



SEDGWICK COUNTY, KANSAS

SHERIFF'S OFFICE
ROBERT HINSHAW
Sheriff

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TESTIMONY IN SUPPORT OF SUBSTITUTE SB 283 House Judiciary Committee on Civil Process Fees March 7, 2012

Chairman Kinzer, Vice Chair Patton, and members of the House Judiciary Committee, my name is Gary Farthing and I am a Sergeant over the Civil Section of the Sedgwick County Sheriff's Office. I am offering this written testimony in support of Substitute SB 283.

The Sedgwick County Sheriff's Office strongly supports Substitute SB 283, which modifies current statutory language to require \$15.00 for serving, executing and returning any process, as well as for any unsuccessful attempt to serve, execute and return process. Currently, the statute on civil process fees only allows for a \$5.00 fee for serving an original filing for the first person, with no fee allowed on any "Alias" documents to effect and return service. The amount of fees in this statute has not been addressed since 2004, when the Sheriff's Offices throughout the State of Kansas were permitted by statute to charge for service of process. During this eight year period of time, the costs of maintaining the staff necessary to serve process to and for the citizens of Sedgwick County have not only increased, but that staff had to be decreased because of county tax and budget short falls. This increase in Substitute SB 283 would assist us in maintaining the costs of serving process without requiring an undue amount for that cost on the citizens of Sedgwick County who are not involved in the litigations.

As a point of reference, during 2009, a total of 100,685 civil, limited action, small claims, and domestic writs and other documents were issued by the 18th Judicial District to the Sedgwick County Sheriff's Office for service. During that year, \$225,000.00 was received for service based on the current statute for civil process fees. Those documents and orders were served at a cost of over \$944,000.00, which created a deficit of just over \$719,000.00 that subsequently had to be covered through our Sheriff's Office budget.

We acknowledge this will increase the service fee plaintiff's will pay, but we are still below all of the surrounding states; who charge from \$18.00 to \$75.00 depending on the paper, with two states charging mileage on top of that, and well below the actual cost to provide this service. The people who are involved in these litigations can include those fees in the judgments they receive, which will allow them to recover those costs from the defendants. The tax payers cannot recover any of the expenses in regards to service, with their part being the majority of the cost.

In support of this bill, it is our assertion that it would not only shift the burden from the taxpayers to the individuals involved in these suits, but it would help ease the burdens on the Sheriff's Offices and County governments throughout the state as they strive to keep pace with ever decreasing budgets. Sedgwick County alone is facing a 9.3 million dollar deficit for 2013, and we want to be able to provide this service without using more tax dollars or possibly having to reduce other law enforcement functions.

Thank you for your time and attention regarding this matter.

Sgt. Gary Farthing
Sedgwick County Sheriff's Office