

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Committee Substitute

for

Senate Bill 293

BY SENATORS WOODRUM, DEEDS, AND HAMILTON

[Originating in the Committee on Government

Organization; reported on February 15, 2023]

1 A BILL to amend and reenact §59-1-14 of the Code of West Virginia, 1931, as amended, relating
 2 to fees charged by sheriffs; increasing maximum fees that the sheriff may charge for
 3 serving notices related to tax sales of real property; increasing maximum fees generally;
 4 and increasing portion of fees charged by the sheriff directed to the Deputy Sheriff
 5 Retirement Fund.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. FEES AND ALLOWANCES.

§59-1-14. Fees to be charged by sheriffs.

1 (a) The county commission shall determine the amount which the sheriff may charge,
 2 which charges shall not exceed the following:

3 For serving on any person an order, notice, except for any notice pursuant to §11A-3-1 et
 4 seq. of this code, summons, or other process where the body is not taken, except a subpoena
 5 served on a witness, and making return thereof ~~\$25.00~~ \$30.00

6 For summoning a witness..... ~~25.00~~ \$30.00

7 For serving on any person an attachment or
 8 other process under which the body is taken..... ~~25.00~~ \$30.00

9 For levying an attachment on real estate and
 10 making the return ~~25.00~~ \$30.00

11 For making any other levy ~~25.00~~ \$30.00

12 For serving a writ of possession ~~25.00~~ \$30.00

13 For serving on any person notice pursuant to §11A-3-1 et seq. of this code and making
 14 return thereof \$75.00

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

17 For conveying a prisoner to or from jail, for each mile of necessary travel either in going
 18 or returning \$.25

19 For taking any bond..... \$1.00

20 When a jury is sworn in court, for summoning and impaneling such jury\$1.00

21 For issuing receipt to purchaser at delinquent tax sale \$1.00

22 (c) The county commission, giving due regard to the cost thereof, may from time to time
23 prescribe the amount which the sheriff may charge for keeping any property or in removing any
24 property. When, after distraining or levying, he or she neither sells nor receives payment, and
25 either takes no bond or takes one which is not forfeited, he or she shall, if guilty of no default,
26 have (in addition to the \$1 for a bond, if one was taken) a fee of \$3, unless this be more than half
27 of what his or her commission would have amounted to if he or she had received payment; in
28 which case he or she shall (whether a bond was taken or not) have a fee of \$1 at the least, and
29 so much more as is necessary to make the said half of his or her commission. The commission
30 to be included in a forthcoming bond (when one is taken) shall be five percent on the first \$300 of
31 the money for which the distress or levy is made, and two percent on the residue of the money;
32 but the commission shall not be received, in whole or in part, except as hereinbefore provided,
33 unless the bond be forfeited, or the amount (including the commission) be paid to the plaintiff. An
34 officer receiving payment in money, or selling property, shall have the like commission of five
35 percent on the first \$300 of the money paid or proceeds from the sale, and two percent on the
36 residue, except that when the payment or sale is on an execution on a forthcoming bond, his or
37 her commission shall be only half what it would be if the execution were not on the bond.

38 (d) Any amounts collected by the sheriff pursuant to this section shall be deposited in a
39 separate account of the county general fund and used by the sheriff for the expenses of providing
40 the services herein described: *Provided*, That ~~\$2~~ \$5 of each fee collected pursuant to the
41 provisions of subsection (a) of this section shall be deposited by the county commission in the
42 West Virginia Deputy Sheriff Retirement Fund created in ~~section six, article fourteen-d, chapter~~
43 ~~seven~~ §17-14D-6 of this code and \$3 of each fee collected pursuant to the provisions of
44 subsection (a) of this section shall be deposited by the county commission in the general revenue

45 account of the county commission. Any surplus funds that remain in the separate account of the
46 county general fund required by the provisions of this subsection on the last day of the fiscal year,
47 and have not been expended for the purposes herein described, shall revert to the county general
48 fund.