

Approved: Feb. 3 - 1997  
Date

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY.

The meeting was called to order by Chairperson Mike Harris at 10:05 a.m. on January 29, 1997 in Room 514-S of the Capitol.

All members were present except: Senator Harrington (excused)

Committee staff present: Mike Heim, Legislative Research Department  
Jerry Donaldson, Legislative Research Department  
Gordon Self, Revisor of Statutes  
Mary Blair, Committee Secretary

Conferees appearing before the committee: Natalie Haag, Board of Indigents' Defense  
John Peterson, Kansas Land Title Association  
Tom Vohs, Dept. of Corrections  
Wendy McFarland, ACLU  
Judge White, Office of Judicial Administration

Others attending: See attached list

Natalie Haag, Director of the Board of Indigents' Defense presented 3 bill amendments: 22-4506 - would allow a district court judge the option of appointing counsel on habeas corpus action; 22-4503 - would restrict the payment for appointed attorneys in cases of "1501's" which are restricted to conditions of the prison after conviction; and 75-2949f - regarding civil service, would allow a cause per se grounds for suspension for a permanent employee's conduct subjecting the supervising attorney to discipline under the model codes of professional conduct adopted by the supreme court. (Attachment 1) A motion was made by Senator Bond to introduce the bill, seconded by Senator Goodwin. Motion carried.

John Peterson, representing Kansas Land Title Association, requested an amendment to K.S.A. 61-1729 to make it consistent with Chapter 60 of the K.S.A. (Attachment 2) Senator Bond moved to introduce the bill, Senator Feleciano seconded. Motion carried.

**SB 72 - Disclosure of certain records relating to correctional inmates or released inmates**

Tom Vohs, Deputy Secretary of Community Field Services representing the Department of Corrections appeared as a proponent for **SB 72**, which deals with disclosure of records relating to correctional inmates or released inmates. Conferee Vohs stated that **SB 72** amends the provisions of the Open Records Act K.S.A. 45-221(29) to provide for expanded release of information pertaining to persons on parole, post release or conditional release supervision. He commented on the provisions of the amendment offering several proposals and recommendations. (Attachment 3) He also handed out written testimony from the Kansas Organization for Victim Assistance who are proponents for the bill as well. (Attachment 4)

Wendy McFarland, representing the American Civil Liberties Union (ACLU), appeared as a proponent for most portions of **SB 72**. After presenting concerns about the latter portion of the bill she proposed an amendment which would add new language to the bill. (Attachment 5)

Written testimony from Davis Merritt, Senior Editor, The Wichita Eagle, was presented (Attachment 6) as was written testimony from Attorney General Carla Stovall who asked for the committee's support of **SB 72**. (Attachment 7)

**SB 73 - Income withholding for criminal cost as a condition of probation or upon violating a condition or probation**

Judge White, District Court Judge from Iola, Ks., appearing on behalf of the Alternative Sanctions Committee, testified as a proponent on **SB 73** with amendments. He stated that this bill provides a tool for the collection of fees to reimburse the state. He briefly summarized the court process with regard to collection of certain fees and stated that the current methods were ineffectual and time consuming. He related provisions of the bill and expected outcomes if it were enacted. (Attachment 8) He also proposed several amendments to **SB 73** that are technical in nature. (Attachment 9) After discussion, Senator Bond moved to adopt the bill and present it favorable for passage, Senator Emert seconded. Motion carried.

Meeting adjourned at 11:04 a.m. The next scheduled meeting is January 30, 1997

# SENATE JUDICIARY COMMITTEE GUEST LIST

DATE: 1-29-97

NAME	REPRESENTING
<i>John W. Jones</i>	<i>Kansas City Star</i>
<i>James Jones</i>	<i>State Bar</i>
<i>Susan Briggs</i>	<i>Topeka Ind Living Res. Ctr.</i>
<i>John W. White</i>	<i>Judiciary</i>
<i>James Clark</i>	<i>KCDAA</i>
<i>Natalie M. Haag</i>	<i>Board of Judges' Defense Services</i>
<i>R. Lipsy</i>	<i>AP</i>
<i>Tom Vohs</i>	<i>KDOC</i>
<i>Tim Madden</i>	<i>KDOC</i>
<i>Paul Shelby</i>	<i>DIA</i>
<i>John Rensat</i>	<i>Kansas Press Assn</i>
<i>Steve Painter</i>	<i>Wichita Eagle</i>
<i>Scott Alisonger</i>	<i>Div of Budget</i>
<i>JASON PITRE BODGES</i>	<i>ROAD SHOW</i>
<i>Harriet Lang</i>	<i>Ks Assn B' Casters</i>
<i>Tom Bell</i>	<i>Ks. Hosp. Assn.</i>
<i>Jim Jassent</i>	<i>KU</i>

S. Jud 1-29-97 2013-1

**BOARD OF INDIGENTS' DEFENSE SERVICES  
TESTIMONY BEFORE THE  
SENATE JUDICIARY COMMITTEE  
JANUARY 29, 1997  
Presented by: Natalie G. Haag, Executive Director**

Members of the committee and staff:

On behalf of the Board of Indigents' Defense Services I would request the following statutory amendments be presented as a bill before the Senate:

*Amendment to K.S.A. 22-4506:* An Act concerning crimes, punishment and criminal procedure; relating to the appointment of counsel for persons in custody filing a petition for writ of habeas corpus or motion attacking sentence under K.S.A. 60-1507.

**Summary of proposed amendment:** Revise K.S.A. 22-4506 to allow the district court judge the option of appointing counsel on an appeal from a writ of habeas corpus or motion attacking sentence under K.S.A. 60-1507.

*Amendment to K.S.A. 22-4503:* An Act concerning crimes, punishment and criminal procedure; relating to the appointment of counsel and compensation of counsel for post-conviction habeas corpus petitions in which conditions of confinement are exclusively at issue.

**Summary of proposed amendment:** Revise K.S.A. 22-4503 to prohibit appointment of counsel and compensation by the State Board of Indigents' Defense Services for post-conviction habeas corpus petitions in which conditions of confinement are exclusively at issue.

*Amendment to K.S.A. 75-2949f:* An Act concerning civil service; relating to personal conduct detrimental to state service.

**Summary of proposed amendment:** Revise K.S.A. 75-2929f to include as a ground for dismissal, demotion or suspension of a permanent employee conduct which would subject the employee's supervising attorney to discipline under the Model Rules of Professional Conduct as adopted by the Supreme Court.

