

CHAPTER 142

GOVERNMENT - COUNTY

HOUSE BILL 01-1288

BY REPRESENTATIVE(S) Schultheis, Crane, Nuñez, and Coleman;
also SENATOR(S) Takis.

AN ACT

CONCERNING AN INCREASE IN CIVIL FEES COLLECTED BY SHERIFFS.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 30-1-104 (1) (a.5), (1) (b.5), (1) (c.5), (1) (d.5), (1) (e), (1) (f), (1) (g), (1) (h.5), (1) (j), (1) (k), (1) (m), (1) (o), (1) (r), (1) (s), (1) (t), (1) (bb), (1) (cc), (1) (dd), (1) (ee), (1) (ff), and (1) (gg), Colorado Revised Statutes, are amended to read:

30-1-104. Fees of sheriff. (1) Fees collected by sheriffs shall be as follows:

(a.5) For serving and returning a summons or other writ of process in other than a criminal action not specified in this section, with or without complaint attached, on each party served, in counties of every class, actual expenses, but not more than ~~thirty~~ THIRTY-FIVE dollars;

(b.5) For making a return on a summons in other than a criminal action not served, for each party, in counties of every class, actual expenses, but not more than ~~eight~~ EIGHTEEN dollars;

(c.5) For serving and returning each subpoena in other than a criminal action on each witness, in counties of every class, actual expenses, but not more than ~~thirty~~ SIXTY dollars;

(d.5) For making return on a subpoena in other than a criminal action not served, in counties of every class, ~~eight~~ ACTUAL EXPENSES, BUT NOT MORE THAN SIXTEEN dollars;

(e) For serving each juror in counties of every class, ~~five~~ TEN dollars;

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(f) For serving and returning writ of attachment or replevin on each party, in counties of every class, actual expenses, but not more than ~~fifty~~ SEVENTY-FIVE dollars;

(g) For serving garnishee summons on each party, in counties of every class, actual expenses, but not more than ~~fifteen~~ TWENTY dollars;

(h.5) Mileage for each mile actually and necessarily traveled in serving each writ, subpoena, or other process in other than a criminal action, ~~thirty-one~~ THIRTY-SIX cents; except that actual and not constructive mileage shall be allowed in all cases; and, where more than one warrant is served by any officer on one trip, the actual mileage only shall be allowed such officer, and the actual mileage shall be apportioned among the several warrants served on the trip;

(j) For levying execution or writ of attachment, besides actual custodial and transportation costs necessarily incurred in counties of every class, actual expenses, ~~or fifty~~ BUT NOT MORE THAN SEVENTY-FIVE dollars; ~~whichever is greater;~~

(k) For levying writ of replevin, besides actual custodial and transportation costs necessarily incurred in counties of every class, actual expenses, ~~or fifty~~ BUT NO MORE THAN SEVENTY-FIVE dollars; ~~whichever is greater;~~

(m) For making and filing for record a certificate of levy on attachment or other cases, in counties of every class, actual expenses, but not more than ~~fifteen~~ THIRTY dollars;

(o) For serving writ with aid of posse comitatus with actual expenses necessarily incurred in executing said writ, in counties of every class, ACTUAL EXPENSES, BUT NOT MORE THAN ~~thirty~~ SIXTY dollars; for serving same without aid in counties of every class, ACTUAL EXPENSES, BUT NOT MORE THAN ~~two~~ FOUR dollars;

(r) For advertising property for sale, besides the actual cost of the advertising, in counties of every class, actual expenses, but not more than ~~fifteen~~ THIRTY dollars;

(s) For making certificates of sale previous to execution of deed, or on sales of personal property, in counties of every class, actual expenses, but not more than ~~fifteen~~ THIRTY dollars;

(t) For executing and acknowledging deed of sale of real estate, in counties of every class, actual expenses, but not more than ~~twenty~~ FORTY dollars;

(bb) For serving and returning writ of ne exeat or body attachment, in counties of every class, ACTUAL EXPENSES, BUT NOT MORE THAN ~~ten~~ TWENTY dollars;

(cc) For serving copy of execution when making levy on shares of stock under execution, on each party served, in counties of every class, actual expenses, but not more than ~~thirty~~ SIXTY dollars;

(dd) For making certificates of levy on shares, or otherwise, in counties of every class, actual expenses, but not more than ~~fifteen~~ THIRTY dollars;

(ee) For making return on execution, in counties of every class, actual expenses, but not more than ~~thirty~~ SIXTY dollars;

(ff) For executing certificate of redemption, in counties of every class, actual expenses, but not more than ~~fifteen~~ THIRTY dollars;

(gg) For service of any writ of restitution or order of possession of premises, besides actual transportation costs necessarily incurred in counties of every class, actual expenses but not more than ~~thirty~~ SIXTY dollars; except that, if execution of any such writ or order is required, an additional fee of actual expenses not to exceed ~~one hundred~~ TWO HUNDRED dollars plus such transportation costs may be charged but only after the sheriff has provided a detailed accounting of his or her actual expenses to the person requesting such service. Actual transportation costs assessed pursuant to this paragraph (gg) shall only be charged once per location for each service or execution.

SECTION 2. Effective date. This act shall take effect July 1, 2001, unless a referendum petition is filed during the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution. If such a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: April 20, 2001