

## HOUSE BILL No. 2525

By Committee on Appropriations

2-16

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AN ACT concerning docket fees; relating to compensation for certain nonjudicial employees in the judicial branch; amending K.S.A. 21-4610a, 28-170 and 60-2419 and K.S.A. 2000 Supp. 21-4619, 22-2410, 59-104, 60-1621 and 61-3504 and repealing the existing sections.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. K.S.A. 21-4610a is hereby amended to read as follows: 21-4610a. (a) Each person placed under the probation supervision of a court services officer or other officer or employee of the judicial branch by a judge of the district court under K.S.A. 21-4610 and amendments thereto and each person assigned to a community correctional services program shall pay a probation or community correctional services fee. If the person was convicted of a misdemeanor, the amount of the probation services fee ~~is \$25~~ shall be \$10 per month for the term of probation to which the probationer was originally sentenced, and if the person was convicted of a felony, the amount of the probation or community correctional services fee ~~is \$50~~, shall be \$20 per month for the term of probation to which the probationer was originally sentenced, except that in any case the amount of the probation or community correctional services fee specified by this section may be reduced or waived by the judge if the person is unable to pay that amount.

(b) The probation or community correctional services fee imposed by this section shall be charged and collected by the district court. The clerk of the district court shall remit at least monthly all revenues received under this section from probation or community correctional services fees to the state treasurer. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount thereof in the state treasury to the credit of the state general fund.

(c) This section shall not apply to persons placed on probation or released on parole to reside in Kansas under the uniform act for out-of-state parolee supervision.

Sec. 2. K.S.A. 2000 Supp. 21-4619 is hereby amended to read as follows: 21-4619. (a) (1) Except as provided in subsections (b) and (c), any person convicted in this state of a traffic infraction, cigarette or tobacco infraction, misdemeanor or a class D or E felony, or for crimes

1 committed on or after July 1, 1993, nondrug crimes ranked in severity  
2 levels 6 through 10 or any felony ranked in severity level 4 of the drug  
3 grid, may petition the convicting court for the expungement of such con-  
4 viction or related arrest records if three or more years have elapsed since  
5 the person: (A) Satisfied the sentence imposed; or (B) was discharged  
6 from probation, a community correctional services program, parole, post-  
7 release supervision, conditional release or a suspended sentence.

8 (2) Except as provided in subsections (b) and (c), any person who has  
9 fulfilled the terms of a diversion agreement may petition the district court  
10 for the expungement of such diversion agreement and related arrest re-  
11 cords if three or more years have elapsed since the terms of the diversion  
12 agreement were fulfilled.

13 (b) Except as provided in subsection (c), no person may petition for  
14 expungement until five or more years have elapsed since the person sat-  
15 isfied the sentence imposed, the terms of a diversion agreement or was  
16 discharged from probation, a community correctional services program,  
17 parole, postrelease supervision, conditional release or a suspended sen-  
18 tence, if such person was convicted of a class A, B or C felony, or for  
19 crimes committed on or after July 1, 1993, if convicted of an off-grid  
20 felony or any nondrug crime ranked in severity levels 1 through 5 or any  
21 felony ranked in severity levels 1 through 3 of the drug grid, or:

22 (1) Vehicular homicide, as defined by K.S.A. 21-3405 and amend-  
23 ments thereto or as prohibited by any law of another state which is in  
24 substantial conformity with that statute;

25 (2) a violation of K.S.A. 8-1567 and amendments thereto, or a viola-  
26 tion of any law of another state, which declares to be unlawful the acts  
27 prohibited by that statute;

28 (3) driving while the privilege to operate a motor vehicle on the public  
29 highways of this state has been canceled, suspended or revoked, as pro-  
30 hibited by K.S.A. 8-262 and amendments thereto or as prohibited by any  
31 law of another state which is in substantial conformity with that statute;

32 (4) perjury resulting from a violation of K.S.A. 8-261a and amend-  
33 ments thereto or resulting from the violation of a law of another state  
34 which is in substantial conformity with that statute;

35 (5) violating the provisions of the fifth clause of K.S.A. 8-142 and  
36 amendments thereto, relating to fraudulent applications or violating the  
37 provisions of a law of another state which is in substantial conformity with  
38 that statute;

