

Chapter 206

Sheriffs

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206.010 General duties of sheriff. The sheriff is the chief executive officer and conservator of the peace of the county. In the execution of his office, it is his duty to:

(1) Arrest and commit to prison all persons who break the peace, or attempt to break it, and all persons guilty of public offenses.

(2) Defend his county against those who, by riot or otherwise, endanger the public peace or safety.

(3) Execute the process and orders of the courts of justice or of judicial officers, when delivered to him for that purpose, according to law.

(4) Execute all warrants delivered to him for that purpose by other public officers, according to law.

(5) Attend the terms of the Supreme, circuit, or county court held within his county, and to obey its lawful orders or directions.

206.020 Keeping records of and disposition of fees. (1) Every sheriff shall keep in his office a fee book or a system of receipts which shall be a public record, and in which shall be entered promptly all items of services performed and fees collected, with the name of the person for whom such services were performed, and the amount collected.

(2) The sheriff shall deposit each month with the county treasurer all such sums collected by him during the month next preceding, except the sums received for the care or preservation of property, and shall take the treasurer's duplicate receipts therefor, which receipts shall specify the kind of service performed, for whom performed, and the amount received for such service.

(3) The sheriff shall immediately file one of the receipts with the county auditor and, if there is no county auditor, with the county clerk.

206.030 Duty to execute process and make return. An officer to whom any process, order or paper is delivered shall execute or serve it according to its command or direction, or as required by law, and must make a written return of the execution or service thereof.

206.040 Execution of process and service of papers. When any process, order or paper is delivered to an officer, to be executed or served, he shall deliver to the person delivering it, if required, on payment of his fee, a written memorandum, specifying

the names of the parties in the process, order or paper, the general nature thereof and the day on which it was received. He shall also, when required by law, or upon the request of the party served, without fee, deliver to him a copy thereof.

206.050 Commanding assistance in process serving. When an officer finds, or has reason to apprehend, that resistance will be made to the execution or service of any process, order or paper delivered to him for execution or service, and authorized by law, he may command as many male inhabitants of his county as he may think proper and necessary, and any military company in the county, armed and equipped, to assist him in overcoming the resistance, and if necessary, in seizing, arresting and confining the resisters and their aiders and abettors, to be punished according to law.

206.060 When sheriff justified in executing process. A sheriff is justified in the execution of process regular on its face, and appearing to have been issued by competent authority, whatever may be the defect in the proceedings in which it was issued.

206.070 Excusing liability of sheriff in execution of process. No direction or authority by a party or his attorney to a sheriff or his officer, in respect to the execution of process or the return thereof, or to any act or omission relating thereto, can be shown to discharge or excuse the sheriff from a liability for neglect or misconduct, unless it is contained in a writing signed by the party to be charged or affected thereby or his attorney.

206.080 Certificate of election or appointment to new sheriff; service on former sheriff. When a new sheriff is elected or appointed, and has qualified, the county clerk shall give him a certificate of that fact, under his seal of office. Whenever thereafter the new sheriff is authorized by statute to enter upon the duties of the office, he shall serve such certificate upon the former sheriff, from which time his powers cease, except when otherwise specially provided.

206.090 Delivery of jail, process and prisoners to new sheriff. Within one day after the service of the certificate referred to in ORS 206.080 upon the former sheriff, he shall deliver to his successor:

(1) The jail of the county, with its ap-

purtenances and the property of the county therein.

(2) The prisoners then confined in the county jail.

(3) The process or other papers in his custody, authorizing or relating to the confinement of the prisoners, or if they have been returned, a written memorandum of them and the time and place of their return.

(4) All process for the arrest of a party, and all papers relating to the summoning of jurors which have not been fully executed.

(5) All executions and final process, except those which he has executed, or has begun to execute, by the collection of money or a levy on property.

(6) All process or other papers for the enforcement of a provisional remedy not fully executed.

206.100 Written assignment of items delivered. The former sheriff shall also at the time referred to in ORS 206.090 deliver to the new sheriff a written assignment of the property, process, papers and prisoners delivered. The new sheriff shall thereupon acknowledge in writing, upon the assignment, the receipt of the property, process, papers and prisoners therein specified, furnish the former sheriff a certified copy thereof and file the original in the county clerk's office.

206.110 Return of process by former sheriff; completion of execution of process by successor; duty of successor as to defective or lost deeds. (1) The former sheriff shall return all process, whether before or after judgment or decree, which he has fully executed, and the new sheriff and his successor in office shall complete the execution of all final process which his predecessor commenced and did not complete.

(2) In all cases where real property is sold under execution by any sheriff, and he fails or neglects during his term of office, by virtue of the expiration thereof, or otherwise, to make or execute a proper sheriff's deed conveying the property to the purchaser, or if through mistake in its execution, or otherwise, any sheriff's deed is inoperative, or if by reason of the loss of an unrecorded sheriff's deed, the purchaser, his heirs or assigns or successors in interest desire the execution of another sheriff's deed, the sheriff in office at any time after the purchaser is entitled to a deed shall execute such conveyance. When executed to

cure or replace a defective or lost deed such conveyance shall be to the grantee in the defective or lost deed, but shall relate back and be deemed to take effect as of the date of the execution of the defective or lost deed so as to inure to the benefit of the heirs and assigns, or other successors in interest, of the grantee named therein. Such conveyance so executed by the sheriff in office shall have the same force and effect as if executed by the sheriff who made the sale.

206.120 Disposition of money in custody when office vacant. When the official term of office of any sheriff ends by expiration of his term, death, resignation, removal from office or otherwise, the money in his custody by virtue of his office, belonging to the county or litigants, shall be turned over immediately to his successor in office, and duplicate itemized receipts therefor immediately shall be filed with the county treasurer.

206.130 Service of papers on sheriff. Personal service of a paper upon the sheriff may be made by delivering it to a person belonging to and in the office during office hours, or if no such persons is there, by leaving it in the office, or if the office is not open, by delivering it to the county clerk or his deputy, at the county clerk's office.

206.140 Audit and payment for service of sheriff to state. When a sheriff is legally required to perform a service on behalf of the state, which is not chargeable to his county or some other person, his account therefor must be audited by the Secretary of State, and paid out of the State Treasury.

206.150 Sheriff entitled to rewards. The sheriff is entitled to demand and receive to his own use any reward offered in pursuance of law for the apprehension of any person charged with or suspected of crime, when he has earned the same by a compliance with such offer.

206.160 Acting or having partner acting as attorney prohibited. A sheriff, or any sheriff's officer, is prohibited during his continuance in office from acting or having a partner who acts as an attorney.

206.170 County not responsible for sheriff's acts. The county is not responsible for the acts of the sheriff.