

As Amended by House Committee

Session of 2012

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.

3
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 ~~Appraisement 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, each50~~

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~~ **\$10** for serving, executing and
7 returning any process.

8 (b) **Subject to subsection (e),** the fee described in subsection (a)
9 shall be charged for serving, executing and returning process, as well as
10 for any unsuccessful attempts 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 or
21 **timely return is not made** pursuant to K.S.A. 60-312 or 61-3005, and
22 amendments thereto, no fee shall be ~~taxed or allowed on~~ charged for
23 subsequent ~~alias, writ, process, order or notice~~ processes as required to
24 effect service and the return of service **processes that may be required to**
25 **effect service and the timely return of the failed service. However, if**
26 **service is attempted and return is made showing no service because**
27 **the person to be served cannot be served at that address or there is no**
28 **such address, the fee in subsection (a) shall be charged for an alias**
29 **summons at the same address.**

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

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

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

42 (i) As used in this section, "process" means any summons, alias
43 summons, pleading, writ, order, notice or any other paper or notice issued

1 *by a court clerk or court.*

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 K.S.A. 2011 Supp. 28-110 is hereby repealed.

3 Sec. 3. This act shall take effect and be in force from and after its

4 publication in the statute book.