

**As Amended by House Committee**

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***As Amended by Senate Committee***

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*Session of 2011*

**SENATE BILL No. 97**

By Committee on Judiciary

2-3

1 AN ACT concerning courts; relating to court fees and costs; relating to the  
2 judicial branch surcharge fund; docket fees for expungement of  
3 records; amending Section 254 of chapter 136 of the 2010 Session  
4 Laws of Kansas and K.S.A. 2010 Supp. 8-2107, 8-2110, **20-3002**, 22-  
5 2410, 23-108a, 28-170, 28-172a, 28-177, 28-178, 38-2215, 38-2312,  
6 38-2314, 59-104, 60-1621, 60-2001, 60-2203a, 61-2704 and 61-4001  
7 and repealing the existing sections.  
8

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

10 Section 1. K.S.A. 2010 Supp. 8-2107 is hereby amended to read as  
11 follows: 8-2107. (a) (1) Notwithstanding any other provisions of the  
12 uniform act regulating traffic on highways, when a person is stopped by a  
13 police officer for any of the offenses described in subsection (d) and such  
14 person is not immediately taken before a judge of the district court, the  
15 police officer may require the person stopped, subject to the provisions of  
16 subsection (c), to deposit with the officer a valid Kansas driver's license in  
17 exchange for a receipt therefor issued by such police officer, the form of  
18 which shall be approved by the division of vehicles. Such receipt shall be  
19 recognized as a valid temporary Kansas driver's license authorizing the  
20 operation of a motor vehicle by the person stopped until the date of the  
21 hearing stated on the receipt. The driver's license and a written copy of the  
22 notice to appear shall be delivered by the police officer to the court having  
23 jurisdiction of the offense charged as soon as reasonably possible. If the  
24 hearing on such charge is continued for any reason, the judge may note on  
25 the receipt the date to which such hearing has been continued and such  
26 receipt shall be recognized as a valid temporary Kansas driver's license  
27 until such date, but in no event shall such receipt be recognized as a valid  
28 Kansas driver's license for a period longer than 30 days from the date set  
29 for the original hearing. Any person who has deposited a driver's license  
30 with a police officer under this subsection (a) shall have such license  
31 returned upon final determination of the charge against such person.

32 (2) In the event the person stopped deposits a valid Kansas driver's  
33 license with the police officer and fails to appear in the district court on the  
34 date set for appearance, or any continuance thereof, and in any event

1 within 30 days from the date set for the original hearing, the court shall  
2 forward such person's driver's license to the division of vehicles with an  
3 appropriate explanation attached thereto. Upon receipt of such person's  
4 driver's license, the division shall suspend such person's privilege to  
5 operate a motor vehicle in this state until such person appears before the  
6 court having jurisdiction of the offense charged, the court makes a final  
7 disposition thereof and notice of such disposition is given by the court to  
8 the division. No new or replacement license shall be issued to any such  
9 person until such notice of disposition has been received by the division.  
10 The provisions of K.S.A. 8-256, and amendments thereto, limiting the  
11 suspension of a license to one year, shall not apply to suspensions for  
12 failure to appear as provided in this subsection (a).

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

20 (c) (1) In lieu of depositing a valid Kansas driver's license with the  
21 stopping police officer as provided in subsection (a), the person stopped  
22 may elect to give bond in the amount specified in subsection (d) for the  
23 offense for which the person was stopped. When such person does not have  
24 a valid Kansas driver's license, such person shall give such bond. Such  
25 bond shall be subject to forfeiture if the person stopped does not appear at  
26 the court and at the time specified in the written notice provided for in  
27 K.S.A. 8-2106, and amendments thereto.

28 (2) Such bond may be a cash bond, a bank card draft from any valid  
29 and unexpired credit card approved by the division of vehicles or  
30 superintendent of the Kansas highway patrol or a guaranteed arrest bond  
31 certificate issued by either a surety company authorized to transact such  
32 business in this state or an automobile club authorized to transact business  
33 in this state by the commissioner of insurance. If any of the approved bank  
34 card issuers redeem the bank card draft at a discounted rate, such discount  
35 shall be charged against the amount designated as the fine for the offense.  
36 If such bond is not forfeited, the amount of the bond less the discount rate  
37 shall be reimbursed to the person providing the bond by the use of a bank  
38 card draft. Any such guaranteed arrest bond certificate shall be signed by  
39 the person to whom it is issued and shall contain a printed statement that  
40 such surety company or automobile club guarantees the appearance of such  
41 person and will, in the event of failure of such person to appear in court at  
42 the time of trial, pay any fine or forfeiture imposed on such person not to  
43 exceed an amount to be stated on such certificate.

1 (3) Such cash bond shall be taken in the following manner: The police  
 2 officer shall furnish the person stopped a stamped envelope addressed to  
 3 the judge or clerk of the court named in the written notice to appear and the  
 4 person shall place in such envelope the amount of the bond, and in the  
 5 presence of the police officer shall deposit the same in the United States  
 6 mail. After such cash payment, the person stopped need not sign the written  
 7 notice to appear, but the police officer shall note the amount of the bond  
 8 mailed on the notice to appear form and shall give a copy of such form to  
 9 the person. If the person stopped furnishes the police officer with a  
 10 guaranteed arrest bond certificate or bank card draft, the police officer shall  
 11 give such person a receipt therefor and shall note the amount of the bond  
 12 on the notice to appear form and give a copy of such form to the person  
 13 stopped. Such person need not sign the written notice to appear, and the  
 14 police officer shall present the notice to appear and the guaranteed arrest  
 15 bond certificate or bank card draft to the court having jurisdiction of the  
 16 offense charged as soon as reasonably possible.

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

19 On and after July 1, 1996:

20 Reckless driving.....\$82  
 21 Driving when privilege is canceled, suspended or revoked.....82  
 22 Failure to comply with lawful order of officer.....57  
 23 Registration violation (registered for 12,000 pounds or less).....52  
 24 Registration violation (registered for more than 12,000 pounds).....92  
 25 No driver's license for the class of vehicle operated or violation of restrictions.....52  
 26 Spilling load on highway.....52  
 27 Transporting open container of alcoholic liquor or cereal malt beverage accessible while  
 28 vehicle in motion.....223

29 (e) In the event of forfeiture of any bond under this section, \$75 of the  
 30 amount forfeited shall be regarded as a docket fee in any court having  
 31 jurisdiction over the violation of state law.

