



STATE OF KANSAS

## Office of the Attorney General

1st Floor, State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

**Curt T. Schneider**  
Attorney General

April 5 , 1976

ATTORNEY GENERAL OPINION NO. 76-117

Salvatore A. Scimeca, Jr.  
County Attorney  
Geary County Courthouse  
Second Floor  
Junction City, Kansas 66441

RE: Procedure -- Civil -- Subpoena Service

SYNOPSIS: It is possible for a police department designate to be deputized by the sheriff to do the particular act of serving subpoenas upon the police department personnel.

\* \* \*

Dear Mr. Scimeca:

You have asked whether a police department designate(s) may legally serve County and District Court subpoenas on police department personnel and if so what method exists for the implementation of such a procedure.

K.S.A. 1975 Supp. 60-245(c) provides:

"A subpoena may be served by the sheriff, by his deputy, or by any other person who is not party and is not less than eighteen years of age. Service of a subpoena upon a person named therein shall be made by delivering a copy thereof to such person and by tendering to him the fees for one day's attendance and the mileage allowed by law. When the subpoena is not served by the sheriff, or by his deputy, proof

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of service shall be shown by affidavit."

It is clear from this subsection that a sheriff's deputy may serve subpoenas.

Also K.S.A. 19-805 authorizes the sheriff to deputize persons to do particular acts.

If the sheriff and police department officials are agreeable, I feel the most expeditious way to handle this matter would be to have the sheriff deputize the police department designate(s) to do the particular act of serving subpoenas upon police department personnel. I do not feel that such action would create a conflict of interest on the part of the person(s) so deputized due to the limited scope of such appointment.

Very truly yours,



CURT T. SCHNEIDER  
Attorney General

CTS:JAW:en