

22A:4-8

LEGISLATIVE HISTORY CHECKLIST

WJSA 22A:4-8 (Sheriffs and officers--fees--increases)

LAWS OF 1979 CHAPTER 190

Bill No. SL129

Sponsor(s) Yates

Date Introduced May 1, 1978

Committee: Assembly County Government

Senate County and Municipal Government

Amended during passage Yes ~~xxx~~ Amendments during passage denoted by asterisks

Date of Passage: Assembly June 11, 1979

Senate Nov. 20, 1978

Date of approval Sept. 11, 1979

Following statements are attached if available:

Sponsor statement Yes ~~xxx~~(Below)

Committee Statement: Assembly Yes ~~xxx~~

Senate Yes ~~xxx~~

Fiscal Note ~~Yes~~ No

Veto message ~~Yes~~ No

Message on signing ~~Yes~~ No

Following were printed:

Reports ~~Yes~~ No

Hearings ~~Yes~~ No

Sponsor's statement:

This bill increases sundry fees and mileage costs of sheriffs and other officers.

EJ
9/1/78

May 1980

[SECOND OFFICIAL COPY REPRINT]

SENATE, No. 1129

STATE OF NEW JERSEY

INTRODUCED MAY 1, 1978

By Senator YATES

Referred to Committee on County and Municipal Government

AN ACT concerning certain fees and costs of sheriffs, and other officers and amending N. J. S. 22A:4-8.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. N. J. S. 22A:4-8 is amended to read as follows:

2 22A:4-8. Fees and mileage of sheriffs and other officers.

3 For the services hereinafter enumerated sheriffs and other offi-
4 cers shall receive the following fees:

5 In addition to the mileage allowed by law, for serving every
6 summons and complaint, attachment or any mesne process issuing
7 out of the Superior Court or County Court, the sheriff or other
8 officer serving such process shall, for the first defendant or party
9 on whom such process is served, be allowed ~~[\$10.00]~~ \$12.00 and, for
9A service on the second defendant named therein, ~~[\$8.00]~~ \$10.00, and
10 for serving such process on any other defendant or defendants
11 named therein, ~~[\$4.00]~~ \$6.00 each, and no more. If a man and his
12 wife be named in such process they shall be considered as one
13 defendant, except where they are living separate and apart.

14 Serving summons and complaint in matrimonial actions, in ad-
15 dition to mileage, \$12.00.

16 Serving capias ad respondendum, capias ad satisfaciendum,
17 warrant of commitment, writ of ne exeat, in addition to mileage,
18 ~~[\$25.00]~~ \$35.00.

19 Serving order to summon juries and return, \$1.75.

20 Serving every execution against goods or lands and making an
21 inventory and return, in addition to mileage, ~~[\$25.00]~~ \$35.00.

22 For returning every writ, ~~[\$0.25]~~ \$1.00.

23 Executing every writ of possession and return, in addition to
24 mileage, ~~[\$25.00]~~ \$35.00.

25 Executing every writ of attachment, sequestration or replevin
26 issuing out of any of the courts, in addition to mileage, ~~[\$25.00]~~
27 \$35.00.

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

28 For serving each out-of-State paper, in addition to the mileage
 29 allowed by law, \$15.00 for the first defendant on whom such paper
 30 is served, \$10.00 for service on the second defendant named therein,
 31 and \$6.00 for serving such paper on any other defendant or defend-
 31A ants named therein. If a man and wife be named in such paper,
 31B they shall be considered as one defendant, except where they are
 31C living separate and apart.

32 For serving or executing any process or papers where mileage
 32A is allowed by law, the officer shall receive mileage actually traveled
 32B to and from the courthouse, at the rate per mile of **[\$0.10]**
 32C ****[\$0.18]** **\$0.16**.**

32D **[For summoning a special jury, \$5.00.]**

33 **[Attending a jury of view, each day, \$2.50.]**

33A **[For service of notices on grand and petit jurors the same fees**
 33B **allowed by law for the service of a summons issued out of the**
 33C **County Court.]**

34 **[For producing the jury list and attending the judge within the**
 34A **county, \$3.50 and for attending the judge outside the county the**
 35 **sheriff shall receive an additional sum for each mile from the**
 36 **courthouse of his county to the place of attendance, such mileage**
 37 **to be at the rate per mile of \$0.24.]**

38 **[For attending the regular terms of the courts of the county for**
 39 **each day, \$3.75.]**

40 **[Every person committed to prison, \$0.25.]**

41 **[Discharging every person from prison, \$0.12.]**

42 **[Victualing a prisoner, per day, \$0.15.]**

43 **[Attending with a prisoner before a judge on his being surren-**
 44 **dered by or in discharge of his bail, and receiving him into custody,**
 45 **\$2.00.]**

46 The sheriff shall be entitled to retain out of all moneys collected
 47 or received by him on a forfeited recognizance, whether before or
 48 after execution, or from amercements, or from fines and costs on
 49 conviction, on indictment or otherwise, whether such moneys are
 50 payable to the State or to the county treasurer of the county
 51 wherein conviction was had, 5%.

