

Substitute for SENATE BILL No. 85

By Committee on Ways and Means

3-19

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 60-3005 and K.S.A. 2000 Supp. 20-1a14, 20-367, 21-4619, 22-2410, 59-104, 60-1621, 60-2001 and 60-4001 and repealing the existing sections; also repealing K.S.A. 2000 Supp. 20-367b and 61-2501.

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

Section 1. K.S.A. 2000 Supp. 20-1a14 is hereby amended to read as follows: 20-1a14. (a) There is hereby established in the state treasury the judicial branch nonjudicial salary initiative fund.

(b) All moneys credited to the judicial branch nonjudicial salary initiative fund shall be used for compensation of nonjudicial officers and employees of the district courts, court of appeals and the supreme court and shall not be expended for compensation of judges or justices of the judicial branch. Moneys in the fund shall be used only to pay for that portion of the cost of salaries and wages of nonjudicial personnel of the judicial branch, including associated employer contributions, which shall not exceed the difference between the amount of expenditures that would be required under the judicial branch pay plan for nonjudicial personnel in effect prior to the effective date of this act and the amount of expenditures required under the judicial branch pay plan for nonjudicial personnel after the cost-of-living adjustments and the adjustments for upgrades in pay rates for nonjudicial personnel approved by the chief justice of the Kansas supreme court for fiscal year 2001. For fiscal years commencing on and after June 30, 2001, moneys in such fund shall be used only for the amount attributable to maintenance of the judicial branch pay plan for nonjudicial personnel for such adjustments and upgrades approved by the chief justice of the supreme court for fiscal year 2001 *and for any reclassifications and salary initiatives that may be necessary for the judicial branch to hire and retain qualified employees.*

(c) All expenditures from the judicial branch nonjudicial salary initiative fund shall be made in accordance with appropriation acts and upon warrants of the director of accounts and reports issued pursuant to payrolls approved by the chief justice of the Kansas supreme court or by a

1 person or persons designated by the chief justice.

2 (d) The enactment of this legislation shall not be considered a state-
3 ment of legislative intent to endorse future state general fund financing
4 for ensuing fiscal years for the proposed nonjudicial pay plan contained
5 in the report to the Kansas supreme court by the nonjudicial salary ini-
6 tiative entitled nonjudicial employee compensation submitted to the 2000
7 legislature.

8 Sec. 2. K.S.A. 2000 Supp. 20-367 is hereby amended to read as fol-
9 lows: 20-367. Of the remittance of the balance of docket fees received
10 monthly by the state treasurer from clerks of the district court pursuant
11 to subsection (f) of K.S.A. 20-362, and amendments thereto, the state
12 treasurer shall deposit and credit to the access to justice fund; *(a)(1)* A
13 sum equal to ~~6.05%~~ 5.63% of the remittances of docket fees *for the fiscal*
14 *year ending June 30, 2002, and (2) a sum equal to 5.37% of the remit-*
15 *tances of docket fees for the fiscal year ending June 30, 2003, and fiscal*
16 *years thereafter; to the juvenile detention facilities fund; (b)(1) A sum*
17 *equal to ~~3.36%~~ 3.13% of the remittances of docket fees for the fiscal year*
18 *ending June 30, 2002, and (2) a sum equal to 2.99% of the remittances of*
19 *docket fees for the fiscal year ending June 30, 2003, and fiscal years there-*
20 *after; to the judicial branch education fund, the state treasurer shall de-*
21 *posit and credit: (c)(1) A sum equal to ~~2.58%~~ 2.40% of the remittances*
22 *of docket fees for the fiscal year ending June 30, 2002, and (2) a sum*
23 *equal to 2.29% of the remittances of docket fees for the fiscal year ending*
24 *June 30, 2003, and fiscal years thereafter; to the crime victims assistance*
25 *fund, the state treasurer shall deposit and credit: (d)(1) A sum equal to*
26 *~~.69%~~ .64% of the remittances of the docket fees for the fiscal year ending*
27 *June 30, 2002, and (2) a sum equal to .61% of the remittances of docket*
28 *fees for the fiscal year ending June 30, 2003, and fiscal years thereafter;*
29 *to the protection from abuse fund, the state treasurer shall deposit and*
30 *credit: (e)(1) A sum equal to ~~2.07%~~ 1.93% of the remittances of the docket*
31 *fees for the fiscal year ending June 30, 2002, and (2) a sum equal to 1.84%*
32 *of the remittances of docket fees for the fiscal year ending June 30, 2003,*
33 *and fiscal years thereafter; to the judiciary technology fund, the state*
34 *treasurer shall deposit and credit: (f)(1) A sum equal to ~~5.23%~~ 4.87% of*
35 *the remittances of docket fees for the fiscal year ending June 30, 2002,*
36 *and (2) a sum equal to 4.65% of the remittances of docket fees for the*
37 *fiscal year ending June 30, 2003, and fiscal years thereafter; to the dispute*
38 *resolution fund, the state treasurer shall deposit and credit: (g)(1) A sum*
39 *equal to ~~.43%~~ .40% of the remittances of docket fees for the fiscal year*
40 *ending June 30, 2002, and (2) a sum equal to .38% of the remittances of*
41 *docket fees for the fiscal year ending June 30, 2003, and fiscal years there-*
42 *after; to the Kansas juvenile delinquency prevention trust fund, the state*
43 *treasurer shall deposit and credit: (h)(1) A sum equal to ~~1.53%~~ 1.42% of*