32 (f) None of the provisions of this section shall be construed to conflict  
 33 with the provisions of the nonresident violator compact.

34 (g) When a person is stopped by a police officer for any traffic  
 35 infraction and the person is a resident of a state which is not a member of  
 36 the nonresident violator compact, K.S.A. 8-1219 et seq., and amendments  
 37 thereto, or the person is licensed to drive under the laws of a foreign  
 38 country, the police officer may require a bond as provided for under  
 39 subsection (c). The bond shall be in the amount specified in the uniform  
 40 fine schedule in subsection (c) of K.S.A. 8-2118, and amendments thereto,  
 41 plus \$75 which shall be regarded as a docket fee in any court having  
 42 jurisdiction over the violation of state law.

43 (h) When a person is stopped by a police officer for failure to provide

1 proof of financial security pursuant to K.S.A. 40-3104, and amendments  
2 thereto, and the person is a resident of another state or the person is  
3 licensed to drive under the laws of a foreign country, the police officer may  
4 require a bond as provided for under subsection (c). The bond shall be in  
5 the amount of \$75, plus \$75 which shall be regarded as a docket fee in any  
6 court having jurisdiction over the violation of state law.

7 (i) Except as provided further, the docket fee established in this  
8 section shall be the only fee collected or moneys in the nature of a fee  
9 collected for the docket fee. Such fee shall only be established by an act of  
10 the legislature and no other authority is established by law or otherwise to  
11 collect a fee. ~~On and after the effective date of this act through June 30,~~  
12 ~~2011-2012, **On and after the effective date of this act through June 30,**~~  
13 **2012**, the supreme court may impose an additional charge, not to exceed  
14 \$17.50 per docket fee, to fund the costs of non-judicial personnel.

15 Sec. 2. K.S.A. 2010 Supp. 8-2110 is hereby amended to read as  
16 follows: 8-2110. (a) Failure to comply with a traffic citation means failure  
17 either to: (1) Appear before any district or municipal court in response to a  
18 traffic citation and pay in full any fine and court costs imposed; or (2)  
19 otherwise comply with a traffic citation as provided in K.S.A. 8-2118, and  
20 amendments thereto. Failure to comply with a traffic citation is a  
21 misdemeanor, regardless of the disposition of the charge for which such  
22 citation was originally issued.

23 (b) (1) In addition to penalties of law applicable under subsection (a),  
24 when a person fails to comply with a traffic citation, except for illegal  
25 parking, standing or stopping, the district or municipal court in which the  
26 person should have complied with the citation shall mail notice to the  
27 person that if the person does not appear in district or municipal court or  
28 pay all fines, court costs and any penalties within 30 days from the date of  
29 mailing notice, the division of vehicles will be notified to suspend the  
30 person's driving privileges. The district or municipal court may charge an  
31 additional fee of \$5 for mailing such notice. Upon the person's failure to  
32 comply within such 30 days of mailing notice, the district or municipal  
33 court shall electronically notify the division of vehicles. Upon receipt of a  
34 report of a failure to comply with a traffic citation under this subsection,  
35 pursuant to K.S.A. 8-255, and amendments thereto, the division of vehicles  
36 shall notify the violator and suspend the license of the violator until  
37 satisfactory evidence of compliance with the terms of the traffic citation  
38 has been furnished to the informing court. When the court determines the  
39 person has complied with the terms of the traffic citation, the court shall  
40 immediately electronically notify the division of vehicles of such  
41 compliance. Upon receipt of notification of such compliance from the  
42 informing court, the division of vehicles shall terminate the suspension or  
43 suspension action.

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

10 (B) Upon review and approval of the driver's eligibility, the driving  
11 privileges will be restricted by the division of vehicles for a period up to  
12 one year or until the terms of the traffic citation have been complied with  
13 and the court shall immediately electronically notify the division of  
14 vehicles of such compliance. If the driver fails to comply with the traffic  
15 citation within the one year restricted period, the driving privileges will be  
16 suspended by the division of vehicles until the court determines the person  
17 has complied with the terms of the traffic citation and the court shall  
18 immediately electronically notify the division of vehicles of such  
19 compliance. Upon receipt of notification of such compliance from the  
20 informing court, the division of vehicles shall terminate the suspension  
21 action. When restricted driving privileges are approved pursuant to this  
22 section, the person's driving privileges shall be restricted to driving only  
23 under the following circumstances: (i) In going to or returning from the  
24 person's place of employment or schooling; (ii) in the course of the person's  
25 employment; (iii) during a medical emergency; *and* (iv) in going to and  
26 returning from probation or parole meetings, drug or alcohol counseling or  
27 any place the person is required to go by a court. The provisions of this  
28 paragraph shall expire on January 1, 2012.

29 (c) Except as provided in subsection (d), when the district or  
30 municipal court notifies the division of vehicles of a failure to comply with  
31 a traffic citation pursuant to subsection (b), the court shall assess a  
32 reinstatement fee of \$59 for each charge on which the person failed to  
33 make satisfaction regardless of the disposition of the charge for which such  
34 citation was originally issued and regardless of any application for  
35 restricted driving privileges. Such reinstatement fee shall be in addition to  
36 any fine, restricted driving privilege application fee, district or municipal  
37 court costs and other penalties. The court shall remit all reinstatement fees  
38 to the state treasurer in accordance with the provisions of K.S.A. 75-4215,  
39 and amendments thereto. Upon receipt of each such remittance, the state  
40 treasurer shall deposit the entire amount in the state treasury and shall  
41 credit 42.37% of such moneys to the division of vehicles operating fund,  
42 31.78% to the community alcoholism and intoxication programs fund  
43 created by K.S.A. 41-1126, and amendments thereto, 10.59% to the

1 juvenile detention facilities fund created by K.S.A. 79-4803, and  
2 amendments thereto, and 15.26% to the judicial branch nonjudicial salary  
3 adjustment fund created by K.S.A. 2010 Supp. 20-1a15, and amendments  
4 thereto.

