

FORD COUNTY SHERIFF'S OFFICE

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Dean Bush, Sheriff

TESTIMONY TO THE SENATE JUDICIARY COMMITTEE ON SB283 JANUARY 25, 2012

Chairman Owens and committee members thank you for allowing me the opportunity to offer testimony in support of SB283.

My name is Sgt. Bill Carr of the Ford County Sheriffs Office. I would like to bring attention to fees paid to the Sheriffs Offices in the State of Kansas for the service or executing and returning of any writ, process, order or notice. According to Kansas statute, K.S.A.28-110, only \$5.00 for the original filing for the first person on any order and no charge for any "Alias" filing may be charged, where service is not affected or timely return made pursuant to K.S.A. 60-312 or 61-3005, and amendments thereto, no fee shall be taxed or allowed on subsequent alias, writ, process, order or notice as required to effect service and return of service.

The ambiguity of state statutes, such as K.S.A. 28-110, K.S.A. 60-2001(D),K.S.A..60-2003(2) and K.S.A. 12-105a are issues to take into consideration.

With the increased cost of fuel, hourly pay and usage of equipment, the present rate of fees charged is decidedly low for the amount of fuel, time, effort and equipment usage expended. The service and executing of these orders could be self sustaining for the Sheriff's Offices in Kansas if the fees were raised to \$30.00 per filing, including all "ALIAS" papers, thereby not creating the usage of tax dollars to fulfill this requirement of Sheriff's pursuant to K.S.A. 19-812 and 19-813.

The last time this issue was addressed in legislation was 2004. It was then that the \$5.00 fee for service by Sheriff's Offices was adopted, making (8) years since this was reviewed.

Without legislative resolution, the Sheriff's Offices throughout the State of Kansas will not be able to cover the cost of continuing to serve/execute and return all process as is required by law, without using some of the tax dollars allotted to them through their county budgets, thus reducing other law enforcement functions that those tax dollars could pay for. This cost should not fall to the tax payers who are already overburdened with the cost to run the state, county and local government, but should fall to the individuals, business and corporations who are filing civil actions in the District Court throughout the state.

Sgt. Bill Carr