1 the remittances of docket fees *for the fiscal year ending June 30, 2002,*
2 *and (2) a sum equal to 1.36% of the remittances of docket fees for the*
3 *fiscal year ending June 30, 2003, and fiscal years thereafter;* to the per-
4 manent families account in the family and children investment fund, the
5 state treasurer shall deposit and credit: *(i)(1) A sum equal to ~~.25%~~ .23%*
6 *of the remittances of docket fees for the fiscal year ending June 30, 2002,*
7 *and (2) a sum equal to .22% of the remittances of docket fees for the fiscal*
8 *year ending June 30, 2003, and fiscal years thereafter;* to the trauma fund;:
9 *(j)(1) A sum equal to ~~1.81%~~ 1.68% of the remittance of docket fees for*
10 *the fiscal year ending June 30, 2002, and (2) a sum equal to 1.61% of the*
11 *remittances of docket fees for the fiscal year ending June 30, 2003, and*
12 *fiscal years thereafter;* and to the judicial branch nonjudicial salary initia-
13 tive fund, the state treasurer shall deposit and credit: *(k)(1) A sum equal*
14 *to ~~21.97%~~ 27.87% of the remittance of docket fees for the fiscal year*
15 *ending June 30, 2002, and (2) a sum equal to 31.13% of the remittances*
16 *of docket fees for the fiscal year ending June 30, 2003, and fiscal years*
17 *thereafter.* The balance remaining of the remittances of docket fees shall
18 be deposited and credited to the state general fund.

19 Sec. 3. K.S.A. 21-4610a is hereby amended to read as follows: 21-
20 4610a. (a) Each person placed under the probation supervision of a court
21 services officer or other officer or employee of the judicial branch by a
22 judge of the district court under K.S.A. 21-4610 and amendments thereto
23 and each person assigned to a community correctional services program
24 shall pay a probation or community correctional services fee. If the person
25 was convicted of a misdemeanor, the amount of the probation services
26 fee ~~is \$25~~ *shall be \$10 per month for the term of probation to which the*
27 *probationer was originally sentenced,* and if the person was convicted of
28 a felony, the amount of the probation or community correctional services
29 fee ~~is \$50,~~ *shall be \$20 per month for the term of probation to which the*
30 *probationer was originally sentenced,* except that in any case the amount
31 of the probation or community correctional services fee specified by this
32 section may be reduced or waived by the judge if the person is unable to
33 pay that amount.

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

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

1 Sec. 4. K.S.A. 2000 Supp. 21-4619 is hereby amended to read as
2 follows: 21-4619. (a) (1) Except as provided in subsections (b) and (c),
3 any person convicted in this state of a traffic infraction, cigarette or to-
4 bacco infraction, misdemeanor or a class D or E felony, or for crimes
5 committed on or after July 1, 1993, nondrug crimes ranked in severity
6 levels 6 through 10 or any felony ranked in severity level 4 of the drug
7 grid, may petition the convicting court for the expungement of such con-
8 viction or related arrest records if three or more years have elapsed since
9 the person: (A) Satisfied the sentence imposed; or (B) was discharged
10 from probation, a community correctional services program, parole, post-
11 release supervision, conditional release or a suspended sentence.