39 (6) any crime punishable as a felony wherein a motor vehicle was  
40 used in the perpetration of such crime;

41 (7) failing to stop at the scene of an accident and perform the duties  
42 required by K.S.A. 8-1602, 8-1603 or 8-1604, and amendments thereto,  
43 or required by a law of another state which is in substantial conformity

1 with those statutes;

2 (8) violating the provisions of K.S.A. 40-3104 and amendments  
3 thereto, relating to motor vehicle liability insurance coverage; or

4 (9) a violation of K.S.A. 21-3405b, prior to its repeal.

5 (c) There shall be no expungement of convictions for the following  
6 offenses or of convictions for an attempt to commit any of the following  
7 offenses: (1) Rape as defined in subsection (a)(2) of K.S.A. 21-3502 and  
8 amendments thereto; (2) indecent liberties with a child as defined in  
9 K.S.A. 21-3503 and amendments thereto; (3) aggravated indecent liber-  
10 ties with a child as defined in K.S.A. 21-3504 and amendments thereto;  
11 (4) criminal sodomy as defined in subsection (a)(2) or (a)(3) of K.S.A. 21-  
12 3505 and amendments thereto; (5) aggravated criminal sodomy as defined  
13 in K.S.A. 21-3506 and amendments thereto; (6) indecent solicitation of a  
14 child as defined in K.S.A. 21-3510 and amendments thereto; (7) aggra-  
15 vated indecent solicitation of a child as defined in K.S.A. 21-3511 and  
16 amendments thereto; (8) sexual exploitation of a child as defined in K.S.A.  
17 21-3516 and amendments thereto; (9) aggravated incest as defined in  
18 K.S.A. 21-3603 and amendments thereto; (10) endangering a child as  
19 defined in K.S.A. 21-3608 and amendments thereto; (11) abuse of a child  
20 as defined in K.S.A. 21-3609 and amendments thereto; (12) capital mur-  
21 der as defined in K.S.A. 21-3439 and amendments thereto; (13) murder  
22 in the first degree as defined in K.S.A. 21-3401 and amendments thereto;  
23 (14) murder in the second degree as defined in K.S.A. 21-3402 and  
24 amendments thereto; (15) voluntary manslaughter as defined in K.S.A.  
25 21-3403 and amendments thereto; (16) involuntary manslaughter as de-  
26 fined in K.S.A. 21-3404 and amendments thereto; (17) involuntary man-  
27 slaughter while driving under the influence of alcohol or drugs as defined  
28 in K.S.A. 2000 Supp. 21-3442 and amendments thereto; or (18) any con-  
29 viction for any offense in effect at any time prior to the effective date of  
30 this act, that is comparable to any offense as provided in this subsection.

31 (d) When a petition for expungement is filed, the court shall set a  
32 date for a hearing of such petition and shall cause notice of such hearing  
33 to be given to the prosecuting attorney and the arresting law enforcement  
34 agency. *Except as otherwise provided by law, a petition for expungement*  
35 *shall be accompanied by payment of a docket fee in the amount of \$101.*  
36 The petition shall state: (1) The defendant's full name;

37 (2) the full name of the defendant at the time of arrest, conviction or  
38 diversion, if different than the defendant's current name;

39 (3) the defendant's sex, race and date of birth;

40 (4) the crime for which the defendant was arrested, convicted or  
41 diverted;

42 (5) the date of the defendant's arrest, conviction or diversion; and

43 (6) the identity of the convicting court, arresting law enforcement

1 authority or diverting authority. ~~There shall be no docket fee for filing a~~  
2 ~~petition pursuant to this section.~~ All petitions for expungement shall be  
3 docketed in the original criminal action. Any person who may have rel-  
4 evant information about the petitioner may testify at the hearing. The  
5 court may inquire into the background of the petitioner and shall have  
6 access to any reports or records relating to the petitioner that are on file  
7 with the secretary of corrections or the Kansas parole board.

