

SESSION OF 2004

**CONFERENCE COMMITTEE REPORT BRIEF
HOUSE BILL NO. 2293**

As Agreed to March 30, 2004

Brief *

HB 2293 would raise the service of process fee for sheriffs from \$1 to \$5. Provisions of current law allowing for a .50 cent fee for each additional person, a \$1.00 fee for a return "not found" for each person, and allowing mileage for the sheriff are deleted. The bill also provides that when service is not affected or timely return made, no fee shall be taxed on subsequent alias process. No services of process fee shall be charged for protection from abuse orders. Every person requesting service of process by the sheriff shall provide the proper payment to the Clerk of the District Court who shall remit the process fee to the sheriff, who in turn shall remit those moneys to the County Treasurer at least monthly for deposit in the county general fund.

Conference Committee Action

The Conference Committee agreed to:

- ! accept the Senate version of HB 2293;
- ! clarify that a sheriff cannot charge mileage;
- ! amend Senate Sub. for HB 2133 into the bill;
- ! add provisions to Senate Sub. for HB 2133 that clarify the authority of special deputies when acting as a police officer to "provide crime prevention or security services on or about a public facility or property when so directed by the sheriff."
- ! add provisions expanding a multijurisdictional law enforcement group's authority to include the prevention, detection, or investigation of any terrorist activities.

*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. The conference committee summary report may be accessed on the Internet at <http://www.kslegislature.org/kldr>

Background

The conferee representing the Kansas Sheriffs' Association testified in support of HB 2293. Support for the bill, as drafted, was also expressed on behalf of the Sedgwick County Sheriff's Department and the Kansas Association of Counties. Opposition or concern, on the original bill, was voiced from conferees with the Office of Judicial Administration, the Kansas Bar Association, and the Kansas Credit Attorneys Association.

The House version of HB 2293 would have allowed Kansas sheriffs to collect a fee for service of process in the amount of \$10.00 for service and \$10.00 for each additional person (current law is \$1.00 and \$.50 for each additional person). Five dollars of the money would be credited to the Sheriff's Service of Process Fee Fund to be used for expenses incurred in the service of process. The Board of County Commissioners would be required to provide adequate funding to the sheriff's department and funds could not be used to reduce the amount from the county general fund. Five dollars would go to the State Treasurer to be credited to the District Court Administration of Service Process Fee Fund, established by the bill, to be used for the expense involved in collecting the service of process fee.

The Senate Committee amendments were suggested by the Kansas Sheriffs' Association and others interested in the bill.

The fiscal note on the original bill indicates there would be costs to the courts at the county level, but there would be no fiscal effect at the state level.

The Senate Judiciary Committee deleted the provision of HB 2133 as it passed the House and added in the bill the first three sections of SB 389 which would change current law regarding local law enforcement, including the following:

- ! increase the authority of special deputies appointed by the sheriff to include crime prevention or security services for any public facility or property when directed by the sheriff;
- ! expand the duties of multi-jurisdictional task forces to include the prevention, detection or investigation of any terrorist activities.