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The agency recommends the following amendment to K.S.A. 22-4506:

(a) Whenever any person who is in custody under a sentence of imprisonment upon conviction of a felony files a petition for writ of habeas corpus or a motion attacking sentence under K.S.A. 60-1507 and files with such petition or motion such person's affidavit stating that the petition or motion is filed in good faith and that such person is financially unable to pay the costs of such action and to employ counsel therefor, the court shall make a preliminary examination of the petition or motion and the supporting papers.

(b) If the court finds that the petition or motion presents substantial questions of law or triable issues of fact and if the petitioner or movant has been or is thereafter determined to be an indigent person as provided in K.S.A. 22-4504 and amendments thereto, the court shall appoint counsel from the panel for indigents' defense services or otherwise in accordance with the applicable system for providing legal defense services for indigent persons described by the state board of indigents' defense services, to assist such person and authorize the action to be filed without a deposit of security for costs. If the petition or motion in such case raises questions shown by the trial record, the court shall order that the petitioner or movant be supplied with a transcript of the trial proceedings, or so much thereof as may be necessary to present the issue, without cost to such person.

(c) If an appeal is taken in such action and if the trial court finds that the petitioner or movant is an indigent person, *if required in the interest of justice*, the trial court shall appoint counsel to conduct the appeal, order that the appellant be supplied with a record of the proceedings or so much thereof as such counsel determines to be necessary and order that the deposit of security for costs be waived.

The agency recommends the following amendment to K.S.A. 22-4503:

(a) A defendant charged by the state of Kansas in a complaint, information or indictment with any felony is entitled to have the assistance of counsel at every stage of the proceedings against such defendant and a defendant in an extradition proceeding or a habeas corpus proceeding pursuant to K.S.A. 22-2710, is entitled to have assistance of counsel at such proceeding. A person subject to an order or commitment pursuant to K.S.A. 22-3428 or 59-2917 shall be entitled to the assistance of counsel at every stage of a habeas corpus proceeding brought by such person and the provisions of this section relating to defendants shall be applicable to such persons. ***Counsel shall not be provided to a person who files a post-conviction habeas corpus petition in which conditions of confinement are exclusively at issue and the state board of indigents' defense services shall not compensate any attorney who provides services in the proceeding.***

The agency recommends the following amendment to K.S.A. 75-2949f:

(t) conduct which would subject the employee's supervising attorney to discipline under the Model Rules of Professional Conduct as adopted by the Supreme Court.

BILL NO. \_\_\_\_\_

AN ACT concerning civil procedure for limited actions; amending K.S.A. 61-1729 and repealing the existing section.

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

SECTION 1: K.S.A. 61-1729 IS HEREBY AMENDED TO READ AS FOLLOWS:

An action filed under chapter 61 of the Kansas Statutes Annotated, except an action filed pursuant to the small claims procedure act, may upon motion of a party and order of the court for good cause shown, be thereafter governed by the provisions of chapter 60 of the Kansas Statutes Annotated. The party obtaining an order under this section shall pay any additional docket fee required had the action been filed under chapter 60 of the Kansas Statutes Annotated.

EXISTING STATUTE

ADD THE FOLLOWING TO THE EXISTING STATUTE:

UPON ORDER OF THE COURT AND PAYMENT OF ANY ADDITIONAL DOCKET FEE, THE CLERK OF THE DISTRICT COURT SHALL RENUMBER THE CASE AS A CASE FILED UNDER CHAPTER 60 IN THE SAME MANNER AS REQUIRED BY K.S.A. 60-2418.

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STUD 1-29-97 att 3

STATE OF KANSAS



DEPARTMENT OF CORRECTIONS  
OFFICE OF THE SECRETARY  
Landon State Office Building  
900 S.W. Jackson — Suite 400-N  
Topeka, Kansas 66612-1284  
(913) 296-3317

Bill Graves  
Governor

Charles E. Simmons  
Secretary

MEMORANDUM

Date: January 29, 1997  
To: Senate Judiciary Committee  
From: Charles E. Simmons, Secretary  
Subject: SB 72

SB 72 amends the provisions of the Open Records Act, K.S.A. 45-221(29) to provide for the expanded release of information pertaining to persons on parole, post release, or conditional release supervision. SB 72 also clarifies that photographs and other identifying information are open to the public. Finally, the proposed amendment provides for the confidentiality of the location of inmates transferred to another state for incarceration pursuant to the Interstate Corrections Compact.

The Department of Corrections supports SB 72. The Interim Special Committee on Judiciary in its report noted that various citizen conferees appeared to encourage community-wide publication of information regarding offenders. Additionally, the federal Jacob Wetterling Act conditions federal funding on the release of information regarding sex offenders. While compliance with the Jacob Wetterling Act could be accomplished by other means and an issue exists as to whether the Jacob Wetterling Act requires an active dissemination of information rather than a passive system of notification, SB 72 serves to achieve the goal of expanding the dissemination of information to the public.

The bill provides for the release of certain identification material, including photographs of offenders. In regard to persons released pursuant to parole, conditional release, or post release supervision, SB 72 would open to the public, information that is similar to the information currently being provided in regard to inmates confined in a correctional facility. A releasee's history of supervision violations, supervision level, conditions of supervision (except for requirements pertaining to mental health or substance abuse counseling), and the location of the parole office to which the releasee is required to report, correspond to the disciplinary record, custody level, and location of a confined inmate which is currently public information. The release of this information would aid members of the public in reporting violations of release conditions to the appropriate parole officials. The exclusion

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Re: SB 72

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from disclosure of release conditions pertaining to mental health and substance abuse counseling would not adversely affect the supervision of releasees, since treatment providers report treatment progress directly to parole officers. Additionally, exclusion of mental health treatment information from disclosure would provide for compliance with federal confidentiality laws.

SB 72 also provides for the release of addresses of releasees. However, this provision would be limited to persons whose crime was committed after the effective date of the act, in conformity with the decision of the Kansas Supreme Court in State v. Kym Myers, 260 Kan. 669 (1996). In Myers, the Kansas Supreme Court found that public access to information required by the Kansas Sex Offender Registration Act (KSORA) violated the *Ex Post Facto Clause* of the United States Constitution. In reaching that conclusion, the Court noted that while maliciously exposing a paroled offender with the intent of interfering with the offender's employment or business is a misdemeanor crime that criminal prohibition, however, does not address interference with a releasee's housing. The dissemination of that information was found by the Court to constitute an additional punishment not provided for at the time of the commission of the offense for which the offender was convicted. The department is of the opinion that except for information regarding the releasee's home address, the information proposed to be open to the public pursuant to SB 72, could be constitutionally released to the public as an aid to the department's supervision of offenders irrespective of when the offender committed the crime for which he or she was convicted.