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

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

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

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

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

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

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

43 (6) any crime punishable as a felony wherein a motor vehicle was

1 used in the perpetration of such crime;

2 (7) failing to stop at the scene of an accident and perform the duties
3 required by K.S.A. 8-1602, 8-1603 or 8-1604, and amendments thereto,
4 or required by a law of another state which is in substantial conformity
5 with those statutes;

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

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

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

35 (d) When a petition for expungement is filed, the court shall set a
36 date for a hearing of such petition and shall cause notice of such hearing
37 to be given to the prosecuting attorney and the arresting law enforcement
38 agency. *Except as otherwise provided by law, a petition for expungement*
39 *shall be accompanied by payment of a docket fee in the amount of \$150.*

40 The petition shall state: (1) The defendant's full name;

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

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

1 (4) the crime for which the defendant was arrested, convicted or
2 diverted;

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

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

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

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

18 (2) the circumstances and behavior of the petitioner warrant the
19 expungement; and

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

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

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

33 (2) the petitioner shall disclose that the arrest, conviction or diversion
34 occurred if asked about previous arrests, convictions or diversions: (A) In
35 any application for employment as a detective with a private detective
36 agency, as defined by K.S.A. 75-7b01 and amendments thereto; as se-
37 curity personnel with a private patrol operator, as defined by K.S.A. 75-
38 7b01 and amendments thereto; or with an institution, as defined in K.S.A.
39 76-12a01 and amendments thereto, of the department of social and re-
40 habilitation services;

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

43 (C) to aid in determining the petitioner's qualifications for employ-

1 ment with the Kansas lottery or for work in sensitive areas within the
2 Kansas lottery as deemed appropriate by the executive director of the
3 Kansas lottery;

4 (D) to aid in determining the petitioner's qualifications for executive
5 director of the Kansas racing commission, for employment with the com-
6 mission or for work in sensitive areas in parimutuel racing as deemed
7 appropriate by the executive director of the commission, or to aid in
8 determining qualifications for licensure or renewal of licensure by the
9 commission;

10 (E) upon application for a commercial driver's license under K.S.A.
11 8-2,125 through 8-2,142, and amendments thereto;

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

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

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

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

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

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

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

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

1 (i) Whenever the record of any arrest, conviction or diversion has
2 been expunged under the provisions of this section or under the provi-
3 sions of any other existing or former statute, the custodian of the records
4 of arrest, conviction, diversion and incarceration relating to that crime
5 shall not disclose the existence of such records, except when requested
6 by:

7 (1) The person whose record was expunged;

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

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

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

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

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

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

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

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

43 (10) the Kansas sentencing commission;

1 (11) the state gaming agency, and the request is accompanied by a
2 statement that the request is being made to aid in determining qualifi-
3 cations: (A) To be an employee of the state gaming agency; or (B) to be
4 an employee of a tribal gaming commission or to hold a license issued
5 pursuant to a tribal-gaming compact; or

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

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

15 Sec. 5. K.S.A. 2000 Supp. 22-2410 is hereby amended to read as
16 follows: 22-2410. (a) Any person who has been arrested in this state may
17 petition the district court for the expungement of such arrest record.

18 (b) When a petition for expungement is filed, the court shall set a
19 date for hearing on such petition and shall cause notice of such hearing
20 to be given to the prosecuting attorney and the arresting law enforcement
21 agency. *Except as otherwise provided by law, a petition for expungement*
22 *shall be accompanied by payment of a docket fee in the amount of \$150.*

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

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

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

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

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

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

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

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

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

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

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

42 (d) When the court has ordered expungement of an arrest record and
43 subsequent court proceedings, if any, the order shall state the information

1 required to be stated in the petition and shall state the grounds for
2 expungement under subsection (c). The clerk of the court shall send a
3 certified copy of the order to the federal bureau of investigation, the
4 Kansas bureau of investigation, the secretary of corrections and any other
5 criminal justice agency which may have a record of the arrest. If an order
6 of expungement is entered, the petitioner shall be treated as not having
7 been arrested.

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

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

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

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

29 (5) in any application for a commercial driver's license under K.S.A.
30 8-2,125 through 8-2,142 and amendments thereto;

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

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

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

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

42 (g) Whenever a petitioner's arrest records have been expunged as
43 provided in this section, the custodian of the records of arrest, incarcer-

1 ation due to arrest or court proceedings related to the arrest, shall not
2 disclose the arrest or any information related to the arrest, except as
3 directed by the order of expungement or when requested by the person
4 whose arrest record was expunged.

