



Kansas Sheriffs Association

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Neutral Testimony on SB425 March 13, 2012

Chairman and Committee Members,

The Kansas Sheriffs Association fully supports e-filing of cases. However, e-filing produces a change in workflow for the sheriffs which we believe should be addressed in statute and not by Supreme Court Rule. We have met with the OJA on this issue and submitted proposed testimony. We have not been told of any problem with what we proposed, but we have been told they desire to make the workflow issues a matter of Supreme Court Rule rather than by statute. It is important for us to have some flexibility in these processes as we attempt to accommodate different work flow needs in the smallest and the largest of counties. We are not sure how much voice we will have in the Supreme Court Rule setting.

It is our understanding the OJA will submit an amendment on this issue asking you to include it in SB425. It is absolutely necessary to retain the current statute provisions for those cases not filed through the e-filing system. The sheriffs in most counties have indicated they prefer the process we have provided below. The language allowing for an option will accommodate those counties who desire a slightly different procedure. You will note it still requires court approval when the workflow proposal involves the courts or the court clerks, but it only requires the sheriff's approval when it does not involve the court or the court clerk. An example of a process only requiring the sheriff is whether the sheriff prefers to print the process to be served from the e-file system or to require the person requesting service to provide the hard copy for service.

Therefore we strongly recommend the following provisions be placed in SB425. We are flexible as to the exact wording as determined by the revisor:

(c) Disposition of fees. The docket fees and the fees for service of process shall be the only costs assessed in each case for services of the clerk of the district court and sheriff. ***In cases not filed by the state e-filing system, for every person to be served by the sheriff, the persons requesting service of process shall provide proper payment to the clerk and the clerk of the district court shall forward the service of process fee to the sheriff in accordance with K.S.A. 28-110, and amendments thereto. In cases filed by the state e-filing system, for every person to be served by the sheriff, the persons requesting service of process shall deliver a copy of the documents to be served, a copy of the e-filing confirmation, and the proper payment to the sheriff in accordance with K.S.A. 28-110, and amendments thereto, unless a different transaction process is designated by the sheriff. Such transaction process shall not require a change of the transaction process involving the court or court clerk without approval of the court.*** The service process fee, if paid by check or money order, shall be made payable to the sheriff. Such service of process fee shall be submitted by the sheriff at least monthly to the county treasurer for deposit in the county treasury and credited to the county general fund. The docket fee shall be disbursed in accordance with K.S.A. 20-362, and amendments thereto.