The department would be remiss if it failed to point out to the Committee that the Kansas Supreme Court in Myers left undecided the issue of whether the dissemination of information as required by KSORA would be unconstitutional even if applied to offenders whose crime was committed after the effective date of KSORA. Additionally, the Committee should be cognizant of the Court's comments regarding the effect of public dissemination of information pertaining to releasees. The Court stated "the unrestricted public access [provided by KSORA] leaves open the probability that a registered sex offender could suffer the kind of public stigma and ostracism that concerned the Artway court...".

Finally, SB 72 would permit the secretary of corrections to not disclose the location of an inmate who has been transferred to another state pursuant to the Interstate Corrections Compact. The Interstate Corrections Compact, K.S.A. 76-3001 et seq, is a valuable tool for the confinement of inmates who for various security reasons should not remain in a Kansas correctional facility. In some circumstances, the dissemination of the location of an incarcerated inmate who has been transferred to another state would jeopardize that inmate's safety and negate the purpose of the transfer.

The department requests the committee favorably consider SB 72.

CES/TGM/nd

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# Kansas Organization for Victim Assistance

Box 39

Dover, Kansas 66420-0039

January 27, 1997

*Susan Moran, President*  
SOS, Inc., Emporia, and  
Kansas Coalition Against Sexual  
and Domestic Violence

*Paul Morrison, Vice President*  
Johnson County District  
Attorney, Olathe, and Kansas  
County and District Attorneys  
Association

*Bob Keller, Treasurer*  
Chapter Leader, Parents of  
Murdered Children, Topeka

*Anne deShazo, Secretary*  
Kansas State MADD  
Victim's Assistance Program,  
Leavenworth

Senator Mike Harris, Chair  
Senate Judiciary Committee  
State Capitol  
Topeka, Kansas 66612

**RE: Senate Bill 72**

Dear Senator Harris and Members of the Committee:

The Kansas Organization for Victim Assistance (KOVA) is made up of professionals who work with crime victims and those who have been victims of crime. As President of KOVA, I am writing in support of Senate Bill 72.

This bill would allow a crime victim or victim's family, as well as the general public, to obtain current and additional information in regard to an inmate. KOVA supports these changes to the Open Records Act. Too often, a victim of a crime is unaware of an inmate's current status while being supervised, unaware of what an inmate may look like after being incarcerated for a period of time and other information that may benefit the victim and the public. The proposed changes would allow for more information to be available to the victim upon request.

As President of KOVA, I ask for the Committee's support of Senate Bill 72.

Sincerely,



Susan Moran  
KOVA President

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American Civil Liberties Union  
of Kansas and Western Missouri

Lobbyist/Wendy McFarland (913) 575-5749

To Members of the Senate Judiciary Committee: We respectfully request that you consider the proposed amendment to SB 72. On line 2 of Page 6 we would like to insert a comma after the word center followed by:

*except that this exemption shall not apply when such records contain:*

- (a) contracts, policy statements, guidelines or other written materials that would keep doctors from freely disclosing a diagnosis, treatment option or other information to patients.*

1 *an unfair advantage to competitors of the university of Kansas medical*  
2 *center.*

3 (b) Except to the extent disclosure is otherwise required by law or as  
4 appropriate during the course of an administrative proceeding or on ap-  
5 peal from agency action, a public agency or officer shall not disclose fi-  
6 nancial information of a taxpayer which may be required or requested by  
7 a county appraiser to assist in the determination of the value of the tax-  
8 payer's property for ad valorem taxation purposes; or any financial infor-  
9 mation of a personal nature required or requested by a public agency or  
10 officer, including a name, job description or title revealing the salary or  
11 other compensation of officers, employees or applicants for employment  
12 with a firm, corporation or agency, except a public agency. Nothing con-  
13 tained herein shall be construed to prohibit the publication of statistics,  
14 so classified as to prevent identification of particular reports or returns  
15 and the items thereof.

16 (c) As used in this section, the term "cited or identified" shall not  
17 include a request to an employee of a public agency that a document be  
18 prepared.

19 (d) If a public record contains material which is not subject to disc-  
20 closure pursuant to this act, the public agency shall separate or delete  
21 such material and make available to the requester that material in the  
22 public record which is subject to disclosure pursuant to this act. If a public  
23 record is not subject to disclosure because it pertains to an identifiable  
24 individual, the public agency shall delete the identifying portions of the  
25 record and make available to the requester any remaining portions which  
26 are subject to disclosure pursuant to this act, unless the request is for a  
27 record pertaining to a specific individual or to such a limited group of  
28 individuals that the individuals' identities are reasonably ascertainable, the  
29 public agency shall not be required to disclose those portions of the record  
30 which pertain to such individual or individuals.

31 (e) The provisions of this section shall not be construed to exempt  
32 from public disclosure statistical information not descriptive of any iden-  
33 tifiable person.

34 (f) Notwithstanding the provisions of subsection (a), any public rec-  
35 ord which has been in existence more than 70 years shall be open for  
36 inspection by any person unless disclosure of the record is specifically  
37 prohibited or restricted by federal law, state statute or rule of the Kansas  
38 supreme court or by a policy adopted pursuant to K.S.A. 72-6214, and  
39 amendments thereto.

40 Sec. 2. K.S.A. 1996 Supp. 45-221 and 45-221d are hereby repealed.

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

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1-27-97

att # 6

Jan. 29, 1997

Senate Judiciary Committee

Statement of Davis Merritt, Senior Editor, The Wichita Eagle

I regret that I could not appear in person, but notice has been too short. I hope the committee will consider the thoughts that follow, and I request that they be included in the record of this hearing.

It is difficult to argue against the concerns that are reflected in Senate Bill 72, and I do not do so. Taxpayers have a legitimate interest in the medical facilities they operate not being put at a competitive disadvantage simply because they are publicly owned.

However, as with so many well-intentioned amendments to KSA 45-221, this one creates many general problems while seeking to avoid one specific problem.

