



Colorado Legislative Council Staff Fiscal Note
**LOCAL
 FISCAL IMPACT**

Drafting Number: LLS 10-0398
Prime Sponsor(s): Rep. Ryden
 Sen. Spence

Date: February 3, 2010
Bill Status: House Judiciary
Fiscal Analyst: Harry Zeid (303-866-4753)

TITLE: CONCERNING FEES CHARGED BY COUNTY SHERIFFS RELATING TO THE SERVICE OF PROCESS.

Fiscal Impact Summary	FY 2010-2011	FY 2011-2012
State Revenue		
State Expenditures		
FTE Position Change		
Effective Date: August 11, 2010, assuming the General Assembly adjourns May 12, 2010, as scheduled and no referendum petition is filed. The bill applies to fees collected by sheriffs on or after the effective date of the bill.		
Appropriation Summary for FY 2010-2011: None required.		
Local Government Impact: See the Local Government Impact section.		

Summary of Legislation

The fee a county sheriff may charge for service of process in noncriminal actions is established by statute. A portion of the fee must be refunded if the sheriff is unable to serve the process. HB10-1057 eliminates the refund requirement and allows the sheriff to charge the same fee whether or not the service of process was actually served on an individual. Sheriffs will be allowed to charge a flat mileage rate for any service of process within a specified zone or zip code.

For service of multiple papers on a single person, or on different persons at the same location, the bill eliminates the prohibition on constructive mileage. Instead, it allows the sheriff to charge the standard rate for the first service of process and \$10 for each additional service.

Local Government Impact

County sheriffs will now keep revenue otherwise refunded when service of process cannot be served. For example, the El Paso County Sheriff's Office refunded approximately \$36,000 in 2009 when service of process was unable to be performed. The cost of processing the refunds was an additional \$12,000. The bill eliminates the refund as well as the cost of processing the refund checks.

Modifications to the mileage rates for service of process and fees for other service at the same location may impact county revenue, depending on how the new fees are set as compared to the current fee structure.

Departments Contacted

Local Affairs