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Specific Fees Authorized

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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Reference Number: CTAS-1328

Notwithstanding any other provision of law to the contrary, the sheriff is entitled to demand and receive the respective fees for the following services where services are actually rendered:

Service of Process

1. For serving any process except as otherwise provided in T.C.A. § 8-21-901 or other applicable law, whether issued by a clerk for a general sessions, criminal, circuit, chancery or any other court, the sheriff is entitled to the following fees, based on the manner in which process is served, for each item of process that must be served separately per person served:
 - a. For service in person: \$50;
 - b. For service by mail: \$10;
 - c. For service by acceptance or consent or any other authorized method: \$10.
2. For summoning jurors in any proceeding: \$5.
3. For serving or delivering any other process or notice not related to a judicial proceeding and issued by an entity other than a court: \$10.
4. For returning any service of process where the sheriff attempts service but is unsuccessful, the sheriff shall be entitled to the same fees specified in number 1 above; provided, that service is attempted in accordance with the laws of the state.

T.C.A. § 8-21-901(a)(1).

Original Process in Delinquent Tax Collection Proceedings

The sheriff receives \$7.50 for serving all original processes in delinquent tax suits as costs to be taxed against each delinquent tax payer and the statutory fees for all other services performed by the sheriff. T.C.A. § 67-5-2410(c)(1).

Collection of Money ; Returning, Transporting, Storing or Establishing Possession of Property

1. For a levy of an execution on property or levy of an attachment or other process to seize property for the purpose of securing satisfaction of a judgment yet to be rendered or for executing a writ of replevin or writ of possession: \$50.
2. For collecting money to satisfy a judgment, whether by execution, fieri facias, garnishment or other process, in civil cases each time collection is attempted: \$40.
For purposes of the payment of fees for garnishments as provided above, all garnishments are deemed to be original garnishments and the sheriff or other person authorized by law to serve garnishments is entitled to the fee provided above for each such garnishment served.
3. Whenever the sheriff provides for the storage or maintenance of property including, but not limited to, vehicles, livestock and farm and construction equipment that has been levied on by execution, attachment or other process, the sheriff is entitled to demand and receive a reasonable per day fee for such services. The sheriff is also entitled to demand and receive reimbursement for costs of transportation of such personal property to a suitable location for storage and maintenance when such action is necessary to secure such property. Any such fees for transportation, maintenance and storage shall be approved by the court issuing the execution, attachment or other process.

T.C.A. § 8-21-901(a)(2).

Arrest and Transportation of Prisoners, Bail Bond

1. For executing every capias, criminal warrant, summons or other leading process, making arrests in criminal cases and carrying to jail, prison or other place of incarceration and guarding defendant arrested by warrant involving taking custody of a defendant \$40.
2. For citation in lieu of arrest or criminal warrant not involving physical custody of a defendant \$25.
3. For every bail bond to be paid as cost at the time there is a disposition of the case \$10.
4. If a sheriff is required to act as a guard to escort prisoners, the sheriff shall be entitled to a per mile fee equal to the mileage allowance granted federal employees. Such fee shall be separate for

each prisoner and computed on the distance actually traveled with the prisoner and shall be for no more than two (2) guards. Such fee shall only apply when the sheriff is required to transport a prisoner from county to county or from state to state. Similarly, the sheriff shall be entitled to the same mileage allowance when required to transport a prisoner to a hospital or other mental health facility in another county or state for a judicially ordered evaluation.

5. When two (2) or more criminal warrants are executed at the same time against the same individual, there shall be but one (1) arrest fee allowed when the fee is chargeable to the county and/or the state.

T.C.A. § 8-21-901(a)(3).

Security Services

1. For attending the grand jury or waiting in court: \$75 per day.
2. For waiting with a sequestered jury: \$100 per day.

T.C.A. § 8-21-901(a)(4).

Data Processing Services

1. For data processing services: \$2.

The revenue from the two dollar data processing fee must be allocated by the sheriff's county for computerization, information systems and electronic records management costs of the sheriff's office. The funds must remain earmarked within the general fund and must be reserved for the purposes authorized by law at the end of each fiscal year. T.C.A. § 8-21-901(a)(5)(A) and (B).

Fees Limited

Notwithstanding other provisions of this section to the contrary, any fee or mileage allowance permitted under this section, which is assessed against the state or which otherwise represents a cost to the state, shall be limited in amount to the fees allowable immediately prior to May 28, 1977. T.C.A. § 8-21-901(b).

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