

1975 Senate Bill 38

Date published: June 14, 1976

CHAPTER 403, Laws of 1975

AN ACT to amend 59.28 (intro.), (1) to (21), (23) and (24), (27) to (33) and (35) to (39) of the statutes, relating to sheriffs' process fees and other related services.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

59.28 (intro.), (1) to (21), (23) and (24), (27) to (33) and (35) to (39) of the statutes are amended to read:

59.28 Sheriff; fees. (intro.) Every ~~Every~~ Except as provided in subs. (2) (b) and (27), every sheriff shall be is entitled to receive one-half of the following fees in advance for his services providing the county board approves advance payment. The remaining one-half shall be deposited into the county general fund and shall not be paid to the sheriff in lieu of salary.

(1) For serving a summons or any other process by which action ~~shall be~~ is commenced, or writ or order of injunction or other order, and making a return thereon, for one defendant, ~~\$2~~ \$4; for each additional defendant, ~~\$1~~ \$2; for attempting to serve, one-half of the foregoing fees. In counties having a population of 500,000 or more, the full fee shall be charged for attempted service.

(2) (a) Except in counties having a population of 500,000 or more, traveling in making service of any summons, writ or other process, except upon criminal warrants,

~~40~~ 15 cents per mile for each mile actually traveled going and returning. The sheriff shall serve all process, orders and papers in any one action or proceeding which may then be in his hands for service, which can be served at the same time and upon all persons upon whom service is required who can be served in the same journey, and he shall be entitled to one mileage for the greatest distance actually traveled by him to make such service, and no more. For summoning grand and petit jurors no traveling fees shall be charged for more than the distance actually and necessarily traveled in summoning such jurors.

(b) In counties having a population of 500,000 or more, the charge for travel for the service or attempted service of process or pleading shall not exceed ~~60 cents~~ \$1 for each party to be served in each action. If there is more than one person to be served at a given address, only one charge for travel shall be imposed. For summoning grand and petit jurors, no travel expense shall be charged for more than the distance actually and necessarily traveled in summoning such jurors. Sixty cents of the \$1 travel charge shall be paid in advance to the sheriff providing the county board approves advance payment, and 40 cents shall be deposited into the county general fund and shall not be paid to the sheriff in lieu of salary.

(3) Taking a bond or undertaking in any case, when required by law, and approving the same, ~~fifty cents~~ \$1.

(4) Making a copy of any bond ~~or~~, undertaking, summons, writ, complaint or other paper served or taken, when required by law or demanded by a party, and when not furnished by a party to the action or his attorney, ~~ten~~ 10 cents per folio.

(5) Serving and returning a subpoena to testify, for the first person served, ~~\$2~~ \$4; and ~~\$1~~ \$2 for each additional person named.

(6) Serving an execution on a judgment, demanding payment thereof or other writ not provided for, ~~\$2~~ \$4.

(7) Collecting and paying over all sums upon execution, writ or process for the collection of money, ~~five per cent~~ 10% on the first ~~three hundred dollars~~ \$300; ~~two and one half per cent~~ 5% on the next ~~three hundred dollars~~ \$300 or any part thereof and ~~one and one half per cent~~ 3% on any excess over ~~six hundred dollars~~ \$600; but in no case shall the whole percentage exceed ~~thirty dollars~~ \$60.

(8) Advertising goods and chattels for sale upon execution, writ or process, ~~seventy five cents; but where~~ \$1.50. Where there is more than one execution, writ or process in the hands of the sheriff against the same defendants there shall be but one advertising fee charged in the whole, which shall be on the execution having priority.

(9) Drawing advertisement of real estate, per folio, ~~twenty five cents~~ 50 cents.

(10) Every certificate of sale of real estate, ~~fifty cents~~ \$1.

(11) Filing copy thereof with register of deeds, including fees of register of deeds, ~~\$2~~ \$4.

(12) Drawing, executing and acknowledging a deed pursuant to a sale of real estate, ~~two dollars~~ \$4, to be paid by the grantee in such deed.

(13) Summoning a grand or petit jury, to be paid from the county treasury, ~~fifty cents~~ \$1 for each juror named.

(14) Summoning a jury upon a writ of inquiry, attending such jury, and making and returning the inquisition, ~~\$1.50~~ \$3.

(15) Summoning a special jury, struck pursuant to an order of court, and returning the panel, ~~\$2.50~~ \$5.