5 (d) The district court or municipal court shall waive the reinstatement  
6 fee provided for in subsection (c), if the failure to comply with a traffic  
7 citation was the result of such person enlisting in or being drafted into the  
8 armed services of the United States, being called into service as a member  
9 of a reserve component of the military service of the United States, or  
10 volunteering for such active duty, or being called into service as a member  
11 of the state of Kansas national guard, or volunteering for such active duty,  
12 and being absent from Kansas because of such military service. In any case  
13 of a failure to comply with a traffic citation which occurred on or after  
14 August 1, 1990, and prior to the effective date of this act, in which a person  
15 was assessed and paid a reinstatement fee and the person failed to comply  
16 with a traffic citation because the person was absent from Kansas because  
17 of any such military service, the reinstatement fee shall be reimbursed to  
18 such person upon application therefor. The state treasurer and the director  
19 of accounts and reports shall prescribe procedures for all such  
20 reimbursement payments and shall create appropriate accounts, make  
21 appropriate accounting entries and issue such appropriate vouchers and  
22 warrants as may be required to make such reimbursement payments.

23 (e) Except as provided further, the reinstatement fee established in this  
24 section shall be the only fee collected or moneys in the nature of a fee  
25 collected for such reinstatement. Such fee shall only be established by an  
26 act of the legislature and no other authority is established by law or  
27 otherwise to collect a fee. ~~On and after the effective date of this act through~~  
28 ~~June 30, 2011-2012,~~ **On and after the effective date of this act through**  
29 **June 30, 2012,** the supreme court may impose an additional charge, not to  
30 exceed \$17.50 per reinstatement fee, to fund the costs of non-judicial  
31 personnel.

32 Sec. 3. Section 254 of chapter 136 of the 2010 Session Laws of  
33 Kansas is hereby amended to read as follows: Sec. 254. (a) (1) Except as  
34 provided in subsections (b) and (c), any person convicted in this state of a  
35 traffic infraction, cigarette or tobacco infraction, misdemeanor or a class D  
36 or E felony, or for crimes committed on or after July 1, 1993, nondrug  
37 crimes ranked in severity levels 6 through 10 or any felony ranked in  
38 severity level 4 of the drug grid, may petition the convicting court for the  
39 expungement of such conviction or related arrest records if three or more  
40 years have elapsed since the person: (A) Satisfied the sentence imposed; or  
41 (B) was discharged from probation, a community correctional services  
42 program, parole, postrelease supervision, conditional release or a  
43 suspended sentence.

1 (2) Except as provided in subsections (b) and (c), any person who has  
2 fulfilled the terms of a diversion agreement may petition the district court  
3 for the expungement of such diversion agreement and related arrest records  
4 if three or more years have elapsed since the terms of the diversion  
5 agreement were fulfilled.

6 (b) Except as provided in subsection (c), no person may petition for  
7 expungement until five or more years have elapsed since the person  
8 satisfied the sentence imposed, the terms of a diversion agreement or was  
9 discharged from probation, a community correctional services program,  
10 parole, postrelease supervision, conditional release or a suspended  
11 sentence, if such person was convicted of a class A, B or C felony, or for  
12 crimes committed on or after July 1, 1993, if convicted of an off-grid  
13 felony or any nondrug crime ranked in severity levels 1 through 5 or any  
14 felony ranked in severity levels 1 through 3 of the drug grid, or:

15 (1) Vehicular homicide, as defined ~~by~~*in K.S.A. 21-3405, prior to its*  
16 *repeal, or section 41 of chapter 136 of the 2010 Session Laws of Kansas,*  
17 and amendments thereto, or as prohibited by any law of another state which  
18 is in substantial conformity with that statute;

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

23 (3) perjury resulting from a violation of K.S.A. 8-261a, and  
24 amendments thereto, or resulting from the violation of a law of another  
25 state which is in substantial conformity with that statute;

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

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

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

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

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

39 (c) There shall be no expungement of convictions for the following  
40 offenses or of convictions for an attempt to commit any of the following  
41 offenses:

42 (1) Rape as defined in *K.S.A. 21-3502, prior to its repeal, or section*  
43 *67 of chapter 136 of the 2010 Session Laws of Kansas,* and amendments

1 thereto;

2 (2) indecent liberties with a child or aggravated indecent liberties with  
3 a child as defined in *K.S.A. 21-3503 or 21-3504, prior to their repeal, or*  
4 *section 70 of chapter 136 of the 2010 Session Laws of Kansas, and*  
5 *amendments thereto;*

6 (3) criminal sodomy as defined in *subsection (a)(2) or (a)(3) of K.S.A.*  
7 *21-3505, prior to its repeal, or subsection (a)(3) or (a)(4) of section 68 of*  
8 *chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;*

9 (4) aggravated criminal sodomy as defined in *K.S.A. 21-3506, prior to*  
10 *its repeal, or section 68 of chapter 136 of the 2010 Session Laws of Kansas,*  
11 *and amendments thereto;*

12 (5) indecent solicitation of a child or aggravated indecent solicitation  
13 of a child as defined in *K.S.A. 21-3510 or 21-3511, prior to their repeal, or*  
14 *section 72 of chapter 136 of the 2010 Session Laws of Kansas, and*  
15 *amendments thereto;*

16 (6) sexual exploitation of a child as defined in *K.S.A. 21-3516, prior*  
17 *to its repeal, or section 74 of chapter 136 of the 2010 Session Laws of*  
18 *Kansas, and amendments thereto;*

19 (7) aggravated incest as defined in *K.S.A. 21-3603, prior to its repeal,*  
20 *or section 81 of chapter 136 of the 2010 Session Laws of Kansas, and*  
21 *amendments thereto;*

22 (8) endangering a child or aggravated endangering a child as defined  
23 in *K.S.A. 21-3608 or 21-3608a, prior to their repeal, or section 78 of*  
24 *chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;*

25 (9) abuse of a child as defined in *K.S.A. 21-3609, prior to its repeal,*  
26 *or section 79 of chapter 136 of the 2010 Session Laws of Kansas, and*  
27 *amendments thereto;*

28 (10) capital murder as defined in *K.S.A. 21-3439, prior to its repeal,*  
29 *or section 36 of chapter 136 of the 2010 Session Laws of Kansas, and*  
30 *amendments thereto;*

31 (11) murder in the first degree as defined in *K.S.A. 21-3401, prior to*  
32 *its repeal, or section 37 of chapter 136 of the 2010 Session Laws of Kansas,*  
33 *and amendments thereto;*

34 (12) murder in the second degree as defined in *K.S.A. 21-3402, prior*  
35 *to its repeal, or section 38 of chapter 136 of the 2010 Session Laws of*  
36 *Kansas, and amendments thereto;*

37 (13) voluntary manslaughter as defined in *K.S.A. 21-3403, prior to its*  
38 *repeal, or section 39 of chapter 136 of the 2010 Session Laws of Kansas,*  
39 *and amendments thereto;*

