

SENATE BILL No. 283

By Committee on Judiciary

1-17

1 AN ACT concerning sheriffs; relating to fees; amending K.S.A. 2011
2 Supp. 28-110 and repealing the existing section.

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4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. K.S.A. 2011 Supp. 28-110 is hereby amended to read as
6 follows: 28-110. (a) The sheriff of each county in the state shall charge the
7 following fees for the services required by law to be performed by them:
8 \$30 for serving, executing and returning, or endeavoring to serve, execute
9 and return, any writ, process, order, notice, summons, or any alias thereof,
10 including a copy of the same, whenever a copy is required by law, except
11 as otherwise provided, for the first person.

12 Serving or executing and returning any writ, process,
13 order or notice, including a copy of the same,
14 whenever a copy is required by law, except as
15 otherwise provided, for the first person.....\$5.00
16 Serving warrants and making return thereof.....1.00
17 Making arrests as law enforcement officer.....1.00
18 Serving order of attachment, arrest or replevin and
19 returning same.....2.00
20 Making levy under execution.....2.00
21 Appraisement of property.....2.00
22 Return of "no property found".....2.00
23 Approving and returning undertaking bond or
24 recognizance.....1.00
25 Advertising property for sale.....2.00
26 Offering for sale or selling property.....2.50
27 Taking inventory of personal property, each day.....10.00
28 Sheriff's deed and acknowledgment, to be paid out of
29 the proceeds of the sale of real estate conveyed.....5.00
30 Issuing certificates of sale and recording same.....2.00
31 Summoning talesman, each.....50

32 The sheriff shall charge, for witnesses whose attendance is procured
33 under attachment and who are unable to pay their fare, actual expenses and
34 mileage in an amount set in accordance with K.S.A. 75-3203a, and
35 amendments thereto, and rules and regulations adopted pursuant thereto. If
36 the writ, process, order or notice contains the names of more than one

1 person, no fee shall be taxed or allowed and no person shall be required to
2 pay any fee unless at the time of making returns the sheriff makes and files
3 with the returns, or as a part thereof, a statement showing the service on
4 the first person named by the sheriff and the service on the second person
5 named by the sheriff and so on for each person served. If more than one
6 process is served in the same case or on the same person, not requiring
7 more than one journey from the office, the sheriff shall charge a fee for
8 one service only.

9 (b) If more than one process for the same person, or in the same case,
10 is issued and is in the hands of the sheriff at one time, it shall be the duty
11 of the sheriff to make service of the processes, if possible, on the one trip
12 for a single fee.

13 (c) If more than one process for the same address, in the same case,
14 is issued and is in the hands of the sheriff at one time, one fee shall be
15 charged.

16 (d) Where ~~service is not affected or~~ timely return is not made
17 pursuant to K.S.A. 60-312 or 61-3005, and amendments thereto, no fee
18 shall be taxed or allowed on subsequent alias, writ, process, order or notice
19 as required to effect service and the return of service.

20 (e) Except as provided by K.S.A. 19-269, and amendments thereto,
21 the sheriff shall be reimbursed for the necessary transportation and board
22 expenses incurred while serving under requisition made by the governor.

23 (f) All fees charged by the sheriff pursuant to this section for the same
24 case may be paid by a single check, money order or other form of payment
25 at the discretion of the person making such payment.

26 (g) The state of Kansas and all municipalities in this state, as defined
27 in K.S.A. 12-105a, and amendments thereto, are hereby exempt, in any
28 civil action in which such state or municipality is involved, from paying
29 service of process fees prescribed herein, *except that such exemption shall*
30 *not apply when the case is filed by a nongovernmental firm on behalf of*
31 *the state or any municipality for the purpose of debt collection.*

32 Sec. 2. K.S.A. 2011 Supp. 28-110 is hereby repealed.

33 Sec. 3. This act shall take effect and be in force from and after its
34 publication in the statute book.

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