(16) Summoning a jury, pursuant to any precept or summons of any officer in any special proceeding, ~~\$1~~ \$2; and for attending such jury when required, ~~\$3~~ \$6 per

day.

(17) Attending a view when ordered by the court, ~~\$3~~ \$6 per day, and 10 cents per mile traveling fee, going and returning.

(18) Summoning appraisers and swearing the same, ~~one dollar~~ \$2.

(19) Every appraiser, for each day, not less than ~~\$1~~ \$2 nor more than ~~\$7~~ \$14 as ~~shall be~~ is fixed by the county board.

(20) Drawing an inventory or other paper, except return upon a summons, subpoena or venire, ~~twenty-five cents~~ 50 cents per folio; ~~provided, that.~~ But whenever several writs of attachment against the same defendant are delivered to the sheriff for service and execution, such sheriff ~~shall be~~ is entitled to ~~ten~~ no more than 20 cents per folio for drawing an inventory on all writs subsequent to the first writ of attachment so executed by him, of any property included in the first inventory so drawn by him, ~~and no more;~~ and ~~five~~ 10 cents per folio for all copies thereof.

(21) Attending the supreme court, ~~one dollar and fifty cents~~ \$3 per day, to be allowed on the certificate of the chief justice or clerk and paid out of the state treasury.

(23) Serving notice of any election upon election officers, ~~fifty cents~~ \$1 for each election district, to be paid by the county.

(24) For serving any writ or other process with the aid of the county, ~~\$2.50~~ \$5 and ~~\$2.50~~ \$5 per hour for each deputy assigned to inventory the property when seizing property on attachment, replevin, execution, or evicting on a writ of restitution or writ of assistance plus all necessary expenses incurred thereby.

(27) Traveling to serve any criminal process for every mile actually traveled, ~~ten~~ 15 cents per mile, whether in the county from which process issued or not, and actual and necessary disbursements for board and conveyance of prisoner. Ten cents of the 15 cents per mile travel expenses shall be paid in advance to the sheriff provided the county board approves advance payment and 5 cents shall be deposited into the county general fund and shall not be paid to the sheriff in lieu of salary.

(28) Every commitment to prison, ~~\$2~~ \$4.

(29) Discharging a person from prison, ~~fifty cents~~ \$1, which shall include the drawing and filing of a certificate of discharge with the clerk of the court.

(30) Bringing up a prisoner upon habeas corpus to testify or answer in any court or before any judge, ~~\$2~~ \$4.

(31) Attending before any officer with a prisoner for the purpose of having him surrendered in exoneration of his bail or attending to receive a prisoner so surrendered who was not committed at the time, and receiving such prisoner into custody, in either case, ~~\$1.50~~ \$3.

(32) Attending any court with a prisoner ~~\$3~~ \$6 per day and ~~\$1.50~~ \$3 for each half day, besides actual and necessary expenses. Guarding any prisoner sentenced to imprisonment at hard labor in the county jail, when the prisoner performs such labor upon any highway or public improvement and there are no secure means for preventing his escape, ~~\$1.50~~ \$3 for each day and ~~75 cents~~ \$1.50 for each half day so employed.

(33) For selling real estate under any judgment or order of court, or on foreclosure by advertisement, and making all the necessary papers and notices, including deed or certificate, when the amount bid does not exceed ~~one thousand dollars~~ \$1,000, ~~ten dollars~~ \$20; when the amount bid exceeds ~~one thousand dollars~~ \$1,000, ~~fifteen dollars~~ \$30; for travel performed in making such sale, to be computed from the courthouse, ~~ten~~ 15 cents per mile going and returning, besides the cost of publishing any advertisement of sale. For drawing and executing and acknowledging a deed upon a sale made by his predecessor in office, ~~three dollars~~ \$6. When any such

sale is made by a referee or any other officer he shall have the same fees.

(35) For assisting clerk of circuit court in drawing jury, ~~one dollar~~ \$2.

(37) For bringing a person alleged to be mentally ill, infirm or deficient before the court and subpoenaing witnesses, the fees allowed him in other cases; for taking such patient to a hospital or removing one therefrom, ~~\$10~~ \$20 per day and his necessary expenses and the actual expenses for the support and transportation of the patient, and ~~\$6~~ \$16 per day ~~or \$4 per each quarter day~~ and necessary expenses for each assistant as may be ordered by the court.

(39) For the posting of notices of sheriff's sales of real or personal property or posting any other notice and making a return thereon, ~~\$2~~ \$4 for the first posting and ~~\$4~~ \$2 for each additional posting.