40 (14) involuntary manslaughter as defined in *K.S.A. 21-3404, prior to*  
41 *its repeal, or section 40 of chapter 136 of the 2010 Session Laws of Kansas,*  
42 *and amendments thereto;*

43 (15) sexual battery as defined in *K.S.A. 21-3517, prior to its repeal, or*



1 section 69 of chapter 136 of the 2010 Session Laws of Kansas, and  
2 amendments thereto, when the victim was less than 18 years of age at the  
3 time the crime was committed;

4 (16) aggravated sexual battery as defined in *K.S.A. 21-3518, prior to*  
5 *its repeal, or section 69 of chapter 136 of the 2010 Session Laws of Kansas,*  
6 and amendments thereto;

7 (17) a violation of K.S.A. 8-1567, and amendments thereto, including  
8 any diversion for such violation;

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

11 (19) any conviction for any offense in effect at any time prior to ~~the~~  
12 ~~effective date of this act~~ *July 1, 2011*, that is comparable to any offense as  
13 provided in this subsection.

14 (d)(1) When a petition for expungement is filed, the court shall set a  
15 date for a hearing of such petition and shall cause notice of such hearing to  
16 be given to the prosecutor and the arresting law enforcement agency. The  
17 petition shall state the:

18 (A) Defendant's full name;

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

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

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

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

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

26 (2) Except as *otherwise* provided further, ~~there shall be no docket fee~~  
27 ~~for filing a petition pursuant to this section by law, a petition for~~  
28 ~~expungement shall be accompanied by a docket fee in the amount of \$100.~~  
29 ~~On and after July 1, 2009 through June 30, 2010 April 15, 2010 through~~  
30 ~~June 30, 2012, On and after the effective date of this act through June~~  
31 **30, 2012**, the supreme court may impose a charge, not to exceed ~~\$10~~**\$15**  
32 per case, to fund the costs of non-judicial personnel. The charge established  
33 in this section shall be the only fee collected or moneys in the nature of a  
34 fee collected for the case. Such charge shall only be established by an act of  
35 the legislature and no other authority is established by law or otherwise to  
36 collect a fee.

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

43 (e) At the hearing on the petition, the court shall order the petitioner's

1 arrest record, conviction or diversion expunged if the court finds that:

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

5 (2) the circumstances and behavior of the petitioner warrant the  
6 expungement;

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

8 (f) When the court has ordered an arrest record, conviction or  
9 diversion expunged, the order of expungement shall state the information  
10 required to be contained in the petition. The clerk of the court shall send a  
11 certified copy of the order of expungement to the Kansas bureau of  
12 investigation which shall notify the federal bureau of investigation, the  
13 secretary of corrections and any other criminal justice agency which may  
14 have a record of the arrest, conviction or diversion. After the order of  
15 expungement is entered, the petitioner shall be treated as not having been  
16 arrested, convicted or diverted of the crime, except that:

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

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

22 (A) In any application for licensure as a private detective, private  
23 detective agency, certification as a firearms trainer pursuant to K.S.A.  
24 ~~20092010~~ Supp. 75-7b21, and amendments thereto, or employment as a  
25 detective with a private detective agency, as defined by K.S.A. 75-7b01,  
26 and amendments thereto; as security personnel with a private patrol  
27 operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with  
28 an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of  
29 the department of social and rehabilitation services;

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

32 (C) to aid in determining the petitioner's qualifications for  
33 employment with the Kansas lottery or for work in sensitive areas within  
34 the Kansas lottery as deemed appropriate by the executive director of the  
35 Kansas lottery;

36 (D) to aid in determining the petitioner's qualifications for executive  
37 director of the Kansas racing and gaming commission, for employment  
38 with the commission or for work in sensitive areas in parimutuel racing as  
39 deemed appropriate by the executive director of the commission, or to aid  
40 in determining qualifications for licensure or renewal of licensure by the  
41 commission;

42 (E) to aid in determining the petitioner's qualifications for the  
43 following under the Kansas expanded lottery act: (i) Lottery gaming

1 facility manager or prospective manager, racetrack gaming facility manager  
2 or prospective manager, licensee or certificate holder; or (ii) an officer,  
3 director, employee, owner, agent or contractor thereof;

4 (F) upon application for a commercial driver's license under K.S.A. 8-  
5 2,125 through 8-2,142, and amendments thereto;

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

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

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

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

16 (K) for applications received on and after July 1, 2006, to aid in  
17 determining the petitioner's qualifications for a license to carry a concealed  
18 weapon pursuant to the personal and family protection act, K.S.A.  
19 ~~20092010~~ Supp. 75-7c01 et seq., and amendments thereto;

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

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

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

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

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

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

6 (1) The person whose record was expunged;

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

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

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

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

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

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

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

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

41 (10) the Kansas racing and gaming commission, or a designee of the  
42 commission, and the request is accompanied by a statement that the request  
43 is being made to aid in determining qualifications of the following under

1 the Kansas expanded lottery act: (A) Lottery gaming facility managers and  
2 prospective managers, racetrack gaming facility managers and prospective  
3 managers, licensees and certificate holders; and (B) their officers, directors,  
4 employees, owners, agents and contractors;

5 (11) the Kansas sentencing commission;

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

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

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

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

25 (16) the attorney general and the request is accompanied by a  
26 statement that the request is being made to aid in determining qualifications  
27 for a license to carry a concealed weapon pursuant to the personal and  
28 family protection act.

29 Sec. 4. K.S.A. 2010 Supp. 22-2410 is hereby amended to read as  
30 follows: 22-2410. (a) Any person who has been arrested in this state may  
31 petition the district court for the expungement of such arrest record.

32 (b) When a petition for expungement is filed, the court shall set a date  
33 for hearing on such petition and shall cause notice of such hearing to be  
34 given to the prosecuting attorney and the arresting law enforcement agency.  
35 When a petition for expungement is filed, the official court file shall be  
36 separated from the other records of the court, and shall be disclosed only to  
37 a judge of the court and members of the staff of the court designated by a  
38 judge of the district court, the prosecuting attorney, the arresting law  
39 enforcement agency, or any other person when authorized by a court order,  
40 subject to any conditions imposed by the order. Except as otherwise  
41 provided by law, a petition for expungement shall be accompanied by a  
42 docket fee in the amount of \$100. Except as provided further, the docket  
43 fee established in this section shall be the only fee collected or moneys in

1 the nature of a fee collected for the docket fee. Such fee shall only be  
2 established by an act of the legislature and no other authority is established  
3 by law or otherwise to collect a fee. ~~On and after the effective date of this~~  
4 ~~act through June 30, 2011-2012, On and after the effective date of this~~  
5 **act through June 30, 2012**, the supreme court may impose an additional  
6 charge, not to exceed \$15 per docket fee, to fund the costs of non-judicial  
7 personnel. The petition shall state:

- 8 (1) The petitioner's full name;
- 9 (2) the full name of the petitioner at the time of arrest, if different than  
10 the petitioner's current name;
- 11 (3) the petitioner's sex, race and date of birth;
- 12 (4) the crime for which the petitioner was arrested;
- 13 (5) the date of the petitioner's arrest; and
- 14 (6) the identity of the arresting law enforcement agency.

