**South Carolina General Assembly**

118th Session, 2009-2010

**H. 3902**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Harrison

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Introduced in the House on April 21, 2009

Currently residing in the House Committee on **Judiciary**

Summary: Sheriff fees for services

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

4/21/2009 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2009\04-21-09.docx)‑16

4/21/2009 House Referred to Committee on **Judiciary** [HJ](file:///h:\HJ%20Archive\2009\04-21-09.docx)‑16

**VERSIONS OF THIS BILL**

[4/21/2009](file:///p:\pprever\2009-10\3902_20090421.docx)

**A** **BILL**

TO AMEND SECTION 23‑19‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE FEES A SHERIFF MAY CHARGE FOR CERTAIN SERVICES, SO AS TO INCREASE THE FEES FOR THESE SERVICES, AND TO DELETE THE PROVISION THAT ALLOWS A SHERIFF OR HIS DEPUTY TO COLLECT THE SAME FEE AS ALLOWED A CONSTABLE FOR THE SERVICE OR EXECUTION OF PAPERS ISSUED BY A MAGISTRATE.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 23‑19‑10 of the 1976 Code is amended to read:

“Section 23‑19‑10. Except as otherwise expressly provided by general law, the fees and commissions of sheriffs are as follows:

~~(a)~~(A) There must be paid as commissions on all monies collected by the sheriff of a county, if under five hundred dollars, seven and one‑half percent, and, if over that amount, seven and one‑half percent on the first five hundred dollars and three percent on the balance above that amount.

~~(b)~~(B) For service of any civil process, not otherwise herein specified, the fee is ~~fifteen~~ twenty‑five dollars for each initial service and ~~five~~ ten dollars for each attempted service thereafter. However, the sheriff may not charge for more than two attempted services on the same matter so that the party, or his attorney, making the service in the matter may not be charged any more than a maximum total of ~~twenty‑five~~ forty dollars, namely, for two attempted services and one initial or actual service.

~~(c)~~(C) For claim and delivery, writs of assistance, distress warrants, orders of seizure, and executions, including all procedural matters related to these processes, the fee is ~~twenty‑five~~ thirty dollars.

~~(d)~~(D) For mechanics’ liens, attachments, citations, decrees, summons, and complaints, the fee is ~~fifteen~~ twenty‑five dollars for each initial service and ~~five~~ ten dollars for each attempted service thereafter~~; however~~ . However, the sheriff may not charge for more than two attempted services on the same matter so that the party, or his attorney, making the service in the matter may not be charged any more than a maximum total of ~~twenty‑five~~ forty dollars, namely, for two attempted services and one initial or actual service. For each subpoena writ, the fee is ~~ten~~ twenty dollars for each initial service and ~~five~~ ten dollars for each attempted service thereafter~~; however~~. However, the sheriff may not charge for more than two attempted services on the same matter so that the party, or his attorney, making the service in the matter may not be charged any more than a maximum total of ~~twenty~~ forty dollars, namely, for two attempted services and one initial or actual service.

~~(e)~~(E) All additional expenses incurred as a necessary part of the service set forth in items ~~(a), (b), (c), and (d),~~ (A), (B), (C), and (D) including, but not limited to, towing fees, wrecker service, storage fees, and fees for publication must be charged at actual cost in addition to the fees set forth above. ~~For the service or execution of papers issued by a magistrate, the sheriff or his deputy serving or executing the same is allowed the same fees as are allowed to constables.~~

~~(f)~~(F) All monies collected under this section must be deposited into the treasury of that county employing the sheriff collecting those monies.

The provisions of this section do not apply to criminal processes or cases.”

SECTION 2. This act takes effect upon approval by the Governor.

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