

Brown County Sheriff/Constable Fees Proposed for 2016

<p><u>Criminal Service Fees</u> Per Code of Criminal Procedure Article 102.011 as established by this article.</p> <p><u>Civil Service Fees</u> Per Texas Rules of Civil Procedures Rule 126</p>		
<p>All Writs and/or Orders involving the Seizure of Property or Persons, Sale of Property, etc. but not limited to each writ of attachment, writ of garnishment, writ of sequestration, writ of possession, order of sale, writ of execution, writ of re-entry, turnover order, injunction, distress warrant, tax warrants or writ not otherwise provided for or the Enforcement of a Judgment that <u>exceed thirty minutes</u> in the execution or enforcement of such writ/order will be assessed an additional of <u>\$35.00 per hour fee per officer for each hour or portion thereof.</u> When property/person is seized as a result of executing any court order including but not limited to each writ of attachment, writ of sequestration, writ of possession, order of sale, writ of execution, writ of re-entry, turnover order, injunction, distress warrant, tax warrants or writ not otherwise provided for, <u>but there is no sale or collection, an extra fee of \$60.00 shall be charged.</u> Writs/Orders must specifically state disposition of property/person or to whom the property/person is to be released to.</p>	<p>\$150.00 + any other expenses incurred such as mileage for transport at current state approved mileage rate, storage, hauling etc.</p>	
<p><u>County Commission due on Writs Execution and Order of Sale,</u> or any other service pertaining to <u>County/Sheriff/Constable Commissions,</u> when the same is made by a sale: <u>10 percent of total judgment and interest amount combined,</u> or \$100.00 whichever is greater. When the money is collected by the Sheriff or Constables without a sale, the fee shall be half of the above rates.</p>	<p>\$150.00 and other expenses incurred</p>	
<p><u>Writ of Attachment (PERSONAL)</u> (Person to which attached person is to be released to must be within one mile unless attached person is going to jail.</p>	<p>\$150.00 + any other expenses such as mileage incurred for transport at current state approved mileage rate</p>	
<p><u>Writ of Attachment (PROPERTY)</u></p>	<p>\$150.00 ± plus hauling, storage, and other expenses incurred</p>	
<p><u>Writ of Garnishment</u></p>	<p>\$150.00 and other expenses incurred</p>	

August 31, 2015

(Exhibit #1)

**Brown County Sheriff/Constables Fees
Proposed for 2016**

Writ of Retrieval (also known as, and referred to as, Order of Retrieval)	\$150.00 and other expenses incurred. An execution of this Writ of Retrieval that requires an Officer to remain on scene for more than 30 minutes will be charged at the rate of \$35.00 per officer/per hour, or any portion of an hour thereof.	*New legislation* (effective Sept. 1, 2015) Pursuant to HB 2486 (84 th Legislature) -Texas Property Code, Title 4, Chapter 24A
Writ of Execution	\$150.00 (levy)+ costs (advertising storage, moving, commission, etc.	
Writ of Execution – collecting money without sale	\$150.00 (levy) + costs (advertising, storage, moving, etc)+ ½ (one half) commission	
WRIT OF EXECUTION NULLA BONO RETURN	\$150.00	
Distress Warrant	\$150.00	
Injunction	\$150.00	
Writ of Reentry	\$150.00	
Turnover Order	\$150.00	
Tax Warrant	\$150.00	
All other Writs not specified	\$150.00	
Citation for Eviction or Forcible Detainer	\$85.00	
Forcible Detainer or Eviction requiring an officer to remain on scene for more than <i>thirty minutes</i> will be charged at the rate per hour/per officer of \$35.00 per hour or any portion of an hour thereof		
Subpoenas any court	\$85.00	
Summons any court	\$85.00	
All Court's Citation (any type)	\$85.00	
Delinquent Tax Suit - Citation	\$85.00	
Show Cause	\$85.00	
Notice of Hearing	\$85.00	
Restraining Order	\$85.00	
Citation by Publication	\$85.00 + publication cost	
Citation by Certified Mail	\$85.00 + cost of mailing	
Posting Trustee Sales	\$85.00	
Posting any other Notice as required by law	\$85.00 each location	
Executing Deed to Real Estate under Execution or Order of Sale	\$85.00	
Executing Bill of Sale for Personal Property under execution or Order of Sale	\$85.00	
Executing Replacement Bill of Sale not recorded	\$25.00	
Executing Replacement Deed not recorded	\$25.00	
Executing Notice of Sale under Execution or Order of Sale	\$85.00 + publication cost, etc	