8 (e) At the hearing on the petition, the court shall order the peti-  
9 tioner's arrest record, conviction or diversion expunged if the court finds  
10 that:

11 (1) The petitioner has not been convicted of a felony in the past two  
12 years and no proceeding involving any such crime is presently pending  
13 or being instituted against the petitioner;

14 (2) the circumstances and behavior of the petitioner warrant the  
15 expungement; and

16 (3) the expungement is consistent with the public welfare.

17 (f) When the court has ordered an arrest record, conviction or diver-  
18 sion expunged, the order of expungement shall state the information re-  
19 quired to be contained in the petition. The clerk of the court shall send  
20 a certified copy of the order of expungement to the Kansas bureau of  
21 investigation which shall notify the federal bureau of investigation, the  
22 secretary of corrections and any other criminal justice agency which may  
23 have a record of the arrest, conviction or diversion. After the order of  
24 expungement is entered, the petitioner shall be treated as not having been  
25 arrested, convicted or diverted of the crime, except that:

26 (1) Upon conviction for any subsequent crime, the conviction that  
27 was expunged may be considered as a prior conviction in determining the  
28 sentence to be imposed;

29 (2) the petitioner shall disclose that the arrest, conviction or diversion  
30 occurred if asked about previous arrests, convictions or diversions: (A) In  
31 any application for employment as a detective with a private detective  
32 agency, as defined by K.S.A. 75-7b01 and amendments thereto; as se-  
33 curity personnel with a private patrol operator, as defined by K.S.A. 75-  
34 7b01 and amendments thereto; or with an institution, as defined in K.S.A.  
35 76-12a01 and amendments thereto, of the department of social and re-  
36 habilitation services;

37 (B) in any application for admission, or for an order of reinstatement,  
38 to the practice of law in this state;

39 (C) to aid in determining the petitioner's qualifications for employ-  
40 ment with the Kansas lottery or for work in sensitive areas within the  
41 Kansas lottery as deemed appropriate by the executive director of the  
42 Kansas lottery;

43 (D) to aid in determining the petitioner's qualifications for executive

1 director of the Kansas racing commission, for employment with the com-  
2 mission or for work in sensitive areas in parimutuel racing as deemed  
3 appropriate by the executive director of the commission, or to aid in  
4 determining qualifications for licensure or renewal of licensure by the  
5 commission;

6 (E) upon application for a commercial driver's license under K.S.A.  
7 8-2,125 through 8-2,142, and amendments thereto;

8 (F) to aid in determining the petitioner's qualifications to be an em-  
9 ployee of the state gaming agency;

10 (G) to aid in determining the petitioner's qualifications to be an em-  
11 ployee of a tribal gaming commission or to hold a license issued pursuant  
12 to a tribal-state gaming compact; or

13 (H) in any application for registration as a broker-dealer, agent, in-  
14 vestment adviser or investment adviser representative all as defined in  
15 K.S.A. 17-1252 and amendments thereto;

16 (3) the court, in the order of expungement, may specify other cir-  
17 cumstances under which the conviction is to be disclosed;

18 (4) the conviction may be disclosed in a subsequent prosecution for  
19 an offense which requires as an element of such offense a prior conviction  
20 of the type expunged; and

21 (5) upon commitment to the custody of the secretary of corrections,  
22 any previously expunged record in the possession of the secretary of cor-  
23 rections may be reinstated and the expungement disregarded, and the  
24 record continued for the purpose of the new commitment.

25 (g) Whenever a person is convicted of a crime, pleads guilty and pays  
26 a fine for a crime, is placed on parole, postrelease supervision or proba-  
27 tion, is assigned to a community correctional services program, is granted  
28 a suspended sentence or is released on conditional release, the person  
29 shall be informed of the ability to expunge the arrest records or convic-  
30 tion. Whenever a person enters into a diversion agreement, the person  
31 shall be informed of the ability to expunge the diversion.

32 (h) Subject to the disclosures required pursuant to subsection (f), in  
33 any application for employment, license or other civil right or privilege,  
34 or any appearance as a witness, a person whose arrest records, conviction  
35 or diversion of a crime has been expunged under this statute may state  
36 that such person has never been arrested, convicted or diverted of such  
37 crime, but the expungement of a felony conviction does not relieve an  
38 individual of complying with any state or federal law relating to the use  
39 or possession of firearms by persons convicted of a felony.