52 For transporting each offender to the State Prison, per mile,
 53 but not less than \$3.00 for each offender, to be certified by the keeper
 54 of the prison and the certificate to be delivered to the county
 55 treasurer of the county where the conviction was had, \$0.23.

EXECUTION SALES

56 When a sale is made by virtue of an execution the sheriff shall
 57 be entitled to charge the following fees: On all sums not exceeding
 58 **[\$1,000.00]** \$5,000.00, 4%; on all sums exceeding **[\$1,000.00]**

59 \$5,000.00 on such excess, 2½%; the minimum fee to be charged for
60 a sale by virtue of an execution, ~~[\$6.00]~~ \$20.00.

60A *On an execution against wages, commissions and salaries, the
60B sheriff shall charge the same percentage fees on all sums collected
60C as those percentage fees applicable in cases wherein an execution
60D sale is consummated.*

61 When the execution is settled without actual sale and such settle-
62 ment is made manifest to the officer, the officer shall receive ½ of
63 the amount of percentage allowed herein in case of sale.

64 Making statement of execution, sales and execution fees, ~~[\$2.25]~~
65 \$5.00.

66 Advertising the property for sale, provided the sheriff or deputy
67 sheriff attend in pursuance of the advertisement, ~~[\$7.00]~~ \$10.00.

68 Posting property for sale, \$7.00.

69 For the crier of the vendue, when the sheriff proceeds to sell,
70 for every day he shall be actually employed in such sale, ~~[\$2.00]~~
71 \$3.00.

72 Every adjournment of a sale, but no more than one adjournment
73 shall be allowed, and if the sheriff shall have several executions
74 against a defendant, he shall only be allowed for advertising, at-
75 tending and adjourning, as if he had but one execution, ~~[\$10.00]~~
76 \$20.00.

77 Drawing and making a deed to a purchaser of real property,
78 ~~[\$15.75]~~ \$35.00.

79 Drawing and making a bill of sale to the purchaser of personal
80 property when such bill of sale is required or demanded, ~~[\$12.00]~~
81 \$15.00.

82 When more than one execution shall be issued out of the Superior
83 Court upon any judgment, each sheriff to whom such execution
84 shall be directed and delivered shall be entitled to collect and re-
85 ceive from the defendant named in such execution the fees allowed
86 by law for making a levy and return and statement thereon, or for
87 such other services as may be actually performed by him, and the
88 sheriff who shall collect the amount named in said execution or any
89 part thereof, shall be entitled to the legal percentage upon whatever
90 amount may be so collected by him, but in case any such judgment
91 shall be settled between the parties and the amount due thereon
92 shall not be collected by either sheriff, then the percentage on the
93 amount collected which would be due the sheriff thereon in case
94 only one execution had been issued shall be equally divided among
95 the several sheriffs in whose hands an execution in the same cause
96 may have been placed.

97 The sheriff shall file his taxed bill of costs with the clerk of the
98 court out of which execution issued, within such time as the court
99 shall direct by general rule or special order, or, in default thereof,
100 he shall not be entitled to any costs. If any sheriff shall charge in
101 such bill of costs for services not done, or allowed by law, or shall
102 take any greater fee or reward for any services by him done than
103 is or shall be allowed by law, he shall be liable for the damages
104 sustained by the party aggrieved including a penalty of \$30.00, to
105 be recovered in a summary manner, in the action or proceeding
106 wherein the execution was issued or otherwise.

1 2. This act shall take effect immediately.

SENATE, No. 1129

STATE OF NEW JERSEY

INTRODUCED MAY 1, 1978

By Senator YATES

Referred to Committee on County and Municipal Government

AN ACT concerning certain fees and costs of sheriffs, and other officers and amending N. J. S. 22A:4-8.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. N. J. S. 22A:4-8 is amended to read as follows:

2 22A:4-8. Fees and mileage of sheriffs and other officers.

3 For the services hereinafter enumerated sheriffs and other offi-
4 cers shall receive the following fees:

5 In addition to the mileage allowed by law, for serving every
6 summons and complaint, attachment or any mesne process issuing
7 out of the Superior Court or County Court, the sheriff or other
8 officer serving such process shall, for the first defendant or party
9 on whom such process is served, be allowed **[\$10.00]** \$12.00 and, for
9A service on the second defendant named therein, **[\$8.00]** \$10.00, and
10 for serving such process on any other defendant or defendants
11 named therein, **[\$4.00]** \$6.00 each, and no more. If a man and his
12 wife be named in such process they shall be considered as one
13 defendant, except where they are living separate and apart.