Brown County Sheriff/Constables Fees
Proposed for 2016

Executing Deed to Real Estate under Execution or Order of Sale	\$85.00	
Executing replacement Proof of Service, Attempted Service, Affidavit of Substitute Service	\$10.00	
Mental/Alcohol/Drug Commitment	\$85.00	
For any Mental/Alcohol/Drug Commitment transportation to a private institution that exceeds <i>thirty minutes</i> , <u>an additional fee of each officer's pay rate per hour or any portion of hour and each officer's overtime rate</u> (if time goes into overtime status), plus mileage, meals, board and overnight lodging costs if necessary.		
In all cases coming from any county other than Brown County, or from outside the State of Texas, the sheriff shall not execute any process until all anticipated costs involved in such process shall have been paid as authorized under Rule 126, T.R.C.P. (Texas Rules of Civil Procedures.)	Pursuant to Local Government Code Section 118.131 and Attorney General Opinion JM-1046 (1989), the expenses for providing the services incident to unsuccessful service of process are equal to or exceed the expenses of actual service and the fee is thus set at the same cost charged for actual service.	
Concealed Handgun Check (Brady Bill)	\$10.00 per name	
Clearance Letter for going out of the country	\$25.00 per name	
Civil Standby requiring an officer to remain on scene for more than <i>thirty minutes</i> will be charged at the rate per officer of \$35.00 per hour or portion thereof	Civil Standby requiring an officer to remain on scene for more than <i>1 hour</i> will be charged at the rate per officer of \$35.00 per hour or portion thereof	
Fingerprinting for Public	\$15.00 per person	
Local Record Check	\$5.00 per name	
Copy of Offense reports if same calendar year	\$1.00 first page, each additional page \$.25	
Copy of Accident report	\$6.00	
Copy Open Records Request if same calendar year	\$1.00 first page, each additional page \$.25	
Research Archives for any report not in current calendar year	\$20.00 per hour for search plus copy fee listed for offense report (IF LOCATED) If not located \$10.00 per hour for search	
Copy of Sheriff's Log or Documents not listed	\$10.00 per hour for search plus copy fee listed for offense report	
Mug Shot	\$5.00	
Picture on disk	\$5.00	
Copy Video Tape	\$55.00 each	
Video print picture	\$5.00 each picture	
35 mm picture	\$5.00 each picture	
Housing Inmates -In-County Prisoners Holding of Class "C" Misdemeanors	\$25.00 per day per head plus any medical expenses	

