

HCS HBs 746 & 722 -- CHARGES FOR COURT ORDERS

SPONSOR: Wilson

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Crime Prevention and Public Safety by a vote of 7 to 0. Voted "Do Pass" by the Standing Committee on Rules- Legislative Oversight by a vote of 9 to 0.

Currently, sheriffs receive \$10 for service of any summons, writ, subpoena, or other court order, and that money is paid into the county treasury to be paid to the State Treasurer. This bill specifies that other persons specially appointed to serve orders of court shall also receive \$10 for orders they serve. The additional \$10 shall be deposited in the deputy sheriff salary supplementation fund.

This bill is the same as SB 12 (2019).

PROPONENTS: Supporters say that the sheriffs in the areas that receive money from these funds can barely afford to keep good employees because they cannot afford to pay them a competitive salary, so this fund helps a lot. Many sheriffs were able to get off government assistance because of this fund. In the same areas, most people know the sheriffs, so it can be difficult to serve individuals, which is why private process servers are used. It would be very helpful to be able to charge the additional \$10 for those, too.

Testifying for the bill were Representative Wilson and David Parrish, Lewis County Sheriff's Office.

OPPONENTS: Those who oppose the bill say that they understand the need for the fund to compensate for the services they provide. However, a \$10 increase seems minimal but it adds up for companies that file thousands of lawsuits and are paying thousands of dollars in process fees, so it is not as minimal as it seems. They front the money in all the court cases. Additionally, once you are the prevailing party, you can attempt to recover from the opposing party, which could be a defendant who might be least able to afford to cover the cost, which means the prevailing party, which could have paid the money up front, will not be able to recover the costs.

Testifying against the bill was Missouri Creditors Bar Incorporated.