

Substitute for SENATE BILL No. 283

By Committee on Judiciary

2-20

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

28 ~~The sheriff shall charge, for witnesses whose attendance is procured~~
29 ~~under attachment and who are unable to pay their fare, actual expenses and~~
30 ~~mileage in an amount set in accordance with K.S.A. 75-3203a, and~~
31 ~~amendments thereto, and rules and regulations adopted pursuant thereto. If~~
32 ~~the writ, process, order or notice contains the names of more than one~~
33 ~~person, no fee shall be taxed or allowed and no person shall be required to~~
34 ~~pay any fee unless at the time of making returns the sheriff makes and files~~
35 ~~with the returns, or as a part thereof, a statement showing the service on~~
36 ~~the first person named by the sheriff and the service on the second person~~

1 ~~named by the sheriff and so on for each person served. If more than one~~
2 ~~process is served in the same case or on the same person, not requiring~~
3 ~~more than one journey from the office, the sheriff shall charge a fee for~~
4 ~~one service only.~~

5 *(a) Except as otherwise provided in this section, the sheriff of each*
6 *Kansas county shall charge a fee of \$15 for serving, executing and*
7 *returning any process.*

8 *(b) The fee described in subsection (a) shall be charged for serving,*
9 *executing and returning process, as well as for any unsuccessful attempts*
10 *to serve, execute or return process.*

11 *(c) If more than one process for the same person, or in the same case,*
12 *is issued and is in the hands of the a sheriff at one time, it shall be the duty*
13 *of the sheriff to make service of the processes, if possible, on the one trip*
14 *the sheriff shall charge a single fee for serving, executing and returning*
15 *the processes.*

16 *(d) If more than one process for different persons at the same address*
17 *in the same case is issued and is in the hands of a sheriff at one time, the*
18 *sheriff shall charge a single fee for serving, executing and returning the*
19 *processes.*

20 *(e) Where service is not affected or timely return is not made*
21 *pursuant to K.S.A. 60-312 or 61-3005, and amendments thereto, no fee*
22 *shall be taxed or allowed on charged for subsequent alias, writ, process,*
23 *order or notice processes as required to effect service and the return of*
24 *service.*

25 *(f) Except as provided by K.S.A. 19-269, and amendments thereto,*
26 *the a sheriff shall be reimbursed for the necessary transportation and board*
27 *expenses incurred while serving under requisition made by the governor.*

28 *(g) All fees charged by the a sheriff pursuant to this section for the*
29 *same case may be paid by a single check, money order or other form of*
30 *payment at the discretion of the person making such payment in one*
31 *combined payment, in a form designated by the sheriff, such as a check or*
32 *money order.*

33 *(h) The state of Kansas and all municipalities in this state, as defined*
34 *in K.S.A. 12-105a, and amendments thereto, are hereby exempt, in any*
35 *civil action in which such state or municipality is involved, from paying*
36 *service of process fees prescribed herein by this section.*

37 *(i) As used in this section, "process" means any summons, alias*
38 *summons, pleading, writ, order, notice or any other paper issued by a*
39 *court clerk.*

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

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