

(A) COURT MAY ORDER RETURN FILED.

IF A SHERIFF FAILS TO FILE A RETURN WITHIN THE TIME SET BY THE COURT OR BY RULE, THE COURT, ON MOTION, SHALL ORDER HIM TO DO SO.

(B) ORIGINAL WRIT.

IF A SHERIFF FAILS TO FILE A RETURN ON AN ORIGINAL WRIT WITHIN THE TIME SET BY THE COURT, THE COURT SHALL AMERCE THE SHERIFF FOR THE BENEFIT OF THE PLAINTIFF IN THE AMOUNT OF THE DEBT OR DAMAGES AND COSTS DUE FROM THE DEFENDANT, ASCERTAINED FROM THE OATH OF THE PLAINTIFF AND OTHER PROOF REQUIRED BY THE COURT.

(C) CONTEMPT.

IF A SHERIFF FAILS TO FILE A RETURN ON A WRIT MAILED TO HIM FOR SERVICE IN HIS COUNTY, THE COURT THAT ISSUED THE WRIT MAY CITE HIM FOR CONTEMPT, AND MAY FINE THE SHERIFF NOT MORE THAN \$50.

(D) WRIT OF EXECUTION.

IF A SHERIFF FAILS TO FILE A RETURN ON A WRIT OF EXECUTION OR ATTACHMENT WITHIN THE TIME SET BY THE COURT, THE COURT MAY AMERCE THE SHERIFF, FOR THE BENEFIT OF THE PLAINTIFF, IN THE AMOUNT OF THE JUDGMENT STATED IN THE WRIT.

REVISOR'S NOTE: This section is new language derived from Art. 87, §§ 10, 11, 16, and 20 which are proposed for repeal. These sections provide for amerencing the sheriff if he fails to serve or file a return on a process or other paper.

An amercement is essentially a civil penalty recovered in the name of the State, but for the benefit of a private person.

There is no exact synonym for amerce although "mulct" could probably be substituted without entailing a major change.

SEC. 2-305. FAILURE TO BRING PERSON INTO COURT.

(A) HABEAS CORPUS.