I urge the committee to go slowly and carefully.

While taxpayers need their fiscal stake in public facilities protected, they also need their health and welfare protected. SB 72 tosses a blanket of secrecy over important non-proprietary information as well as proprietary information by closing ALL aspects ALL of University of Kansas Medical Center contracts.

If the intention is to protect financial details of the center's contracts with managed care groups, then the bill should be limited to that purpose. But it is not. It refers to "terms and conditions of managed care or other third party contracts..." a scope far beyond that necessary to protect against competitive disadvantage.

Note that the phrase covers all conditions, not just clearly proprietary ones; and that it covers all third party contracts, not simply those with managed care providers. Does this mean that details of contracts for such services as trash removal or medical supplies are to be withheld from the public that pays for those things?

Additionally, the language allows the center to keep secret the fact that the managed care contracts contain gag provisions denying doctors the right to recommend certain procedures not approved by the managed care groups. This is not only a limitation on doctors' ability to practice but also on their First Amendment rights of free speech. Moreover, it denies the public's right to know and judge how well the medical center it supports is carrying out its mission, as well as what additional medical care might be available to them absent the gag provisions.

While SB 72 refers specifically to the Kansas University facility, the action the committee is being asked to take has broad implications for every public medical facility in the state. There is no reason why every public facility would not seek the same broad protection, as they face the same issues. If for no

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other reason, this suggests that the committee consider most carefully what seems to be a narrow change.

Surely the public has a right to know as much as is reasonably possible short of putting those public facilities at a severe disadvantage.

I hope the committee will, at the very least, substantially narrow the language so that it protects against the legitimate threats but leaves available to the public important information to which it has a clear right.

S. J. U. & 1/29/97 att 7



State of Kansas

# Office of the Attorney General

301 S.W. 10TH AVENUE, TOPEKA 66612-1597

**CARLA J. STOVALL**  
ATTORNEY GENERAL

January 28, 1997

MAIN PHONE: (913) 296-2215  
FAX: 296-6296  
TTY: 291-3767

Senator Mike Harris, Chair  
Senate Judiciary Committee  
514 South Capital  
Topeka, KS 66612

RE: SENATE BILL 72

Dear Senator Harris and Members of the Committee:

In May of 1996, I formed the Campus Awareness Makes for Protection and Ultimate Safety (C.A.M.P.U.S.). The task force is made up of representatives from the regent universities, private colleges, community colleges students, parents, law enforcement and others who wanted to ensure that college campuses in Kansas are safe.

Chuck Simmons, Secretary of Corrections, serves on this task force and shared with the group the concept found in Senate Bill 72. This bill amends the Kansas Open Records Act by including additional information about an inmate that would be accessible to the public. The C.A.M.P.U.S. task force unanimously supported Department of Corrections' proposal to open this information. This information will not only make available additional information about an inmate, but hopefully will serve to confirm the identity of a specific individual while protecting others who may have the same name as an inmate.

On behalf of my C.A.M.P.U.S. task force, I ask for the Committee's support of Senate Bill 72.

Sincerely,

Carla J. Stovall  
Attorney General

*Senate Judiciary*  
*Attachment 7*  
*1-29-97*

**Senate Bill No. 73**

**Wage Withholding Orders In Criminal Cases**

**Summary of Testimony**

**John W. White  
District Judge  
Iola, KS.**

**Chair, Kansas Supreme Court  
Alternative Sanctions Committee**

*Senate Judiciary  
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## **Senate Bill No. 73**

### **Concerning wage withholding orders in criminal cases**

Senate Bill No. 73 provides for wage withholding orders in criminal cases. S.B. 73 grants statutory authority for the district courts to order employers to withhold money from wages owed to criminal defendants. Employers will pay the amount withheld to the courts to be applied on court costs, fines, restitution to the victim, reimbursement for indigent counsel fees, and other court-ordered payments.

The Special Committee on the Judiciary introduced S.B. 73. The bill includes one of several legislative proposals recommended to the Special Committee by the Kansas Supreme Court's Alternative Sanctions Committee. During its study of the use of alternative sanctions in probation violation cases, the Alternative Sanctions Committee surveyed Kansas district courts concerning the conditions of probation most frequently violated. Failure to make court-ordered payments ranked second in frequency of violations, the most frequent being failure to report to court services or community corrections officers as directed.

Present Kansas law encourages courts to order criminal defendants to pay restitution to the victims of their crimes. Courts also routinely order defendants to pay court costs, counsel fees, restitution, and other court-ordered payments. Few defendants are financially able to pay at the time of sentencing. As a result, most defendants pay costs in monthly payments. Monitoring and enforcement of the payments is time-consuming to court services officers, judges and other court officials.

The provisions of S.B. 73 are similar to the provisions of Kansas statutes relating to wage withholding orders in child support enforcement cases. Wage withholding orders have proved to be effective in enforcement of child-support orders. Enactment of S.B. 73



will provide the courts with an enforcement tool for collection of court-ordered payments and will reduce the time required for monitoring and enforcement of the payment order.

**SENATE BILL No. 73**  
By Special Committee on Judiciary

AN ACT concerning income withholding for criminal costs, **fin**es and **rest**itution; amending **K.S.A. 21-4607, 21-4610, 21-4610a, and 22-3801** and K.S.A. 1996 Supp. 21-4603d and repealing the existing section.

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

New Section 1. As used in this act:

(a) "Arrearage" means the total amount of unpaid criminal costs, **fin**es and **rest**itution which is due and unpaid under an order ~~for~~ **in a** criminal ~~costs case~~ based upon the due date specified in the order for criminal costs or, if no specific date is stated in the order, the last day of the month in which the payment is to be made.

(b) "Income" means any form of periodic payment to an individual, regardless of source, including, but not limited to, wages, salary, trust, royalty, commission, bonus, compensation as an independent contractor, annuity and retirement benefits and any other periodic payments made by any person, private entity or federal, state or local government or any agency or instrumentality thereof. Income does not include: (1) Any amounts required by law to be withheld, other than creditor claims, including but not limited to federal and state taxes, social security tax and other retirement and disability contributions; (2) any amounts exempted by federal law; (3) public assistance payments; and (4) unemployment insurance benefits except to the extent otherwise provided by law. Any other state or local laws which limit or exempt income or the amount or percentage of income that can be withheld shall not apply.

