

042631260

SENATE BILL NO. 620

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Appropriations
on March 1, 2004)

(Patron Prior to Substitute—Senator Blevins)

*A BILL to amend and reenact §§ 8.01-499 and 17.1-272 of the Code of Virginia, relating to sheriff's fees.***Be it enacted by the General Assembly of Virginia:****1. That §§ 8.01-499 and 17.1-272 of the Code of Virginia are amended and reenacted as follows:**

§ 8.01-499. Officer receiving money to make return thereof and pay net proceeds; commission, etc.

An officer receiving money under this chapter shall make return thereof forthwith to the court or the clerk's office of the court in which the judgment is entered. For failing to do so, the officer shall be liable as if he had acted under an order of such court. After deducting from such money a commission of ~~five per centum~~ *10 percent* and his necessary expenses and costs, including reasonable fees to sheriff's counsel, he shall pay the net proceeds, and he and his sureties and their representatives shall be liable therefor, in like manner as if the same had been made under a writ of fieri facias on the judgment.

§ 17.1-272. Process and service fees generally.

A.1. The fee for process and service in the following instances shall be ~~twelve dollars~~ *\$12*:

1. Service on any person, firm or corporation, a ~~declaration in ejectment~~, *an order, notice, summons* or any other civil process, except as herein otherwise provided, and for service on any person, firm, or corporation any process when the body is not taken and making a return thereof, except that no fee shall be charged for service pursuant to § 2.2-4022.

2. Summoning a witness or garnishee on an attachment.

3. Service on any person of an attachment or other process under which the body is taken and making a return thereon.

4. Service of any order of court not otherwise provided for, except that no fees shall be charged for protective orders issued pursuant to Chapter 11 (§ 16.1-226 et seq.) of Title 16.1.

5. ~~Service of a writ of possession.~~6. ~~Levying an execution or distress warrant or an attachment.~~

7. Making a return of a writ of fieri facias where no levy is made or forthcoming bond is taken.

8. ~~Levying upon current money, bank notes, goods or chattels of a judgment debtor pursuant to § 8.01-478.~~

A.2. *The fees for process and service in the following instances shall be \$25:*1. *Service and publication of any notice of a publicly-advertised public sale.*

2. *Service of a writ of possession, except that there shall be an additional fee of \$12 for each additional defendant.*

3. *Levying upon current money, bank notes, goods or chattels of a judgment debtor pursuant to § 8.01-478.*

4. *Service of a declaration in ejectment on any person, firm or corporation, except that there shall be an additional fee of \$12 for each additional defendant.*

5. *Levying distress warrant or an attachment.*6. *Levying an execution.*

B. The process and service fee for serving any papers returnable out of state shall be ~~fifty dollars~~ *\$75*, except no fees shall be charged for the service of papers in connection with the prosecution of any misdemeanor or felony domestic violence offense, or in connection with the filing, issuance, registration, or service of a protection order or a petition for protection order, to protect a victim of domestic violence, stalking or sexual assault. A victim of domestic violence, stalking or sexual assault shall not bear the costs associated with the filing of criminal charges against the offender, or the costs associated with the filing, issuance, registration, or service of a warrant, protection order, petition for a protection order, or witness subpoena, issued inside or outside the Commonwealth.

C. The fees set out in this section shall be allowable for services provided by such officers in the circuit and district courts.