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

8 Sec. 6. K.S.A. 28-170 is hereby amended to read as follows: 28-170.

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

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

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

31 (c) In actions pursuant to the Kansas code for care of children (K.S.A.
32 38-1501 *et seq.* and amendments thereto), the Kansas juvenile justice
33 code (K.S.A. 38-1601 *et seq.* and amendments thereto), the act for treat-
34 ment of alcoholism (K.S.A. 65-4001 *et seq.* and amendments thereto), the
35 act for treatment of drug abuse (K.S.A. 65-5201 *et seq.* and amendments
36 thereto) or the care and treatment act for mentally ill persons (K.S.A.
37 2000 Supp. 59-2945 *et seq.* and amendments thereto), the clerk shall
38 charge an additional fee of \$1 which shall be deducted from the docket
39 fee and credited to the prosecuting attorneys' training fund as provided
40 in K.S.A. 28-170a and amendments thereto.

41 (d) In actions pursuant to the Kansas code for care of children (K.S.A.
42 38-1501 *et seq.* and amendments thereto), the Kansas juvenile justice
43 code (K.S.A. 38-1601 *et seq.* and amendments thereto), the act for treat-

1 ment of alcoholism (K.S.A. 65-4001 *et seq.* and amendments thereto), the
 2 act for treatment of drug abuse (K.S.A. 65-5201 *et seq.* and amendments
 3 thereto) or the care and treatment act for mentally ill persons (K.S.A.
 4 2000 Supp. 59-2945 *et seq.* and amendments thereto), the clerk shall
 5 charge an additional fee of \$.50 which shall be deducted from the docket
 6 fee and credited to the indigents' defense services fund as provided in
 7 K.S.A. 28-172b and amendments thereto.

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

14	Treatment of mentally ill	24.50	<i>30.00</i>
15	Treatment of alcoholism or drug abuse.....	24.50	<i>30.00</i>
16	Determination of descent of property	39.50	<i>150.00</i>
17	Termination of life estate.....	39.50	<i>50.00</i>
18	Termination of joint tenancy.....	39.50	<i>50.00</i>
19	Refusal to grant letters of administration.....	39.50	<i>50.00</i>
20	Adoption.....	39.50	
21	<i>Step-parent adoption</i>		<i>50.00</i>
22	<i>Adult adoption</i>		<i>50.00</i>
23	<i>SRS adoption</i>		<i>10.00</i>
24	<i>Agency adoption</i>		<i>100.00</i>
25	<i>Independent adoption</i>		<i>100.00</i>
26	<i>International adoption (K.S.A. 59-2144 and amendments thereto)</i>		<i>100.00</i>
27	Filing a will and affidavit under K.S.A. 59-618a <i>and amendments</i> 28 <i>thereto</i>	39.50	<i>50.00</i>
29	Guardianship.....	59.50	<i>100.00</i>
30	Conservatorship.....	59.50	<i>100.00</i>
31	Trusteeship.....	59.50	<i>100.00</i>
32	Combined guardianship and conservatorship.....	59.50	<i>100.00</i>
33	Certified probate proceedings under K.S.A. 59-213, and amendments 34 <i>thereto</i>	14.50	<i>15.00</i>
35	<i>Annual accounting of conservatorship under \$10,000</i>		<i>10.00</i>
36	<i>Annual accounting of conservatorship over \$10,000</i>		<i>50.00</i>
37	<i>Closing conservatorship under \$10,000</i>		<i>10.00</i>
38	<i>Closing conservatorship over \$10,000</i>		<i>50.00</i>
39	Decrees in probate from another state		<i>99.50</i>
40	Probate of an estate or of a will.....		<i>99.50</i>
41	Civil commitment under K.S.A. 2000 Supp. 59-29a01 <i>et seq. and amend-</i> 42 <i>ments thereto</i>		<i>24.50</i>
43	(b) <i>Poverty affidavit in lieu of docket fee and exemptions.</i> The pro-		

1 visions of subsection (b) of K.S.A. 60-2001 and K.S.A. 60-2005, and
2 amendments thereto, shall apply to probate docket fees prescribed by
3 this section.

4 (c) *Disposition of docket fee.* Statutory charges for the law library and
5 for the prosecuting attorneys' training fund shall be paid from the docket
6 fee. The remainder of the docket fee shall be paid to the state treasurer
7 in accordance with K.S.A. 20-362, and amendments thereto.

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

18 Sec. 8. K.S.A. 2000 Supp. 60-1621 is hereby amended to read as
19 follows: 60-1621. (a) No post-decree motion petitioning for a change in
20 legal custody, residency, visitation rights or parenting time, *any modifi-*
21 *cation of an agreed order* or for a modification of child support shall be
22 filed or docketed in the district court without payment of a docket fee in
23 the amount of ~~20~~ \$40 to the clerk of the district court.