(c) "Income withholding order" means an order issued under this act which requires a payor to withhold income to satisfy an order for criminal costs, or to defray an arrearage.

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(d) "Obligee" means the **district court**, person or **other** entity to whom the payment under an order for criminal costs is owed.

(e) "Obligor" means any person who owes a duty to make payments under an order for criminal costs

(f) "Order for criminal costs " means any order of a court, **pursuant to K.S.A. 1996 Supp. 21-4603d, K.S.A. 21-4607, K.S.A. 21-4610, 21-4610a, or K.S.A. 22-3801**, ~~or of an administrative agency authorized by law to issue such an order~~, which provides for payment of funds for ~~restitution~~, court costs, **finances and restitution**, indigent defense fees and other costs **and fees** ~~as ordered by the court~~, and ~~includes an order which provides for modification or resumption of a previously existing order.~~

(g) "Payor" means any person or entity owing income to an obligor or any self-employed obligor.

(h) "Public office" means any elected or appointed official of the state or any political subdivision or agency of the state, or any ~~sub~~contractor thereof, who is or may become responsible by law for enforcement of, or who is or may become authorized to enforce, an order for criminal costs, including, but not limited to, ~~the department of corrections~~, county or district attorneys and other ~~sub~~contractors.

New Sec. 2. (a) ~~As a condition of probation or upon a person violating a condition of probation~~, **At sentencing or at any time during probation**, the **district** court may issue an order for the withholding of income to enforce the order for criminal costs. The court shall have discretion to order immediate issuance of an income withholding order. The income withholding order shall be issued without further notice to the obligor specifying an amount sufficient to satisfy the order for criminal costs and to defray any arrearage. The income withholding order shall be issued regardless of whether a payor subject to the jurisdiction of this state can be identified at the time the order for criminal costs is entered.

(b) (1) An income withholding order shall be directed to any payor of the obligor.

(2) An income withholding order shall require the payor to withhold from any income due, or to become due, to the obligor a specified amount sufficient to satisfy the order of criminal costs and to defray any arrearage and shall include notice of and direction to comply with the provisions of sections 3 and 4, and amendments thereto.

(c) Upon written request and without the requirement of further notice to the obligor, the clerk of the district court shall cause a copy of the income withholding order to be served on the payor in any manner permitted for service of summons and petition by the statutes contained in article 3 of chapter 60 of the Kansas Statutes Annotated and amendments thereto.

(d) An income withholding order shall be binding on any existing or future payor on whom a copy of the order is served and shall require the continued withholding of income from each periodic payment of income until further order of the court. At any time following issuance of an income withholding order, the obligee, obligor or public office may request service of a copy of the income withholding order on any payor without the requirement of further notice to the obligor.

New Sec. 3. (a) It shall be the affirmative duty of any payor to respond within 10 days to written requests for information presented by the ~~public office~~ **district court** concerning: (1) The full name of the obligor; (2) the current address of the obligor; (3) the obligor's social security number; (4) the obligor's work location; (5) the number of the obligor's claimed dependents; (6) the obligor's gross income; (7) the obligor's net income; (8) an itemized statement of deductions from the obligor's income; (9) the obligor's pay schedule; (10) the obligor's health insurance coverage; and (11) whether or not income owed the obligor is being withheld pursuant to this act. This is an exclusive list of the information that the payor is required to provide under this section.

(b) It shall be the duty of any payor who has been served an income withholding order for payment of an order for criminal costs to deduct and

pay over income as provided in this section. The payor shall begin the required deductions no later than the next payment of income due the obligor after 14 days following service of the order on the payor.

(c) Within 10 days of the time the obligor is normally paid, the payor shall pay the amount withheld as directed by the income withholding order to the clerk of the district court. The payor shall identify each payment with the name of the obligor, the county and case number of the income withholding order, and the date the income was withheld from the obligor. A payor subject to more than one income withholding order from a single county may combine the amounts withheld into a single payment, but only if the amount attributable to each income withholding order is clearly identified.

(d) The payor shall continue to withhold income as required by the income withholding order until further order of the court.

(e) From income due the obligor, the payor may withhold and retain to defray the payor's costs a cost recovery fee of \$5 for each pay period for which income is withheld or \$10 for each month for which income is withheld, whichever is less. Such cost recovery fee shall be in addition to the amount withheld as criminal costs.

(f) The entire sum withheld by the payor, including the cost recovery fee, shall not exceed the limits provided for under section 303(b) of the consumer credit protection act (15 U.S.C. 1673(b)). An income withholding order issued pursuant to this act shall not be considered a wage garnishment as defined in subsection (b) of K.S.A. 60-2310, and amendments thereto. If amounts of earnings required to be withheld in accordance with this act are less than the maximum amount of earnings which could be withheld according to the consumer credit protection act, the payor shall honor garnishments filed by other creditors to the extent that the total amount taken from earnings does not exceed consumer credit protection act limitations.

(g) The payor shall promptly notify the clerk of the district court of the termination of the obligor's employment or other source of income, or the

layoff of the obligor from employment, and provide the obligor's last known address and the name and address of the individual's current employer, if known.

(h) Payment as required by an income withholding order issued under this act shall be a complete defense by the payor against any claims of the obligor or the obligor's creditor as to the sums paid.

(i) Except as provided further, if any payor violates the provisions of this act, the court shall enter a judgment against the payor for the total amount which should have been withheld and paid over and may enter judgment against the payor to the extent of the total arrearage, as defined in section 1, and amendments thereto, owed. If the payor, without just cause or excuse, intentionally fails to pay over income within the time established in subsection (c) and the obligee files a motion to have such income paid over, the court shall enter a judgment against the payor and in favor of the obligee for three times the amount of the income owed and reasonable attorney fees.

(j) Any payor who intentionally discharges, refuses to employ or takes disciplinary action against an obligor solely because of an income withholding order issued under this act shall be subject to a civil penalty not exceeding \$500 and such other equitable relief as the court considers proper.

New Sec. 4. (a) An income withholding order issued under this act shall have priority over any other legal process under state law against the same income, except such order shall not have priority over an income withholding order issued pursuant to the income withholding act, K.S.A. 23-4,105 through 23-4,123, and amendments thereto. Withholding of income under this section shall be made without regard to any prior or subsequent garnishments, attachments, wage assignments or other claims of creditors.