**Brown County Sheriff/Constables Fees
Proposed for 2016**

meanants (any portion of a day = a day)		
Housing Inmates – Out of County Prisoners	\$45.00 per day per head plus any medical expenses	
Housing Inmates for other counties/agencies (overcrowding reasons) (any portion of day = a day)	\$50.00 per day per head plus any medical expenses	
Miscellaneous Fees		
Miscellaneous fee not listed	\$85.00	
Miscellaneous Fees not listed – hourly rate per officer	\$35.00 per hour per officer or any portion of an hour thereof	
Estray Livestock Round-Up and Impound Fees		
Advertising fees	Cost of newspaper add	
Veterinary/Medical	Cost Incurred	
Catching/loading fee	If contained in pen (50' x 50' or smaller) per head	
Large Livestock /each animal (Bull, Cow, Horse, donkey/mule or Flightless Bird) if contained in pen (50' x 50' or smaller)	\$50.00 per head	
Small Livestock /each animal (Goat, Sheep, Hog, etc) if contained in pen (50' x 50' or smaller)	\$25.00 per head	
Penning Fee:	In pasture or roadway	
Large Livestock /each animal (Bull, Cow, Horse, donkey/mule or Flightless Bird)	Livestock Penned on Site First Hour (each animal) \$75.00 per head Subsequent Hour or Fraction thereof (each animal) \$25.00 per head Additional \$100.00 fee if horse or dog is required to catch estray;	
Small Livestock /each animal (Goat, Sheep, Hog, etc)	Livestock Penned on Site First Hour (each animal) \$40.00 per head Subsequent Hour or Fraction thereof (each animal) \$25.00 per head Additional \$100.00 fee if horse or dog is required to catch estray;	
Hauling fee:		
Large Livestock /each animal (Bull, Cow, Horse or Flightless Bird)	\$____ per mile (mileage rate as set by state)	
Small Livestock /each animal (Goat, Sheep, Hog)	\$____ per mile (mileage rate as set by state)	
Boarding Fee:		
Large Livestock /each animal (Bull, Cow, Horse or Flightless Bird)	\$10.00 per day per head	
Small Livestock /each animal (Goat, Sheep, Hog)	\$ 5.00 per day per head	
Estray Return/Delivery Charge	\$50.00 per head	
Estray Collection Fee for each call or each animal as required by State	\$25.00 per head	

Brown County Sheriff/Constables Fees
Proposed for 2016

Address: Brown County Clerk - 200 South Broadway - Brownwood, Texas 76801,
Phone 325-643-2594; Brown County Sheriff - 1050 West Commerce – Brownwood, Texas 76801, Phone
325/646-5510; Brown County Constables – Brown County Court House – 200 South Broadway #200 –
Brownwood, Texas 76801

SUBCHAPTER F. FEES OF SHERIFF AND CONSTABLE

- (a) The commissioner's court of a county may set reasonable fees to be charged for services by the offices of the sheriff and constables.**
- (b) The commissioner's court may not set fees higher than is necessary to pay the expenses of providing the services.**
- (c) The commissioner's court may not set fees under this section more than once during any one-year period.**
- (d) The commissioner's court must set the fees before October 1 of each year to be effective January 1 of the following year.**
- (e) A notice setting out the fees shall be posted in the same manner in which notices are posted under Section 81.007 and shall be posted in the offices of the county officials who are authorized to charge the fees.**
- (f) On or before October 15 of the year in which the fees are initially set, the commissioner's court shall provide written notice of the amounts of the fees to the comptroller. If the commissioner's court changes the amount of a fee set under this section, the commissioner's court shall provide to the comptroller, on or before October 15 of the year in which the amount is changed, a written notice of the change in the amount of the fee. Before December 15 of each year, the comptroller shall compile the fee information provided by counties and send the compilation to:**
- (1) The commissioner's court of each county in this state;**
 - (2) Any statewide association of counties or of officers of counties that requests in writing before December 15 to be informed; and**
 - (3) The State Bar of Texas.**
- (g) A commissioner's court that receives a notice under Subsection (f)(1) shall furnish the notice to its district clerk, county clerk, justices of the peace, sheriff, and constables.**
- (h) If the commissioner's court does not set fees under this section, the fees for services by the offices of the sheriff and constables are those fees provided by law in effect on August 31, 1981.**
- i) The commissioner's court may not assess an applicant a fee in connection with the filing, serving, or entering of a protective order. A fee may not be charged to an applicant to dismiss, modify, or withdraw a protective order.**

Brown County Sheriff/Constables Fees
Proposed for 2016

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 1, § 21(a), eff. Aug. 28, 1989; Acts 1993, 73rd Leg., ch. 326, § 1, eff. May 29, 1993; Acts 1995, 74th Leg., ch. 144, § 1, eff. Aug. 28, 1995; Acts 1995, 74th Leg., ch. 1024, § 19, eff. Sept. 1, 1995.

(i) The commissioner's court may not assess an applicant a fee in connection with the filing, serving, or entering of a protective order. A fee may not be charged to an applicant to dismiss, modify, or withdraw a protective order.