

SENATE BILL No. 425

By Committee on Judiciary

2-10

1 AN ACT concerning courts; relating to court fees and costs; judiciary
2 technology fund; amending K.S.A. 20-1a12, 20-371, 60-2101 and 65-
3 409 and K.S.A. 2011 Supp. 8-2107, 8-2110, 20-362, 21-6614, 22-2410,
4 23-2510, 28-170, 28-172a, 28-177, 28-178, 28-179, 38-2215, 38-2312,
5 38-2314, 59-104, 60-2001, 60-2203a, 61-2704 and 61-4001 and
6 repealing the existing sections; also repealing K.S.A. 2011 Supp. 21-
7 6614a, 21-6614b, 21-6614c, 22-2410a, 28-177a, 38-2312a and 38-
8 2312b.

9

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

11 New Section 1. (a) Except as provided in this section, K.S.A. 28-177
12 and 28-178, and amendments thereto, the fees established by legislative
13 enactment shall be the only fee collected or moneys in the nature of a fee
14 collected for court procedures. Such fee shall only be established by an act
15 of the legislature and no other authority is established by law or otherwise
16 to collect a fee. Court procedures shall include docket fees, filing fees or
17 other fees related to access to court procedures. On and after July 1, 2012,
18 the court may impose an additional charge to fund the cost of establishing,
19 operating and maintaining electronic document filing, storage and
20 management for the Kansas court system. Such fee may be charged for
21 electronic case filing, motion filing, record access and document access.

22 (b) Such additional charge imposed by the court pursuant to K.S.A. 8-
23 2107, 8-2110, 22-2410, 23-108a, 28-170, 28-172a, 59-104, 60-2001, 60-
24 2203a, 61-2704, 61-4001 and 65-409 and K.S.A. 2011 Supp. 21-6614, 28-
25 178, 28-179, 38-2215, 38-2312 and 38-2314, and amendments thereto,
26 shall be remitted to the state treasurer in accordance with the provisions of
27 K.S.A. 75-4215, and amendments thereto. Upon receipt of each such
28 remittance, the state treasurer shall deposit the entire amount in the state
29 treasury to the credit of the judiciary technology fund established in
30 K.S.A. 20-1a12, and amendments thereto.

31 (c) All moneys credited to the judiciary technology fund shall be used
32 for the purposes identified in K.S.A. 20-1a12, and amendments thereto,
33 and shall not be expended for compensation of judges or justices of the
34 judicial branch.

35 Sec. 2. K.S.A. 2011 Supp. 8-2107 is hereby amended to read as
36 follows: 8-2107. (a) (1) Notwithstanding any other provisions of the

1 uniform act regulating traffic on highways, when a person is stopped by a
2 police officer for any of the offenses described in subsection (d) and such
3 person is not immediately taken before a judge of the district court, the
4 police officer may require the person stopped, subject to the provisions of
5 subsection (c), to deposit with the officer a valid Kansas driver's license in
6 exchange for a receipt therefor issued by such police officer, the form of
7 which shall be approved by the division of vehicles. Such receipt shall be
8 recognized as a valid temporary Kansas driver's license authorizing the
9 operation of a motor vehicle by the person stopped until the date of the
10 hearing stated on the receipt. The driver's license and a written copy of the
11 notice to appear shall be delivered by the police officer to the court having
12 jurisdiction of the offense charged as soon as reasonably possible. If the
13 hearing on such charge is continued for any reason, the judge may note on
14 the receipt the date to which such hearing has been continued and such
15 receipt shall be recognized as a valid temporary Kansas driver's license
16 until such date, but in no event shall such receipt be recognized as a valid
17 Kansas driver's license for a period longer than 30 days from the date set
18 for the original hearing. Any person who has deposited a driver's license
19 with a police officer under this subsection (a) shall have such license
20 returned upon final determination of the charge against such person.

21 (2) In the event the person stopped deposits a valid Kansas driver's
22 license with the police officer and fails to appear in the district court on the
23 date set for appearance, or any continuance thereof, and in any event
24 within 30 days from the date set for the original hearing, the court shall
25 forward such person's driver's license to the division of vehicles with an
26 appropriate explanation attached thereto. Upon receipt of such person's
27 driver's license, the division shall suspend such person's privilege to
28 operate a motor vehicle in this state until such person appears before the
29 court having jurisdiction of the offense charged, the court makes a final
30 disposition thereof and notice of such disposition is given by the court to
31 the division. No new or replacement license shall be issued to any such
32 person until such notice of disposition has been received by the division.
33 The provisions of K.S.A. 8-256, and amendments thereto, limiting the
34 suspension of a license to one year, shall not apply to suspensions for
35 failure to appear as provided in this subsection (a).

36 (b) No person shall apply for a replacement or new driver's license
37 prior to the return of such person's original license which has been
38 deposited in lieu of bond under this section. Violation of this subsection
39 (b) is a class C misdemeanor. The division may suspend such person's
40 driver's license for a period of not to exceed one year from the date the
41 division receives notice of the disposition of the person's charge as
42 provided in subsection (a).

43 (c) (1) In lieu of depositing a valid Kansas driver's license with the

1 stopping police officer as provided in subsection (a), the person stopped
 2 may elect to give bond in the amount specified in subsection (d) for the
 3 offense for which the person was stopped. When such person does not
 4 have a valid Kansas driver's license, such person shall give such bond.
 5 Such bond shall be subject to forfeiture if the person stopped does not
 6 appear at the court and at the time specified in the written notice provided
 7 for in K.S.A. 8-2106, and amendments thereto.

8 (2) Such bond may be a cash bond, a bank card draft from any valid
 9 and unexpired credit card approved by the division of vehicles or
 10 superintendent of the Kansas highway patrol or a guaranteed arrest bond
 11 certificate issued by either a surety company authorized to transact such
 12 business in this state or an automobile club authorized to transact business
 13 in this state by the commissioner of insurance. If any of the approved bank
 14 card issuers redeem the bank card draft at a discounted rate, such discount
 15 shall be charged against the amount designated as the fine for the offense.
 16 If such bond is not forfeited, the amount of the bond less the discount rate
 17 shall be reimbursed to the person providing the bond by the use of a bank
 18 card draft. Any such guaranteed arrest bond certificate shall be signed by
 19 the person to whom it is issued and shall contain a printed statement that
 20 such surety company or automobile club guarantees the appearance of
 21 such person and will, in the event of failure of such person to appear in
 22 court at the time of trial, pay any fine or forfeiture imposed on such person
 23 not to exceed an amount to be stated on such certificate.

24 (3) Such cash bond shall be taken in the following manner: The
 25 police officer shall furnish the person stopped a stamped envelope
 26 addressed to the judge or clerk of the court named in the written notice to
 27 appear and the person shall place in such envelope the amount of the bond,
 28 and in the presence of the police officer shall deposit the same in the
 29 United States mail. After such cash payment, the person stopped need not
 30 sign the written notice to appear, but the police officer shall note the
 31 amount of the bond mailed on the notice to appear form and shall give a
 32 copy of such form to the person. If the person stopped furnishes the police
 33 officer with a guaranteed arrest bond certificate or bank card draft, the
 34 police officer shall give such person a receipt therefor and shall note the
 35 amount of the bond on the notice to appear form and give a copy of such
 36 form to the person stopped. Such person need not sign the written notice to
 37 appear, and the police officer shall present the notice to appear and the
 38 guaranteed arrest bond certificate or bank card draft to the court having
 39 jurisdiction of the offense charged as soon as reasonably possible.

40 (d) The offenses for which appearance bonds may be required as
 41 provided in subsection (c) and the amounts thereof shall be as follows:

42 On and after July 1, 1996:

43 Reckless driving.....\$82

1 Driving when privilege is canceled, suspended or revoked.....82
 2 Failure to comply with lawful order of officer.....57
 3 Registration violation (registered for 12,000 pounds or less).....52
 4 Registration violation (registered for more than 12,000 pounds).....92
 5 No driver's license for the class of vehicle operated or violation
 6 of restrictions.....52
 7 Spilling load on highway.....52
 8 Transporting open container of alcoholic liquor or cereal malt
 9 beverage accessible while vehicle in motion.....223
 10 (e) In the event of forfeiture of any bond under this section, \$75 of
 11 the amount forfeited shall be regarded as a docket fee in any court having
 12 jurisdiction over the violation of state law.
 13 (f) None of the provisions of this section shall be construed to
 14 conflict with the provisions of the nonresident violator compact.
 15 (g) When a person is stopped by a police officer for any traffic
 16 infraction and the person is a resident of a state which is not a member of
 17 the nonresident violator compact, K.S.A. 8-1219 *et seq.*, and amendments
 18 thereto, or the person is licensed to drive under the laws of a foreign
 19 country, the police officer may require a bond as provided for under
 20 subsection (c). The bond shall be in the amount specified in the uniform
 21 fine schedule in subsection (c) of K.S.A. 8-2118, and amendments thereto,
 22 plus \$75 which shall be regarded as a docket fee in any court having
 23 jurisdiction over the violation of state law.
 24 (h) When a person is stopped by a police officer for failure to provide
 25 proof of financial security pursuant to K.S.A. 40-3104, and amendments
 26 thereto, and the person is a resident of another state or the person is
 27 licensed to drive under the laws of a foreign country, the police officer
 28 may require a bond as provided for under subsection (c). The bond shall be
 29 in the amount of \$75, plus \$75 which shall be regarded as a docket fee in
 30 any court having jurisdiction over the violation of state law.
 31 (i) Except as provided further, the docket fee established in this
 32 section shall be the only fee collected or moneys in the nature of a fee
 33 collected for the docket fee. Such fee shall only be established by an act of
 34 the legislature and no other authority is established by law or otherwise to
 35 collect a fee. On and after the effective date of this act through June 30,
 36 2012, the supreme court may impose an additional charge, not to exceed
 37 \$22 per docket fee, to fund the costs of non-judicial personnel. *On and*
 38 *after July 1, 2012, the court may impose an additional charge to fund the*
 39 *cost of establishing, operating and maintaining electronic document filing,*
 40 *storage and management for the Kansas court system.*
 41 Sec. 3. K.S.A. 2011 Supp. 8-2110 is hereby amended to read as
 42 follows: 8-2110. (a) Failure to comply with a traffic citation means failure
 43 either to: (1) Appear before any district or municipal court in response to a

1 traffic citation and pay in full any fine and court costs imposed; or (2)
2 otherwise comply with a traffic citation as provided in K.S.A. 8-2118, and
3 amendments thereto. Failure to comply with a traffic citation is a
4 misdemeanor, regardless of the disposition of the charge for which such
5 citation was originally issued.

6 (b) (1) In addition to penalties of law applicable under subsection (a),
7 when a person fails to comply with a traffic citation, except for illegal
8 parking, standing or stopping, the district or municipal court in which the
9 person should have complied with the citation shall mail notice to the
10 person that if the person does not appear in district or municipal court or
11 pay all fines, court costs and any penalties within 30 days from the date of
12 mailing notice, the division of vehicles will be notified to suspend the
13 person's driving privileges. The district or municipal court may charge an
14 additional fee of \$5 for mailing such notice. Upon the person's failure to
15 comply within such 30 days of mailing notice, the district or municipal
16 court shall electronically notify the division of vehicles. Upon receipt of a
17 report of a failure to comply with a traffic citation under this subsection,
18 pursuant to K.S.A. 8-255, and amendments thereto, the division of
19 vehicles shall notify the violator and suspend the license of the violator
20 until satisfactory evidence of compliance with the terms of the traffic
21 citation has been furnished to the informing court. When the court
22 determines the person has complied with the terms of the traffic citation,
23 the court shall immediately electronically notify the division of vehicles of
24 such compliance. Upon receipt of notification of such compliance from the
25 informing court, the division of vehicles shall terminate the suspension or
26 suspension action.

