

SESSION OF 2012

**SUPPLEMENTAL NOTE ON SUBSTITUTE FOR SENATE
BILL NO. 283**

As Amended by House Committee on Judiciary

Brief*

Sub. for SB 283 would amend the statute governing sheriffs' fees to implement a single \$10 fee for the service, execution, and return of any process, as well as for any unsuccessful attempts at the same. A single fee would cover more than one process for different persons at the same address in the same case, if the processes are in the hands of the sheriff at one time. Where return is not made or timely return is not made pursuant to KSA 60-312 or KSA 61-3005, there would be no charge for subsequent processes that may be required to effect service and the timely return of the failed service, unless return is made showing no service because the person to be served cannot be served at that address or the address does not exist. In this case, the fee would be charged for an alias summons at the same address. The bill would define "process" as any summons, pleading, writ, order, or notice issued by a court clerk or court.

Background

SB 283 was introduced by the Senate Judiciary Committee at the request of the Kansas Association of Chiefs of Police (KACP), Kansas Sheriffs Association (KSA), and Kansas Peace Officers Association (KPOA). In the Senate Judiciary Committee, the Pratt County Sheriff and representatives of the Sedgwick County Sheriff's Office and Ford County Sheriff's Office spoke in support of the bill. The Kansas Association of Counties submitted written testimony supporting the bill.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Opponents of the bill whose representatives spoke before the Senate Judiciary Committee were the League of Kansas Municipalities, Credit Management Services, the Division of Child Support Enforcement of the Department of Social and Rehabilitation Services (SRS), YoungWilliams Child Support Services, Kansas Credit Attorney Association, SCL Health System, and the Kansas Hospital Association. An SRS contract attorney submitted written testimony opposing the bill.

The Committee recommended a substitute bill be passed. The substitute bill reduced the flat fee from \$30 to \$15, removed language in the original bill narrowing an exemption for the State of Kansas and municipalities within the state, gave the sheriff authority to designate the form of combined payment, and clarified the organization and language of the original bill.

In the House Judiciary Committee, representatives of the Kansas Sheriffs Association, the Johnson County Sheriff's Office, and the Sedgwick County Sheriff's Office spoke in support of the bill. The Ford County Sheriff's Office and Kansas Association of Counties submitted written testimony supporting the bill.

Representatives of Credit Management Services, the Kansas Credit Attorneys Association, and SCL Health System testified in opposition. The Kansas Hospital Association submitted written testimony opposing the bill.

The House Committee amended the bill to change the fee from \$15 to \$10 and to clarify the fee structure for failed service and alias summons. The Committee recommended the bill be passed as amended.

The revised fiscal note on the original bill indicated that SRS estimated the bill would require additional expenditures of more than \$1.6 million, with \$565,488 being paid from the State General Fund and \$1,097,712 being paid from federal funds. SRS also anticipated lower collections and

performance incentive receipts from the federal government, but it could not estimate a more precise impact at the time of the fiscal note.

The Kansas Association of Counties indicated the original bill would increase county expenditures due to charges for services previously received at no charge, but the Association was unable to provide a more precise estimate of the fiscal effect.

No fiscal note is available for the substitute bill.