15 No surcharge or fee shall be imposed to any person filing a petition  
16 pursuant to this section, who was arrested as a result of being a victim of  
17 identity theft under K.S.A. 21-4018, *prior to its repeal, or subsection (a) of*  
18 *section 177 of chapter 136 of the 2010 Session Laws of Kansas*, and  
19 amendments thereto. Any person who may have relevant information about  
20 the petitioner may testify at the hearing. The court may inquire into the  
21 background of the petitioner.

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

- 25 (2) a court has found that there was no probable cause for the arrest;
- 26 (3) the petitioner was found not guilty in court proceedings; or
- 27 (4) the expungement would be in the best interests of justice and: (A)  
28 Charges have been dismissed; or (B) no charges have been or are likely to  
29 be filed.

30 (d) When the court has ordered expungement of an arrest record and  
31 subsequent court proceedings, if any, the order shall state the information  
32 required to be stated in the petition and shall state the grounds for  
33 expungement under subsection (c). The clerk of the court shall send a  
34 certified copy of the order to the Kansas bureau of investigation which  
35 shall notify the federal bureau of investigation, the secretary of corrections  
36 and any other criminal justice agency which may have a record of the  
37 arrest. If an order of expungement is entered, the petitioner shall be treated  
38 as not having been arrested.

39 (e) If the ground for expungement is as provided in subsection (c)(4),  
40 the court shall determine whether, in the interests of public welfare, the  
41 records should be available for any of the following purposes: (1) In any  
42 application for employment as a detective with a private detective agency,  
43 as defined in K.S.A. 75-7b01, and amendments thereto; as security

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

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

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

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

17 (5) in any application for a commercial driver's license under K.S.A.  
18 8-2,125 through 8-2,142, and amendments thereto;

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

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

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

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

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

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

39 Sec. 5. K.S.A. 2010 Supp. 23-108a is hereby amended to read as  
40 follows: 23-108a. (a) The judge or clerk of the district court shall collect  
41 from the applicant for a marriage license a fee of \$59.

42 (b) The clerk of the court shall remit all fees prescribed by this section  
43 to the state treasurer in accordance with the provisions of K.S.A. 75-4215,

1 and amendments thereto. Upon receipt of each such remittance, the state  
 2 treasurer shall deposit the entire amount in the state treasury. Of each  
 3 remittance, the state treasurer shall credit 38.98% to the protection from  
 4 abuse fund, 15.19% to the family and children trust account of the family  
 5 and children investment fund created by K.S.A. 38-1808, and amendments  
 6 thereto, 16.95% to the crime victims assistance fund created by K.S.A. 74-  
 7 7334, and amendments thereto, 15.25% to the judicial branch nonjudicial  
 8 salary adjustment fund created by K.S.A. 2010 Supp. 20-1a15, and  
 9 amendments thereto, and the remainder to the state general 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 through~~  
 15 ~~June 30, 2011 2012,~~ **On and after the effective date of this act through**  
 16 **June 30, 2012,** the supreme court may impose an additional charge, not to  
 17 exceed \$21 per marriage license fee, to fund the costs of non-judicial  
 18 personnel.

19 Sec. 6. K.S.A. 2010 Supp. 28-170 is hereby amended to read as  
 20 follows: 28-170. (a) The docket fee prescribed by K.S.A. 60-2001, and  
 21 amendments thereto, and the fees for service of process, shall be the only  
 22 costs assessed for services of the clerk of the district court and the sheriff in  
 23 any case filed under chapter 60 or chapter 61 of the Kansas Statutes  
 24 Annotated, and amendments thereto, except that no fee shall be charged for  
 25 an action filed under K.S.A. 60-3101 et seq., and under K.S.A. 60-31a01 et  
 26 seq., and amendments thereto. For services in other matters in which no  
 27 other fee is prescribed by statute, the following fees shall be charged and  
 28 collected by the clerk. Only one fee shall be charged for each bond, lien or  
 29 judgment:  
 30

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

38  
 39 (b) The fees for entries, certificates and other papers required in  
 40 naturalization cases shall be those prescribed by the federal government  
 41 and, when collected, shall be disbursed as prescribed by the federal  
 42 government. The clerk of the court shall remit to the state treasurer at least  
 43 monthly all moneys received from fees prescribed by subsection (a) or (b)



1 or received for any services performed which may be required by law. The  
2 state treasurer shall deposit the remittance in the state treasury and credit  
3 the entire amount to the state general fund.

4 (c) In actions pursuant to the revised Kansas code for care of children  
5 (K.S.A. 2010 Supp. 38-2201 et seq., and amendments thereto), the revised  
6 Kansas juvenile justice code (K.S.A. 2010 Supp. 38-2301 et seq., and  
7 amendments thereto), the act for treatment of alcoholism (K.S.A. 65-4001  
8 et seq., and amendments thereto), the act for treatment of drug abuse  
9 (K.S.A. 65-5201 et seq., and amendments thereto) or the care and treatment  
10 act for mentally ill persons (K.S.A. 59-2945 et seq., and amendments  
11 thereto), the clerk shall charge an additional fee of \$1 which shall be  
12 deducted from the docket fee and credited to the prosecuting attorneys'  
13 training fund as provided in K.S.A. 28-170a, and amendments thereto.

14 (d) In actions pursuant to the revised Kansas code for care of children  
15 (K.S.A. 2010 Supp. 38-2201 et seq., and amendments thereto), the revised  
16 Kansas juvenile justice code (K.S.A. 2010 Supp. 38-2301 et seq., and  
17 amendments thereto), the act for treatment of alcoholism (K.S.A. 65-4001  
18 et seq., and amendments thereto), the act for treatment of drug abuse  
19 (K.S.A. 65-5201 et seq., and amendments thereto) or the care and treatment  
20 act for mentally ill persons (K.S.A. 59-2945 et seq., and amendments  
21 thereto), the clerk shall charge an additional fee of \$.50 which shall be  
22 deducted from the docket fee and credited to the indigents' defense services  
23 fund as provided in K.S.A. 28-172b, and amendments thereto.

