

1
2
3
4
5
6
7
8
9

10
11
12
13
14
15
16
17
18
19

S.78

Introduced by Senator White

Referred to Committee on

Date:

Subject: Finance; fees and costs; service of civil process; constables

Statement of purpose of bill as introduced: This bill proposes to require a constable to remit quarterly 15 percent of the civil process fees he or she receives to the State Treasurer for deposit into the General Fund, and to monthly report to the selectboard regarding his or her service of civil process.

An act relating to the fees constables collect for the service of civil process

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 32 V.S.A. § 1591 is amended to read:

§ 1591. SHERIFFS AND OTHER OFFICERS

There shall be paid to sheriffs' departments and constables in civil causes and to sheriffs, deputy sheriffs, and constables for the transportation and care of prisoners, juveniles, and patients with a mental condition or psychiatric disability the following fees:

(1) Civil process:

* * *

1 (C)(i) All civil process to be served by a sheriff or deputy sheriff
2 shall be directed to their respective sheriff's department for service. The
3 sheriff shall assign civil process to personnel within the department to ensure
4 that process is completed in a timely and orderly manner. All payments for
5 service of civil process shall be made to the sheriff's department. A sheriff or
6 deputy sheriff shall not be entitled to fees paid for service of process nor shall a
7 sheriff receive fees or payment in lieu of fees for civil process, except payment
8 for actual and necessary expenses. A sheriff may appoint deputy sheriffs and
9 establish compensation for service of civil process.

10 ~~(D)~~(ii) The Executive Director of the Department of State's
11 Attorneys and Sheriffs shall develop a uniform reporting system to reflect:

12 ~~(i)~~(I) ~~Civil~~ civil process received by a sheriff's department;

13 ~~(ii)~~(II) ~~Payments~~ payments made to a sheriff's department for
14 service, including fees and reimbursements;

15 ~~(iii)~~(III) ~~Payments~~ payments made by the sheriff's department to
16 deputy sheriffs for serving process; and

17 ~~(iv)~~(IV) ~~Disbursements~~ disbursements for other necessary
18 expenses.

19 ~~(E)~~(iii) Quarterly, 15 percent of the gross civil process fees received
20 by a sheriff's department during that quarter shall be forwarded to the State
21 Treasurer for deposit in the State's General Fund.