40 (i) Whenever the record of any arrest, conviction or diversion has  
41 been expunged under the provisions of this section or under the provi-  
42 sions of any other existing or former statute, the custodian of the records  
43 of arrest, conviction, diversion and incarceration relating to that crime

1 shall not disclose the existence of such records, except when requested  
2 by:

3 (1) The person whose record was expunged;

4 (2) a private detective agency or a private patrol operator, and the  
5 request is accompanied by a statement that the request is being made in  
6 conjunction with an application for employment with such agency or op-  
7 erator by the person whose record has been expunged;

8 (3) a court, upon a showing of a subsequent conviction of the person  
9 whose record has been expunged;

10 (4) the secretary of social and rehabilitation services, or a designee of  
11 the secretary, for the purpose of obtaining information relating to em-  
12 ployment in an institution, as defined in K.S.A. 76-12a01 and amend-  
13 ments thereto, of the department of social and rehabilitation services of  
14 any person whose record has been expunged;

15 (5) a person entitled to such information pursuant to the terms of the  
16 expungement order;

17 (6) a prosecuting attorney, and such request is accompanied by a  
18 statement that the request is being made in conjunction with a prosecu-  
19 tion of an offense that requires a prior conviction as one of the elements  
20 of such offense;

21 (7) the supreme court, the clerk or disciplinary administrator thereof,  
22 the state board for admission of attorneys or the state board for discipline  
23 of attorneys, and the request is accompanied by a statement that the  
24 request is being made in conjunction with an application for admission,  
25 or for an order of reinstatement, to the practice of law in this state by the  
26 person whose record has been expunged;

27 (8) the Kansas lottery, and the request is accompanied by a statement  
28 that the request is being made to aid in determining qualifications for  
29 employment with the Kansas lottery or for work in sensitive areas within  
30 the Kansas lottery as deemed appropriate by the executive director of the  
31 Kansas lottery;

32 (9) the governor or the Kansas racing commission, or a designee of  
33 the commission, and the request is accompanied by a statement that the  
34 request is being made to aid in determining qualifications for executive  
35 director of the commission, for employment with the commission, for  
36 work in sensitive areas in parimutuel racing as deemed appropriate by  
37 the executive director of the commission or for licensure, renewal of  
38 licensure or continued licensure by the commission;

39 (10) the Kansas sentencing commission;

40 (11) the state gaming agency, and the request is accompanied by a  
41 statement that the request is being made to aid in determining qualifi-  
42 cations: (A) To be an employee of the state gaming agency; or (B) to be  
43 an employee of a tribal gaming commission or to hold a license issued

1 pursuant to a tribal-gaming compact; or

2 (12) the Kansas securities commissioner or a designee of the com-  
3 missioner, and the request is accompanied by a statement that the request  
4 is being made in conjunction with an application for registration as a  
5 broker-dealer, agent, investment adviser or investment adviser represen-  
6 tative by such agency and the application was submitted by the person  
7 whose record has been expunged.

8 *(j) The docket fee collected at the time the petition for expungement*  
9 *is filed shall be disbursed in accordance with K.S.A. 20-362, and amend-*  
10 *ments thereto.*

11 Sec. 3. K.S.A. 2000 Supp. 22-2410 is hereby amended to read as  
12 follows: 22-2410. (a) Any person who has been arrested in this state may  
13 petition the district court for the expungement of such arrest record.

14 (b) When a petition for expungement is filed, the court shall set a  
15 date for hearing on such petition and shall cause notice of such hearing  
16 to be given to the prosecuting attorney and the arresting law enforcement  
17 agency. *Except as otherwise provided by law, a petition for expungement*  
18 *shall be accompanied by payment of a docket fee in the amount of \$101.*

19 The petition shall state: (1) The petitioner's full name;

20 (2) the full name of the petitioner at the time of arrest, if different  
21 than the petitioner's current name;

22 (3) the petitioner's sex, race and date of birth;

23 (4) the crime for which the petitioner was arrested;

24 (5) the date of the petitioner's arrest; and

25 (6) the identity of the arresting law enforcement agency.

