

[As Amended by Senate Committee of the Whole]

As Amended by Senate Committee

Session of 2003

SENATE BILL No. 187

By Committee on Judiciary

2-10

AN ACT concerning forensic services and laboratory analysis; relating to fees; amending K.S.A. 2002 Supp. 28-176 and repealing the existing section.

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

Section 1. K.S.A. 2002 Supp. 28-176 is hereby amended to read as follows: 28-176. (a) Any person convicted or diverted, or adjudicated or diverted under a preadjudication program, pursuant to K.S.A. 22-2906 *et seq.*, 38-1635 *et seq.*, or 12-4414 *et seq.*, and amendments thereto, of a misdemeanor or felony contained in chapters 21, 41 or 65 of the Kansas Statutes Annotated, or a violation of K.S.A. 8-1567 and amendments thereto, shall pay a separate court cost of: (1) \$400 as a Kansas bureau of investigation laboratory analysis fee for each offense if forensic science or laboratory services are rendered or administered by the Kansas bureau of investigation in connection with the case; ~~and~~ **and** (2) \$400 for each offense if forensic science or laboratory services are rendered or administered by the Sedgwick county regional forensic science center, **the Kansas City, Kansas community college forensic laboratory** or the Johnson county sheriff's laboratory; *and* (3) \$400 for each offense if forensic science or laboratory services are rendered or administered by the Kansas City, Kansas community college forensic laboratory.

(b) Such fees shall be in addition to and not in substitution for any and all fines and penalties otherwise provided for by law for such offense.

(c) Disbursements from the Kansas bureau of investigation laboratory analysis fee deposited into the forensic laboratory and materials fee fund of the Kansas bureau of investigation shall be made for the following:

- (1) Providing criminalistic laboratory services;
- (2) the purchase and maintenance of equipment for use by the laboratory in performing analysis;
- (3) education, training and scientific development of Kansas bureau

1 of investigation personnel; and

2 (4) the destruction of seized property and chemicals as prescribed in
3 K.S.A. 22-2512 and 60-4117, and amendments thereto.

4 (d) Fees received into this fund shall be supplemental to regular ap-
5 propriations to the Kansas bureau of investigation.

6 (e) The fee for services rendered or administered by the Sedgwick
7 county regional forensic science center shall be deposited in the Sedgwick
8 county general fund, ***the fee for services rendered or administered by***
9 ***the Kansas City, Kansas community college forensic laboratory***
10 ***shall be deposited in the Wyandotte county [unified government of***
11 ***Wyandotte county/Kansas City, Kansas] general fund*** and the fee for
12 services rendered or administered by the Johnson county sheriff's labo-
13 ratory shall be deposited in the Johnson county general fund and dis-
14 burSED for the following:

15 (1) Providing criminalistic laboratory services;

16 (2) the purchase and maintenance of equipment for use by the center
17 or laboratory in performing analysis; and

18 (3) education, training and scientific development of the center's or
19 laboratory's personnel.

20 ~~(f) The fee for services rendered or administered by the Kansas City,~~
21 ~~Kansas community college forensic laboratory shall be deposited in a sep-~~
22 ~~arate account in the general fund of the unified government of Wyandotte~~
23 ~~county, Kansas City, Kansas, and disbursed for the following:~~

24 ~~—(1) Costs incurred by the Wyandotte county district attorney and the~~
25 ~~Kansas City, Kansas, police department pursuant to contractual agree-~~
26 ~~ment between the unified government and the board of trustees of Kansas~~
27 ~~City, Kansas community college for forensic services; and~~

28 ~~—(2) any balance remaining in the account and not used pursuant to~~
29 ~~subsection (f)(1) shall be made available to the district attorney for the~~
30 ~~29th judicial district to be expended to enhance the prosecution of drug~~
31 ~~offenses. Such fees shall not be considered a source of revenue to meet~~
32 ~~normal operating expenditures, shall not be used in planning or adopting~~
33 ~~the district attorney's budget and shall be expended through the normal~~
34 ~~unified government appropriation system.~~

35 Sec. 2. K.S.A. 2002 Supp. 28-176 is hereby repealed.

36 Sec. 3. This act shall take effect and be in force from and after its
37 publication in the statute book.

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