24 (e) Except as provided further, the bond, lien or judgment fee  
25 established in subsection (a) shall be the only fee collected or moneys in  
26 the nature of a fee collected for such bond, lien or judgment. Such fee shall  
27 only be established by an act of the legislature and no other authority is  
28 established by law or otherwise to collect a fee. ~~On and after the effective~~  
29 ~~date of this act through June 30, 2011-2012, **On and after the effective**~~  
30 **date of this act through June 30, 2012,** the supreme court may impose an  
31 additional charge, not to exceed \$17.50 per bond, lien or judgment fee, to  
32 fund the costs of non-judicial personnel.

33 Sec. 7. K.S.A. 2010 Supp. 28-172a is hereby amended to read as  
34 follows: 28-172a. (a) Except as otherwise provided in this section,  
35 whenever the prosecuting witness or defendant is adjudged to pay the costs  
36 in a criminal proceeding in any county, a docket fee shall be taxed as  
37 follows:

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

39	
40	Murder or manslaughter.....\$182.50
41	Other felony.....173.00
42	Misdemeanor.....138.00
43	Forfeited recognizance.....74.50

1 Appeals from other courts.....74.50  
2  
3 (2) On and after July 1, 2013:  
4  
5 Murder or manslaughter.....\$180.50  
6 Other felony.....171.00  
7 Misdemeanor.....136.00  
8 Forfeited recognizance.....72.50  
9 Appeals from other courts.....72.50

10

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

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

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

41 (d) Statutory charges for law library funds, the law enforcement  
42 training center fund, the prosecuting attorneys' training fund, the juvenile  
43 detention facilities fund, the judicial branch education fund, the emergency

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

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

26 (f) 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 April 15, 2010, through June 30, 2011-2012,~~ **On**  
31 **and after the effective date of this act through June 30, 2012,** the  
32 supreme court may impose an additional charge, not to exceed \$17.50 per  
33 docket fee, to fund the costs of non-judicial personnel.

34 Sec. 8. K.S.A. 2010 Supp. 28-177 is hereby amended to read as  
35 follows: 28-177. (a) Except as provided further, the fees established by  
36 legislative enactment shall be the only fee collected or moneys in the nature  
37 of a fee collected for court procedures. Such fee shall only be established  
38 by an act of the legislature and no other authority is established by law or  
39 otherwise to collect a fee. Court procedures shall include docket fees, filing  
40 fees or other fees related to access to court procedures. ~~On and after the~~  
41 ~~effective date of this act through June 30, 2011-2012,~~ **On and after the**  
42 **effective date of this act through June 30, 2012,** the supreme court may  
43 impose an additional charge, not to exceed \$21 per fee or the amount

1 established by the applicable statute, whichever amount is less, to fund the  
2 costs of non-judicial personnel.

3 (b) Any additional charge imposed by the court pursuant to K.S.A. 8-  
4 2107, 8-2110, 21-4619, *prior to its repeal*, 22-2410, 23-108a, 28-170, 28-  
5 172a, 59-104, 60-1621, 60-2001, 60-2203a, 61-2704 and 61-4001 and  
6 K.S.A. 2010 Supp. 28-178, 38-2215, 38-2312 and 38-2314 *and section 254*  
7 *of chapter 136 of the 2010 Session Laws of Kansas*, and amendments  
8 thereto, shall be remitted to the state treasurer in accordance with the  
9 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of  
10 each such remittance, the state treasurer shall deposit the entire amount in  
11 the state treasury to the credit of the judicial branch surcharge fund, which  
12 is hereby created in the state treasury.

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

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

21 Sec. 9. K.S.A. 2010 Supp. 28-178 is hereby amended to read as  
22 follows: 28-178. (a) In addition to any other fees specifically prescribed by  
23 law, ~~on and after the effective date of this act through June 30, 2011-2012,~~  
24 **on and after the effective date of this act through June 30, 2012,** the  
25 supreme court may impose a charge, not to exceed \$10 per fee, to fund the  
26 costs of non-judicial personnel, on the following:

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

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

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

35 (4) Persons who request a writ or order of sale pursuant to K.S.A. 60-  
36 2401 or 61-3602, and amendments thereto.

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

39 (6) A person who requests an attachment against the property of a  
40 defendant or any one or more of several defendants pursuant to K.S.A. 60-  
41 701 or 61-3501, and amendments thereto.

42 (b) The clerk of the district court shall remit all revenues received  
43 from the fees imposed pursuant to subsection (a) to the state treasurer, in

1 accordance with the provisions of K.S.A. 75-4215, and amendments  
2 thereto. Upon receipt of each such remittance, the state treasurer shall  
3 deposit the entire amount in the state treasury to the credit of the judicial  
4 branch surcharge fund.

5 (c) The fees established in this section shall be the only fee collected  
6 or moneys in the nature of a fee collected for such court procedures. Such  
7 fee shall only be established by an act of the legislature and no other  
8 authority is established by law or otherwise to collect a fee.

9 Sec. 10. K.S.A. 2010 Supp. 38-2215 is hereby amended to read as  
10 follows: 38-2215. (a) *Docket fee*. The docket fee for proceedings under this  
11 code, if one is assessed as provided in this section, shall be \$34. Only one  
12 docket fee shall be assessed in each case. Except as provided further, the  
13 docket fee established in this section shall be the only fee collected or  
14 moneys in the nature of a fee collected for the docket fee. Such fee shall  
15 only be established by an act of the legislature and no other authority is  
16 established by law or otherwise to collect a fee. ~~On and after the effective~~  
17 ~~date of this act through June 30, 2011-2012,~~ **On and after the effective**  
18 **date of this act through June 30, 2012,** the supreme court may impose an  
19 additional charge, not to exceed \$17.50 per docket fee, to fund the costs of  
20 non-judicial personnel.

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

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

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

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

12 Sec. 11. K.S.A. 2010 Supp. 38-2312 is hereby amended to read as  
13 follows: 38-2312. (a) Except as provided in subsection (b), any records or  
14 files specified in this code concerning a juvenile may be expunged upon  
15 application to a judge of the court of the county in which the records or  
16 files are maintained. The application for expungement may be made by the  
17 juvenile, if 18 years of age or older or, if the juvenile is less than 18 years  
18 of age, by the juvenile's parent or next friend.