26 ~~There shall be no docket fee for filing a petition pursuant to this sec-~~  
27 ~~tion.~~ Any person who may have relevant information about the petitioner  
28 may testify at the hearing. The court may inquire into the background of  
29 the petitioner.

30 (c) At the hearing on a petition for expungement, the court shall order  
31 the arrest record and subsequent court proceedings, if any, expunged  
32 upon finding: (1) The arrest occurred because of mistaken identity;

33 (2) a court has found that there was no probable cause for the arrest;

34 (3) the petitioner was found not guilty in court proceedings; or

35 (4) the expungement would be in the best interests of justice and (A)  
36 Charges have been dismissed; or (B) no charges have been or are likely  
37 to be filed.

38 (d) When the court has ordered expungement of an arrest record and  
39 subsequent court proceedings, if any, the order shall state the information  
40 required to be stated in the petition and shall state the grounds for  
41 expungement under subsection (c). The clerk of the court shall send a  
42 certified copy of the order to the federal bureau of investigation, the  
43 Kansas bureau of investigation, the secretary of corrections and any other

1 criminal justice agency which may have a record of the arrest. If an order  
2 of expungement is entered, the petitioner shall be treated as not having  
3 been arrested.

4 (e) If the ground for expungement is as provided in subsection (c)(4),  
5 the court shall determine whether, in the interests of public welfare, the  
6 records should be available for any of the following purposes: (1) In any  
7 application for employment as a detective with a private detective agency,  
8 as defined in K.S.A. 75-7b01 and amendments thereto; as security per-  
9 sonnel with a private patrol operator, as defined by K.S.A. 75-7b01 and  
10 amendments thereto; or with an institution, as defined in K.S.A. 76-12a01  
11 and amendments thereto, of the department of social and rehabilitation  
12 services;

13 (2) in any application for admission, or for an order of reinstatement,  
14 to the practice of law in this state;

15 (3) to aid in determining the petitioner's qualifications for employ-  
16 ment with the Kansas lottery or for work in sensitive areas within the  
17 Kansas lottery as deemed appropriate by the executive director of the  
18 Kansas lottery;

19 (4) to aid in determining the petitioner's qualifications for executive  
20 director of the Kansas racing commission, for employment with the com-  
21 mission or for work in sensitive areas in parimutuel racing as deemed  
22 appropriate by the executive director of the commission, or to aid in  
23 determining qualifications for licensure or renewal of licensure by the  
24 commission;

25 (5) in any application for a commercial driver's license under K.S.A.  
26 8-2,125 through 8-2,142 and amendments thereto;

27 (6) to aid in determining the petitioner's qualifications to be an em-  
28 ployee of the state gaming agency;

29 (7) to aid in determining the petitioner's qualifications to be an em-  
30 ployee of a tribal gaming commission or to hold a license issued pursuant  
31 to a tribal-state gaming compact; or

32 (8) in any other circumstances which the court deems appropriate.

33 (f) Subject to any disclosures required under subsection (e), in any  
34 application for employment, license or other civil right or privilege, or  
35 any appearance as a witness, a person whose arrest records have been  
36 expunged as provided in this section may state that such person has never  
37 been arrested.

38 (g) Whenever a petitioner's arrest records have been expunged as  
39 provided in this section, the custodian of the records of arrest, incarceration  
40 due to arrest or court proceedings related to the arrest, shall not  
41 disclose the arrest or any information related to the arrest, except as  
42 directed by the order of expungement or when requested by the person  
43 whose arrest record was expunged.



1 (h) The docket fee collected at the time the petition for expungement  
2 is filed shall be disbursed in accordance with K.S.A. 20-362, and amend-  
3 ments thereto.

4 Sec. 4. K.S.A. 28-170 is hereby amended to read as follows: 28-170.

5 (a) The docket fee prescribed by K.S.A. 60-2001 and amendments thereto  
6 shall be the only costs assessed for services of the clerk of the district  
7 court and the sheriff in any case filed under chapter 60 of the Kansas  
8 Statutes Annotated. For services in other matters in which no other fee  
9 is prescribed by statute, the following fees shall be charged and collected  
10 by the clerk. Only one fee shall be charged for each bond, lien or  
11 judgment:

- 12 1. For filing, entering and releasing a bond, mechanic's lien, notice of intent  
13 to perform, personal property tax judgment or any judgment on which ex-  
14 ecution process cannot be issued ..... ~~5~~ \$20
- 15 2. For filing, entering and releasing a judgment of a court of this state on  
16 which execution or other process can be issued ..... ~~15~~ 20
- 17 3. For a certificate, or for copying or certifying any paper or writ, such fee as  
18 shall be prescribed by the district court.