27 (2) ~~(A)~~ In lieu of suspension under paragraph (1), the driver may
28 submit to the division of vehicles a written request for restricted driving
29 privileges, with a non-refundable \$25 application fee, to be applied by the
30 division of vehicles for additional administrative costs to implement
31 restricted driving privileges. The division shall remit all restricted driving
32 privilege application fees to the state treasurer in accordance with the
33 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
34 each such remittance, the state treasurer shall deposit the entire amount in
35 the state treasury to the credit of the division of vehicles operating fund.

36 ~~(B) Upon review and approval of the driver's eligibility, the driving~~
37 ~~privileges will be restricted by the division of vehicles for a period up to~~
38 ~~one year or until the terms of the traffic citation have been complied with~~
39 ~~and the court shall immediately electronically notify the division of~~
40 ~~vehicles of such compliance. If the driver fails to comply with the traffic~~
41 ~~citation within the one year restricted period, the driving privileges will be~~
42 ~~suspended by the division of vehicles until the court determines the person~~
43 ~~has complied with the terms of the traffic citation and the court shall~~

1 ~~immediately electronically notify the division of vehicles of such~~
2 ~~compliance. Upon receipt of notification of such compliance from the~~
3 ~~informing court, the division of vehicles shall terminate the suspension~~
4 ~~action. When restricted driving privileges are approved pursuant to this~~
5 ~~section, the person's driving privileges shall be restricted to driving only~~
6 ~~under the following circumstances: (i) In going to or returning from the~~
7 ~~person's place of employment or schooling; (ii) in the course of the~~
8 ~~person's employment; (iii) during a medical emergency; and (iv) in going~~
9 ~~to and returning from probation or parole meetings, drug or alcohol~~
10 ~~counseling or any place the person is required to go by a court. The~~
11 ~~provisions of this paragraph shall expire on January 1, 2012.~~

12 (c) Except as provided in subsection (d), when the district or
13 municipal court notifies the division of vehicles of a failure to comply with
14 a traffic citation pursuant to subsection (b), the court shall assess a
15 reinstatement fee of \$59 for each charge on which the person failed to
16 make satisfaction regardless of the disposition of the charge for which
17 such citation was originally issued and regardless of any application for
18 restricted driving privileges. Such reinstatement fee shall be in addition to
19 any fine, restricted driving privilege application fee, district or municipal
20 court costs and other penalties. The court shall remit all reinstatement fees
21 to the state treasurer in accordance with the provisions of K.S.A. 75-4215,
22 and amendments thereto. Upon receipt of each such remittance, the state
23 treasurer shall deposit the entire amount in the state treasury and shall
24 credit 42.37% of such moneys to the division of vehicles operating fund,
25 31.78% to the community alcoholism and intoxication programs fund
26 created by K.S.A. 41-1126, and amendments thereto, 10.59% to the
27 juvenile detention facilities fund created by K.S.A. 79-4803, and
28 amendments thereto, and 15.26% to the judicial branch nonjudicial salary
29 adjustment fund created by K.S.A. 2011 Supp. 20-1a15, and amendments
30 thereto.

31 (d) The district court or municipal court shall waive the reinstatement
32 fee provided for in subsection (c), if the failure to comply with a traffic
33 citation was the result of such person enlisting in or being drafted into the
34 armed services of the United States, being called into service as a member
35 of a reserve component of the military service of the United States, or
36 volunteering for such active duty, or being called into service as a member
37 of the state of Kansas national guard, or volunteering for such active duty,
38 and being absent from Kansas because of such military service. In any
39 case of a failure to comply with a traffic citation which occurred on or
40 after August 1, 1990, and prior to the effective date of this act, in which a
41 person was assessed and paid a reinstatement fee and the person failed to
42 comply with a traffic citation because the person was absent from Kansas
43 because of any such military service, the reinstatement fee shall be

1 reimbursed to such person upon application therefor. The state treasurer
2 and the director of accounts and reports shall prescribe procedures for all
3 such reimbursement payments and shall create appropriate accounts, make
4 appropriate accounting entries and issue such appropriate vouchers and
5 warrants as may be required to make such reimbursement payments.

6 (e) Except as provided further, the reinstatement fee established in
7 this section shall be the only fee collected or moneys in the nature of a fee
8 collected for such reinstatement. Such fee shall only be established by an
9 act of the legislature and no other authority is established by law or
10 otherwise to collect a fee. On and after the effective date of this act
11 through June 30, 2012, the supreme court may impose an additional
12 charge, not to exceed \$22 per reinstatement fee, to fund the costs of non-
13 judicial personnel. *On and after July 1, 2012, the court may impose an*
14 *additional charge to fund the cost of establishing, operating and*
15 *maintaining electronic document filing, storage and management for the*
16 *Kansas court system.*

17 Sec. 4. K.S.A. 20-1a12 is hereby amended to read as follows: 20-
18 1a12. (a) There is hereby established in the state treasury a judiciary
19 technology fund.

20 (b) Moneys in the judiciary technology fund shall be used to:

21 (1) Establish, operate and maintain a ~~state-wide~~ *statewide* system of
22 electronic remote access, ~~at no cost to users~~, to court records ~~that are~~
23 ~~otherwise publicly available~~;

24 (2) *establish, operate and maintain a statewide system of electronic*
25 *case filing, motion filing, record access and document access;*

26 ~~(2) (3)~~ (3) implement technological improvements in the Kansas court
27 system; and

28 ~~(3) (4)~~ (4) fund meetings of the judicial council technology advisory
29 committee at the judicial council reimbursement rate pursuant to K.S.A.
30 20-2206, and amendments thereto.

31 (c) Expenditures from such fund shall be made in accordance with
32 appropriation acts upon warrants of the director of accounts and reports
33 issued pursuant to vouchers approved by the chief justice of the Kansas
34 supreme court or a person designated by the chief justice.

35 Sec. 5. K.S.A. 2011 Supp. 20-362 is hereby amended to read as
36 follows: 20-362. The clerk of the district court shall remit all revenues
37 received from docket fees *and additional charges authorized by section 1,*
38 *and amendments thereto*, as follows:

39 (a) At least monthly to the county treasurer, for deposit in the county
40 treasury and credit to the county general fund:

41 (1) A sum equal to \$10 for each docket fee paid pursuant to K.S.A.
42 60-2001 and 60-3005, and amendments thereto, during the preceding
43 calendar month;

1 (2) a sum equal to \$10 for each \$46 or \$76 docket fee paid pursuant
2 to K.S.A. 61-4001, or K.S.A. 61-2704 or 61-2709, and amendments
3 thereto; and

4 (3) a sum equal to \$5 for each \$26 docket fee paid pursuant to K.S.A.
5 61-4001 or K.S.A. 61-2704, and amendments thereto, during the preceding
6 calendar month.

7 (b) At least monthly to the board of trustees of the county law library
8 fund, for deposit in the fund, a sum equal to the library fees paid during the
9 preceding calendar month for cases filed in the county.

10 (c) At least monthly to the county treasurer, for deposit in the county
11 treasury and credit to the prosecuting attorneys' training fund, a sum equal
12 to \$2 for each docket fee paid pursuant to K.S.A. 28-172a, and
13 amendments thereto, during the preceding calendar month for cases filed
14 in the county and a sum equal to \$1 for each fee paid pursuant to
15 subsection (c) of K.S.A. 28-170, and amendments thereto, during the
16 preceding calendar month for cases filed in the county.

17 (d) To the state treasurer, in accordance with the provisions of K.S.A.
18 75-4215, and amendments thereto, for deposit in the state treasury and
19 credit to the indigents' defense services fund, a sum equal to \$.50 for each
20 docket fee paid pursuant to K.S.A. 28-172a and subsection (d) of K.S.A.
21 28-170, and amendments thereto, during the preceding calendar month.

22 (e) To the state treasurer, in accordance with the provisions of K.S.A.
23 75-4215, and amendments thereto, for deposit in the state treasury and
24 credit to the law enforcement training center fund a sum equal to \$15 for
25 each docket fee paid pursuant to K.S.A. 28-172a, and amendments thereto,
26 during the preceding calendar month.

27 (f) To the state treasurer, in accordance with the provisions of K.S.A.
28 75-4215, and amendments thereto, for deposit in the state treasury and
29 credit to the judicial branch surcharge fund a sum equal to the amount
30 collected for credit to that fund, as provided by supreme court rule.

31 *(g) To the state treasurer, in accordance with the provisions of K.S.A.*
32 *75-4215, and amendments thereto, for deposit in the state treasury and*
33 *credit to the judiciary technology fund a sum equal to the amount*
34 *collected for the additional charges authorized by section 1, and*
35 *amendments thereto, credited to that fund, as provided by supreme court*
36 *rule.*

37 ~~(g)~~ (h) To the state treasurer, in accordance with the provisions of
38 K.S.A. 75-4215, and amendments thereto, for deposit in the state treasury
39 and distribution according to K.S.A. 20-367, and amendments thereto, a
40 sum equal to the balance which remains from all docket fees paid during
41 the preceding calendar month after deduction of the amounts specified in
42 subsections (a), (b), (c), (d), (e) ~~and~~, (f) and (g).

43 Sec. 6. K.S.A. 20-371 is hereby amended to read as follows: 20-371.

1 Notwithstanding any statute, law, rule, regulation or supreme court rule to
2 the contrary, any county may provide electronic access to district court
3 records that are otherwise publicly available. A county may charge
4 reasonable fees, not to exceed those authorized by law, for providing
5 electronic access to such records. ~~No statute, law, rule, regulation or~~
6 ~~supreme court rule shall authorize the charging of a fee in addition to a~~
7 ~~county fee, if any, for providing electronic access to district court records.~~

8 Sec. 7. K.S.A. 2011 Supp. 21-6614 is hereby amended to read as
9 follows: 21-6614. (a) (1) Except as provided in subsections (b), (c) ~~and~~ ,
10 (d) ~~and~~ (e), any person convicted in this state of a traffic infraction,
11 cigarette or tobacco infraction, misdemeanor or a class D or E felony, or
12 for crimes committed on or after July 1, 1993, nondrug crimes ranked in
13 severity levels 6 through 10 or any felony ranked in severity level 4 of the
14 drug grid, may petition the convicting court for the expungement of such
15 conviction or related arrest records if three or more years have elapsed
16 since the person: (A) Satisfied the sentence imposed; or (B) was
17 discharged from probation, a community correctional services program,
18 parole, postrelease supervision, conditional release or a suspended
19 sentence.

20 (2) Except as provided in subsections (b), (c) ~~and~~ , (d) ~~and~~ (e), any
21 person who has fulfilled the terms of a diversion agreement may petition
22 the district court for the expungement of such diversion agreement and
23 related arrest records if three or more years have elapsed since the terms of
24 the diversion agreement were fulfilled.

