

HOUSE BILL No. 2182

AN ACT concerning protection orders; prohibiting a sheriff from charging a fee for service of process for proceedings under the protection from abuse act and the protection from stalking, sexual assault or human trafficking act and similar proceedings based on the laws of other jurisdictions; amending K.S.A. 28-110 and repealing the existing section..

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

Section 1. K.S.A. 28-110 is hereby amended to read as follows: 28-110. (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, *except that no fee shall be charged for serving, executing and returning any process for a proceeding pursuant to the protection from abuse act as described in K.S.A. 60-3104, and amendments thereto, or the protection from stalking, sexual assault and human trafficking act as described in K.S.A. 60-31a04, and amendments thereto.*

(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 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.

(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 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 charged for subsequent 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, 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 a sheriff pursuant to this section for the same case may be paid 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 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.

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Sec. 2. K.S.A. 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 HOUSE, and passed that body

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE

President of the Senate.

Secretary of the Senate.

APPROVED

Governor.