

Chapter 206

1981 REPLACEMENT PART

Sheriffs

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DUTIES OF SHERIFF

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.

206.015 Qualifications of sheriff; exception for certain counties; determination of qualifications by Board on Police Standards and Training. (1) Except as provided in subsection (3) of this section, a person is not eligible to be a candidate for election or appointment to the office of sheriff unless:

(a) The person is 21 years of age or older;

(b) The person has at least four years' experience as a full-time law enforcement officer or at least two years' experience as a full-time law enforcement officer with at least two years' post-high school education; and

(c) The person is certified as a police officer by the Board on Police Standards and Training or possesses all qualifications required by the board for such certification at the time of accepting appointment or filing as a candidate.

(2) As used in subsection (1) of this section, "two years' post-high school education" means four semesters or six quarters of classroom education in a formal course of study undertaken after graduation from high school in any accredited college or university. The term does not include apprenticeship or on-the-job training.

(3) In counties with fewer than 20,000 residents, according to the latest federal decennial census, a person need not satisfy the requirements of paragraph (c) of subsection (1) of this section to be eligible to be a candidate for election or appointment to the office

of sheriff. However, when such person is elected or appointed sheriff, the person is entitled to preferential admission to the training academy operated by the Board on Police Standards and Training, and shall enroll in the first class which commences at the academy after the date of the sheriff's election or appointment.

(4) The Board on Police Standards and Training shall establish a procedure for determining whether an individual is eligible under subsection (1) of this section to be a candidate for election or appointment to the office of sheriff. A potential candidate for sheriff shall submit an application for such a determination of eligibility to the board at least 30 days prior to the deadline for filing an application for a nominating petition or declaration of candidacy for the office of sheriff. The board shall notify the applicant in writing of the board's determination and decision concerning the eligibility of the applicant by certified mail, mailed to the applicant and postmarked at least 10 days before the deadline for filing for office. [1971 c.299 §1, 1981 c.808 §5]

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 [Renumbered 206 310]

206.140 [Renumbered 206 320]

206.150 [Renumbered 206 330]

206.160 [Renumbered 206 340]

206.170 [Repealed by 1963 c 331 §13]

206.180 Location of sheriff's office. 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 [Renumbered 206 350]

206.210 Authority of sheriff over organization of office. Notwithstanding the provisions of ORS 241.020 to 241.990 or any other county civil service law or regulation, the sheriff may organize the work of his office so that:

(1) The various duties required of the office may be assigned to appropriate departments and divisions to be performed by persons experienced and qualified for such respective kinds of work.

(2) The duties of his various assistants, officers and deputies are coordinated so that, when not engaged in a particular duty speci-

fied or directed to be done and not then requiring attention, such persons shall perform the other duties required of the office and then required to be done.

(3) The cooperation among assistants, officers, deputies and employes in the departments and divisions may be secured for the purposes of avoiding duplication of time and effort. [1963 c 331 §2]

206.220 [1963 c 331 §3, repealed by 1981 c 48 §8]

206.230 [1963 c 331 §§4, 6; repealed by 1981 c 48 §8]

206.240 [1963 c 331 §5, repealed by 1981 c.48 §8]

206.250 [1963 c 331 §7, repealed by 1981 c 48 §8]

MISCELLANEOUS

206.300 [1971 c 453 §1; repealed by 1975 c.780 §16]

206.310 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 person 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. [Formerly 206 130]

206.315 Expenses of sheriff in conveying convicts and mentally ill persons to state institutions. (1) A sheriff is entitled to receive from the county his actual and necessary expenses incurred in transporting and conveying convicts and parole violators to the state penitentiary and mentally ill persons to a state mental hospital when conveyed by him in pursuance of the adjudication of an authorized tribunal of the state, to be audited and allowed as other claims against the county.

(2) All counties are entitled to receive reimbursement from the state in the amounts specified in subsection (3) of this section for the actual and necessary expenses incurred by the sheriff under subsection (1) of this section.

(3) Reimbursement by the state under subsection (2) of this section shall be as follows:

(a) Full reimbursement for transporting and conveying mentally ill persons to a state mental hospital.

(b) Full reimbursement for returning a parole violator to the state penitentiary.

(c) Seventy-five percent reimbursement for transporting and conveying a convict to the state penitentiary. [Formerly 204 421]

206.320 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. [Formerly 206 140]

206.325 Expenses of sheriff in caring for property in custody. A sheriff is entitled to claim from the plaintiff or moving party in any account, action or proceeding such reasonable sums of money as he may have been compelled to pay or incur in the care of property in his custody under attachment, execution or proceedings for the claim and delivery of personal property. [Formerly 204.425]

206.330 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. [Formerly 206 150]

206.340 [Formerly 206.160, repealed by 1981 c 808 §6]

206.345 Contracts with cities; authority under contract. (1) A sheriff shall have authority to enter into contracts, jointly with the governing body of the county, on behalf of the county, as provided in ORS 190.010.

(2) During the existence of the contract, the sheriff and his deputies shall exercise such authority as may be vested in them by terms of the contract, including full power and authority to arrest for violations of all duly enacted ordinances of the contracting city. [1967 c.236 §1]

UNIFORMS

206.350 [Formerly 206.190, repealed by 1979 c 492 §1]

206.355 Unauthorized use of uniform prohibited. No person other than a county sheriff, person designated by a county sheriff, or regularly salaried sheriff's deputy shall wear, use, copy or imitate in any manner the uniform of that county sheriff. [1979 c 492 §2]

206.360 [1967 c.258 §§1, 2, 3, 4, repealed by 1979 c.492 §1]

PENALTIES

206.990 [Repealed by 1979 c.492 §1]

206.991 Penalties. Violation of ORS 206.355 is a Class A misdemeanor. [1979 c.492 §3]