25 (b) Except as provided in subsections (c) ~~and~~ , (d) ~~and~~ (e), no person
26 may petition for expungement until five or more years have elapsed since
27 the person satisfied the sentence imposed, the terms of a diversion
28 agreement or was discharged from probation, a community correctional
29 services program, parole, postrelease supervision, conditional release or a
30 suspended sentence, if such person was convicted of a class A, B or C
31 felony, or for crimes committed on or after July 1, 1993, if convicted of an
32 off-grid felony or any nondrug crime ranked in severity levels 1 through 5
33 or any felony ranked in severity levels 1 through 3 of the drug grid, or:

34 (1) Vehicular homicide, as defined in K.S.A. 21-3405, prior to its
35 repeal, or K.S.A. 2011 Supp. 21-5406, and amendments thereto, or as
36 prohibited by any law of another state which is in substantial conformity
37 with that statute;

38 (2) driving while the privilege to operate a motor vehicle on the
39 public highways of this state has been canceled, suspended or revoked, as
40 prohibited by K.S.A. 8-262, and amendments thereto, or as prohibited by
41 any law of another state which is in substantial conformity with that
42 statute;

43 (3) perjury resulting from a violation of K.S.A. 8-261a, and

1 amendments thereto, or resulting from the violation of a law of another
2 state which is in substantial conformity with that statute;

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

7 (5) any crime punishable as a felony wherein a motor vehicle was
8 used in the perpetration of such crime;

9 (6) failing to stop at the scene of an accident and perform the duties
10 required by K.S.A. 8-1602, ~~8-1603~~ or 8-1604, and amendments thereto, *or*
11 *K.S.A. 8-1603, prior to its repeal*, or required by a law of another state
12 which is in substantial conformity with those statutes;

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

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

16 (c) No person may petition for expungement until 10 or more years
17 have elapsed since the person satisfied the sentence imposed, the terms of
18 a diversion agreement or was discharged from probation, a community
19 correctional services program, parole, postrelease supervision, conditional
20 release or a suspended sentence, if such person was convicted of a
21 violation of K.S.A. 8-1567, and amendments thereto, including any
22 diversion for such violation.

23 (d) There shall be no expungement of convictions for the following
24 offenses or of convictions for an attempt to commit any of the following
25 offenses:

26 (1) Rape as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.
27 2011 Supp. 21-5503, and amendments thereto;

28 (2) indecent liberties with a child or aggravated indecent liberties
29 with a child as defined in K.S.A. 21-3503 or 21-3504, prior to their repeal,
30 or K.S.A. 2011 Supp. 21-5506, and amendments thereto;

31 (3) criminal sodomy as defined in subsection (a)(2) or (a)(3) of
32 K.S.A. 21-3505, prior to its repeal, or subsection (a)(3) or (a)(4) of K.S.A.
33 2011 Supp. 21-5504, and amendments thereto;

34 (4) aggravated criminal sodomy as defined in K.S.A. 21-3506, prior
35 to its repeal, or K.S.A. 2011 Supp. 21-5504, and amendments thereto;

36 (5) indecent solicitation of a child or aggravated indecent solicitation
37 of a child as defined in K.S.A. 21-3510 or 21-3511, prior to their repeal, or
38 K.S.A. 2011 Supp. 21-5508, and amendments thereto;

39 (6) sexual exploitation of a child as defined in K.S.A. 21-3516, prior
40 to its repeal, or K.S.A. 2011 Supp. 21-5510, and amendments thereto;

41 (7) aggravated incest as defined in K.S.A. 21-3603, prior to its repeal,
42 or K.S.A. 2011 Supp. 21-5604, and amendments thereto;

43 (8) endangering a child or aggravated endangering a child as defined

1 in K.S.A. 21-3608 or 21-3608a, prior to their repeal, or K.S.A. 2011 Supp.
2 21-5601, and amendments thereto;

3 (9) abuse of a child as defined in K.S.A. 21-3609, prior to its repeal,
4 or K.S.A. 2011 Supp. 21-5602, and amendments thereto;

5 (10) capital murder as defined in K.S.A. 21-3439, prior to its repeal,
6 or K.S.A. 2011 Supp. 21-5401, and amendments thereto;

7 (11) murder in the first degree as defined in K.S.A. 21-3401, prior to
8 its repeal, or K.S.A. 2011 Supp. 21-5402, and amendments thereto;

9 (12) murder in the second degree as defined in K.S.A. 21-3402, prior
10 to its repeal, or K.S.A. 2011 Supp. 21-5403, and amendments thereto;

11 (13) voluntary manslaughter as defined in K.S.A. 21-3403, prior to its
12 repeal, or K.S.A. 2011 Supp. 21-5404, and amendments thereto;

13 (14) involuntary manslaughter as defined in K.S.A. 21-3404, prior to
14 its repeal, or K.S.A. 2011 Supp. 21-5405, and amendments thereto;

15 (15) sexual battery as defined in K.S.A. 21-3517, prior to its repeal,
16 or K.S.A. 2011 Supp. 21-5505, and amendments thereto, when the victim
17 was less than 18 years of age at the time the crime was committed;

18 (16) aggravated sexual battery as defined in K.S.A. 21-3518, prior to
19 its repeal, or K.S.A. 2011 Supp. 21-5505, and amendments thereto;

20 (17) a violation of K.S.A. 8-2,144, and amendments thereto,
21 including any diversion for such violation; or

22 (18) any conviction for any offense in effect at any time prior to July
23 1, 2011, that is comparable to any offense as provided in this subsection.

24 *(e) Notwithstanding any other law to the contrary, for any offender*
25 *who is required to register as provided in the Kansas offender registration*
26 *act, K.S.A. 22-4901 et seq., and amendments thereto, there shall be no*
27 *expungement of any conviction or any part of the offender's criminal*
28 *record while the offender is required to register as provided in the Kansas*
29 *offender registration act.*

30 ~~(e)~~ (f) (1) When a petition for expungement is filed, the court shall set
31 a date for a hearing of such petition and shall cause notice of such hearing
32 to be given to the prosecutor and the arresting law enforcement agency.
33 The petition shall state the:

34 (A) Defendant's full name;

35 (B) full name of the defendant at the time of arrest, conviction or
36 diversion, if different than the defendant's current name;

37 (C) defendant's sex, race and date of birth;

38 (D) crime for which the defendant was arrested, convicted or
39 diverted;

40 (E) date of the defendant's arrest, conviction or diversion; and

41 (F) identity of the convicting court, arresting law enforcement
42 authority or diverting authority.

43 (2) Except as otherwise provided by law, a petition for expungement

1 shall be accompanied by a docket fee in the amount of \$100. On and after
2 ~~April 15, 2010 through June 30, 2011~~ *May 19, 2011, through June 30,*
3 *2012*, the supreme court may impose a charge, not to exceed ~~\$15~~ \$19 per
4 case, to fund the costs of non-judicial personnel. *On and after July 1,*
5 *2012, the court may impose an additional charge to fund the cost of*
6 *establishing, operating and maintaining electronic document filing,*
7 *storage and management for the Kansas court system.* The charge
8 established in this section shall be the only fee collected or moneys in the
9 nature of a fee collected for the case. Such charge shall only be established
10 by an act of the legislature and no other authority is established by law or
11 otherwise to collect a fee.

12 (3) All petitions for expungement shall be docketed in the original
13 criminal action. Any person who may have relevant information about the
14 petitioner may testify at the hearing. The court may inquire into the
15 background of the petitioner and shall have access to any reports or
16 records relating to the petitioner that are on file with the secretary of
17 corrections or the Kansas parole board.

18 ~~(f)~~ (g) At the hearing on the petition, the court shall order the
19 petitioner's arrest record, conviction or diversion expunged if the court
20 finds that:

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

24 (2) the circumstances and behavior of the petitioner warrant the
25 expungement;

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

27 ~~(g)~~ (h) When the court has ordered an arrest record, conviction or
28 diversion expunged, the order of expungement shall state the information
29 required to be contained in the petition. The clerk of the court shall send a
30 certified copy of the order of expungement to the Kansas bureau of
31 investigation which shall notify the federal bureau of investigation, the
32 secretary of corrections and any other criminal justice agency which may
33 have a record of the arrest, conviction or diversion. After the order of
34 expungement is entered, the petitioner shall be treated as not having been
35 arrested, convicted or diverted of the crime, except that:

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

39 (2) the petitioner shall disclose that the arrest, conviction or diversion
40 occurred if asked about previous arrests, convictions or diversions:

41 (A) In any application for licensure as a private detective, private
42 detective agency, certification as a firearms trainer pursuant to K.S.A.
43 2011 Supp. 75-7b21, and amendments thereto, or employment as a

1 detective with a private detective agency, as defined by K.S.A. 75-7b01,
2 and amendments thereto; as security personnel with a private patrol
3 operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with
4 an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of
5 the department of social and rehabilitation services;

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

8 (C) to aid in determining the petitioner's qualifications for
9 employment with the Kansas lottery or for work in sensitive areas within
10 the Kansas lottery as deemed appropriate by the executive director of the
11 Kansas lottery;

12 (D) to aid in determining the petitioner's qualifications for executive
13 director of the Kansas racing and gaming commission, for employment
14 with the commission or for work in sensitive areas in parimutuel racing as
15 deemed appropriate by the executive director of the commission, or to aid
16 in determining qualifications for licensure or renewal of licensure by the
17 commission;

18 (E) to aid in determining the petitioner's qualifications for the
19 following under the Kansas expanded lottery act: (i) Lottery gaming
20 facility manager or prospective manager, racetrack gaming facility
21 manager or prospective manager, licensee or certificate holder; or (ii) an
22 officer, director, employee, owner, agent or contractor thereof;

23 (F) upon application for a commercial driver's license under K.S.A.
24 8-2,125 through 8-2,142, and amendments thereto;

25 (G) to aid in determining the petitioner's qualifications to be an
26 employee of the state gaming agency;

27 (H) to aid in determining the petitioner's qualifications to be an
28 employee of a tribal gaming commission or to hold a license issued
29 pursuant to a tribal-state gaming compact;

30 (I) in any application for registration as a broker-dealer, agent,
31 investment adviser or investment adviser representative all as defined in
32 K.S.A. 17-12a102, and amendments thereto;

33 (J) in any application for employment as a law enforcement officer as
34 defined in K.S.A. 22-2202 or 74-5602, and amendments thereto; or

35 (K) for applications received on and after July 1, 2006, to aid in
36 determining the petitioner's qualifications for a license to carry a concealed
37 weapon pursuant to the personal and family protection act, K.S.A. 2011
38 Supp. 75-7c01 *et seq.*, and amendments thereto;

39 (3) the court, in the order of expungement, may specify other
40 circumstances under which the conviction is to be disclosed;

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

1 (5) upon commitment to the custody of the secretary of corrections,
2 any previously expunged record in the possession of the secretary of
3 corrections may be reinstated and the expungement disregarded, and the
4 record continued for the purpose of the new commitment.

5 ~~(h)~~ (i) Whenever a person is convicted of a crime, pleads guilty and
6 pays a fine for a crime, is placed on parole, postrelease supervision or
7 probation, is assigned to a community correctional services program, is
8 granted a suspended sentence or is released on conditional release, the
9 person shall be informed of the ability to expunge the arrest records or
10 conviction. Whenever a person enters into a diversion agreement, the
11 person shall be informed of the ability to expunge the diversion.

12 ~~(h)~~ (j) Subject to the disclosures required pursuant to subsection ~~(h)~~
13 (h), in any application for employment, license or other civil right or
14 privilege, or any appearance as a witness, a person whose arrest records,
15 conviction or diversion of a crime has been expunged under this statute
16 may state that such person has never been arrested, convicted or diverted
17 of such crime, but the expungement of a felony conviction does not relieve
18 an individual of complying with any state or federal law relating to the use
19 or possession of firearms by persons convicted of a felony.