19 (b) The fees for entries, certificates and other papers required in  
20 naturalization cases shall be those prescribed by the federal government  
21 and, when collected, shall be disbursed as prescribed by the federal gov-  
22 ernment. The clerk of the court shall remit to the state treasurer at least  
23 monthly all moneys received from fees prescribed by subsection (a) or  
24 (b) or received for any services performed which may be required by law.  
25 The state treasurer shall deposit the remittance in the state treasury and  
26 credit the entire amount to the state general fund.

27 (c) In actions pursuant to the Kansas code for care of children (K.S.A.  
28 38-1501 *et seq.* and amendments thereto), the Kansas juvenile justice  
29 code (K.S.A. 38-1601 *et seq.* and amendments thereto), the act for treat-  
30 ment of alcoholism (K.S.A. 65-4001 *et seq.* and amendments thereto), the  
31 act for treatment of drug abuse (K.S.A. 65-5201 *et seq.* and amendments  
32 thereto) or the care and treatment act for mentally ill persons (K.S.A.  
33 2000 Supp. 59-2945 *et seq.* and amendments thereto), the clerk shall  
34 charge an additional fee of \$1 which shall be deducted from the docket  
35 fee and credited to the prosecuting attorneys' training fund as provided  
36 in K.S.A. 28-170a and amendments thereto.

37 (d) In actions pursuant to the Kansas code for care of children (K.S.A.  
38 38-1501 *et seq.* and amendments thereto), the Kansas juvenile justice  
39 code (K.S.A. 38-1601 *et seq.* and amendments thereto), the act for treat-  
40 ment of alcoholism (K.S.A. 65-4001 *et seq.* and amendments thereto), the  
41 act for treatment of drug abuse (K.S.A. 65-5201 *et seq.* and amendments  
42 thereto) or the care and treatment act for mentally ill persons (K.S.A.  
43 2000 Supp. 59-2945 *et seq.* and amendments thereto), the clerk shall

1 charge an additional fee of \$.50 which shall be deducted from the docket  
 2 fee and credited to the indigents' defense services fund as provided in  
 3 K.S.A. 28-172b and amendments thereto.

4 Sec. 5. K.S.A. 2000 Supp. 59-104 is hereby amended to read as fol-  
 5 lows: 59-104. (a) *Docket fee*. Except as otherwise provided by law, no case  
 6 shall be filed or docketed in the district court under the provisions of  
 7 chapter 59 of the Kansas Statutes Annotated or of articles 40 and 52 of  
 8 chapter 65 of the Kansas Statutes Annotated without payment of an ap-  
 9 propriate docket fee as follows:

10	Treatment of mentally ill .....	<del>24.50</del>	\$30.00
11	Treatment of alcoholism or drug abuse .....	<del>24.50</del>	30.00
12	Determination of descent of property.....	<del>39.50</del>	150.00
13	Termination of life estate .....	<del>39.50</del>	50.00
14	Termination of joint tenancy.....	<del>39.50</del>	50.00
15	Refusal to grant letters of administration .....	<del>39.50</del>	50.00
16	Adoption .....	<del>39.50</del>	39.50
17	<i>Step-parent adoption</i> .....		50.00
18	<i>Adult adoption</i> .....		50.00
19	<i>SRS adoption</i> .....		50.00
20	<i>Agency adoption</i> .....		250.00
21	<i>Independent adoption</i> .....		250.00
22	<i>International adoption (K.S.A. 59-2144 and amendments thereto)...</i>		250.00
23	Filing a will and affidavit under K.S.A. 59-618a <i>and amendments</i>		
24	<i>thereto</i> .....	<del>39.50</del>	50.00
25	Guardianship.....	<del>59.50</del>	75.00
26	Conservatorship .....	<del>59.50</del>	75.00
27	Trusteeship .....	<del>59.50</del>	100.00
28	Combined guardianship and conservatorship.....	<del>59.50</del>	150.00
29	Certified probate proceedings under K.S.A. 59-213, and amendments		
30	<i>thereto</i> .....	<del>14.50</del>	15.00
31	<i>Annual accounting of conservatorship under \$10,000</i> .....		10.00
32	<i>Annual accounting of conservatorship over \$10,000</i> .....		50.00
33	<i>Closing conservatorship under \$10,000</i> .....		10.00
34	<i>Closing conservatorship over \$10,000</i> .....		50.00
35	Decrees in probate from another state.....		99.50
36	Probate of an estate or of a will .....		99.50
37	Civil commitment under K.S.A. 2000 Supp. 59-29a01 <i>et seq. and</i>		
38	<i>amendments thereto</i> .....		24.50

