



## Sheriffs Support Streamlining Service of Process

The serving of subpoenas and summons, also known as the service of process, is a fundamental step which initiates judicial proceedings. Service of process can also be a burden on Sheriff's Offices as the process has recently become more costly. While courts have begun to go paperless, Sheriff's Offices are still required to serve hard copies. Not only can it take deputies multiple attempts to reach intended recipients, but the cost of printing hundreds of pages and making multiple copies create significant financial costs on behalf of the Sheriffs. HB 1379 and SB 1268 create efficiencies for the service of process by Sheriff's Offices.

Current law provides a schedule of fees that Sheriff's Offices can charge for serving various documents. Regardless of how many separate documents are served or how many attempts are made to serve the documents, Sheriff's Offices can only charge a one-time fee of \$40. The bills allow for Sheriff's Offices to collect \$40 from the person requesting the service for each writ or summon served and for each attempt made. In addition, the bills seek to reduce the amount of attempts of service of process by allowing a deputy to serve an owner of a business even if he or she is temporarily out of the office, and creates a first degree misdemeanor penalty for employers and employees who try to prevent service on an individual in a private area designated by an employer.

The bills also update the Baker and Marchman Acts to require receiving facilities to accept electronic ex parte orders for either type of involuntary commitment. The bills further streamline the Marchman Act to mirror the Baker Act by allowing law enforcement discretion in using reasonable force as necessary to enter a premises or dwelling in order to take custody of a person who is the subject of an involuntary assessment and stabilization order. This allows law enforcement to provide greater protection to the individual being taken into custody, as well as to his or her family members, or innocent bystanders.

Furthermore, the bills update several sections of statute related to injunctions. The bills allow a temporary injunction to remain effective until a final injunction is served. Currently, a temporary injunction is effective for 15 days, regardless of the length of time it takes for a final injunction to be served. The bills close that time frame loophole and provides that a temporary injunction is valid until the final injunction is served.

The bills close another loophole by ensuring that law enforcement can arrest a person for violating an injunction related to child abuse, stalking, or sexual or repeat violence without a warrant. This change provides equal safeguards for a person no matter what type of injunction protects them and keeps law enforcement safe from wrongful arrest charges.

***Vote YES on HB 1379 & SB 1268***