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

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

30 Sec. 9. K.S.A. 2000 Supp. 60-2001 is hereby amended to read as
31 follows: 60-2001. (a) *Docket fee.* Except as otherwise provided by law, no
32 case shall be filed or docketed in the district court, whether original or
33 appealed, without payment of a docket fee in the amount of ~~104~~ \$150
34 to the clerk of the district court.

35 (b) *Poverty affidavit in lieu of docket fee.* (1) *Effect.* In any case where
36 a plaintiff by reason of poverty is unable to pay a docket fee, and an
37 affidavit so stating is filed, no fee will be required. An inmate in the
38 custody of the secretary of corrections may file a poverty affidavit only if
39 the inmate attaches a statement disclosing the average account balance,
40 or the total deposits, whichever is less, in the inmate's trust fund for each
41 month in (A) the six-month period preceding the filing of the action; or
42 (B) the current period of incarceration, whichever is shorter. Such state-
43 ment shall be certified by the secretary. On receipt of the affidavit and

1 attached statement, the court shall determine the initial fee to be assessed
2 for filing the action and in no event shall the court require an inmate to
3 pay less than \$3. The secretary of corrections is hereby authorized to
4 disburse money from the inmate's account to pay the costs as determined
5 by the court. If the inmate has a zero balance in such inmate's account,
6 the secretary shall debit such account in the amount of \$3 per filing fee
7 as established by the court until money is credited to the account to pay
8 such docket fee. Any initial filing fees assessed pursuant to this subsection
9 shall not prevent the court, pursuant to subsection (d), from taxing that
10 individual for the remainder of the amount required under subsection (a)
11 or this subsection.

12 (2) *Form of affidavit.* The affidavit provided for in this subsection
13 shall be in the following form and attached to the petition:

14 State of Kansas, _____ County.

15 In the district court of the county: I do solemnly swear that the claim set forth in the
16 petition herein is just, and I do further swear that, by reason of my poverty, I am unable to
17 pay a docket fee.

18 (c) *Disposition of docket fee.* The docket fee shall be the only costs
19 assessed in each case for services of the clerk of the district court and the
20 sheriff. The docket fee shall be disbursed in accordance with K.S.A. 20-
21 362 and amendments thereto.

22 (d) *Additional court costs.* Other fees and expenses to be assessed as
23 additional court costs shall be approved by the court, unless specifically
24 fixed by statute. Other fees shall include, but not be limited to, witness
25 fees, appraiser fees, fees for service of process outside the state, fees for
26 depositions, alternative dispute resolution fees, transcripts and publica-
27 tion, attorney fees, court costs from other courts and any other fees and
28 expenses required by statute. All additional court costs shall be taxed and
29 billed against the parties as directed by the court. No sheriff in this state
30 shall charge any district court in this state a fee or mileage for serving any
31 paper or process.

32 Sec. 10. K.S.A. 60-3005 is hereby amended to read as follows: 60-
33 3005. Any person filing a foreign judgment shall pay to the clerk of the
34 district court a docket fee as prescribed by K.S.A. 60-2001, and amend-
35 ments thereto in the amount of \$150. Any additional fees or charges not
36 specifically covered by the docket fee shall be assessed as additional court
37 costs in the same manner and to the same extent as if the action had been
38 originally commenced in the court where the foreign judgment is filed.

39 Sec. 11. K.S.A. 2000 Supp. 61-4001 is hereby amended to read as
40 follows: 61-4001. (a) Docket fee. No case shall be filed or docketed pur-
41 suant to the code of civil procedure for limited actions without the pay-
42 ment of a docket fee in the amount of ~~\$19.50~~ \$26, if the amount in
43 controversy or claimed does not exceed \$500; ~~\$39.50~~ \$50, if the amount

1 in controversy or claimed exceeds \$500 but does not exceed \$5,000; or
2 ~~\$64.50~~ \$80, if the amount in controversy or claimed exceeds \$5,000. If
3 judgment is rendered for the plaintiff, the court also may enter judgment
4 for the plaintiff for the amount of the docket fee paid by the plaintiff.

5 (b) Poverty affidavit; additional court costs. The provisions of subsec-
6 tions (b), (c) and (d) of K.S.A. 60-2001, and amendments thereto, shall
7 be applicable to lawsuits brought under the code of civil procedure for
8 limited actions.

9 Sec. 12. K.S.A. 21-4610a, 28-170 and 60-3005 and K.S.A. 2000 Supp.
10 20-1a14, 20-367, 20-367b, 21-4619, 22-2410, 59-104, 60-1621, 60-2001,
11 60-4001 and 61-2501 are hereby repealed.

12 Sec. 13. This act shall take effect and be in force from and after its
13 publication in the statute book.

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