

1 TO THE HONORABLE SENATE:

2 The Committee on Government Operations to which was referred Senate
3 Bill No. 242 entitled “An act relating to the service of civil process by a
4 constable” respectfully reports that it has considered the same and recommends
5 that the bill be amended as follows:

6 First: In Sec. 1, 32 V.S.A. § 1591 (sheriffs and other officers), by striking
7 out subdivision (1)(D) in its entirety and inserting in lieu thereof the following:

8 (D)(i) All civil process to be served by a constable shall be directed
9 to the legislative body of the town in which the constable serves. The
10 legislative body shall assign civil process to the constable to ensure that
11 process is completed in a timely and orderly manner. All payments for service
12 of civil process shall be made to the town. A constable shall be entitled to fees
13 paid for service of process, except as provided in subdivision (ii) of this
14 subdivision (D). A constable shall not receive fees or payment in lieu of fees
15 for civil process, except payment for actual and necessary expenses.

16 (ii) Quarterly, 15 percent of the gross civil process fees received
17 by a town during that quarter shall be forwarded as follows:

18 (I) ten percent to the State Treasurer for deposit in the State’s
19 General Fund; and

20 (II) five percent to the town.

1 Second: By striking out in its entirety Sec. 2 (effective date) and inserting
2 in lieu thereof the following:

3 Sec. 2. 24 V.S.A. § 1936a is amended to read:

4 § 1936a. CONSTABLES; POWERS AND QUALIFICATIONS

5 (a) A town may vote at a special or annual town meeting to prohibit
6 constables from exercising any law enforcement authority or from exercising
7 the service of civil or criminal process.

8 (b) Notwithstanding the provisions of subsection (a) of this section,
9 constables may perform the following duties:

10 (1) ~~the service of civil or criminal process, under 12 V.S.A. § 691;~~

11 [Repealed.]

12 * * *

13 Sec. 3. EFFECTIVE DATE

14 This act shall take effect on July 1, 2016.

15
16 (Committee vote: _____)

17 _____

18 Senator _____

19 FOR THE COMMITTEE