20 ~~(j)~~ (k) Whenever the record of any arrest, conviction or diversion has
21 been expunged under the provisions of this section or under the provisions
22 of any other existing or former statute, the custodian of the records of
23 arrest, conviction, diversion and incarceration relating to that crime shall
24 not disclose the existence of such records, except when requested by:

25 (1) The person whose record was expunged;

26 (2) a private detective agency or a private patrol operator, and the
27 request is accompanied by a statement that the request is being made in
28 conjunction with an application for employment with such agency or
29 operator by the person whose record has been expunged;

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

32 (4) the secretary of social and rehabilitation services, or a designee of
33 the secretary, for the purpose of obtaining information relating to
34 employment in an institution, as defined in K.S.A. 76-12a01, and
35 amendments thereto, of the department of social and rehabilitation services
36 of any person whose record has been expunged;

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

39 (6) a prosecutor, and such request is accompanied by a statement that
40 the request is being made in conjunction with a prosecution of an offense
41 that requires a prior conviction as one of the elements of such offense;

42 (7) the supreme court, the clerk or disciplinary administrator thereof,
43 the state board for admission of attorneys or the state board for discipline

1 of attorneys, and the request is accompanied by a statement that the
2 request is being made in conjunction with an application for admission, or
3 for an order of reinstatement, to the practice of law in this state by the
4 person whose record has been expunged;

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

10 (9) the governor or the Kansas racing and gaming commission, or a
11 designee of the commission, and the request is accompanied by a
12 statement that the request is being made to aid in determining
13 qualifications for executive director of the commission, for employment
14 with the commission, for work in sensitive areas in parimutuel racing as
15 deemed appropriate by the executive director of the commission or for
16 licensure, renewal of licensure or continued licensure by the commission;

17 (10) the Kansas racing and gaming commission, or a designee of the
18 commission, and the request is accompanied by a statement that the
19 request is being made to aid in determining qualifications of the following
20 under the Kansas expanded lottery act: (A) Lottery gaming facility
21 managers and prospective managers, racetrack gaming facility managers
22 and prospective managers, licensees and certificate holders; and (B) their
23 officers, directors, employees, owners, agents and contractors;

24 (11) the Kansas sentencing commission;

25 (12) the state gaming agency, and the request is accompanied by a
26 statement that the request is being made to aid in determining
27 qualifications: (A) To be an employee of the state gaming agency; or (B)
28 to be an employee of a tribal gaming commission or to hold a license
29 issued pursuant to a tribal-gaming compact;

30 (13) the Kansas securities commissioner or a designee of the
31 commissioner, and the request is accompanied by a statement that the
32 request is being made in conjunction with an application for registration as
33 a broker-dealer, agent, investment adviser or investment adviser
34 representative by such agency and the application was submitted by the
35 person whose record has been expunged;

36 (14) the Kansas commission on peace officers' standards and training
37 and the request is accompanied by a statement that the request is being
38 made to aid in determining certification eligibility as a law enforcement
39 officer pursuant to K.S.A. 74-5601 *et seq.*, and amendments thereto;

40 (15) a law enforcement agency and the request is accompanied by a
41 statement that the request is being made to aid in determining eligibility
42 for employment as a law enforcement officer as defined by K.S.A. 22-
43 2202, and amendments thereto; ¶

1 (16) the attorney general and the request is accompanied by a
2 statement that the request is being made to aid in determining
3 qualifications for a license to carry a concealed weapon pursuant to the
4 personal and family protection act; ; or

5 (17) *the Kansas bureau of investigation for the purposes of:*

6 (A) *Completing a person's criminal history record information within*
7 *the central repository, in accordance with K.S.A. 22-4701 et seq., and*
8 *amendments thereto; or*

9 (B) *providing information or documentation to the federal bureau of*
10 *investigation, in connection with the national instant criminal background*
11 *check system, to determine a person's qualification to possess a firearm.*

12 (l) *The provisions of subsection (k)(17) shall apply to records created*
13 *prior to, on and after July 1, 2011.*

14 Sec. 8. K.S.A. 2011 Supp. 22-2410 is hereby amended to read as
15 follows: 22-2410. (a) Any person who has been arrested in this state may
16 petition the district court for the expungement of such arrest record.

17 (b) When a petition for expungement is filed, the court shall set a date
18 for hearing on such petition and shall cause notice of such hearing to be
19 given to the prosecuting attorney and the arresting law enforcement
20 agency. When a petition for expungement is filed, the official court file
21 shall be separated from the other records of the court, and shall be
22 disclosed only to a judge of the court and members of the staff of the court
23 designated by a judge of the district court, the prosecuting attorney, the
24 arresting law enforcement agency, or any other person when authorized by
25 a court order, subject to any conditions imposed by the order. Except as
26 otherwise provided by law, a petition for expungement shall be
27 accompanied by a docket fee in the amount of \$100. Except as provided
28 further, the docket fee established in this section shall be the only fee
29 collected or moneys in the nature of a fee collected for the docket fee.
30 Such fee shall only be established by an act of the legislature and no other
31 authority is established by law or otherwise to collect a fee. On and after
32 the effective date of this act through June 30, 2012, the supreme court may
33 impose an additional charge, not to exceed \$19 per docket fee, to fund the
34 costs of non-judicial personnel. *On and after July 1, 2012, the court may*
35 *impose an additional charge to fund the cost of establishing, operating*
36 *and maintaining electronic document filing, storage and management for*
37 *the Kansas court system.* The petition shall state:

38 (1) The petitioner's full name;

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

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

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

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

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

2 No surcharge or fee shall be imposed to any person filing a petition
3 pursuant to this section, who was arrested as a result of being a victim of
4 identity theft under K.S.A. 21-4018, prior to its repeal, or subsection (a) of
5 K.S.A. 2011 Supp. 21-6107, and amendments thereto, *or who has had*
6 *criminal charges dismissed because a court has found that there was no*
7 *probable cause for the arrest, the petitioner was found not guilty in court*
8 *proceedings or the charges have been dismissed.* Any person who may
9 have relevant information about the petitioner may testify at the hearing.
10 The court may inquire into the background of the petitioner.

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

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

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

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

19 (d) When the court has ordered expungement of an arrest record and
20 subsequent court proceedings, if any, the order shall state the information
21 required to be stated in the petition and shall state the grounds for
22 expungement under subsection (c). The clerk of the court shall send a
23 certified copy of the order to the Kansas bureau of investigation which
24 shall notify the federal bureau of investigation, the secretary of corrections
25 and any other criminal justice agency which may have a record of the
26 arrest. If an order of expungement is entered, the petitioner shall be treated
27 as not having been arrested.

28 (e) If the ground for expungement is as provided in subsection (c)(4),
29 the court shall determine whether, in the interests of public welfare, the
30 records should be available for any of the following purposes: (1) In any
31 application for employment as a detective with a private detective agency,
32 as defined in K.S.A. 75-7b01, and amendments thereto; as security
33 personnel with a private patrol operator, as defined by K.S.A. 75-7b01,
34 and amendments thereto; or with an institution, as defined in K.S.A. 76-
35 12a01, and amendments thereto, of the department of social and
36 rehabilitation services;

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

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

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

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

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

8 (6) to aid in determining the petitioner's qualifications to be an
9 employee of the state gaming agency;

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

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

14 (f) *The court shall make all expunged records and related*
15 *information in such court's possession, created prior to, on and after July*
16 *1, 2011, available to the Kansas bureau of investigation for the purposes*
17 *of:*

18 (1) *Completing a person's criminal history record information within*
19 *the central repository in accordance with K.S.A. 22-4701 et seq., and*
20 *amendments thereto; or*

21 (2) *providing information or documentation to the federal bureau of*
22 *investigation, in connection with the national instant criminal background*
23 *check system, to determine a person's qualification to possess a firearm.*

24 (g) Subject to any disclosures required under subsection (e), in any
25 application for employment, license or other civil right or privilege, or any
26 appearance as a witness, a person whose arrest records have been
27 expunged as provided in this section may state that such person has never
28 been arrested.

29 (h) Whenever a petitioner's arrest records have been expunged as
30 provided in this section, the custodian of the records of arrest,
31 incarceration due to arrest or court proceedings related to the arrest, shall
32 not disclose the arrest or any information related to the arrest, except as
33 directed by the order of expungement or when requested by the person
34 whose arrest record was expunged.

35 (i) The docket fee collected at the time the petition for
36 expungement is filed shall be disbursed in accordance with K.S.A. 20-362,
37 and amendments thereto.

38 Sec. 9. K.S.A. 2011 Supp. 23-2510 is hereby amended to read as
39 follows: 23-2510. (a) The judge or clerk of the district court shall collect
40 from the applicant for a marriage license a fee of \$59.

41 (b) The clerk of the court shall remit all fees prescribed by this
42 section to the state treasurer in accordance with the provisions of K.S.A.
43 75-4215, and amendments thereto. Upon receipt of each such remittance,

1 the state treasurer shall deposit the entire amount in the state treasury. Of
 2 each remittance, the state treasurer shall credit 38.98% to the protection
 3 from abuse fund, 15.19% to the family and children trust account of the
 4 family and children investment fund created by K.S.A. 38-1808, and
 5 amendments thereto, 16.95% to the crime victims assistance fund created
 6 by K.S.A. 74-7334, and amendments thereto, 15.25% to the judicial
 7 branch nonjudicial salary adjustment fund created by K.S.A. 2011 Supp.
 8 20-1a15, and amendments thereto, and the remainder to the state general
 9 fund.

10 (c) Except as provided further, the marriage license fee established in
 11 this section shall be the only fee collected or moneys in the nature of a fee
 12 collected for a marriage license. Such fee shall only be established by an
 13 act of the legislature and no other authority is established by law or
 14 otherwise to collect a fee. On and after the effective date of this act
 15 through June 30, 2012, the supreme court may impose an additional
 16 charge, not to exceed \$26.50 per marriage license fee, to fund the costs of
 17 non-judicial personnel. *On and after July 1, 2012, the court may impose*
 18 *an additional charge to fund the cost of establishing, operating and*
 19 *maintaining electronic document filing, storage and management for the*
 20 *Kansas court system.*

21 Sec. 10. K.S.A. 2011 Supp. 28-170 is hereby amended to read as
 22 follows: 28-170. (a) The docket fee prescribed by K.S.A. 60-2001, and
 23 amendments thereto, and the fees for service of process, shall be the only
 24 costs assessed for services of the clerk of the district court and the sheriff
 25 in any case filed under chapter 60 or chapter 61 of the Kansas Statutes
 26 Annotated, and amendments thereto, except that no fee shall be charged
 27 for an action filed under K.S.A. 60-3101 *et seq.*, and under K.S.A. 60-
 28 31a01 *et seq.*, and amendments thereto. For services in other matters in
 29 which no other fee is prescribed by statute, the following fees shall be
 30 charged and collected by the clerk. Only one fee shall be charged for each
 31 bond, lien or judgment:

- 32 1. For filing, entering and releasing a bond, mechanic's lien,
 33 notice of intent to perform, personal property tax judgment
 34 or any judgment on which execution process cannot be
 35 issued.....\$14
- 36 2. For filing, entering and releasing a judgment of a court
 37 of this state on which execution or other process can be
 38 issued \$24
- 39 3. For a certificate, or for copying or certifying any paper or
 40 writ, such fee as shall be prescribed by the district court.

41 (b) The fees for entries, certificates and other papers required in
 42 naturalization cases shall be those prescribed by the federal government
 43 and, when collected, shall be disbursed as prescribed by the federal

1 government. The clerk of the court shall remit to the state treasurer at least
2 monthly all moneys received from fees prescribed by subsection (a) or (b)
3 or received for any services performed which may be required by law. The
4 state treasurer shall deposit the remittance in the state treasury and credit
5 the entire amount to the state general fund.

