.**

119 (1) As used in this section:

120 (a) "Hospital" means a public or private institution licensed under Title 26, Chapter 21,

121 Health Care Facility Licensing and Inspection Act, which provides diagnostic, therapeutic, or
122 rehabilitative services to both inpatients and outpatients by or under the supervision of
123 physicians.

124 (b) "Mental health facility" means the Utah State Hospital or other facility that
125 provides mental health services under contract with the division, a local mental health
126 authority, or an organization that contracts with a local mental health authority.

127 (2) A municipal law enforcement agency may charge the following fees:

128 (a) For transporting a patient to or from a hospital or mental health facility, when the
129 cost of transportation is payable by private individuals, the law enforcement agency may collect
130 \$2.50 per mile, in going only, for the distance necessarily traveled to or from a hospital or a
131 mental health facility, to a maximum of 100 miles.

132 (b) If the law enforcement officer requires the assistance of another officer to transfer
133 the patient to the facility, the law enforcement agency may charge the actual and necessary cost
134 of that assistance.

Legislative Review Note

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Office of Legislative Research and General Counsel