

## Chapter 206

### 1961 REPLACEMENT PART

#### Sheriffs

- |         |   |         |   |
|---------|---|---------|---|
| 206.010 | General duties of sheriff   | 206.120 | Disposition of money in custody when office vacant      |
| 206.020 | Keeping records of and disposition of fees  | 206.130 | Service of papers on sheriff                            |
| 206.030 | Duty to execute process and make return   | 206.140 | Audit and payment for service of sheriff to state       |
| 206.040 | Execution of process and service of papers  | 206.150 | Sheriff entitled to rewards                             |
| 206.050 | Commanding assistance in process serving  | 206.160 | Acting or having partner acting as attorney prohibited  |
| 206.060 | When sheriff justified in executing process   | 206.170 | County not responsible for sheriff's acts               |
| 206.070 | Excusing liability of sheriff in execution of process   | 206.180 | Location of office of sheriff                           |
| 206.080 | Certificate of election or appointment to new sheriff; service on former sheriff  | 206.190 | Uniform of members of Multnomah County sheriff's office |
| 206.090 | Delivery of jail, process and prisoners to new sheriff  | 206.990 | Penalties   |
| 206.100 | Written assignment of items delivered   |         |   |
| 206.110 | Return of process by former sheriff; completion of execution of process by successor; duty of successor as to defective or lost deeds |         |   |

#### CROSS REFERENCES

- |  |  |
|--|--|
| Abandoned vehicles, disposition of, 483.382 to 483.394   | Prisoners, employment of, at direction of court, 137.520                     |
| Bail, sheriff not qualified as, 140.120  | Prisoners, report of by certain sheriffs, 169.380                            |
| Boats, cooperation with State Marine Board to enforce laws relating to, 488.830                    | Qualifications of sheriff for office, 204.016                                |
| Bodies of strangers or paupers, sheriff's duties relating to, 146.570 to 146.590                   | Reports required to commanding officer of military prisoner, 398.062         |
| Bond of sheriff, 204.025   | School traffic patrols, assistance, 336.480                                  |
| Brands of livestock, sheriff may obtain copy of, 604.110   | Tax collector, sheriff as, 311.055   |
| Chattel mortgages, duties upon foreclosure, 86.500 to 86.520                                       | Term of office of sheriff, 204.010, 204.020                                  |
| Compensation of sheriff, Ch. 204   | Traffic control on properties under State Board of Higher Education, 352.360 |
| County home rule, 203.710 to 203.790   | Unclaimed moneys held for owner by public officer, 98.336, 98.302 to 98.436  |
| Deputies of sheriff, Ch. 204   | 206.010  |
| Election of sheriff, 204.005   | Execution of criminal judgment, Ch. 137                                      |
| Escape or release of defendant in civil action, liability of sheriff for, 29.700, 169.330, 169.340 | Service of summons by sheriff, 15.060  |
| Estrays, duties of sheriff with respect to, 607.301 to 607.341                                     | 206.020  |
| Expenses of sheriff:   | Accounting for fees collected by sheriff, 204.801                            |
| Caring for property in sheriff's custody, 204.425  | Disposition of fees collected by sheriff in certain counties, 204.801        |
| Conveying convicts and mentally ill persons to state institutions, 204.421                         | Fees of sheriff in connection with civil proceedings, 21.410, 21.420         |
| Making arrest and returning prisoners, 204.415   | 206.030  |
| Mileage and traveling expenses, Ch. 204  | Coroner to execute process when sheriff is party, 207.010, 207.020           |
| Prisoner care, 169.220   | 206.050  |
| Fingerprinting by sheriff, 169.510, 169.520  | Aiding officer in execution of warrant, 133.230                              |
| House trailers, search for unlicensed, 481.504   | Assistance for sheriff in conveying defendant to prison, 137.340, 137.990    |
| Jailers and guards, appointment of, 169.360  | 206.150  |
| Office hours, 204.905, 204.910   | Election of sheriff of other county to receive reward, 149.040               |
| Police standards and training, state advisory board, 181.640                                       |  |
| Prisoners, custody while witnesses, 44.240   |  |
| Prisoners, delivery of papers directed to, 169.350   |  |

**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.** (1) 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 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.

(2) National guard members are exempt from any service commanded under subsection (1) of this section while they continue to be active members.

[Amended by 1961 c.454 §209]

**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 appurtenances 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.

**206.180 Location of office of sheriff.** The sheriff of each county shall keep an office in such room or building, at the place appointed by law for holding courts therein, as the county court may by order designate.

**206.190 Uniform of members of Multnomah County sheriff's office.** Subject to regulations that may from time to time be prescribed by the sheriff of Multnomah County, the uniform to be worn by members of the Multnomah County sheriff's office shall be of standard pattern and distinctive design, as follows:

(1) Winter uniform: Dark bottle-green elastique blouse or jacket with light hunter green shoulder straps and pocket flaps, breeches or trousers of light hunter green elastique material with dark bottle-green stripe one and one-half inches wide on outseam, eight point cap with dark bottle-green band and black leather visor, black boots or shoes and dark bottle-green topcoat, all according to such detailed specifications and regulations as may be adopted by the sheriff of Multnomah County.

(2) Summer uniform: Dark Nile green serge shirt with dark bottle-green shoulder straps and pocket flaps, light hunter green elastique breeches or trousers with dark bottle-green stripe one and one-half inches wide on outseam, black boots or shoes, eight point cap with dark bottle-green band and light hunter green bell and black leather visor, and dark bottle-green zipper-type woolen jacket, all according to such speci-

cations and regulations as may be adopted by the sheriff of Multnomah County.

(3) Insignia: An emblem of a wheel, spokes and wings embroidered in gold silk with one-half inch gold silk letters above the wheel, with the wording "Deputy Sheriff," to be worn on the right shoulder. A patch of like size, of same color, material and letters, worded "Multnomah County Police," is to be worn on the left shoulder. Both emblem and patch are to be sewn on the right and left shoulders respectively of shirt, blouse, jacket and topcoat.

(4) Badge: The badge shall be a star of seven points measuring approximately three inches between opposite points, in the center of which shall be imposed in relief, a facsimile of the Vista House at Crown Point on the Columbia River highway in Multnomah County, to be worn on the left breast of shirt, blouse, jacket and topcoat. The cap badge shall consist of a shield above which and attached thereto is a spread eagle and in the center of the shield shall be imposed a replica of Multnomah Falls set in blue enameled background. All badges issued members shall be of a composition metal in similitude of gold.

(5) No person other than a member of the Multnomah County sheriff's office shall wear, use or order to be worn or used, copy or imitate in any respect or manner the standard uniforms specified in this section.

206.200 to 206.980 [Reserved for expansion]

**206.990 Penalties.** Violation of subsection (5) of ORS 206.190 is punishable, upon conviction, by a fine not exceeding \$250, or by imprisonment in the county jail not exceeding one year, or both.

#### CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.  
Done at Salem, Oregon,  
on December 1, 1961.

Sam R. Haley  
Legislative Counsel