(b) Except as provided by this act, any state law which limits or exempts income from legal process or the amount or percentage of income that can be withheld shall not apply to withholding income under this act.

(c) If more than one income withholding order requires withholding from the same source of income of a single obligor, the payor shall withhold and disburse as ordered the total amount required by all income withholding orders if such amount does not exceed the limits of subsection (f) of section 3, and amendments thereto, as shown in the withholding order which specifies the highest percentage of income allowed to be withheld. If the total amount required by all income withholding orders exceeds such limits, the payor shall withhold the amount permitted to be withheld under such limits, and from the amount withheld the payor shall retain any cost recovery fee charged by the payor. The remaining funds shall be prorated among all other income withholding orders for the obligor that require payment of an amount for arrearages then prorated among all other income withholding orders for the obligor. The payor may request assistance from the court in determining the amount to be disbursed for each income withholding order, but such assistance shall not relieve the payor from any responsibility under this act. Upon request of ~~a public office~~ **the district court** or of any obligee whose income withholding order is affected by this subsection, the payor shall provide the county, case number and terms of all the obligor's income withholding orders.

New Sec. 5. (a) A motion to stay issuance of the income withholding order must be filed with the court and a copy served on the obligee or public office within seven days. The grounds for obtaining the stay shall be limited to a mistake of fact in the notice concerning the amount of the order for criminal costs, the amount of the arrearage, the amount of income to be withheld or the proper identity of the obligor. The motion shall specify the mistake of fact alleged to be the basis for the motion. If the amount of the order for criminal costs or the amount of the arrearage is challenged, the motion shall specify the amount of the order for criminal costs, or the arrearage which is uncontested. In addition to any other penalty provided by law, filing a motion to stay with knowledge of the falsity of any material declaration or without specifying the uncontested amount of the order for criminal costs or the arrearage, when required, is punishable as a contempt.

~~(b) The court, upon notice of the date, time and place of hearing to the~~

~~obligor and the obligee or public office, shall hear the matter within days after the motion to stay issuance of the income withholding order is filed with the court.~~

~~(c) If the court cannot promptly resolve all issues, the court may continue the hearing on the unresolved issues, provided that within 45 days of the date the notice was served on the obligor the court notifies the obligor and the obligee or public office of whether or not the withholding is to occur. If the court upholds the issuance of an income withholding order in a contested case, the court must include in its order notice of the time within which the withholding will begin and the information given to the payor as required in sections 3 and 4, and amendments thereto.~~

New Sec. 6. (a) At any time upon motion the court shall:

~~(1) modify or terminate the income withholding order because of a modification or termination of the underlying order for criminal costs; or~~

~~(2) modify the amount of income withheld to reflect payment in full of the arrearage by income withholding or otherwise.~~

~~(b) On request of the obligee or public office, the court shall issue an order which modifies the amount of income withheld, subject to the limitations of subsection (f) of section 3, and amendments thereto.~~

~~(c) The obligor may file a motion to terminate an income order if:~~

~~(1) The withholding order has not previously been terminated under this subsection and subsequently initiated; and~~

~~(2) there is a written agreement among all interested parties which provides for an alternative arrangement. Under this subsection, the court may terminate the income withholding order unless it finds good cause for denying the motion because of the obligor's payment history or otherwise. If an income withholding order is terminated for any reason and the obligor subsequently becomes delinquent in the payment of the order for criminal costs, the obligee or public office may obtain another income~~



~~withholding order by complying with all requirements for notice and service pursuant to this act.~~

~~(d)~~ If ~~criminal cost~~ **restitution** payments are undeliverable to ~~the obligee~~ **a victim or a victim's family**, any such payments shall be held in trust by the court until the payments can be delivered.

~~(e)~~ (c) The clerk of the district court shall cause to be served on the payor a copy of any order entered pursuant to this section that affects the duties of the payor.

New Sec. 7. If the court determines that income has been improperly withheld, the court may order the person or public office who has possession of the income or who ultimately received it, to refund promptly the improperly withheld amount to the obligor.

New Sec. 8. (a) If an ~~obligee~~ **victim or a victim's family entitled to restitution** is receiving income withholding payments under this act, the ~~obligee~~ **victim or the victim's family** shall give written notice of any change of address, within seven days after the change to the public office or clerk of the district court through which the obligee receives the payments.

(b) The obligee or public office shall provide written notice to the clerk of the district court of any other criminal cost payments made, ~~including, but not limited to, a setoff under federal or state law, a collection of unemployment compensation pursuant to K.S.A. 44-718, and amendments thereto, or a~~ **by** direct payment from the obligor **to the obligee**. The clerk of the district court issuing the order for criminal costs or other designated person shall record the amounts reported in such notices.

(c) Any public office and clerk of court which collects, disburses or receives payments pursuant to income withholding orders shall maintain complete, accurate and clear records of all payments and their disbursement. Certified copies of payment records maintained by a public office or clerk of court shall, without further proof, be admitted into evidence in any legal proceedings which concern the issue of income

withholding for criminal costs.

New Sec. 9. An obligor whose income is being withheld ~~or who has been served with a notice of intent to issue an income withholding order~~ shall provide written notice to ~~the obligee, the public office, or~~ the clerk of the district court of any new payor or change of address, within seven days of the change.

New Sec. 10. If an obligor derives income from self-employment, receives income from some source not subject to the jurisdiction of the court or receives income by any other method which makes the application of this act impracticable, the court may require the obligor to post security or bond or give some other guarantee to secure the payment of current and overdue criminal costs. If the obligor fails to pay costs as ordered, the court may collect on the bond or may declare a forfeiture of all or a portion of the security or other guarantee and apply the amounts collected as payment on the criminal cost arrearages. An obligor who derives income from self-employment shall be subject to the provisions of this act as a payor of income to the obligor's self.

New Sec. 11. (a) Nothing in this act shall limit the authority of an obligee or public office to use any and all civil and criminal remedies in addition to withholding to enforce an order for criminal costs.

(b) Nothing in this act shall limit the filing of any action to modify ~~the an~~ order for criminal costs by the obligor.

(c) The rights, remedies, duties and penalties created by this act are in addition to and not in substitution for any other rights, remedies, duties and penalties created by any other law.

