

Substitute for SENATE BILL No. 283

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

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

Section 1. K.S.A. 2011 Supp. 28-110 is hereby amended to read as follows: 28-110. ~~The sheriff of each county in the state shall charge the following fees for the services required by law to be performed by them:~~

Serving or executing and returning any writ, process, order or notice, including a copy of the same, whenever a copy is required by law, except as otherwise provided, for the first person	\$5.00
Serving warrants and making return thereof	1.00
Making arrests as law enforcement officer	1.00
Serving order of attachment, arrest or replevin and returning same	2.00
Making levy under execution	2.00
Appraisal of property	2.00
Return of "no property found"	2.00
Approving and returning undertaking bond or recognizance	1.00
Advertising property for sale	2.00
Offering for sale or selling property	2.50
Taking inventory of personal property, each day	10.00
Sheriff's deed and acknowledgment, to be paid out of the proceeds of the sale of real estate conveyed	5.00
Issuing certificates of sale and recording same	2.00
Summoning talesman, each50

~~The sheriff shall charge, for witnesses whose attendance is procured under attachment and who are unable to pay their fare, actual expenses and mileage in an amount set in accordance with K.S.A. 75-3203a, and amendments thereto, and rules and regulations adopted pursuant thereto. If the writ, process, order or notice contains the names of more than one person, no fee shall be taxed or allowed and no person shall be required to pay any fee unless at the time of making returns the sheriff makes and files with the returns, or as a part thereof, a statement showing the service on the first person named by the sheriff and the service on the second person named by the sheriff and so on for each person served. If more than one process is served in the same case or on the same person, not requiring more than one journey from the office, the sheriff shall charge a fee for one service only.~~

(a) ~~Except as otherwise provided in this section:~~

(1) ~~On and after July 1, 2012 through June 30, 2013, the sheriff of each Kansas county shall charge a fee of \$10 for serving, executing and returning any process.~~

(2) ~~On and after July 1, 2013, the sheriff of each Kansas county shall charge a fee of \$15 for serving, executing and returning any process.~~

(b) ~~Subject to subsection (e), the fee described in subsection (a) shall be charged for serving, executing and returning process, as well as for any unsuccessful attempts to serve, execute or return process.~~

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

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

(e) ~~Where service is not affected or timely return is not made or timely return is not made pursuant to K.S.A. 60-312 or 61-3005, and amendments thereto, no fee shall be taxed or allowed on charged for subsequent alias, writ, process, order or notice as processes that may be required to effect service and the timely return of the failed service. However, if service is attempted and return is made showing no service because the person to be served cannot be served at that address or there is no such address, the fee in subsection (a) shall be charged for an alias summons at the same address.~~

(f) ~~Except as provided by K.S.A. 19-269, and amendments thereto, the a sheriff shall be reimbursed for the necessary transportation and~~

board expenses incurred while serving under requisition made by the governor.

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

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

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

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

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

I hereby certify that the above BILL originated in the SENATE, and passed that body

SENATE adopted

Conference Committee Report _____

President of the Senate.

Secretary of the Senate.

Passed the HOUSE

as amended _____

HOUSE adopted

Conference Committee Report _____

Speaker of the House.

Chief Clerk of the House.

APPROVED _____

Governor.