

STATE OF NEW YORK

4495

2023-2024 Regular Sessions

IN SENATE

February 9, 2023

Introduced by Sen. GOUNARDES -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the civil practice law and rules, in relation to increasing certain fixed fees for services provided by sheriffs

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 8011 of the civil practice law and rules, as
2 amended by chapter 655 of the laws of 2002, subdivision (h) as amended
3 by chapter 36 of the laws of 2007, is amended to read as follows:

4 § 8011. Fixed fees of sheriffs. For the services specified, a sheriff
5 is entitled to the following fees and, where indicated, these shall be
6 paid in advance.

7 (a) Order of attachment.

8 1. For receiving an order of attachment, entering it in the appropri-
9 ate books, and return when required, [~~fifteen~~ twenty-five dollars, in
10 advance.

11 2. For levying upon real or personal property, forty dollars, in
12 advance.

13 3. For each additional levy upon real or personal property by virtue
14 of an order of attachment, forty dollars, in advance.

15 4. For serving a copy of an order of attachment on a defendant, and
16 for serving a copy on each additional defendant, fifteen dollars, in
17 advance.

18 5. For serving a summons with or without a complaint, fifteen dollars,
19 in advance.

20 6. For making and filing a description of real property, or an inven-
21 tory of personal property, levied upon by virtue of an order of attach-
22 ment, or an estimate of the value thereof, fifteen dollars.

23 7. Mileage for services covered in paragraphs two, three and four of
24 this subdivision, in advance, provided, however, that where the services

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 covered in such paragraphs are performed at the same time and place,
2 there shall be only one mileage fee.

3 (b) Property execution.

4 1. For receiving an execution against property, entering it in the
5 appropriate books, and return when required, [~~fifteen~~] twenty-five
6 dollars, in advance, except that in an execution which arises out of an
7 action brought pursuant to article eighteen of the uniform district
8 court act, article eighteen of the uniform city court act, article eigh-
9 teen of the New York city civil court act or article eighteen of the
10 uniform justice court act, the fees provided in this subdivision shall
11 not be collected in advance.

12 2. For levying upon property by virtue of an execution, [~~fifteen~~]
13 twenty-five dollars.

14 3. For making an inventory of property levied upon by virtue of an
15 execution, [~~fifteen~~] twenty-five dollars.

16 4. Mileage for services covered in paragraphs two and three of this
17 subdivision, in advance, provided however, that where the services
18 covered in such paragraphs are performed at the same time, there shall
19 be only one mileage fee.

20 (c) Income execution; service upon judgment debtor.

21 1. For receiving an income execution, entering it in appropriate
22 books, and return when required, [~~fifteen~~] twenty-five dollars, in
23 advance.

24 2. For serving the income execution upon the judgment debtor,
25 [~~fifteen~~] twenty-five dollars, in advance.

26 3. Mileage for service covered in paragraph two of this subdivision,
27 unless such execution is served by mail.

28 (d) Income execution; levy upon default or failure to serve judgment
29 debtor.

30 1. For serving an income execution, entering it in the appropriate
31 books, and return when required, [~~fifteen~~] twenty-five dollars, in
32 advance.

33 2. For levying upon the money that the judgment debtor is receiving or
34 will receive, [~~fifteen~~] twenty-five dollars, in advance.

35 3. Mileage for services covered in paragraph two of this subdivision
36 unless such levy is made by mail.

37 (e) Recovery of chattel.

38 1. For receiving an order to recover chattel, entering it in the
39 appropriate books, and return when required, [~~fifteen~~] twenty-five
40 dollars, in advance.

41 2. For executing the order of seizure against the defendant's chattel
42 or chattels, [~~seventy-five~~] one hundred dollars, in advance.

43 3. For executing the order of seizure against the chattel or chattels
44 of an additional defendant or any other person in whose possession said
45 chattel or chattels may be found, [~~forty~~] fifty dollars, in advance.

46 4. For serving an additional copy of the required papers, [~~fifteen~~]
47 twenty dollars, in advance.

48 5. For serving the summons with or without a complaint, [~~fifteen~~]
49 twenty dollars, in advance.

50 6. Mileage for services covered in paragraphs two, three, four and
51 five of this subdivision, in advance, provided however, that where the
52 services covered in such paragraphs are performed at the same time and
53 place, there shall be only one mileage fee.

54 (f) Summary proceeding.

55 1. Notice of petition and petition.

1 (i) For receiving a notice of petition and petition, obtaining an
2 index number when required, entering it in the appropriate books, and
3 return, [~~fifteen~~ twenty-five dollars, in advance.

4 (ii) For serving the notice of petition on a tenant or other person in
5 possession, [~~fifteen~~ twenty-five dollars, in advance.

6 (iii) For serving the notice of petition on each additional tenant,
7 undertenant, subtenant, person or persons in possession, or person or
8 persons not in possession to be served, [~~fifteen~~ twenty-five dollars,
9 in advance.