19 (b) There shall be no expungement of records or files concerning acts  
20 committed by a juvenile which, if committed by an adult, would constitute  
21 a violation of K.S.A. 21-3401, *prior to its repeal, or section 37 of chapter*  
22 *124 of the 2010 Session Laws of Kansas*, and amendments thereto, murder  
23 in the first degree;; K.S.A. 21-3402, *prior to its repeal, or section 38 of*  
24 *chapter 124 of the 2010 Session Laws of Kansas*, and amendments thereto,  
25 murder in the second degree;; K.S.A. 21-3403, *prior to its repeal, or*  
26 *section 39 of chapter 124 of the 2010 Session Laws of Kansas*, and  
27 amendments thereto, voluntary manslaughter;; K.S.A. 21-3404, *prior to its*  
28 *repeal, or section 40 of chapter 124 of the 2010 Session Laws of Kansas*,  
29 and amendments thereto, involuntary manslaughter;; K.S.A. 21-3439, *prior*  
30 *to its repeal, or section 36 of chapter 124 of the 2010 Session Laws of*  
31 *Kansas*, and amendments thereto, capital murder;; K.S.A. 21-3442, *prior to*  
32 *its repeal, or subsection (a)(3) of section 40 of chapter 124 of the 2010*  
33 *Session Laws of Kansas*, and amendments thereto, involuntary  
34 manslaughter while driving under the influence of alcohol or drugs;;  
35 K.S.A. 21-3502, *prior to its repeal, or section 67 of chapter 124 of the*  
36 *2010 Session Laws of Kansas*, and amendments thereto, rape;; K.S.A. 21-  
37 3503, *prior to its repeal, or subsection (a) of section 70 of chapter 124 of*  
38 *the 2010 Session Laws of Kansas*, and amendments thereto, indecent  
39 liberties with a child;; K.S.A. 21-3504, *prior to its repeal, or subsection (b)*  
40 *of section 70 of chapter 124 of the 2010 Session Laws of Kansas*, and  
41 amendments thereto, aggravated indecent liberties with a child;; K.S.A. 21-  
42 3506, *prior to its repeal, or subsection (b) of section 68 of chapter 124 of*  
43 *the 2010 Session Laws of Kansas*, and amendments thereto, aggravated

1 criminal sodomy; K.S.A. 21-3510, *prior to its repeal, or subsection (a) of*  
2 *section 72 of chapter 124 of the 2010 Session Laws of Kansas, and*  
3 *amendments thereto, indecent solicitation of a child; K.S.A. 21-3511,*  
4 *prior to its repeal, or subsection (b) of section 72 of chapter 124 of the*  
5 *2010 Session Laws of Kansas, and amendments thereto, aggravated*  
6 *indecent solicitation of a child; K.S.A. 21-3516, prior to its repeal, or*  
7 *section 74 of chapter 124 of the 2010 Session Laws of Kansas, and*  
8 *amendments thereto, sexual exploitation; K.S.A. 21-3603, prior to its*  
9 *repeal, or subsection (b) of section 81 of chapter 124 of the 2010 Session*  
10 *Laws of Kansas, and amendments thereto, aggravated incest; K.S.A. 21-*  
11 *3608, prior to its repeal, or subsection (a) of section 78 of chapter 124 of*  
12 *the 2010 Session Laws of Kansas, and amendments thereto, endangering a*  
13 *child; K.S.A. 21-3609, prior to its repeal, or section 79 of chapter 124 of*  
14 *the 2010 Session Laws of Kansas, and amendments thereto, abuse of a*  
15 *child; or which would constitute an attempt to commit a violation of any*  
16 *of the offenses specified in this subsection.*

17 (c) When a petition for expungement is filed, the court shall set a date  
18 for a hearing on the petition and shall give notice thereof to the county or  
19 district attorney. The petition shall state: (1) The juvenile's full name; (2)  
20 the full name of the juvenile as reflected in the court record, if different  
21 than (1); (3) the juvenile's sex and date of birth; (4) the offense for which  
22 the juvenile was adjudicated; (5) the date of the trial; and (6) the identity of  
23 the trial court. Except as otherwise provided by law, a petition for  
24 expungement shall be accompanied by a docket fee in the amount of \$100.  
25 ~~On and after the effective date of this act through June 30, 2011-2012; On~~  
26 **and after the effective date of this act through June 30, 2012,** the  
27 supreme court may impose a charge, not to exceed \$15 per case, to fund the  
28 costs of non-judicial personnel. All petitions for expungement shall be  
29 docketed in the original action. Any person who may have relevant  
30 information about the petitioner may testify at the hearing. The court may  
31 inquire into the background of the petitioner.

32 (d) (1) After hearing, the court shall order the expungement of the  
33 records and files if the court finds that:

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

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

41 (C) the circumstances and behavior of the petitioner warrant  
42 expungement.

43 (2) The court may require that all court costs, fees and restitution shall

1 be paid.

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

13 (f) Copies of any order made pursuant to subsection (a) or (c) shall be  
14 sent to each public officer and agency in the county having possession of  
15 any records or files ordered to be expunged. If the officer or agency fails to  
16 comply with the order within a reasonable time after its receipt, the officer  
17 or agency may be adjudged in contempt of court and punished accordingly.

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

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

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

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

31 (1) The person whose record was expunged;

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

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

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

43 (5) a person entitled to such information pursuant to the terms of the



1 expungement order;

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

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

14 (8) the Kansas sentencing commission.

15 Sec. 12. K.S.A. 2010 Supp. 38-2314 is hereby amended to read as  
16 follows: 38-2314. (a) *Docket fee*. The docket fee for proceedings under this  
17 code, if one is assessed as provided by this section, shall be \$34. Only one  
18 docket fee shall be assessed in each case. Except as provided further, the  
19 docket fee established in this section shall be the only fee collected or  
20 moneys in the nature of a fee collected for the docket fee. Such fee shall  
21 only be established by an act of the legislature and no other authority is  
22 established by law or otherwise to collect a fee. ~~On and after the effective~~  
23 ~~date of this act through June 30, 2011 2012, On and after the effective~~  
24 **date of this act through June 30, 2012**, the supreme court may impose an  
25 additional charge, not to exceed \$17.50 per docket fee, to fund the costs of  
26 non-judicial personnel.