6 (c) In actions pursuant to the revised Kansas code for care of children
7 (K.S.A. 2011 Supp. 38-2201 *et seq.*, and amendments thereto), the revised
8 Kansas juvenile justice code (K.S.A. 2011 Supp. 38-2301 *et seq.*, and
9 amendments thereto), the act for treatment of alcoholism (K.S.A. 65-4001
10 *et seq.*, and amendments thereto), the act for treatment of drug abuse
11 (K.S.A. 65-5201 *et seq.*, and amendments thereto), or the care and
12 treatment act for mentally ill persons (K.S.A. 59-2945 *et seq.*, and
13 amendments thereto), the clerk shall charge an additional fee of \$1 which
14 shall be deducted from the docket fee and credited to the prosecuting
15 attorneys' training fund as provided in K.S.A. 28-170a, and amendments
16 thereto.

17 (d) In actions pursuant to the revised Kansas code for care of children
18 (K.S.A. 2011 Supp. 38-2201 *et seq.*, and amendments thereto), the revised
19 Kansas juvenile justice code (K.S.A. 2011 Supp. 38-2301 *et seq.*, and
20 amendments thereto), the act for treatment of alcoholism (K.S.A. 65-4001
21 *et seq.*, and amendments thereto), the act for treatment of drug abuse
22 (K.S.A. 65-5201 *et seq.*, and amendments thereto), or the care and
23 treatment act for mentally ill persons (K.S.A. 59-2945 *et seq.*, and
24 amendments thereto), the clerk shall charge an additional fee of \$.50
25 which shall be deducted from the docket fee and credited to the indigents'
26 defense services fund as provided in K.S.A. 28-172b, and amendments
27 thereto.

28 (e) Except as provided further, the bond, lien or judgment fee
29 established in subsection (a) shall be the only fee collected or moneys in
30 the nature of a fee collected for such bond, lien or judgment. Such fee shall
31 only be established by an act of the legislature and no other authority is
32 established by law or otherwise to collect a fee. On and after the effective
33 date of this act through June 30, 2012, the supreme court may impose an
34 additional charge, not to exceed \$22 per bond, lien or judgment fee, to
35 fund the costs of non-judicial personnel. *On and after July 1, 2012, the*
36 *court may impose an additional charge to fund the cost of establishing,*
37 *operating and maintaining electronic document filing, storage and*
38 *management for the Kansas court system.*

39 Sec. 11. K.S.A. 2011 Supp. 28-172a is hereby amended to read as
40 follows: 28-172a. (a) Except as otherwise provided in this section,
41 whenever the prosecuting witness or defendant is adjudged to pay the costs
42 in a criminal proceeding in any county, a docket fee shall be taxed as
43 follows:

1	(1) On and after July 1, 2009 through June 30, 2013:	
2	Murder or manslaughter.....	\$182.50
3	Other felony.....	173.00
4	Misdemeanor.....	138.00
5	Forfeited recognizance.....	74.50
6	Appeals from other courts.....	74.50
7	(2) On and after July 1, 2013:	
8	Murder or manslaughter.....	\$180.50
9	Other felony.....	171.00
10	Misdemeanor.....	136.00
11	Forfeited recognizance.....	72.50
12	Appeals from other courts.....	72.50

13 (b) (1) Except as provided in paragraph (2), in actions involving the
 14 violation of any of the laws of this state regulating traffic on highways
 15 (including those listed in subsection (c) of K.S.A. 8-2118, and
 16 amendments thereto), a cigarette or tobacco infraction, any act declared a
 17 crime pursuant to the statutes contained in chapter 32 of the Kansas
 18 Statutes Annotated, and amendments thereto, or any act declared a crime
 19 pursuant to the statutes contained in article 8 of chapter 82a of the Kansas
 20 Statutes Annotated, and amendments thereto, whenever the prosecuting
 21 witness or defendant is adjudged to pay the costs in the action, on and after
 22 July 1, 2009 through June 30, 2013, a docket fee of \$76 shall be charged,
 23 and on and after July 1, 2013, a docket fee of \$74 shall be charged. When
 24 an action is disposed of under subsections (a) and (b) of K.S.A. 8-2118 or
 25 subsection (f) of K.S.A. 79-3393, and amendments thereto, on and after
 26 July 1, 2009 through June 30, 2013, the docket fee to be paid as court costs
 27 shall be \$76, and on and after July 1, 2013, the docket fee to be paid as
 28 court costs shall be \$74.

29 (2) In actions involving the violation of a moving traffic violation
 30 under K.S.A. 8-2118, and amendments thereto, as defined by rules and
 31 regulations adopted under K.S.A. 8-249, and amendments thereto,
 32 whenever the prosecuting witness or defendant is adjudged to pay the costs
 33 in the action, on and after July 1, 2009 through June 30, 2013, a docket fee
 34 of \$76 shall be charged, and on and after July 1, 2013, a docket fee of \$74
 35 shall be charged. When an action is disposed of under subsection (a) and
 36 (b) of K.S.A. 8-2118, and amendments thereto, on and after July 1, 2009
 37 through June 30, 2013, the docket fee to be paid as court costs shall be
 38 \$76, and on and after July 1, 2013, the docket fee to be paid as court costs
 39 shall be \$74.

40 (c) If a conviction is on more than one count, the docket fee shall be
 41 the highest one applicable to any one of the counts. The prosecuting
 42 witness or defendant, if assessed the costs, shall pay only one fee. Multiple
 43 defendants shall each pay one fee.

1 (d) Statutory charges for law library funds, the law enforcement
2 training center fund, the prosecuting attorneys' training fund, the juvenile
3 detention facilities fund, the judicial branch education fund, the emergency
4 medical services operating fund and the judiciary technology fund shall be
5 paid from the docket fee; the family violence and child abuse and neglect
6 assistance and prevention fund fee shall be paid from criminal proceedings
7 docket fees. All other fees and expenses to be assessed as additional court
8 costs shall be approved by the court, unless specifically fixed by statute.
9 Additional fees shall include, but are not limited to, fees for Kansas bureau
10 of investigation forensic or laboratory analyses, fees for detention facility
11 processing pursuant to K.S.A. 12-16,119, and amendments thereto, fees
12 for the sexual assault evidence collection kit, fees for conducting an
13 examination of a sexual assault victim, fees for service of process outside
14 the state, witness fees, fees for transcripts and depositions, costs from
15 other courts, doctors' fees and examination and evaluation fees. No sheriff
16 in this state shall charge any district court of this state a fee or mileage for
17 serving any paper or process.

18 (e) In each case charging a violation of the laws relating to parking of
19 motor vehicles on the statehouse grounds or other state-owned or operated
20 property in Shawnee county, Kansas, as specified in K.S.A. 75-4510a, and
21 amendments thereto, or as specified in K.S.A. 75-4508, and amendments
22 thereto, the clerk shall tax a fee of \$2 which shall constitute the entire costs
23 in the case, except that witness fees, mileage and expenses incurred in
24 serving a warrant shall be in addition to the fee. Appearance bond for a
25 parking violation of K.S.A. 75-4508 or 75-4510a, and amendments
26 thereto, shall be \$3, unless a warrant is issued. The judge may order the
27 bond forfeited upon the defendant's failure to appear, and \$2 of any bond
28 so forfeited shall be regarded as court costs.

29 (f) Except as provided further, the docket fee established in this
30 section shall be the only fee collected or moneys in the nature of a fee
31 collected for the docket fee. Such fee shall only be established by an act of
32 the legislature and no other authority is established by law or otherwise to
33 collect a fee. On and after the effective date of this act through June 30,
34 2012, the supreme court may impose an additional charge, not to exceed
35 \$22 per docket fee, to fund the costs of non-judicial personnel. *On and*
36 *after July 1, 2012, the court may impose an additional charge to fund the*
37 *cost of establishing, operating and maintaining electronic document filing,*
38 *storage and management for the Kansas court system.*

39 Sec. 12. K.S.A. 2011 Supp. 28-177 is hereby amended to read as
40 follows: 28-177. (a) Except as provided ~~further~~ *in this section, K.S.A. 28-*
41 *178 and section 1, and amendments thereto,* the fees established by
42 legislative enactment shall be the only fee collected or moneys in the
43 nature of a fee collected for court procedures. Such fee shall only be

1 established by an act of the legislature and no other authority is established
2 by law or otherwise to collect a fee. Court procedures shall include docket
3 fees, filing fees or other fees related to access to court procedures. On and
4 after the effective date of this act through June 30, 2012, the supreme court
5 may impose an additional charge, not to exceed \$26.50 per fee or the
6 amount established by the applicable statute, whichever amount is less, to
7 fund the costs of non-judicial personnel.

8 (b) ~~Any~~ *Such* additional charge imposed by the court pursuant to
9 K.S.A. 8-2107, 8-2110, ~~21-4619, prior to its repeal,~~ 22-2410, 23-108a, 28-
10 170, 28-172a, 59-104, ~~60-1621,~~ 60-2001, 60-2203a, 61-2704 and 61-4001
11 and K.S.A. 2011 Supp. ~~21-6614,~~ 28-178, ~~28-179,~~ 38-2215, 38-2312 and
12 38-2314 ~~and K.S.A. 2011 Supp. 21-6614,~~ and amendments thereto, shall
13 be remitted to the state treasurer in accordance with the provisions of
14 K.S.A. 75-4215, and amendments thereto. Upon receipt of each such
15 remittance, the state treasurer shall deposit the entire amount in the state
16 treasury to the credit of the judicial branch surcharge fund, which is hereby
17 created in the state treasury.

18 (c) All moneys credited to the judicial branch surcharge fund shall be
19 used for compensation of non-judicial personnel and shall not be expended
20 for compensation of judges or justices of the judicial branch.

21 (d) All expenditures from the judicial branch surcharge fund shall be
22 made in accordance with appropriation acts and upon warrants of the
23 director of accounts and reports issued pursuant to payrolls approved by
24 the chief justice of the Kansas supreme court or by a person or persons
25 designated by the chief justice.

26 Sec. 13. K.S.A. 2011 Supp. 28-178 is hereby amended to read as
27 follows: 28-178. (a) In addition to any other fees specifically prescribed by
28 law, on and after the effective date of this act through June 30, 2012, the
29 supreme court may impose a charge, not to exceed \$12.50 per fee, to fund
30 the costs of non-judicial personnel, on the following:

31 (1) A person who requests an order or writ of execution pursuant to
32 K.S.A. 60-2401 or 61-3602, and amendments thereto.

33 (2) Persons who request a hearing in aid of execution pursuant to
34 K.S.A. 60-2419, and amendments thereto.

35 (3) A person requesting an order for garnishment pursuant to article 7
36 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto,
37 or article 35 of chapter 61 of the Kansas Statutes Annotated, and
38 amendments thereto.

39 (4) Persons who request a writ or order of sale pursuant to K.S.A. 60-
40 2401 or 61-3602, and amendments thereto.

41 (5) A person who requests a hearing in aid of execution pursuant to
42 K.S.A. 61-3604, and amendments thereto.

43 (6) A person who requests an attachment against the property of a

1 defendant or any one or more of several defendants pursuant to K.S.A. 60-
2 701 or 61-3501, and amendments thereto.

