

CHAPTER 43**(SB 105)**

AN ACT relating to fees.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 64.090 is amended to read as follows:

- (1) Sheriffs may charge and collect the following fees from the Commonwealth and any of its agencies, including the Department of State Police, when the source of payment is not otherwise specified, if the Commonwealth, any of its agencies, or the Department of State Police makes a request that the sheriff perform any of the following:
- (a) Executing and returning process \$20.00;
 - (b) Serving an order of court and return 3.00;
 - (c) Summoning or subpoenaing each witness, fee to be paid by requester
to sheriff before service 10.00;
 - (d) Summoning an appraiser or reviewer 2.00;
 - (e) Attending a surveyor, when ordered by a
court, per deputy or sheriff assigned 20.00;
 - (f) Taking any bond that he is authorized or
required to take in any action 5.00;
 - (g) Collecting money under execution or distress warrant, if the debt is paid or the
property sold, or a delivery bond given and not complied with, six percent (6%) on the
first three hundred dollars (\$300) and three percent (3%) on the residue; when he
levies an execution or distress warrant, and the defendant replevies the debt, or the
writ is stayed by legal proceedings or by the order of the plaintiff, half of the above
commissions, to be charged to the plaintiff and collected as costs in the case;
 - (h) Taking a recognizance of a witness 3.00;
 - (i) Levying an attachment 5.00;
 - (j) When property attached is sold by an officer other than the officer levying the
attachment, the court shall, in the judgment, make the officer an additional and
reasonable allowance for levying the attachment, and the fee of the officer selling the
property shall be lessened by that sum. Reasonable charges for removing and taking
care of attached property shall be allowed by order of court;
 - (k) Summoning a garnishee 3.00;
 - (l) Summoning a jury in a misdemeanor case, attending the trial, and
conducting the defendant to jail, to be paid by the party
convicted 8.00;
 - (m) Serving process or arresting the party in
misdemeanor cases, to be paid by the plaintiff ~~10.00~~ 30.00;

- (n) Serving an order or process of revivor 3.00;
 - (o) Executing a writ of possession against each tenant or defendant 7.00;
 - (p) Executing a capias ad satisfaciendum, the same commission as collecting money on execution. If the debt is not paid, but stayed or secured, half commission;
 - (q) Summoning and attending a jury in a case of forcible entry and
detainer, besides fees for summoning witnesses 8.00;
 - (r) Collecting militia fines and fee-bills, ten percent (10%), to be deducted out of the fee-
bill or fine;
 - (s) Levying for a fee-bill 3.00;
 - (t) Serving a notice 2.00;
 - (u) Serving summons, warrants or process of arrest in cases of
children born out of wedlock 6.00;
 - (v) Serving a civil summons in a nonsupport case 10.00;
 - (w) Serving each order appointing surveyors of
roads, to be paid out of the county levy 5.00;
 - (x) Serving each summons or order of court in applications concerning
roads, to be paid out of the county levy if the road is established,
and in all other cases to be paid by the applicant 5.00;
 - (y) Like services in cases of private passways to
be paid by the applicant 5.00;
 - (z) Executing each writ of habeas corpus, to be
paid by the petitioner 3.00;
 - (aa) All services under a writ issued under
KRS 381.460 to 381.570 10.00; and
 - (bb) For services in summoning grand and petit jurors and performing his duties under
KRS Chapter 29A the sheriff shall be allowed, for each person so summoned, and paid
out of the State Treasury for constructive service the sum of \$1.50 and for personal
service the sum of \$3.00.
- (2) Sheriffs may charge and collect a fee of twenty dollars (\$20) from any person not requesting the service of the sheriff on behalf of the Commonwealth, any of its agencies, or the Department of State Police for the services provided in subsection (1) of this section where a percentage, commission, or reasonable fee is not otherwise allowed. If a percentage, commission, or reasonable fee is allowed, that amount shall be paid. If payment is specified from a person other than the person who requested the service, then the person specified shall be responsible for payment.

Approved March 11, 2005.