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17 warrant of commitment, writ of ne exeat, in addition to mileage,
18 **[\$25.00]** \$35.00.

19 Serving order to summon juries and return, \$1.75.

20 Serving every execution against goods or lands and making an
21 inventory and return, in addition to mileage, **[\$25.00]** \$35.00.

22 For returning every writ, **[\$0.25]** \$1.00.

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24 mileage, **[\$25.00]** \$35.00.

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 32A is allowed by law, the officer shall receive mileage actually traveled
 32B to and from the courthouse, at the rate per mile of ~~[\$0.10]~~ \$0.18.

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 37 **to be at the rate per mile of \$0.24.]**

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 47 or received by him on a forfeited recognizance, whether before or
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 49 conviction, on indictment or otherwise, whether such moneys are
 50 payable to the State or to the county treasurer of the county
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63 the amount of percentage allowed herein in case of sale.

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67 sheriff attend in pursuance of the advertisement, ~~[\$7.00]~~ \$10.00.

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105 be recovered in a summary manner, in the action or proceeding
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1 2. This act shall take effect immediately.

STATEMENT

This bill increases sundry fees and mileage costs of sheriffs
and other officers.

[OFFICIAL COPY REPRINT]
SENATE, No. 1129

STATE OF NEW JERSEY

INTRODUCED MAY 1, 1978

By Senator YATES

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102 take any greater fee or reward for any services by him done than
103 is or shall be allowed by law, he shall be liable for the damages
104 sustained by the party aggrieved including a penalty of \$30.00, to
105 be recovered in a summary manner, in the action or proceeding
106 wherein the execution was issued or otherwise.

1 2. This act shall take effect immediately.

ASSEMBLY COUNTY GOVERNMENT COMMITTEE

STATEMENT TO
SENATE, No. 1129

STATE OF NEW JERSEY

DATED: MARCH 20, 1979

The purpose of this bill is adequately expressed in the Senate County and Municipal Government Committee which is appended hereto:

“Senate Bill No. 1129 would amend N. J. S. 22A:4-8 to generally increase the various fees and mileage allowances for sheriffs and other officers. The bill would eliminate certain provisions of the statute relating to fees for services no longer performed by sheriffs. The bill would add a new service to the list of those services for which a fee shall be received: ‘Posting property for sale, \$7.00.’ Most of the fees set forth in the statute were last increased in 1968 (P. L. 1968, c. 217). The bill was suggested by the New Jersey Sheriff’s Association, and the committee has received a communication from Mr. Rocco Neri, Undersheriff of Essex county, expressing support for the bill.

The committee amendments suggested by the sponsor would provide for percentage fee charges for executions against wages, commissions and salaries, which are to be the same percentage fee as those authorized in cases wherein an execution sale is consummated. The statute currently is silent with respect to percentage fees for executions against wages, commissions and salaries.”

SENATE COUNTY AND MUNICIPAL GOVERNMENT
COMMITTEE

STATEMENT TO

SENATE, No. 1129

with Senate committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 19, 1978

Senate Bill No. 1129 would amend N. J. S. 22A:4-8 to generally increase the various fees and mileage allowances for sheriffs and other officers. The bill would eliminate certain provisions of the statute relating to fees for services no longer performed by sheriffs. The bill would add a new service to the list of those services for which a fee shall be received: "Posting property for sale, \$7.00." Most of the fees set forth in the statute were last increased in 1968 (P. L. 1968, c. 217). The bill was suggested by the New Jersey Sheriff's Association, and the committee has received a communication from Mr. Rocco Neri, Undersheriff of Essex county, expressing support for the bill.

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SENATE COMMITTEE AMENDMENT TO
SENATE, No. 1129

STATE OF NEW JERSEY

ADOPTED OCTOBER 19, 1978

Amend page 3, section 1, after line 60, insert, "On an execution against wages, commissions and salaries, the sheriff shall charge the same percentage fees on all sums collected as those percentage fees applicable in cases wherein an execution sale is consummated."

SENATE AMENDMENT TO
SENATE, No. 1129
[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

ADOPTED NOVEMBER 13, 1978

Amend page 2, section 1, line 32B, delete "\$0.18", insert "\$0.16".

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

SEPTEMBER 13, 1979

KATHRYN FORSYTH

Governor Brendan Byrne has signed a bill increasing the various fees and mileage allowances for sheriffs and other court officers.

The bill, S-1129, was sponsored by Senator Charles B. Yates (D-Burlington).

~~Under the measure, provisions in the statute relating to fees~~
for services no longer performed by sheriffs are eliminated and a new service for which a fee will be charged is added.

The fees were last increased in 1968.