3 (b) *In addition to any other fees specifically prescribed by law, on*
4 *and after July 1, 2012, the supreme court may impose an additional*
5 *charge to fund the cost of establishing, operating and maintaining*
6 *electronic document filing, storage and management for the Kansas court*
7 *system on the types of requests listed in subsection (a).*

8 ~~(b)~~ (c) (1) The clerk of the district court shall remit all revenues
9 received from the fees imposed pursuant to subsection (a) to the state
10 treasurer, in accordance with the provisions of K.S.A. 75-4215, and
11 amendments thereto. Upon receipt of each such remittance, the state
12 treasurer shall deposit the entire amount in the state treasury to the credit
13 of the judicial branch surcharge fund *established in K.S.A. 28-177, and*
14 *amendments thereto.*

15 (2) *The clerk of the district court shall remit all revenues received*
16 *from the fees imposed pursuant to subsection (b) to the state treasurer; in*
17 *accordance with the provisions of K.S.A. 75-4215, and amendments*
18 *thereto. Upon receipt of each such remittance, the state treasurer shall*
19 *deposit the entire amount in the state treasury to the credit of the judiciary*
20 *technology fund established in K.S.A. 20-1a12, and amendments thereto.*

21 ~~(c)~~ (d) The fees established in this section shall be the only fee
22 collected or moneys in the nature of a fee collected for such court
23 procedures. Such fee shall only be established by an act of the legislature
24 and no other authority is established by law or otherwise to collect a fee.

25 Sec. 14. K.S.A. 2011 Supp. 28-179 is hereby amended to read as
26 follows: 28-179. (a) No post-decree motion petitioning for a modification
27 or termination of separate maintenance, for a change in legal custody,
28 residency, visitation rights or parenting time or for a modification of child
29 support shall be filed or docketed in the district court without payment of a
30 docket fee in the amount of \$42 on and after July 1, 2009 through June 30,
31 2013, and \$40 on and after July 1, 2013, to the clerk of the district court.

32 (b) A poverty affidavit may be filed in lieu of a docket fee as
33 established in K.S.A. 60-2001, and amendments thereto.

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

38 (d) Except as provided further, the docket fee established in this
39 section shall be the only fee collected or moneys in the nature of a fee
40 collected for the docket fee. Such fee shall only be established by an act of
41 the legislature and no other authority is established by law or otherwise to
42 collect a fee. On and after the effective date of this act through June 30,
43 2012, the supreme court may impose an additional charge, not to exceed

1 \$22 per docket fee, to fund the costs of non-judicial personnel. *On and*
2 *after July 1, 2012, the court may impose an additional charge to fund the*
3 *cost of establishing, operating and maintaining electronic document filing,*
4 *storage and management for the Kansas court system.*

5 Sec. 15. K.S.A. 2011 Supp. 38-2215 is hereby amended to read as
6 follows: 38-2215. (a) *Docket fee.* The docket fee for proceedings under
7 this code, if one is assessed as provided in this section, shall be \$34. Only
8 one docket fee shall be assessed in each case. Except as provided further,
9 the docket fee established in this section shall be the only fee collected or
10 moneys in the nature of a fee collected for the docket fee. Such fee shall
11 only be established by an act of the legislature and no other authority is
12 established by law or otherwise to collect a fee. On and after the effective
13 date of this act through June 30, 2012, the supreme court may impose an
14 additional charge, not to exceed \$22 per docket fee, to fund the costs of
15 non-judicial personnel. *On and after July 1, 2012, the court may impose*
16 *an additional charge to fund the cost of establishing, operating and*
17 *maintaining electronic document filing, storage and management for the*
18 *Kansas court system.*

19 (b) *Expenses.* The expenses for proceedings under this code,
20 including fees and mileage allowed witnesses and fees and expenses
21 approved by the court for appointed attorneys, shall be paid by the board
22 of county commissioners from the general fund of the county.

23 (c) *Assessment of docket fee and expenses.* (1) *Docket fee.* The docket
24 fee may be assessed or waived by the court conducting the initial
25 dispositional hearing and the docket fee may be assessed against the
26 complaining witness or person initiating the proceedings or a party or
27 interested party other than the state, a political subdivision of the state, an
28 agency of the state or of a political subdivision of the state, or a person
29 acting in the capacity of an employee of the state or of a political
30 subdivision of the state. Any docket fee received shall be remitted to the
31 state treasurer pursuant to K.S.A. 20-362, and amendments thereto.

32 (2) *Expenses.* Expenses may be assessed against the complaining
33 witness, a person initiating the proceedings, a party or an interested party,
34 other than the state, a political subdivision of the state, an agency of the
35 state or of a political subdivision of the state or a person acting in the
36 capacity of an employee of the state or of a political subdivision of the
37 state. When expenses are recovered from a person against whom they have
38 been assessed the general fund of the county shall be reimbursed in the
39 amount of the recovery. If it appears to the court in any proceedings under
40 this code that expenses were unreasonably incurred at the request of any
41 party the court may assess that portion of the expenses against the party.

42 (d) *Cases in which venue is transferred.* If venue is transferred from
43 one county to another, the court from which the case is transferred shall

1 send to the receiving court a statement of expenses paid from the general
2 fund of the sending county. If the receiving court collects any of the
3 expenses owed in the case, the receiving court shall pay to the sending
4 court an amount proportional to the sending court's share of the total
5 expenses owed to both counties. The expenses of the sending county shall
6 not be an obligation of the receiving county except to the extent that the
7 sending county's proportion of the expenses is collected by the receiving
8 court. All amounts collected shall first be applied toward payment of the
9 docket fee.

10 Sec. 16. K.S.A. 2011 Supp. 38-2312 is hereby amended to read as
11 follows: 38-2312. (a) Except as provided in subsection (b) *and* (c), any
12 records or files specified in this code concerning a juvenile may be
13 expunged upon application to a judge of the court of the county in which
14 the records or files are maintained. The application for expungement may
15 be made by the juvenile, if 18 years of age or older or, if the juvenile is
16 less than 18 years of age, by the juvenile's parent or next friend.

17 (b) There shall be no expungement of records or files concerning acts
18 committed by a juvenile which, if committed by an adult, would constitute
19 a violation of K.S.A. 21-3401, prior to its repeal, or K.S.A. 2011 Supp. 21-
20 5402, and amendments thereto, murder in the first degree; K.S.A. 21-3402,
21 prior to its repeal, or K.S.A. 2011 Supp. 21-5403, and amendments thereto,
22 murder in the second degree; K.S.A. 21-3403, prior to its repeal, or K.S.A.
23 2011 Supp. 21-5404, and amendments thereto, voluntary manslaughter;
24 K.S.A. 21-3404, prior to its repeal, or K.S.A. 2011 Supp. 21-5405, and
25 amendments thereto, involuntary manslaughter; K.S.A. 21-3439, prior to
26 its repeal, or K.S.A. 2011 Supp. 21-5401, and amendments thereto, capital
27 murder; K.S.A. 21-3442, prior to its repeal, or subsection (a)(3) of K.S.A.
28 2011 Supp. 21-5405, and amendments thereto, involuntary manslaughter
29 while driving under the influence of alcohol or drugs; K.S.A. 21-3502,
30 prior to its repeal, or K.S.A. 2011 Supp. 21-5503, and amendments thereto,
31 rape; K.S.A. 21-3503, prior to its repeal, or subsection (a) of K.S.A. 2011
32 Supp. 21-5506, and amendments thereto, indecent liberties with a child;
33 K.S.A. 21-3504, prior to its repeal, or subsection (b) of K.S.A. 2011 Supp.
34 21-5506, and amendments thereto, aggravated indecent liberties with a
35 child; K.S.A. 21-3506, prior to its repeal, or subsection (b) of K.S.A. 2011
36 Supp. 21-5504, and amendments thereto, aggravated criminal sodomy;
37 K.S.A. 21-3510, prior to its repeal, or subsection (a) of K.S.A. 2011 Supp.
38 21-5508, and amendments thereto, indecent solicitation of a child; K.S.A.
39 21-3511, prior to its repeal, or subsection (b) of K.S.A. 2011 Supp. 21-
40 5508, and amendments thereto, aggravated indecent solicitation of a child;
41 K.S.A. 21-3516, prior to its repeal, or K.S.A. 2011 Supp. 21-5510, and
42 amendments thereto, sexual exploitation; K.S.A. 21-3603, prior to its
43 repeal, or subsection (b) of K.S.A. 2011 Supp. 21-5604, and amendments

1 thereto, aggravated incest; K.S.A. 21-3608, prior to its repeal, or
2 subsection (a) of K.S.A. 2011 Supp. 21-5601, and amendments thereto,
3 endangering a child; K.S.A. 21-3609, prior to its repeal, or K.S.A. 2011
4 Supp. 21-5602, and amendments thereto, abuse of a child; or which would
5 constitute an attempt to commit a violation of any of the offenses specified
6 in this subsection.

7 *(c) Notwithstanding any other law to the contrary, for any offender*
8 *who is required to register as provided in the Kansas offender registration*
9 *act, K.S.A. 22-4901 et seq., and amendments thereto, there shall be no*
10 *expungement of any conviction or any part of the offender's criminal*
11 *record while the offender is required to register as provided in the Kansas*
12 *offender registration act.*

13 ~~(e)~~ *(d)* When a petition for expungement is filed, the court shall set a
14 date for a hearing on the petition and shall give notice thereof to the
15 county or district attorney. The petition shall state: (1) The juvenile's full
16 name; (2) the full name of the juvenile as reflected in the court record, if
17 different than (1); (3) the juvenile's sex and date of birth; (4) the offense
18 for which the juvenile was adjudicated; (5) the date of the trial; and (6) the
19 identity of the trial court. Except as otherwise provided by law, a petition
20 for expungement shall be accompanied by a docket fee in the amount of
21 \$100. On and after the effective date of this act through June 30, 2012, the
22 supreme court may impose a charge, not to exceed \$19 per case, to fund
23 the costs of non-judicial personnel. *On and after July 1, 2012, the court*
24 *may impose an additional charge to fund the cost of establishing,*
25 *operating and maintaining electronic document filing, storage and*
26 *management for the Kansas court system. All petitions for expungement*
27 *shall be docketed in the original action. Any person who may have*
28 *relevant information about the petitioner may testify at the hearing. The*
29 *court may inquire into the background of the petitioner.*

30 ~~(d)~~ *(e)* (1) After hearing, the court shall order the expungement of the
31 records and files if the court finds that:

32 (A) The juvenile has reached 23 years of age or that two years have
33 elapsed since the final discharge;

34 (B) since the final discharge of the juvenile, the juvenile has not been
35 convicted of a felony or of a misdemeanor other than a traffic offense or
36 adjudicated as a juvenile offender under the revised Kansas juvenile justice
37 code and no proceedings are pending seeking such a conviction or
38 adjudication; and

39 (C) the circumstances and behavior of the petitioner warrant
40 expungement.

41 (2) The court may require that all court costs, fees and restitution
42 shall be paid.

43 ~~(e)~~ *(f)* Upon entry of an order expunging records or files, the offense

1 which the records or files concern shall be treated as if it never occurred,
2 except that upon conviction of a crime or adjudication in a subsequent
3 action under this code the offense may be considered in determining the
4 sentence to be imposed. The petitioner, the court and all law enforcement
5 officers and other public offices and agencies shall properly reply on
6 inquiry that no record or file exists with respect to the juvenile. Inspection
7 of the expunged files or records thereafter may be permitted by order of
8 the court upon petition by the person who is the subject thereof. The
9 inspection shall be limited to inspection by the person who is the subject of
10 the files or records and the person's designees.

11 ~~(f)~~ (g) ~~Copies~~ *A certified copy* of any order made pursuant to
12 subsection (a) or ~~(e)~~ (d) shall be sent to ~~each public officer and agency in~~
13 ~~the county having possession of any~~ *the Kansas bureau of investigation,*
14 *which shall notify every juvenile or criminal justice agency which may*
15 *possess records or files ordered to be expunged. If the officer or agency*
16 *fails to comply with the order within a reasonable time after its receipt, the*
17 ~~officer or~~ *such agency may be adjudged in contempt of court and punished*
18 *accordingly.*

19 ~~(g)~~ (h) The court shall inform any juvenile who has been adjudicated
20 a juvenile offender of the provisions of this section.

