

Section 6. Excludes constables from Hazardous Duty position and denies eligibility to KLEPF fund incentives.

Section 7 and 8. Adds an extra \$5 fee to criminal fees, increasing the fee to \$15.
\$5 to the general fund
\$5 to behavioral health triage system; and
\$5 to the constable certification fund

Section 9. Deals with constable fees, eliminating the old fee schedule and granting constables the same fees granted sheriffs for similar services.

Section 10. Adds **certified** constables to the definition of emergency vehicles.

Section 11. Direct service of process be granted equally to sheriffs or constables.

Part III: Fiscal Explanation, Bill Provisions, and Estimated Cost

It is almost impossible to determine how many constables will avail themselves of the training. This program is voluntary and affects only compensation.

The bill does create a fund to provide funding for certification training and continuing education. This is the \$5 fee increase on certain criminal cases. The Administrative Office of the Courts reports that last year 33,181 cases in Circuit Court were assessed the \$5 fee and 201,258 District Court cases were assessed the fee. Assuming that those numbers remain roughly the same that would translate into a potential \$1,162,195 income for the certification fund. The caveat to that is that though the fine is assessed it is not always collected. There does seem to be a potential funding stream, though its size is difficult to determine exactly.

The bill does allow constables to collect the same fees for service that the sheriff receives. This may increase income to constables, it might also reduce income to sheriffs, as constables seek to serve process. However, even in that regard, in some counties there is a back-log of process to be served and in those counties any process served by a constable might reduce that back-log without reducing the actual fees to sheriffs.

The effect of the bill could be considerable, in that over \$1,000,000 might be made available for constables that choose to undergo training and continuing training. This fund does not come at the cost to any local government's funding, and hence will have no impact, directly, on their revenues or expenditures. It might also increase compensation of constables as they would receive the same fees as sheriffs for certain services. In turn, that might diminish sheriff fees, but it is impossible to determine how much either office would increase or decrease, as it is not possible to state with any certainty how much process of service, if any, would shift from sheriffs to constables.

Data Source(s): Administrative Office of the Courts, KLC, KACo

Preparer: Joseph Pinczewski-Lee **Reviewer:** KHC **Date:** 2/20/17