39 (b) *Poverty affidavit in lieu of docket fee and exemptions*. The pro-  
 40 visions of subsection (b) of K.S.A. 60-2001 and K.S.A. 60-2005, and  
 41 amendments thereto, shall apply to probate docket fees prescribed by  
 42 this section.

43 (c) *Disposition of docket fee*. Statutory charges for the law library and

1 for the prosecuting attorneys' training fund shall be paid from the docket  
2 fee. The remainder of the docket fee shall be paid to the state treasurer  
3 in accordance with K.S.A. 20-362, and amendments thereto.

4 (d) *Additional court costs.* Other fees and expenses to be assessed as  
5 additional court costs shall be approved by the court, unless specifically  
6 fixed by statute. Other fees shall include, but not be limited to, witness  
7 fees, appraiser fees, fees for service of process outside the state, fees for  
8 depositions, transcripts and publication of legal notice, executor or ad-  
9 ministrator fees, attorney fees, court costs from other courts and any other  
10 fees and expenses required by statute. All additional court costs shall be  
11 taxed and billed against the parties or estate as directed by the court. No  
12 sheriff in this state shall charge any district court in this state a fee or  
13 mileage for serving any paper or process.

14 Sec. 6. K.S.A. 2000 Supp. 60-1621 is hereby amended to read as  
15 follows: 60-1621. (a) No post-decree motion petitioning for a change in  
16 legal custody, residency, visitation rights or parenting time, *any modifi-*  
17 *cation of an agreed order* or for a modification of child support shall be  
18 filed or docketed in the district court without payment of a docket fee in  
19 the amount of ~~§20~~ \$40 to the clerk of the district court.

20 (b) A poverty affidavit may be filed in lieu of a docket fee as estab-  
21 lished in K.S.A. 60-2001, and amendments thereto.

22 (c) The docket fee shall be the only costs assessed in each case for  
23 services of the clerk of the district court and the sheriff. The docket fee  
24 shall be disbursed in accordance with subsection (f) of K.S.A. 20-362, and  
25 amendments thereto.

26 Sec. 7. K.S.A. 60-2419 is hereby amended to read as follows: 60-  
27 2419. (a) When an execution against the judgment debtor or one of sev-  
28 eral debtors in the same judgment issued to the sheriff of the county  
29 where the debtor resides or, if the debtor does not reside in the state, to  
30 the sheriff of the county where judgment was rendered or a transcript of  
31 the judgment has been filed, is returned unsatisfied in whole or in part,  
32 the judgment creditor is entitled to have an order for a hearing in aid of  
33 execution by the district court of the county to which the execution was  
34 issued *upon filing of a request with the clerk of the district court and*  
35 *payment of a fee of \$10.* If a judgment creditor, without having attempted  
36 execution, alleges that the judgment creditor is without sufficient knowl-  
37 edge of the debtor's assets to advise the sheriff where and on what to levy  
38 execution, the judgment creditor shall be entitled to have an order for a  
39 hearing in aid of execution by the district court of the county where the  
40 debtor resides and a transcript of the judgment has been filed or, if the  
41 debtor does not reside in the state, where judgment was rendered or a  
42 transcript of the judgment has been filed. An order for a hearing in aid  
43 of execution shall require the judgment debtor to appear and answer

1 concerning the debtor's property and income, before the judge, or a ref-  
2 eree appointed by the judge, at a time and place specified in the order,  
3 within the county where the court is located. Witnesses may also be sub-  
4 poenaed to testify at the hearing. If, on proper application by the judg-  
5 ment creditor, the court finds that it will not cause undue hardship on  
6 the judgment debtor, the court may order a debtor residing in another  
7 county in this state to appear before the court for such a hearing.