21 ~~(h)~~ (i) Nothing in this section shall be construed to prohibit the
22 maintenance of information relating to an offense after records or files
23 concerning the offense have been expunged if the information is kept in a
24 manner that does not enable identification of the juvenile.

25 ~~(i)~~ (j) Nothing in this section shall be construed to permit or require
26 expungement of files or records related to a child support order registered
27 pursuant to the revised Kansas juvenile justice code.

28 ~~(j)~~ (k) Whenever the records or files of any adjudication have been
29 expunged under the provisions of this section, the custodian of the records
30 or files of adjudication relating to that offense shall not disclose the
31 existence of such records or files, except when requested by:

32 (1) The person whose record was expunged;

33 (2) a private detective agency or a private patrol operator, and the
34 request is accompanied by a statement that the request is being made in
35 conjunction with an application for employment with such agency or
36 operator by the person whose record has been expunged;

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

39 (4) the secretary of social and rehabilitation services, or a designee of
40 the secretary, for the purpose of obtaining information relating to
41 employment in an institution, as defined in K.S.A. 76-12a01, and
42 amendments thereto, of the department of social and rehabilitation services
43 of any person whose record has been expunged;

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

3 (6) the Kansas lottery, and the request is accompanied by a statement
4 that the request is being made to aid in determining qualifications for
5 employment with the Kansas lottery or for work in sensitive areas within
6 the Kansas lottery as deemed appropriate by the executive director of the
7 Kansas lottery;

8 (7) the governor or the Kansas racing commission, or a designee of
9 the commission, and the request is accompanied by a statement that the
10 request is being made to aid in determining qualifications for executive
11 director of the commission, for employment with the commission, for
12 work in sensitive areas in parimutuel racing as deemed appropriate by the
13 executive director of the commission or for licensure, renewal of licensure
14 or continued licensure by the commission; ~~or~~

15 (8) the Kansas sentencing commission; ~~or~~

16 (9) *the Kansas bureau of investigation, for the purposes of:*

17 (A) *Completing a person's criminal history record information within*
18 *the central repository in accordance with K.S.A. 22-4701 et seq., and*
19 *amendments thereto; or*

20 (B) *providing information or documentation to the federal bureau of*
21 *investigation, in connection with the national instant criminal background*
22 *check system, to determine a person's qualification to possess a firearm.*

23 (l) *The provisions of subsection (k)(9) shall apply to all records*
24 *created prior to, on and after July 1, 2011.*

25 Sec. 17. K.S.A. 2011 Supp. 38-2314 is hereby amended to read as
26 follows: 38-2314. (a) *Docket fee.* The docket fee for proceedings under
27 this code, if one is assessed as provided by this section, shall be \$34. Only
28 one docket fee shall be assessed in each case. Except as provided further,
29 the docket fee established in this section shall be the only fee collected or
30 moneys in the nature of a fee collected for the docket fee. Such fee shall
31 only be established by an act of the legislature and no other authority is
32 established by law or otherwise to collect a fee. On and after the effective
33 date of this act through June 30, 2012, the supreme court may impose an
34 additional charge, not to exceed \$22 per docket fee, to fund the costs of
35 non-judicial personnel. *On and after July 1, 2012, the court may impose*
36 *an additional charge to fund the cost of establishing, operating and*
37 *maintaining electronic document filing, storage and management for the*
38 *Kansas court system.*

39 (b) *Expenses.* The expenses for proceedings under this code,
40 including fees and mileage allowed witnesses and fees and expenses
41 approved by the court for appointed attorneys, shall be paid by the board
42 of county commissioners from the general fund of the county.

43 (c) *Assessment of docket fee and expenses.* (1) *Docket fee.* The docket

1 fee may be assessed or waived by the court conducting the initial
 2 sentencing hearing and may be assessed against the juvenile or the parent
 3 of the juvenile. Any docket fee received shall be remitted to the state
 4 treasurer pursuant to K.S.A. 20-362, and amendments thereto.

5 (2) *Expenses.* Expenses may be waived or assessed against the
 6 juvenile or a parent of the juvenile. When expenses are recovered from a
 7 party against whom they have been assessed the general fund of the county
 8 shall be reimbursed in the amount of the recovery.

9 (3) *Prohibited assessment.* Docket fees or expenses shall not be
 10 assessed against the state, a political subdivision of the state, an agency of
 11 the state or of a political subdivision of the state or a person acting in the
 12 capacity of an employee of the state or of a political subdivision of the
 13 state.

14 (d) *Cases in which venue is transferred.* If venue is transferred from
 15 one county to another, the court from which the case is transferred shall
 16 send to the receiving court a statement of expenses paid from the general
 17 fund of the sending county. If the receiving court collects any of the
 18 expenses owed in the case, the receiving court shall pay to the sending
 19 court an amount proportional to the sending court's share of the total
 20 expenses owed to both counties. The expenses of the sending county shall
 21 not be an obligation of the receiving county except to the extent that the
 22 sending county's proportionate share of the expenses is collected by the
 23 receiving court. Unless otherwise ordered by the court, all amounts
 24 collected shall first be applied toward payment of restitution, then toward
 25 the payment of the docket fee.

26 Sec. 18. K.S.A. 2011 Supp. 59-104 is hereby amended to read as
 27 follows: 59-104. (a) *Docket fee.* (1) Except as otherwise provided by law,
 28 no case shall be filed or docketed in the district court under the provisions
 29 of chapter 59 of the Kansas Statutes Annotated, and amendments thereto,
 30 or of articles 40 and 52 of chapter 65 of the Kansas Statutes Annotated,
 31 and amendments thereto, without payment of an appropriate docket fee as
 32 follows:

33 (A) On and after July 1, 2009 through June 30, 2013:

34	Treatment of mentally ill	\$59.00
35	Treatment of alcoholism or drug abuse	36.50
36	Determination of descent of property	51.50
37	Termination of life estate	50.50
38	Termination of joint tenancy	50.50
39	Refusal to grant letters of administration	50.50
40	Adoption	50.50
41	Filing a will and affidavit under K.S.A. 59-618a	50.50
42	Guardianship	71.50
43	Conservatorship	71.50

1	Trusteeship	71.50
2	Combined guardianship and conservatorship	71.50
3	Certified probate proceedings under K.S.A. 59-213, and	
4	amendments thereto	25.50
5	Decrees in probate from another state	110.50
6	Probate of an estate or of a will	111.50
7	Civil commitment under K.S.A. 59-29a01 et seq.	35.50
8	(B) On and after July 1, 2013:	
9	Treatment of mentally ill	34.50
10	Treatment of alcoholism or drug abuse	34.50
11	Determination of descent of property	49.50
12	Termination of life estate	48.50
13	Termination of joint tenancy	48.50
14	Refusal to grant letters of administration	48.50
15	Adoption	48.50
16	Filing a will and affidavit under K.S.A. 59-618a	48.50
17	Guardianship	69.50
18	Conservatorship	69.50
19	Trusteeship	69.50
20	Combined guardianship and conservatorship	69.50
21	Certified probate proceedings under K.S.A. 59-213, and	
22	and amendments thereto	23.50
23	Decrees in probate from another state	108.50
24	Probate of an estate or of a will	109.50
25	Civil commitment under K.S.A. 59-29a01 et seq.	33.50

26 (2) Except as provided further, the docket fee established in this
 27 section shall be the only fee collected or moneys in the nature of a fee
 28 collected for the docket fee. Such fee shall only be established by an act of
 29 the legislature and no other authority is established by law or otherwise to
 30 collect a fee. On and after the effective date of this act through June 30,
 31 2012, the supreme court may impose an additional charge, not to exceed
 32 \$22 per docket fee, to fund the costs of non-judicial personnel. *On and*
 33 *after July 1, 2012, the court may impose an additional charge to fund the*
 34 *cost of establishing, operating and maintaining electronic document filing,*
 35 *storage and management for the Kansas court system.*

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

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

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

11 Sec. 19. K.S.A. 2011 Supp. 60-2001 is hereby amended to read as
12 follows: 60-2001. (a) *Docket fee.* Except as otherwise provided by law, no
13 case shall be filed or docketed in the district court, whether original or
14 appealed, without payment of a docket fee in the amount of \$156 on and
15 after July 1, 2009 through June 30, 2013, and \$154 on and after July 1,
16 2013, to the clerk of the district court. Except as provided further, the
17 docket fee established in this subsection shall be the only fee collected or
18 moneys in the nature of a fee collected for the docket fee. Such fee shall
19 only be established by an act of the legislature and no other authority is
20 established by law or otherwise to collect a fee. On and after the effective
21 date of this act through June 30, 2012, the supreme court may impose an
22 additional charge, not to exceed \$22 per docket fee, to fund the costs of
23 non-judicial personnel. *On and after July 1, 2012, the court may impose*
24 *an additional charge to fund the cost of establishing, operating and*
25 *maintaining electronic document filing, storage and management for the*
26 *Kansas court system.*

27 (b) *Poverty affidavit in lieu of docket fee.* (1) *Effect.* In any case
28 where a plaintiff by reason of poverty is unable to pay a docket fee, and an
29 affidavit so stating is filed, no fee will be required. An inmate in the
30 custody of the secretary of corrections may file a poverty affidavit only if
31 the inmate attaches a statement disclosing the average account balance, or
32 the total deposits, whichever is less, in the inmate's trust fund for each
33 month in: (A) The six-month period preceding the filing of the action; or
34 (B) the current period of incarceration, whichever is shorter. Such
35 statement shall be certified by the secretary. On receipt of the affidavit and
36 attached statement, the court shall determine the initial fee to be assessed
37 for filing the action and in no event shall the court require an inmate to pay
38 less than \$3. The secretary of corrections is hereby authorized to disburse
39 money from the inmate's account to pay the costs as determined by the
40 court. If the inmate has a zero balance in such inmate's account, the
41 secretary shall debit such account in the amount of \$3 per filing fee as
42 established by the court until money is credited to the account to pay such
43 docket fee. Any initial filing fees assessed pursuant to this subsection shall

1 not prevent the court, pursuant to subsection (d), from taxing that
2 individual for the remainder of the amount required under subsection (a) or
3 this subsection.

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

6 State of Kansas, _____ County.

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

10 (c) *Disposition of fees.* The docket fees and the fees for service of
11 process shall be the only costs assessed in each case for services of the
12 clerk of the district court and the sheriff. For every person to be served by
13 the sheriff, the persons requesting service of process shall provide proper
14 payment to the clerk and the clerk of the district court shall forward the
15 service of process fee to the sheriff in accordance with K.S.A. 28-110, and
16 amendments thereto. The service of process fee, if paid by check or money
17 order, shall be made payable to the sheriff. Such service of process fee
18 shall be submitted by the sheriff at least monthly to the county treasurer
19 for deposit in the county treasury and credited to the county general fund.
20 The docket fee shall be disbursed in accordance with K.S.A. 20-362, and
21 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, fees for depositions,
26 alternative dispute resolution fees, transcripts and publication, attorney
27 fees, court costs from other courts and any other fees and expenses
28 required by statute. All additional court costs shall be taxed and billed
29 against the parties as directed by the court. No sheriff in this state shall
30 charge any mileage for serving any papers or process.

