

1 House BILL NO. 140  
 2 INTRODUCED BY Long Plummer

3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION  
 5 25-226, R.C.M. 1947, TO INCREASE THE FEES AND MILEAGE  
 6 PAYABLE TO THE SHERIFF FOR SERVICE OF PROCESS."

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 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Section 25-226, R.C.M. 1947, is amended to  
 10 read as follows:

11 "25-226. Fees of sheriff. (1) For the service of  
 12 summons and complaint on each defendant, ~~one-dollar--(\$1.00)~~  
 13 five dollars (\$5.00);

14 For levying and serving each writ of attachment of  
 15 execution on real or personal property, ~~one--dollar--(\$1.00)~~  
 16 five dollars (\$5.00);

17 For service of attachment on the body or order of  
 18 arrest on each defendant, ~~one-dollar--(\$1.00)~~ five dollars  
 19 (\$5.00);

20 For the service of affidavit, order, and undertaking in  
 21 claim and delivery, ~~one-dollar-(\$1.00)~~ five dollars (\$5.00);

22 For serving a subpoena, ~~twenty-five-cents-(25¢)~~ two  
 23 dollars (\$2.00) for each witness summoned;

24 For serving writ of possession or restitution, ~~two~~  
 25 ~~dollars-(\$2.00)~~ ten dollars (\$10.00);

1 For trial of the right of property or damages,  
 2 including all services except mileage, ~~three-dollars-(\$3.00)~~  
 3 fifteen (\$15.00);

4 For taking bond or undertaking in any case authorized  
 5 by law, ~~one-dollar-(\$1.00)~~ five dollars (\$5.00);

6 For serving every notice, rule or order, ~~one-dollar~~  
 7 ~~(\$1.00)~~ five dollars (\$5.00), for each person served;

8 For copy of any writ, process or other paper when  
 9 demanded or required by law, ~~twenty-cents-(20¢)~~ twenty-five  
 10 cents (25¢) for each ~~folio~~ page;

11 For advertising any property for sale on execution or  
 12 under any judgment or order of sale, exclusive of cost of  
 13 publication, ~~one-dollar-(\$1.00)~~ five dollars (\$5.00);

14 (2) For the expense in taking and keeping possession of  
 15 and preserving property under attachment, execution or other  
 16 process, such sum as the court or judge may order, not to  
 17 exceed the actual expense incurred, and no keeper must  
 18 receive to exceed ~~five-dollars-(\$5.00)~~ twenty-five dollars  
 19 per day and no keeper must be employed without an order of  
 20 court, nor must he be so employed unless the property is of  
 21 such character as to need the personal attention and  
 22 supervision of a keeper. No property shall be placed in  
 23 charge of a keeper if it can be safely and securely stored,  
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25 (3) In addition to the fees above specified, the

INTRODUCED BILL

1 sheriff shall receive for each mile actually traveled, in  
 2 serving any writ, process, order or other paper, including a  
 3 warrant of arrest, or in conveying a person under arrest  
 4 before a magistrate or to jail, only his actual expenses  
 5 when such travel is made by railroad, or airline, and when  
 6 travel is other than by railroad, or airline, he shall  
 7 receive ~~eleven-cents-(11¢)~~ fifteen cents (15¢) per mile for  
 8 each mile actually traveled by him both going and returning,  
 9 and the actual expenses incurred by him in conveying a  
 10 person under arrest before a magistrate or to jail, and he  
 11 shall receive the same mileage and his actual expenses for  
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 15 transportation; provided that where more than one person is  
 16 transported by the sheriff or when one or more papers are  
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 18 or more prisoners, but one mileage shall be charged.

19 (4) Provided further, that this act shall not apply to  
 20 the delivery of prisoners at the state prison or at the  
 21 reform school, or insane persons to the state insane asylum,  
 22 for which he shall receive the actual expense incurred as  
 23 provided by section 16-2723 of this code. Nor shall this act  
 24 apply to trips made for the return of fugitives apprehended  
 25 and arrested outside the county for which the sheriff shall

1 receive the actual necessary expenses incurred in going for  
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 19 any place in the county where a sheriff or a deputy is  
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 22 all necessary copies thereof must be furnished for service.  
 23 When two or more officers travel in the same automobile in  
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Objection Raised to  
Adverse Committee Report

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-End-

March 8, 1975

SENATE COMMITTEE ON LOCAL GOVERNMENT

AMENDMENTS TO HOUSE BILL NO. 140

That House Bill No. 140, third reading, be amended as follows:

1. Amend page 1, Section 1, line 13.  
Strike: "five dollars (\$5.00)"  
Insert: "two dollars (\$2.00)"
2. Amend page 1, Section 1, line 16.  
Strike: "five dollars (\$5.00)"  
Insert: "two dollars (\$2.00)"
3. Amend page 1, Section 1, lines 18 and 19.  
Following: "~~one-dollar-(\$1.00)~~"  
Strike: "five dollars (\$5.00)"  
Insert: "two dollars (\$2.00)"
4. Amend page 1, Section 1, line 21.  
Following: "~~one-dollar-(\$1.00)~~"  
Strike: "five dollars (\$5.00)"  
Insert: "two dollars (\$2.00)"
5. Amend page 1, Section 1, lines 22 and 23.  
Following: "~~twenty-five-cents-(25¢)~~"  
Strike: "two dollars (\$2.00)"  
Insert: "one dollar (\$1.00)"
6. Amend page 1, Section 1, line 25.  
Following: "~~dollars-(\$2.00)~~"  
Strike: "ten dollars (\$10.00)"  
Insert: "four dollars (\$4.00)"
7. Amend page 2, Section 1, line 3.  
Strike: "fifteen (\$15.00)"  
Insert: "five dollars (\$5.00)"
8. Amend page 2, Section 1, line 5.  
Following: "~~one-dollar-(\$1.00)~~"  
Strike: "five dollars (\$5.00)"  
Insert: "two dollars (\$2.00)"
9. Amend page 2, Section 1, line 7.  
Following: "~~(\$1.00)~~"  
Strike: "five dollars (\$5.00)"  
Insert: "two dollars (\$2.00)"
10. Amend page 2, Section 1, line 13.  
Following: "~~one-dollar-(\$1.00)~~"  
Strike: "five dollars (\$5.00)"  
Insert: "two dollars (\$2.00)"

11. Amend page 2, Section 1, line 18.  
Following: "~~five-dollars-(\$5.00)~~"  
Strike: "twenty-five dollars"  
Insert: "ten dollars (\$10.00)"



March 20, 1975

SENATE COMMITTEE ON JUDICIARY

AMENDMENTS TO HOUSE BILL NO. 140

That House Bill No. 140, third reading, be amended as follows:

1. Amend page 3, section 1, line 7.

Following: "~~11¢~~"

Strike: "fifteen cents (15¢) per mile"

Insert: "a mileage allowance as defined in section 59-801"

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2 INTRODUCED BY LORY, DUSSAULT

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