

**Massachusetts House of Representatives**  
**Bill Summary**

**Bill #:** H.2279

**Title:** An Act relative to travel mileage rate fees for sheriffs, deputy sheriffs and constables

**Sponsor:** Rep. Kenneth Gordon

**Committee:** Municipalities and Regional Government

**Hearing Date:** July 29, 2025

**Prior History:** Refile of H.3823 (Study Order H.4573)

**Current Law:** Chapter 37 of MGL concerns sheriffs and deputy sheriffs. This chapter outlines the election, role, powers and duties, salaries, travel expenses, and the accounting of service fees for sheriffs and deputy sheriffs.

- Section 21 of this chapter authorizes sheriffs to receive traveling expenses incurred in the performance of their official duties from the county they serve.

Chapter 41 of MGL governs municipal officers.

- Section 1 holds that one or more constables shall be elected by a town for a term of one or more years unless the town votes to have the position be an appointed one.
- Sections 91-91B concern the appointment and removal of constables in cities and towns.
- Section 92 authorizes constables to conduct a service of process and lists the restrictions for constables for this process. Under this section, constables are required to be properly bonded and are restricted from service processes over \$7,000 absent a special approval from the court in a specific case.
- Section 94 lists the powers and duties of constables, which include the service of writs, processes, notices, citations, and warrants.
- Section 95 outlines the territorial jurisdiction of constables.
- Section 95A requires a constable appointed by a municipality or elected to serve in a municipality to periodically pay that municipality a portion of the fees the constable collects for their services.

Chapter 262 Section 8 of MGL outlines the fees sheriffs, deputy sheriffs, and constables are entitled to charge for various civil process

services, including original summonses, trustee processes, subpoenas, and orders of notice, with specific fees listed for each type of service depending on the nature of the legal action involved.

- Subsection (6) concerns the travel fees related to a court order seizing specific property on a mesne process of land or of any leasehold estate. A mesne process is an order issued by a legal authority that is issued in an ongoing lawsuit between the beginning and the end of the process.
- Subsection (9) subsection (vi) deals with the travel fees related to a levy on real estate from where the individual receives the execution to the office of the register of deeds and the fee for a copy of the deed.
- Subsection (19) concerns the travel fees related to the service of original writs, executions, warrants, summonses, subpoenas, notices, and other processes.
- Subsection (20) establishes the travel fees related to the service of venire and notices to jurors.
- Subsection (21) prescribes the travel fees for the posting of warrants, for notifying town meetings, or for other purposes.
- Subsection (21) (subsection 3) concerns the travel fees for the service of a witness, summons, or subpoena in a criminal case.

Massachusetts Rules of Civil Procedure Rule 4 requires that except as otherwise permitted in the language of this rule, the service of all processes must be made by a sheriff, a deputy sheriff, a special sheriff, by any other person duly authorized by law, or by a court-appointed special person for a specific purpose or where allowed by registered mail.

**Summary:**

Section 1 amends Subsection 6 of Section 8 of Chapter 262 of MGL by increasing the travel fees related to a court order seizing specific property on a mesne process of land or of any leasehold estate from 32 cents a mile each way for travel from the place of service to the registry to 65.5 cents a mile each way for travel from the place of service to the registry.

Section 2 increases the travel fees in Subsection (vi) of Subsection (9) of Section 8 of Chapter 262 of MGL related to a levy on real estate from 32 cents a mile each way from where the sheriff, deputy sheriff, or constable receives the execution to the office of the register of deeds to 65.5 cents a mile each way from where the sheriff, deputy sheriff, or constable receives the execution to the office of the register of deeds.

Section 3 strikes out Subsection (19) of Section 6 of Chapter 262 of MGL and inserts new language concerning the travel fees associated with the service of writs, executions, warrants, summonses, subpoenas, notices, and other processes. This new language

increases the fee from 32 cents a mile each way to 65.5 cents a mile each way. The fee shall be computed from the place of service to the court or place of return, and if the same writ or warrant is served upon more than 1 person, the travel shall be computed from the most remote place of service, with such further travel was necessary for serving the writ or warrant. If the distance from the place of service to the place of return exceeds 20 but does not exceed 50 miles, the increased fee of 65.5 cents a mile 1 way shall only be allowed for all travel exceeding 20 miles and, if it exceeds 50 miles, only 15 cents a mile 1 way shall be allowed for all travel exceeding that distance.

Section 4 increases the travel fees in Subsection (20) of Section 6 of Chapter 262 of MGL for the service of venires and notices to jurors by sheriffs, deputy sheriffs, and constables from 32 cents a mile for the distance traveled to 65.5 cents a mile for the distance traveled.

Section 5 strikes out Subsection (21) of Section 6 of Chapter 262 of MGL and inserts new language that increases the travel fees for posting warrants, for notifying town meetings, or for other purposes from 32 cents a mile for the distance traveled to 65.5 cents a mile for the distance traveled.

Section 6 amends Subsection (3) of Subsection (21) of Section 6 of Chapter 262 of MGL by increasing the fees for the service of a witness, summons, or subpoena in criminal cases from \$20 plus travel in the amount of 32 cents a mile each way for a distance not more than 20 miles, and for any excess over 20 miles, 7 cents a mile each way to \$20 plus travel in the amount of 65.5 cents a mile each way for a distance not more than 20 miles, and for any excess over 20 miles, 15 cents a mile each way, and no more. This distance shall still be computed from the most remote place of service to the place of return, but upon a subpoena, the court shall reduce the fee for travel to a reasonable amount for the service performed if the travel charged has not been performed by the officer who made the service.

**Notes:**

In Massachusetts, sheriffs and deputy sheriffs have the primary duties of maintaining a custody of inmates of a county jail and house of correction, of serving civil process, and transporting inmates to and from courts and other facilities. Constables are also authorized to participate in the service process but are required by Chapter 41 Section 92 of MGL to be properly bonded and are restricted from serving process over \$7,000 absent special approval from the court in a specific case. Constables also differ from sheriffs and deputy sheriffs as their jurisdiction is often limited to the cities and towns to which they are appointed or elected, with some exceptions. Sheriffs and deputy sheriffs serve entire counties and therefore have a wider jurisdiction than constables.

The plaintiff is responsible for hiring the appropriate person to serve each defendant in the service process. This includes paying the applicable fees to sheriffs, deputy sheriffs, and constables.

Definitions for various legal terms used in this legislation:

- Mesne is an Anglo-French term that means intermediate, intervening, or the middle point between two extremes in a legal context. A mesne process is an order issued by a legal authority that is issued between the beginning and the end of a legal process.
- Venire is an entire panel from which a jury is drawn.