10 (iv) For making an affidavit of military or nonmilitary service,
11 fifteen dollars for each affidavit, in advance.

12 (v) Mileage for services covered in subparagraph (ii) of this para-
13 graph, and where person or persons named in the petition are to be
14 served at an address or addresses other than the premises described in
15 the petition, additional mileage shall be paid, in advance, except where
16 two or more notices of petition are to be served at the same time, with-
17 in the same site or location, there shall be only one mileage fee.

18 2. Warrant of eviction or any mandate requiring delivery of possession
19 of real property and removal of person or persons in possession.

20 (i) For requisitioning, receiving, entering in the appropriate books,
21 and for the return of a warrant of eviction or any other mandate,
22 [~~fifteen~~ twenty-five dollars, in advance.

23 (ii) For service of notice of eviction on a person or persons to be
24 served, [~~fifteen~~ twenty-five dollars for each person to be served, in
25 advance.

26 (iii) Mileage of services covered in subparagraph (ii) of this para-
27 graph, in advance, except where two or more notices of eviction are to
28 be served at the same time, within the same site or location, there
29 shall be only one mileage fee.

30 (iv) For executing a warrant of eviction or any mandate requiring him
31 or her to put a person in possession of real property and removing
32 person or persons in possession, [~~seventy-five~~ one hundred fifty
33 dollars, in advance.

34 (v) Mileage for services covered in subparagraph (iv) of this para-
35 graph, in advance.

36 (g) Sales.

37 1. For posting of notice, including advertising real or personal prop-
38 erty for sale by virtue of an execution, order of attachment, or other
39 mandate, or in pursuance of a direction contained in a judgment, or for
40 a notice of postponement of a sale, fifteen dollars.

41 2. For drawing and executing a conveyance upon a sale of real proper-
42 ty, [~~twenty~~ twenty-five dollars, to be paid by the grantee, in advance.

43 3. For attending a sale of real or personal property, [~~fifteen~~ twen-
44 ty-five dollars.

45 4. For conducting a sale of real or personal property, [~~fifteen~~ twen-
46 ty-five dollars.

47 5. Mileage for services covered in paragraphs three and four of this
48 subdivision provided, however, that where the services covered in such
49 paragraphs are performed at the same time and place, there shall be only
50 one mileage fee.

51 (h) Summons, subpoenas and other mandates.

52 1. For serving a summons, with or without a complaint or notice, for
53 serving a subpoena, or for serving civil process, fifteen dollars, in
54 advance.

55 2. For serving or executing an order of arrest, or any other mandate
56 for the service or execution of which no other fee is specifically

1 prescribed by law, forty-five dollars, in advance, except that when a
2 court has directed the service of an order of protection, there shall be
3 no fee for service of such order and of any related orders or papers to
4 be served simultaneously.

5 3. Mileage for services subject to fees under paragraphs one and two
6 of this subdivision, in advance.

7 4. For receiving a precept issued by commissioners appointed to
8 inquire concerning the incompetency of a person, the fee allowed the
9 clerk by subdivision (a) of section eight thousand twenty of this arti-
10 cle for placing a cause on the calendar, and for notifying a county
11 clerk or commissioner of jurors pursuant to such a precept, the fee, if
12 any, allowed the clerk by subdivision (c) of section eight thousand
13 twenty of this article for filing a demand for jury trial.

14 (i) Undertakings; returns; copies.

15 1. For taking any undertaking which the sheriff is authorized to take
16 one dollar and fifty cents, and the notary's fees to any affidavit or
17 acknowledgements.

18 2. For making a copy of a description or any inventory of property
19 levied upon by virtue of an order of attachment, or of a summons or
20 complaint, or other mandate, or an affidavit or any other paper served
21 by him or her, [~~ten~~] fifteen dollars, in advance.

22 3. For a certified copy of an execution, and of the return or satis-
23 faction thereupon, or for a certified copy of any undertaking which he
24 or she is authorized to take, [~~ten~~] fifteen dollars.

25 (j) Prisoners.

26 1. For each person committed to or discharged from prison, ten
27 dollars, in advance, to be paid by the person at whose instance he or
28 she is imprisoned.

29 2. For attending before an officer for the purpose of surrendering a
30 prisoner, or receiving into custody a prisoner surrendered, in exonera-
31 tion of his or her bail, ten dollars, for all his or her services upon
32 such a surrender or receipt.

33 (k) Jurors; view; constables' services.

34 1. For notifying jurors to attend upon a writ of inquiry, two dollars
35 and fifty cents for each juror notified, including the making and return
36 of the inquisition, when required; and for attending a jury when
37 required in such a case, twenty-eight dollars.

38 2. For attending a view, ten dollars for each day.

39 3. For any services which may be rendered by a constable, other than
40 those specifically provided for in this section, section eight thousand
41 twelve or eight thousand thirteen of this article, to the same fees as
42 are allowed by law to a constable for those services.

43 § 2. This act shall take effect on the thirtieth day after it shall
44 have become a law.