Sec. 12. K.S.A. 1996 Supp. 21-4603d is hereby amended to read as follows: 21-4603d. (a) Whenever any person has been found guilty of a crime, the court may adjudge any of the following:

(1) Commit the defendant to the custody of the secretary of corrections if the current crime of conviction is a felony and the sentence presumes

imprisonment, or the sentence imposed is a dispositional departure to imprisonment; or, if confinement is for a misdemeanor, to jail for the term provided by law;

(2) impose the fine applicable to the offense;

(3) release the defendant on probation if the current crime of conviction and criminal history fall within a presumptive nonprison category or through a departure for substantial and compelling reasons subject to such conditions as the court may deem appropriate. ~~The court may issue an order for the withholding of income to enforce the order for criminal costs, pursuant to sections 1 through 11, and amendments thereto, as a condition of probation or upon the defendant violating a condition of probation.~~ In felony cases except for violations of K.S.A. 8-1567 and amendments thereto, the court may include confinement in a county jail not to exceed 30 days, which need not be served consecutively, as a condition of probation or community corrections placement;

(4) assign the defendant to a community correctional services program in presumptive nonprison cases or through a departure for substantial and compelling reasons subject to such conditions as the court may deem appropriate, including orders requiring full or partial restitution;

(5) assign the defendant to a conservation camp for a period not to exceed 180 days as a condition of probation followed by a 180-day period of follow-up through adult intensive supervision by a community correctional services program, if the offender successfully completes the conservation camp program. If the defendant was classified in grid blocks 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes, the court may impose a nonprison sanction on the condition that the offender complete the program at the Labette correctional conservation camp. Such a placement decision shall not be considered a departure and shall not be subject to appeal;

(6) assign the defendant to a house arrest program pursuant to K.S.A. 21-4603b and amendments thereto;

(7) order the defendant to attend and satisfactorily complete an alcohol or drug education or training program as provided by subsection (3) of K.S.A. 21-4502 and amendments thereto;

(8) order the defendant to repay the amount of any reward paid by any crime stoppers chapter, individual, corporation or public entity which materially aided in the apprehension or conviction of the defendant; or repay the amount of any public funds utilized by a law enforcement agency to purchase controlled substances from the defendant during the investigation which leads to the defendant's conviction. Such repayment of the amount of any public funds utilized by a law enforcement agency shall be deposited and credited to the same fund from which the public funds were credited to prior to use by the law enforcement agency;

(9) impose any appropriate combination of (1), (2), (3), (4), (5), (6), (7) and (8); or

(10) suspend imposition of sentence in misdemeanor cases.

In addition to or in lieu of any of the above, the court shall order the defendant to pay restitution, which shall include, but not be limited to, damage or loss caused by the defendant's crime, unless the court finds compelling circumstances which would render a plan of restitution unworkable. If the court finds a plan of restitution unworkable, the court shall state on the record in detail the reasons therefor.

If the court orders restitution, the restitution shall be a judgment against the defendant which may be collected by the court by garnishment or other execution as on judgments in civil cases. If, after 60 days from the date restitution is ordered by the court, a defendant is found to be in noncompliance with the plan established by the court for payment of restitution, and the victim to whom restitution is ordered paid has not initiated proceedings in accordance with K.S.A. 60-4301 et seq. And amendments thereto, the court shall assign an agent procured by the attorney general pursuant to K.S.A. 1996 Supp. 75-719 and amendments thereto to collect the restitution on behalf of the victim. The administrative judge of each judicial district may assign such cases to an

appropriate division of the court for the conduct of civil collection proceedings.

***Pursuant to sections 1 through 11 and amendments thereto, the court may issue an order for the withholding of income to enforce any order for costs, fees, restitution, reparation, reimbursement, or fines entered under this section.***

In addition to or in lieu of any of the above, the court shall order the defendant to submit to and complete an alcohol and drug evaluation, and pay a fee therefor, when required by subsection (4) of K.S.A. 21-4502 and amendments thereto.

In imposing a fine the court may authorize the payment thereof in installments. In releasing a defendant on probation, the court shall direct that the defendant be under the supervision of a court services officer. If the court commits the defendant to the custody of the secretary of corrections or to jail, the court may specify in its order the amount of restitution to be paid and the person to whom it shall be paid if restitution is later ordered as a condition of parole or conditional release. When a new felony is committed while the offender is incarcerated and serving a sentence for a felony or while the offender is on probation, assignment to a community correctional services program, parole, conditional release, or postrelease supervision for a felony, a new sentence shall be imposed pursuant to the consecutive sentencing requirements of K.S.A. 21-4608, and amendments thereto, and the court may sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure.

Prior to imposing a dispositional departure for a defendant whose offense is classified in the presumptive nonprison grid block of either sentencing guideline grid, prior to sentencing a defendant to incarceration whose offense is classified in grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug crimes, or prior to revocation of a nonprison sanction of a defendant whose offense is classified in the presumptive

nonprison grid block of either sentencing guideline grid or grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug crimes, the court shall consider placement of the defendant in the Labette correctional conservation camp. Pursuant to this paragraph the defendant shall not be sentenced to imprisonment if space is available in the conservation camp and the defendant meets all of the conservation camp's placement criteria unless the court states on the record the reasons for not placing the defendant in the conservation camp.

The court in committing a defendant to the custody of the secretary of corrections shall fix a term of confinement within the limits provided by law. In those cases where the law does not fix a term of confinement for the crime for which the defendant was convicted, the court shall fix the term of such confinement.

(b) Dispositions which do not involve commitment to the custody of the secretary of corrections shall not entail the loss by the defendant of any civil rights.

(c) This section shall not deprive the court of any authority conferred by any other Kansas statute to decree a forfeiture of property, suspend or cancel a license, remove a person from office, or impose any other civil penalty as a result of conviction of crime.

(d) An application for or acceptance of probation or assignment to a community correctional services program shall not constitute an acquiescence in the judgment for purpose of appeal, and any convicted person may appeal from such conviction, as provided by law, without regard to whether such person has applied for probation, suspended sentence or assignment to a community correctional services program.

(e) The secretary of corrections is authorized to make direct placement to the Labette correctional conservation camp of an inmate sentenced to the secretary's custody if the inmate: (1) Has been sentenced to the secretary for a probation revocation or as a departure from the presumptive nonimprisonment grid block of either sentencing grid; and (2) otherwise meets admission criteria of the camp. If the inmate successfully

completes the 180-day conservation camp program, the secretary of corrections shall report such completion to the sentencing court and the county or district attorney. The inmate shall then be assigned by the court to 180 days of follow-up supervision conducted by the appropriate community corrections services program. The court may also order that supervision continue thereafter for the length of time authorized by K.S.A. 21-4611 and amendments thereto.

