

## **IC 33-24-5**

### **Chapter 5. Supreme Court Sheriff**

#### **IC 33-24-5-1**

##### **Appointment; bond; term of office; vacancies**

Sec. 1. (a) On the second Monday of January in each odd-numbered year, the supreme court shall appoint a sheriff.

(b) The sheriff of the supreme court must give bond in the sum of five thousand dollars (\$5,000), with sureties to be approved by the court.

(c) The term of the sheriff's office is two (2) years.

(d) When a vacancy in the sheriff's office occurs in vacation, any two (2) of the justices of the court may appoint a sheriff to serve until the next term of the court, when the vacancy shall be filled by a vote of a majority of the court's justices.

*As added by P.L.98-2004, SEC.3.*

#### **IC 33-24-5-2**

##### **Attendance of court; executing orders and process of court**

Sec. 2. (a) Except as provided in subsection (b), the sheriff of the supreme court or a county police officer shall:

- (1) attend the court in term time;
- (2) execute the orders of the court;
- (3) preserve order within the court;
- (4) execute all process issued out of the court; and
- (5) execute all civil process issued out of the court.

(b) This subsection applies only if a consolidated law enforcement department is established under IC 36-3-1-5.1. The ordinance adopted by the legislative body of the consolidated city shall determine whether:

- (1) the orders of the court; and
- (2) all criminal process issued out of the court;

shall be executed by an officer of the sheriff's department or an officer of the consolidated law enforcement department.

*As added by P.L.98-2004, SEC.3. Amended by P.L.227-2005, SEC.10; P.L.1-2006, SEC.502.*

#### **IC 33-24-5-3**

##### **Transmitting process, rule, or order to county sheriff**

Sec. 3. (a) When any process, rule, or order, is received by the sheriff of the supreme court, the sheriff may transmit it by mail to the sheriff of the county where the process, rule, or order is to be served.

(b) The sheriffs of each county are the deputies of the sheriff of the supreme court. However, each county sheriff is liable on the county sheriff's own bond for all acts done by the county sheriff as a deputy of the sheriff of the supreme court.

*As added by P.L.98-2004, SEC.3.*

#### **IC 33-24-5-4**

##### **County sheriff returning process, rule, or order; service by sheriff**

**of supreme court**

Sec. 4. (a) A county sheriff acting as a deputy of the sheriff of the supreme court may:

- (1) enclose any process, rule, or order of the court that the county sheriff receives;
- (2) direct the process, rule, or order to the sheriff of the supreme court; and
- (3) deposit the process, rule, or order in a post office in the county sheriff's county ten (10) days before the return day of the process, rule, or order.

A county sheriff that complies with this subsection is not liable for failing to return the process, rule, or order.

(b) If money must be returned with a process, rule, or order described in subsection (a), the county sheriff may transmit the money by mail, enclosed with the process, rule, or order, addressed to the sheriff of the supreme court. However, the testimony of the postmaster that the payment was mailed is necessary to exempt the county sheriff from liability.

(c) In case of the return of any process, rule, or order of the court described in subsection (a) by any county sheriff, unserved or unsatisfied, the sheriff of the supreme court may visit any county and personally serve the process, rule, or order in the same manner provided by law for the service by county sheriffs. For this service, the sheriff of the supreme court is entitled to receive, for the distance actually traveled in going to and returning from the county seat of the county where the process, rule, or order is to be served, and from the county seat to the place where the process, rule, or order is served, a sum for mileage for each instance equal to the sum per mile paid to state employees and officers plus those other fees allowed by law to county sheriffs, with the rate for mileage to change each time the state government changes its rate per mile. The sum for mileage and fees shall be imposed as costs in the case in which the process, rule, or order is issued, and shall be collected as other costs.

*As added by P.L.98-2004, SEC.3.*

**IC 33-24-5-5**

**Mileage and fees for service of process, rule, or order**

Sec. 5. (a) The mileage and fees for service of any process, rule, or order issued out of the supreme court is the same as in case of similar process from the circuit court.

(b) When any process, rule, or order issued out of the supreme court is served by the county sheriff, the county sheriff is allowed the fees for mileage and one half (1/2) of the fees for service. The remaining half of the fees for service shall be paid the sheriff of the supreme court.

(c) Fees for mileage may be charged only from the county seat of the county in which the process is to be served to the place of service.

(d) When money is collected on any process, rule, or order issued out of the supreme court by the county sheriff, two-thirds (2/3) of the

sheriff's allowance is retained by the county sheriff and the remaining one-third (1/3) must be delivered to the sheriff of the supreme court.

*As added by P.L.98-2004, SEC.3.*

#### **IC 33-24-5-6**

##### **Postage on process, rules, or orders**

Sec. 6. The sheriff of the supreme court must pay both the outgoing and return postage on process, rules, or orders issued by the court and recover the funds expended on postage as part of the costs of the proceeding.

*As added by P.L.98-2004, SEC.3.*

#### **IC 33-24-5-7**

##### **Coroner to act as deputy**

Sec. 7. The sheriff of the supreme court may require the coroner of any county to act as the sheriff of the supreme court's deputy where the sheriff of that county is an interested party.

*As added by P.L.98-2004, SEC.3.*

#### **IC 33-24-5-8**

##### **Penalties and liabilities**

Sec. 8. The sheriff of the supreme court is subject to all the penalties and liabilities of sheriffs of the circuit courts.

*As added by P.L.98-2004, SEC.3.*

#### **IC 33-24-5-9**

##### **Compensation for fuel, stationery, and extra services**

Sec. 9. (a) The supreme court must allow the sheriff of the supreme court reasonable compensation for fuel, stationery, and extra services. The sheriff of the supreme court may file a statement verified by an oath administered by the clerk of the court specifying each expenditure eligible for compensation.

(b) The compensation allowed to the sheriff of the supreme court by the court shall be entered on the order book of the court. On the presentation of a certified copy of an order for compensation, attested with the seal of the court, to the auditor of state, the auditor of state shall issue a warrant for the payment of compensation to the sheriff to the treasurer of state.

*As added by P.L.98-2004, SEC.3.*