



# SEDGWICK COUNTY, KANSAS

SHERIFF'S OFFICE  
ROBERT HINSHAW  
Sheriff

141 WEST ELM \* WICHITA, KANSAS 67203 \* TELEPHONE: (316) 660-3900 \* FAX: (316) 660-3248

## TESTIMONY SB 283 Senate Judiciary Committee on Civil Process Fees January 25, 2012

Chairman Owens and members of the committee, my name is Gary Farthing, Civil Section Sergeant of the Sedgwick County Sheriff's Office. Thank you for the opportunity to provide this written testimony on behalf of Sedgwick County in support of SB 283.

The Sedgwick County Sheriff's Office strongly supports SB 283, which modifies current statutory language to require \$30.00 for serving, executing and returning, or endeavoring to serve, execute and return, any document, or any alias thereof, for the first person. Currently, the statute on civil process fees only allows for a \$5.00 fee for serving an original filing for the first person, with no fee allowed on any subsequent alias documents to effect service and the return of service. The amount of fees in this statute has not been addressed since 2004, when the Sheriff's Offices throughout the State of Kansas were permitted by statute to charge for service of process. During this eight year period of time, the costs of maintaining the staff necessary to serve process to and for the citizens of Sedgwick County have not only increased, but that staff had to be decreased because of county tax and budget short falls. This increase we are supporting in SB 283 would assist us in maintaining the costs of serving process without requiring an undue amount for that cost on the citizens of Sedgwick County who are not involved in the litigations.

As a point of reference, during 2009, a total of 100,685 civil, limited action, small claims, domestic, writs and other documents were issued by the 18<sup>th</sup> Judicial District to the Sedgwick County Sheriff's Office to be served. During that year, \$225,000.00 was received for service based on the current statute for civil process fees. Those documents and orders were served at a cost of over \$944,000.00, which created a deficit of just over \$719,000.00 that subsequently had to be covered through our Sheriff's Office budget.

The following states currently charge a higher fee for each paper served by local sheriff's departments.

| State                       | Documents                                     | Court Orders                         |
|-----------------------------|---|--------------------------------------|
| Colorado (Varies by County) | \$20.00-\$75.00                               | \$20.00-\$160.00                     |
| Missouri                    | \$30.00-\$50.00+mileage fee based on zip code | \$30.00+milage fee based on zip code |
| Nebraska                    | \$18.00+\$.58 per mile                        | \$18.00+\$.58 per mile               |
| Oklahoma                    | \$50.00                                       | \$50.00                              |
| Texas                       | \$55.00                                       | \$150.00                             |

In support of SB 283, it is our assertion that this legislation would shift the burden from the taxpayers to the individuals involved in these suits and help ease the burdens on the Sheriff's Offices and County governments throughout the State of Kansas as they strive to keep pace with ever decreasing budgets.

Thank you Chairman Owens for the opportunity to present this testimony.