



# Kansas Sheriffs Association

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Sheriff Sandy Horton, Executive Director

## TESTIMONY TO THE HOUSE JUDICIARY COMMITTEE ON SUBSTITUTE TO SB283

March 7, 2012

Chairman Kinzer and Committee Members:

Thank you for allowing me to testify in support of Substitute for Senate Bill 283. My name is Kirk Ridgway and I represent the Kansas Sheriff's Association. Kansas Sheriffs strongly support Substitute SB 283 as amended by the Senate Judiciary Committee and ask you to recommend it favorably for passage.

The bill amends current law, K.S.A. §28-110, which provides a fee of only \$5 fee for serving (or attempting to serve) each civil process. This charge is simply a user fee for litigants in Kansas courts, who are obligated to pay a sheriff's costs incurred in serving process. Unfortunately, our research shows that the average cost for serving process in Kansas in 2011 averages out to between \$25 and \$30 per attempt – far above the current \$5 fee being collected. This shortfall is being paid for by tax payers, who are forced to subsidize all civil litigation in their county.

In 2009, the Sedgwick County Sheriff served 100,685 summonses, writs and other process. At only \$5 per service, Sheriff Hinshaw was forced to incur a deficit of \$719,000 for serving civil process.

As a point of reference, surrounding states currently charge the following :

State	Documents	Court Orders
Colorado (varies by county)	\$20 - \$75	\$20 - \$160
Missouri	\$30 - \$50 + mileage based on zip code	\$30 + mileage based on zip code
Nebraska	\$18 + \$ .58 per mile	\$18 + \$ .58 per mile
Oklahoma	\$50	\$50
Texas	\$55	\$150

Considering mileage, the average fee range for surrounding states is between \$30 and \$50. We are significantly behind other states and must takes steps to catch up.

As further reference, private process servers in Kansas charge a statewide average of between \$50 and \$60 for four or five attempts at service. Note that Kansas Sheriff must keep trying for 30 days per statute, regardless of the deficit.

An increase in the statutory civil process fee to \$15 will help shift the burden from county taxpayers to the individuals, business and private corporations who file suit, as the statute intended. The proposed increase to \$15 will help ease the enormous fiscal burdens on county governments throughout the State of Kansas.

Thank you,  
Kirk T. Ridgway