

## HOUSE BILL No. 2529

By Committee on Judiciary

1-25

---

1 AN ACT concerning courts; relating to docket and filing fees; amending  
2 K.S.A. 2011 Supp. 22-3424 and repealing the existing section.

3  
4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. K.S.A. 2011 Supp. 22-3424 is hereby amended to read as  
6 follows: 22-3424. (a) The judgment shall be rendered and sentence  
7 imposed in open court.

8 (b) If the verdict or finding is not guilty, judgment shall be rendered  
9 immediately and the defendant shall be discharged from custody and the  
10 obligation of the defendant's appearance bond.

11 (c) If the verdict or finding is guilty, judgment shall be rendered and  
12 sentence pronounced without unreasonable delay, allowing adequate time  
13 for the filing and disposition of post-trial motions and for completion of  
14 such presentence investigation as the court may require.

15 (d) If the verdict or finding is guilty, upon request of the victim or the  
16 victim's family and before imposing sentence, the court shall hold a  
17 hearing to establish restitution. The defendant may waive the right to the  
18 hearing and accept the amount of restitution as established by the court.  
19 *The amount of restitution established by the court shall further include a*  
20 *docket fee and any additional fees or charges assessed as additional court*  
21 *costs not specifically covered by the docket fee under K.S.A. 60-4303, and*  
22 *amendments thereto.* If the court orders restitution to be paid to the victim  
23 or the victim's family, the order shall be enforced as a judgment of  
24 restitution pursuant to K.S.A. 60-4301 through 60-4304, *and amendments*  
25 *thereto.*

26 (e) Before imposing sentence the court shall: (1) Allow the  
27 prosecuting attorney to address the court, if the prosecuting attorney so  
28 requests; (2) afford counsel an opportunity to speak on behalf of the  
29 defendant; (3) allow the victim or such members of the victim's family as  
30 the court deems appropriate to address the court, if the victim or the  
31 victim's family so requests; and (4) address the defendant personally and  
32 ask the defendant if the defendant wishes to make a statement on the  
33 defendant's own behalf and to present any evidence in mitigation of  
34 punishment.

35 (f) After imposing sentence in a case which has gone to trial on a plea  
36 of not guilty, the court shall advise the defendant of the defendant's right to

1 appeal and of the right of a person who is unable to pay the costs of an  
2 appeal to appeal in *forma pauperis*.

3 Sec. 2. K.S.A. 2011 Supp. 22-3424 is hereby repealed.

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

6