31 Sec. 20. K.S.A. 60-2101 is hereby amended to read as follows: 60-
32 2101. (a) The court of appeals shall have jurisdiction to hear appeals from
33 district courts, except in those cases reviewable by law in the district court
34 and in those cases where a direct appeal to the supreme court is required
35 by law. The court of appeals also shall have jurisdiction to hear appeals
36 from administrative decisions where a statute specifically authorizes an
37 appeal directly to the court of appeals from an administrative body or
38 office. In any case properly before it, the court of appeals shall have
39 jurisdiction to correct, modify, vacate or reverse any act, order or judgment
40 of a district court to assure that any such act, order or judgment is just,
41 legal and free of abuse. Appeals from the district court to the court of
42 appeals in criminal cases shall be subject to the provisions of K.S.A. 22-
43 3601 and 22-3602, and amendments thereto, and appeals from the district

1 court to the court of appeals in civil actions shall be subject to the
2 provisions of K.S.A. 60-2102, and amendments thereto.

3 (b) The supreme court shall have jurisdiction to correct, modify,
4 vacate or reverse any act, order or judgment of a district court or court of
5 appeals in order to assure that any such act, order or judgment is just, legal
6 and free of abuse. An appeal from a final judgment of a district court in
7 any civil action in which a statute of this state or of the United States has
8 been held unconstitutional shall be taken directly to the supreme court.
9 Direct appeals from the district court to the supreme court in criminal
10 cases shall be as prescribed by K.S.A. 22-3601 and 22-3602, and
11 amendments thereto. Cases appealed to the court of appeals may be
12 transferred to the supreme court as provided in K.S.A. 20-3016 and 20-
13 3017, and amendments thereto, and any decision of the court of appeals
14 shall be subject to review by the supreme court as provided in subsection
15 (b) of K.S.A. 20-3018, and amendments thereto, except that any party may
16 appeal from a final decision of the court of appeals to the supreme court,
17 as a matter of right, whenever a question under the constitution of either
18 the United States or the state of Kansas arises for the first time as a result
19 of such decision.

20 (c) As used in the code of civil procedure, the term "appellate court"
21 means the supreme court or court of appeals, depending on the context in
22 which such term is used and the respective jurisdiction of such courts over
23 appeals in civil actions as provided in this section and K.S.A. 60-2102, and
24 amendments thereto.

25 (d) A judgment rendered or final order made by a political or taxing
26 subdivision, or any agency thereof, exercising judicial or quasi-judicial
27 functions may be reversed, vacated or modified by the district court on
28 appeal. If no other means for perfecting such appeal is provided by law, it
29 shall be sufficient for an aggrieved party to file a notice that such party is
30 appealing from such judgment or order with such subdivision or agency
31 within 30 days of its entry, and then causing true copies of all pertinent
32 proceedings before such subdivision or agency to be prepared and filed
33 with the clerk of the district court in the county in which such judgment or
34 order was entered. The clerk shall thereupon docket the same as an action
35 in the district court, which court shall then proceed to review the same,
36 either with or without additional pleadings and evidence, and enter such
37 order or judgment as justice shall require. A docket fee shall be required
38 by the clerk of the district court as in the filing of an original action. *On*
39 *and after July 1, 2012, the court may impose an additional charge to fund*
40 *the cost of establishing, operating and maintaining electronic document*
41 *filing, storage and management for the Kansas court system.*

42 Sec. 21. K.S.A. 2011 Supp. 60-2203a is hereby amended to read as
43 follows: 60-2203a. (a) After the commencement of any action in any

1 district court of this state, or the courts of the United States in the state of
2 Kansas or in any action now pending heretofore commenced in such
3 courts, which does not involve title to real estate, any party to such action
4 may give notice in any other county of the state of the pendency of the
5 action by filing for record with the clerk of the district court of such other
6 county a verified statement setting forth the parties to the action, the nature
7 of the action, the court in which it is pending, and the relief sought, which
8 shall impart notice of the pendency of the action and shall result in the
9 same lien rights as if the action were pending in that county. The lien shall
10 be effective from the time the statement is filed, but not to exceed four
11 months prior to the entry of judgment except as provided in subsection (c).
12 The party filing such notice shall within 30 days after any satisfaction of
13 the judgment entered in such action, or any other final disposition thereof,
14 cause to be filed with such clerk of the district court a notice that all claims
15 in such action are released. If the party filing fails or neglects to do so after
16 reasonable demand by any party in interest, such party shall be liable in
17 damages in the same amounts and manner as is provided by law for failure
18 of a mortgagee to enter satisfaction of a mortgage. Upon the filing of such
19 a notice of the pendency of an action the clerk shall charge a fee of \$14
20 and shall enter and index the action in the same manner as for the filing of
21 an original action. Upon the filing of a notice of release, the notice shall
22 likewise be entered on the docket. Except as provided further, the fee
23 established in this subsection shall be the only fee collected or moneys in
24 the nature of a fee collected for the court procedure. Such fee shall only be
25 established by an act of the legislature and no other authority is established
26 by law or otherwise to collect a fee. On and after the effective date of this
27 act through June 30, 2012, the supreme court may impose an additional
28 charge, not to exceed \$22 per fee, to fund the costs of non-judicial
29 personnel. *On and after July 1, 2012, the court may impose an additional*
30 *charge to fund the cost of establishing, operating and maintaining*
31 *electronic document filing, storage and management for the Kansas court*
32 *system.*

33 (b) Any notice of the type provided for in subsection (a) which was
34 filed on or after January 10, 1977, and prior to the effective date of this act
35 shall be deemed to impart notice of the pendency of the action in the same
36 manner as if the provisions of subsection (a) were in force and effect on
37 and after January 10, 1977.

38 (c) Notwithstanding the foregoing provisions of this section, the
39 filing of a notice of the pendency of an action pursuant to subsection (a)
40 shall create no lien rights against the property of an employee of the state
41 or a municipality prior to the date judgment is rendered if the pleadings in
42 the pending action allege a negligent or wrongful act or omission of the
43 employee while acting within the scope of such employee's employment,

1 regardless of whether or not it is alleged in the alternative that the
2 employee was acting outside of such employee's employment. A judgment
3 against an employee shall become a lien upon such employee's property in
4 the county where notice is filed pursuant to subsection (a) when the
5 judgment is rendered only if it is found that: (1) The employee's negligent
6 or wrongful act or omission occurred when the employee was acting
7 outside the scope of such employee's employment; or (2) the employee's
8 conduct which gave rise to the judgment was because of actual fraud or
9 actual malice of the employee. In such cases the lien shall not be effective
10 prior to the date judgment was rendered. As used in this subsection (c),
11 "employee" shall have the meaning ascribed to such term in K.S.A. 75-
12 6102, and amendments thereto.

13 Sec. 22. K.S.A. 2011 Supp. 61-2704 is hereby amended to read as
14 follows: 61-2704. (a) An action seeking the recovery of a small claim shall
15 be considered to have been commenced at the time a person files a written
16 statement of the person's small claim with the clerk of the court if, within
17 90 days after the small claim is filed, service of process is obtained or the
18 first publication is made for service by publication. Otherwise, the action
19 is deemed commenced at the time of service of process or first publication.
20 An entry of appearance shall have the same effect as service.

21 (b) Upon the filing of a plaintiff's small claim, the clerk of the court
22 shall require from the plaintiff a docket fee of \$39 on and after July 1,
23 2009 through June 30, 2013, and \$37 on and after July 1, 2013, if the
24 claim does not exceed \$500; or \$59 on and after July 1, 2009 through June
25 30, 2013, and \$57 on and after July 1, 2013, if the claim exceeds \$500;
26 unless for good cause shown the judge waives the fee. The docket fee shall
27 be the only costs required in an action seeking recovery of a small claim.
28 No person may file more than 20 small claims under this act in the same
29 court during any calendar year.

30 (c) Except as provided further, the docket fee established in this
31 section shall be the only fee collected or moneys in the nature of a fee
32 collected for the docket fee. Such fee shall only be established by an act of
33 the legislature and no other authority is established by law or otherwise to
34 collect a fee. On and after the effective date of this act through June 30,
35 2012, the supreme court may impose an additional charge, not to exceed
36 \$12.50 per docket fee, to fund the costs of non-judicial personnel. *On and*
37 *after July 1, 2012, the court may impose an additional charge to fund the*
38 *cost of establishing, operating and maintaining electronic document filing,*
39 *storage and management for the Kansas court system.*

40 Sec. 23. K.S.A. 2011 Supp. 61-4001 is hereby amended to read as
41 follows: 61-4001. (a) *Docket fee. (1)* No case shall be filed or docketed
42 pursuant to the code of civil procedure for limited actions without the
43 payment of a docket fee in the amount of \$37 on and after July 1, 2009,

1 through June 30, 2013, and \$35 on and after July 1, 2013, if the amount in
 2 controversy or claimed does not exceed \$500; \$57 on and after July 1,
 3 2009, through June 30, 2013, and \$55 on and after July 1, 2013, if the
 4 amount in controversy or claimed exceeds \$500 but does not exceed
 5 \$5,000; or \$103 on and after July 1, 2009, through June 30, 2013, and
 6 \$101 on and after July 1, 2013, if the amount in controversy or claimed
 7 exceeds \$5,000. If judgment is rendered for the plaintiff, the court also
 8 may enter judgment for the plaintiff for the amount of the docket fee paid
 9 by the plaintiff.

10 (b) ~~Poverty affidavit; additional court costs; exemptions for the state
 11 and municipalities. The provisions of subsections (b), (c) and (d) of K.S.A.
 12 60-2001 and 60-2005, and amendments thereto, shall be applicable to
 13 lawsuits brought under the code of civil procedure for limited actions.~~

14 (e) (2) Except as provided further, the docket fee established in this
 15 section shall be the only fee collected or moneys in the nature of a fee
 16 collected for the docket fee. Such fee shall only be established by an act of
 17 the legislature and no other authority is established by law or otherwise to
 18 collect a fee. On and after the effective date of this act through June 30,
 19 2012, the supreme court may impose an additional charge, not to exceed
 20 \$19 per docket fee, to fund the costs of non-judicial personnel. *On and
 21 after July 1, 2012, the court may impose an additional charge to fund the
 22 cost of establishing, operating and maintaining electronic document filing,
 23 storage and management for the Kansas court system.*

24 (b) *Poverty affidavit; additional court costs; exemptions for the state
 25 and municipalities. The provisions of subsections (b), (c) and (d) of K.S.A.
 26 60-2001 and 60-2005, and amendments thereto, shall be applicable to
 27 lawsuits brought under the code of civil procedure for limited actions.*

28 Sec. 24. K.S.A. 65-409 is hereby amended to read as follows: 65-409.
 29 (a) The clerk of the district court shall charge a fee of \$5 for entering and
 30 filing a lien statement under ~~this act~~ K.S.A. 65-406 et seq., and
 31 amendments thereto.

32 (b) *Except as provided further, the lien fee established in subsection
 33 (a) shall be the only fee collected or moneys in the nature of a fee
 34 collected for such lien. Such fee shall only be established by an act of the
 35 legislature and no other authority is established by law or otherwise to
 36 collect a fee. On and after July 1, 2012, the court may impose an
 37 additional charge to fund the cost of establishing, operating and
 38 maintaining electronic document filing, storage and management for the
 39 Kansas court system.*

40 Sec. 25. K.S.A. 20-1a12, 20-371, 60-2101 and 65-409 and K.S.A.
 41 2011 Supp. 8-2107, 8-2110, 20-362, 21-6614, 21-6614a, 21-6614b, 21-
 42 6614c, 22-2410, 22-2410a, 23-2510, 28-170, 28-172a, 28-177, 28-177a,
 43 28-178, 28-179, 38-2215, 38-2312, 38-2312a, 38-2312b, 38-2314, 59-104,

- 1 60-2001, 60-2203a, 61-2704 and 61-4001 are hereby repealed.
- 2 Sec. 26. This act shall take effect and be in force from and after its
- 3 publication in the statute book.