8 If any person fails, neglects or refuses to appear and answer concerning  
9 the person's property and income at the time and place specified in an  
10 order for a hearing in aid of execution or, if any person subpoenaed to  
11 appear as a witness at the hearing fails, neglects or refuses to appear or  
12 to testify concerning anything about which the person can lawfully be  
13 interrogated, the person shall be guilty of contempt of court, and the  
14 court shall issue a citation requiring the person, at an early date specified  
15 in the citation, to appear before the court and show cause, if any, why  
16 the person should not be punished for contempt. If, after proper service  
17 of the citation by any officer or other person, the person does not appear  
18 before the court on the specified day or if it appears to the court that the  
19 person is hiding to avoid the process of the court or is about to leave the  
20 county for that purpose, the court may issue an attachment or bench  
21 warrant commanding the officer to whom it is directed to bring the person  
22 before the court to answer for contempt. If the court determines that any  
23 such person is guilty of contempt, the person shall be punished as the  
24 court directs.

25 At a hearing in aid of execution, when the existence of any nonexempt  
26 property of the judgment debtor is disclosed, the court shall order the  
27 debtor to deliver the property to the sheriff and shall also order the sheriff  
28 to accept its delivery. Upon receipt of the property, the sheriff shall give  
29 a receipt for it. If the property is other than currency, the sheriff shall  
30 sell the property, in the same manner as other property taken under  
31 execution is sold and the proceeds from the sale shall be applied to the  
32 judgment and costs.

33 If upon the hearing, it appears that the debtor may have income or  
34 property which the debtor will have in the future or refuses to disclose  
35 or apply to the judgment, the debtor may be ordered to return to the  
36 court from time to time, to appear before the court as the judge directs.  
37 Any debtor who fails to appear before the court as so ordered is guilty of  
38 contempt. The same procedure as provided above may be invoked at any  
39 time nonexempt property of the debtor is disclosed.

40 *(b) The docket prescribed by this section shall be disbursed in ac-*  
41 *cordance with subsection (f) of K.S.A. 20-362, and amendments thereto.*

42 Sec. 8. K.S.A. 2000 Supp. 61-3504 is hereby amended to read as  
43 follows: 61-3504. (a) As an aid to the collection of a judgment, an order

1 of garnishment may be obtained at any time after 10 days following judg-  
2 ment. There is no requirement that an execution first be issued and re-  
3 turned unsatisfied.

4 (b) The party requesting a garnishment shall file a request in an in-  
5 dividual case or by a master request covering more than one case asking  
6 the court to issue an order of garnishment. The request shall designate  
7 whether the order of garnishment is to be issued to attach earnings or to  
8 attach other property of the judgment debtor. If such party seeks to attach  
9 earnings of the judgment debtor to enforce:

10 (1) An order of any court for the support of any person;

11 (2) an order of any court of bankruptcy under chapter 13 of the  
12 United States bankruptcy code; or

13 (3) a debt due for any state or federal tax, the direction of the party  
14 shall so indicate.

15 No bond is required for an order of garnishment issued after judgment.

16 (c) *Except as otherwise provided by law, no case shall be filed or*  
17 *docketed in the district court, whether an original action or an appeal,*  
18 *without payment of a docket fee of \$10 for each nonearnings garnishment*  
19 *request, and \$25 for each continuing earnings garnishment request to the*  
20 *clerk of the district court.*

21 Sec. 9. K.S.A. 21-4610a, 28-170 and 60-2419 and K.S.A. 2000 Supp.  
22 21-4619, 22-2410, 59-104, 60-1621 and 61-3504 are hereby repealed.

23 Sec. 10. This act shall take effect and be in force from and after its  
24 publication in the statute book.

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