

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Introduced**

### **House Bill 4265**

By Delegate Toney

[Introduced January 10, 2024; Referred  
to the Committee on Pensions and Retirement then  
Finance]

1 A BILL to amend and reenact §59-1-14 of the Code of West Virginia, 1931, as amended, relating to  
2 fees charged by sheriffs.

*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, summons or other process where the body is  
4 not taken, except a subpoena served on a witness, and making return thereof ..... ~~\$25.00~~ \$30.00

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

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

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

10 For making any other levy..... ~~25.00~~ \$30.00

11 For serving a writ of possession..... ~~25.00~~ \$30.00

12 (b) Notwithstanding any provision of this code to the contrary, a county sheriff shall not owe  
13 the fees set forth in subsection (a) of this section to another sheriff's department or law-  
14 enforcement agency for service of an order, notice, summons or other process, or for service of an  
15 attachment once the requested service has been completed.

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

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

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

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

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

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

39 (e) Any amounts collected by the sheriff pursuant to this section shall be deposited in a  
40 separate account of the county general fund and used by the sheriff for the expenses of providing  
41 the services herein described: *Provided*, That ~~\$2~~ \$5 of each fee collected pursuant to the  
42 provisions of subsection (a) of this section shall be deposited by the county commission in the  
43 "West Virginia Deputy Sheriff Retirement Fund" created in §7-14D-6 of this code and \$3 of each  
44 fee collected pursuant to the provisions of subsection (a) of this section shall be deposited by the  
45 county commission in the general revenue account of the county commission. Any surplus funds  
46 that remain in the separate account of the county general fund required by the provisions of this  
47 subsection on the last day of the fiscal year, and have not been expended for the purposes herein

48 described, shall revert to the county general fund.

NOTE: The purpose of this bill is to increase fees charged by sheriffs and to increase the portion of fees directed to the Deputy Sheriff Retirement Fund.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.