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Sheriff's Fees

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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Sheriff's Fees

Reference Number: CTAS-1327

Sheriffs receive fees from the public for services they perform. However, pursuant to T.C.A. § 8-24-103(a)(2), the sheriff must pay over to the trustee, on a monthly basis, all of the fees, commissions, and charges collected by the sheriff's office during the month. Because the sheriff is no longer on the "fee system," it is the duty of the county legislative body to make the necessary appropriation and pay to the sheriff the authorized expenses fixed by law for the operation of the sheriff's office, direct from the county trustee in 12 equal monthly installments, irrespective of the fees earned by the sheriff. T.C.A. § 8-24-103(a)(1).

Specific Fees Authorized

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: \$40;
 - 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).

See Sheriff's Fees for Service of Process for additional information.

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: \$40.
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: \$20.
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).

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).

Fees on Collection of Costs

Reference Number: CTAS-1329

Sheriffs and other collecting officers of this state are allowed the same fees for collecting and paying over costs as they are allowed by law for collecting other moneys. However, they are not allowed to charge or receive commissions on costs in their favor. T.C.A. § 8-21-902.

Judgments Paid after Execution Issued

Reference Number: CTAS-1330

The plaintiff in all judgments is liable to any sheriff for the commission on the amount so received if the plaintiff or the plaintiff's agent or attorney receives any or all of the judgment after an execution has been issued on the judgment and given into the officer's hands for collection. T.C.A. § 8-21-903.

Other Authorized Fees

Reference Number: CTAS-1331

Handgun Carry Permit Application Fingerprint Fee

As part of the process of applying for a handgun carry permit, an applicant is required to provide two full sets of classifiable fingerprints at the time the application is filed with the Department of Safety. The applicant may have his or her fingerprints taken by the department at the time the application is submitted, or the applicant may have his/her fingerprints taken at any sheriff's office and submit the fingerprints to the department along with the application and other supporting documents. The sheriff may charge a fee not to exceed five dollars for taking the applicant's fingerprints. At the time an applicant's fingerprints are taken either by the department or a sheriff's office, the applicant is required to present a photo identification. If the person requesting fingerprinting is not the same person as the person whose picture appears on the photo identification, the department or sheriff must refuse to take the applicant's fingerprints. T.C.A. § 39-17-1351(d)(1).

Range Fee

Sheriffs are authorized by statute to open their shooting ranges for public use when the range is not being used by the sheriff's personnel. The sheriff may charge a reasonable fee for persons or organizations using the range and may require users to make improvements to the range. T.C.A. § 38-8-116.

Sexual Offender and Violent Sexual Offender Administrative Fee

Each year during the month of March, violent sexual offenders are required to pay an administrative fee, not to exceed \$150. Sexual offenders pay the administrative fee during their annual reporting period. One hundred (\$100.00) is This fee is retained by the sheriff to be used to purchase equipment, to defray personnel and maintenance costs, or any other expenses incurred as a result of the implementation of the "Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification, and Tracking Act of 2004." The remaining fifty dollars (\$50.00) shall be submitted to the TBI for maintenance, upkeep and employment costs, as well as any other expenses. Violent sexual offenders and sexual offenders who reside in nursing homes and assisted living facilities and offenders committed to mental health institutions or continuously confined to home or health care facilities due to mental or physical disabilities are exempt

from the in-person reporting and administrative fee requirement. T.C.A. § 40-39-204(b) and (c).

Jailers' Fees

Reference Number: CTAS-1332

Misdemeanant Prisoners

The county legislative body of each county has the authority to pass a resolution fixing the amount of jailers' fees that may be applied to misdemeanor prisoners. The rate fixed shall apply to such prisoners confined in the county jail or county workhouse or workhouses but not meeting the conditions required for a state subsidy under Title 41, Chapter 8. T.C.A. § 8-26-105(a). See Sample Resolution to Fix Jailer's Fee.

Sheriffs and jailers must make written statements of account, properly proven and sworn to, for the keeping of prisoners, specifying distinctly each item and the amount due for each item. T.C.A. § 41-4-129.

Jailer's fees are taxed separately from the general bills of costs of criminal cases. All state costs must be properly proved and sworn to before the clerk of the criminal or circuit court of the county and certified by the clerk for payment. T.C.A. § 41-4-131.

Jailer's fees for county prisoners shall be referred monthly to the county mayor for inspection, who shall audit the fees and cause the clerk to issue a warrant for the amount allowed. T.C.A. § 41-4-136.

Federal Prisoners

The jailer is liable for failing to receive and safely keep all persons delivered under the authority of the United States, to the like pains and penalties as for similar failures in the case of persons committed under authority of the state. However, the marshal or person delivering such prisoner under authority of the United States is liable to the jailer for fees and the subsistence of the prisoner while so confined, which shall be the same as provided by law for prisoners committed under authority of the state. The jailer will also collect from the marshal 50 cents a month for each prisoner, under the resolution of the first Congress, and pay the same to the county trustee forthwith, to be accounted for by the trustee as other county funds. T.C.A. § 41-4-105.

Inmate Copay

Any county may, by resolution adopted by a two-thirds vote of the county legislative body, establish and implement a plan authorizing the county jail administrator to charge an inmate in the county jail a copay amount for any medical care, treatment, pharmacy services or substance abuse treatment by a licensed provider provided to the inmate by the county. A county adopting a copay plan must establish the amount the inmate is required to pay for each service provided. However, an inmate who cannot pay the copay amount established by the plan cannot be denied medical care, treatment, pharmacy services or substance abuse treatment by a licensed provider. T.C.A. § 41-4-115(d).

If an inmate cannot pay the copay amount established by a plan adopted pursuant to T.C.A. § 41-4-115(d), the plan may authorize the jail administrator to deduct the copay amount from the inmate's commissary account or any other account or fund established by or for the benefit of the inmate while incarcerated. T.C.A. § 41-4-115(e).

Fees for Issued Items

Any county may, by a resolution adopted by a two-thirds vote of the county legislative body, establish and implement a plan authorizing the jail administrator to charge an inmate committed to the county jail a fee, not to exceed the actual cost, for items issued to the inmate upon each new admission to the county jail. T.C.A. § 41-4-142(a).

Additionally, any county may, by a resolution adopted by a two-thirds vote of its county legislative body, establish and implement a plan authorizing the jail administrator to charge an inmate committed to the jail a nominal fee set by the county legislative body at the time of adoption for the following special services, when provided at the inmate's request:

1. Participation in GED or other scholastic testing for which the administering agency charges a fee for each test administered;
2. Escort by correctional officers to a hospital or other healthcare facility for the purpose of visiting an immediate family member who is a patient at such facility; or
3. Escort by correctional officers for the purpose of visiting a funeral home or church upon the death of an immediate family member.

T.C.A. § 41-4-142(b).

A plan adopted pursuant to T.C.A. § 41-4-142(a) or (b) may authorize the jail administrator to deduct the

amount from the inmate's jail trust account or any other account or fund established by or for the benefit of the inmate while incarcerated. Nothing in T.C.A. § 41-4-142 shall be construed as authorizing the jail administrator to deny necessary clothing or hygiene items or to fail to provide the services specified in T.C.A. § 41-4-142(b) based on the inmate's inability to pay such fee or costs. T.C.A. § 41-4-142(c).

For additional information, see Jail Fees.

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