(f) When it is provided by law that a person shall be sentenced pursuant to K.S.A. 1993 Supp. 21-4628, prior to its repeal, the provisions of this section shall not apply.

Sec. 13. K.S.A. 21-4607 is hereby amended to read as follows: K.S.A. 21-4607. **(1) When the law authorizes any other disposition, a fine shall not be imposed as the sole and exclusive punishment unless having regard to the nature and circumstances of the crime and to the history and character of the defendant, the court is of the opinion that the fine alone suffices for the protection of the public.**

**(2) The court shall not sentence a defendant to pay a fine in addition to a sentence of imprisonment, probation or assignment to a community correctional services program unless:**

**(a) The defendant has derived a pecuniary gain from the crime; or**

**(b) the court is of the opinion that a fine is adapted to deterrence of the crime involved or to the correction of the offender.**

**(3) In determining the amount and method of payment of a fine, the court shall take into account the financial resources of the defendant and the nature of the burden that its payment will impose.**

*(4) Pursuant to sections 1 through 11 and amendments thereto, the court may issue an order for the withholding of income to enforce any order for fines entered under this section.*

Sec. 14. K.S.A. 21-4610 is hereby amended to read as follows: 21-4610.

(a) Except as required by subsection (d), nothing in this section shall be construed to limit the authority of the court to impose or modify any general or specific conditions of probation, suspension of sentence or assignment to a community correctional services program, except that the court shall condition any order granting probation, suspension of sentence or assignment to a community correctional services program on the defendant's obedience of the laws of the United States, the state of Kansas and any other jurisdiction to the laws of which the defendant may be subject.

(b) The court services officer or community correctional services officer may recommend, and the court may order, the imposition of any conditions of probation, suspension of sentence or assignment to a community correctional services program. For crimes committed on or after July 1, 1993, in presumptive nonprison cases, the court services officer or community correctional services officer may recommend, and the court may order, the imposition of any conditions of probation or assignment to a community correctional services program. The court may at any time order the modification of such conditions, after notice to the court services officer or community correctional services officer and an opportunity for such officer to be heard thereon. The court shall cause a copy of any such order to be delivered to the court services officer and the probationer or to the community correctional services officer and the community corrections participant, as the case may be.

(c) The court may impose any conditions of probation, suspension of sentence or assignment to a community



correctional services program that the court deems proper, including but not limited to requiring that the defendant:

(1) Avoid such injurious or vicious habits, as directed by the court, court services officer or community correctional services officer;

(2) avoid such persons or places of disreputable or harmful character, as directed by the court, court services officer or community correctional services officer;

(3) report to the court services officer or community correctional services officer as directed;

(4) permit the court services officer or community correctional services officer to visit the defendant at home or elsewhere;

(5) work faithfully at suitable employment insofar as possible;

(6) remain within the state unless the court grants permission to leave;

(7) pay a fine or costs, applicable to the offense, in one or several sums and in the manner as directed by the court;

(8) support the defendant's dependents;

(9) reside in a residential facility located in the community and participate in educational, counseling, work and other correctional or rehabilitative programs;

(10) perform community or public service work for local governmental agencies, private corporations organized not for profit, or charitable or social service organizations performing services for the community;

(11) perform services under a system of day fines whereby the defendant is required to satisfy fines, costs or reparation or restitution obligations by performing services for a period of days determined by the court on the basis of ability to pay, standard of living, support obligations and other factors;

(12) participate in a house arrest program pursuant to K.S. 21-4603b, and amendments thereto; or

(13) in felony cases, except for violations of K.S. 8-1567 and amendments thereto, be confined in a county jail not to exceed 30 days, which need not be served consecutively.

(d) In addition to any other conditions of probation, suspension of sentence or assignment to a community correctional services program, the court shall order the defendant to comply with each of the following conditions:

(1) Make reparation or restitution to the aggrieved party for the damage or loss caused by the defendant's crime, in an amount and manner determined by the court and to the person specified by the court, unless the court finds compelling circumstances which would render a plan of restitution unworkable. If the court finds a plan of restitution unworkable, the court shall state on the record in detail the reasons therefor;

(2) pay the probation or community correctional services fee pursuant to K.S. 21-4610a, and amendments thereto; and

(3) reimburse the state general fund for all or a part of the expenditures by the state board of indigents' defense services to provide counsel and other defense services to the defendant. In determining the amount and method of payment of such sum, the court shall take account of the financial resources of the defendant and the nature of the burden that payment of such sum

will impose. A defendant who has been required to pay such sum and who is not willfully in default in the payment thereof may at any time petition the court which sentenced the defendant to waive payment of such sum or of any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may waive payment of all or part of the amount due or modify the method of payment.

*(e) Pursuant to sections 1 through 11 and amendments thereto, the court may issue an order for the withholding of income to enforce any order for costs, fees, restitution, reparation, reimbursement, or fines entered under this section.*

Sec. 15. 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. 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 and if the person was convicted of a felony, the amount of the probation or community correctional services fee is \$50, 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. *Pursuant to sections 1 through 11 and amendments thereto, the court may issue an order for the withholding of income to enforce any order for fees entered under this section.* 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. 16. K.S.A. 22-3801 is hereby amended to read as follows: 22-3801. (a) If the defendant in a criminal case is convicted, the court costs shall be taxed against the defendant and shall be a judgment against the defendant which may be enforced as judgments for payment of money in civil cases.

(b) Jury fees are not court costs and shall be paid by the county in all criminal cases.

(c) Whenever jury fees are paid by the county in a case in which the defendant was a person who had been committed to an institution under the control of the secretary of corrections and had not been finally discharged or released from the institution, the department of corrections shall reimburse the county for jury fees paid by the county. The reimbursement shall be paid from funds made available by the legislature for that purpose.

(d) The county shall not be reimbursed for the cost of employing a special prosecutor.

*(e) Pursuant to sections 1 through 11 and amendments thereto, the court may issue an order for the withholding of income to enforce any order for costs entered under this section.*

Sec. 17. K.S.A. 21-4607, 21-4610, 21-4610a, and K.S.A. 22-3801 and K.S.A. 1996 Supp. 21-4603d ~~is~~ *are* hereby repealed.