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

31 (c) *Assessment of docket fee and expenses*. (1) *Docket fee*. The docket  
32 fee may be assessed or waived by the court conducting the initial  
33 sentencing hearing and may be assessed against the juvenile or the parent  
34 of the juvenile. Any docket fee received shall be remitted to the state  
35 treasurer pursuant to K.S.A. 20-362, and amendments thereto.

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

40 (3) *Prohibited assessment*. Docket fees or expenses shall not be  
41 assessed against the state, a political subdivision of the state, an agency of  
42 the state or of a political subdivision of the state or a person acting in the  
43 capacity of an employee of the state or of a political subdivision of the

1 state.

2 (d) *Cases in which venue is transferred.* If venue is transferred from  
3 one county to another, the court from which the case is transferred shall  
4 send to the receiving court a statement of expenses paid from the general  
5 fund of the sending county. If the receiving court collects any of the  
6 expenses owed in the case, the receiving court shall pay to the sending  
7 court an amount proportional to the sending court's share of the total  
8 expenses owed to both counties. The expenses of the sending county shall  
9 not be an obligation of the receiving county except to the extent that the  
10 sending county's proportionate share of the expenses is collected by the  
11 receiving court. Unless otherwise ordered by the court, all amounts  
12 collected shall first be applied toward payment of restitution, then toward  
13 the payment of the docket fee.

14 Sec. 13. K.S.A. 2010 Supp. 59-104 is hereby amended to read as  
15 follows: 59-104. (a) *Docket fee.* (1) Except as otherwise provided by law,  
16 no case shall be filed or docketed in the district court under the provisions  
17 of chapter 59 of the Kansas Statutes Annotated, *and amendments thereto*, or  
18 of articles 40 and 52 of chapter 65 of the Kansas Statutes Annotated, *and*  
19 *amendments thereto*, without payment of an appropriate docket fee as  
20 follows:

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

22

23	Treatment of mentally ill.....	\$59.00
24	Treatment of alcoholism or drug abuse.....	36.50
25	Determination of descent of property.....	51.50
26	Termination of life estate.....	50.50
27	Termination of joint tenancy.....	50.50
28	Refusal to grant letters of administration.....	50.50
29	Adoption.....	50.50
30	Filing a will and affidavit under K.S.A. 59-618a.....	50.50
31	Guardianship.....	71.50
32	Conservatorship.....	71.50
33	Trusteeship.....	71.50
34	Combined guardianship and conservatorship.....	71.50
35	Certified probate proceedings under K.S.A. 59-213, and amendments thereto.....	25.50
36	Decrees in probate from another state.....	110.50
37	Probate of an estate or of a will.....	111.50
38	Civil commitment under K.S.A. 59-29a01 et seq.....	35.50

39 (B) On and after July 1, 2013:

40

41	Treatment of mentally ill.....	34.50
42	Treatment of alcoholism or drug abuse.....	34.50
43	Determination of descent of property.....	49.50

1 Termination of life estate..... 48.50  
 2 Termination of joint tenancy..... 48.50  
 3 Refusal to grant letters of administration..... 48.50  
 4 Adoption..... 48.50  
 5 Filing a will and affidavit under K.S.A. 59-618a..... 48.50  
 6 Guardianship..... 69.50  
 7 Conservatorship..... 69.50  
 8 Trusteeship..... 69.50  
 9 Combined guardianship and conservatorship..... 69.50  
 10 Certified probate proceedings under K.S.A. 59-213, and amendments thereto..... 23.50  
 11 Decrees in probate from another state..... 108.50  
 12 Probate of an estate or of a will..... 109.50  
 13 Civil commitment under K.S.A. 59-29a01 et seq..... 33.50

14 (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 ~~2011-2012;~~ **On and after the effective date of this act through June 30,**  
 20 **2012,** the supreme court may impose an additional charge, not to exceed  
 21 \$17.50 per docket fee, to fund the costs of non-judicial personnel.

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

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

30 (d) *Additional court costs.* Other fees and expenses to be assessed as  
 31 additional court costs shall be approved by the court, unless specifically  
 32 fixed by statute. Other fees shall include, but not be limited to, witness fees,  
 33 appraiser fees, fees for service of process outside the state, fees for  
 34 depositions, transcripts and publication of legal notice, executor or  
 35 administrator fees, attorney fees, court costs from other courts and any  
 36 other fees and expenses required by statute. All additional court costs shall  
 37 be taxed and billed against the parties or estate as directed by the court. No  
 38 sheriff in this state shall charge any district court in this state a fee or  
 39 mileage for serving any paper or process.

40 Sec. 14. K.S.A. 2010 Supp. 60-1621 is hereby amended to read as  
 41 follows: 60-1621. (a) No post-decree motion petitioning for a modification  
 42 or termination of separate maintenance, for a change in legal custody,  
 43 residency, visitation rights or parenting time or for a modification of child

1 support shall be filed or docketed in the district court without payment of a  
2 docket fee in the amount of \$42 on and after July 1, 2009 through June 30,  
3 2013, and \$40 on and after July 1, 2013, to the clerk of the district court.

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

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

10 (d) Except as provided further, the docket fee established in this  
11 section shall be the only fee collected or moneys in the nature of a fee  
12 collected for the docket fee. Such fee shall only be established by an act of  
13 the legislature and no other authority is established by law or otherwise to  
14 collect a fee. ~~On and after the effective date of this act through June 30,~~  
15 ~~2011-2012, **On and after the effective date of this act through June 30,**~~  
16 ~~**2012,**~~ the supreme court may impose an additional charge, not to exceed  
17 \$17.50 per docket fee, to fund the costs of non-judicial personnel.

18 Sec. 15. K.S.A. 2010 Supp. 60-2001 is hereby amended to read as  
19 follows: 60-2001. (a) *Docket fee*. Except as otherwise provided by law, no  
20 case shall be filed or docketed in the district court, whether original or  
21 appealed, without payment of a docket fee in the amount of \$156 on and  
22 after July 1, 2009 through June 30, 2013, and \$154 on and after July 1,  
23 2013, to the clerk of the district court. Except as provided further, the  
24 docket fee established in this subsection shall be the only fee collected or  
25 moneys in the nature of a fee collected for the docket fee. Such fee shall  
26 only be established by an act of the legislature and no other authority is  
27 established by law or otherwise to collect a fee. ~~On and after the effective~~  
28 ~~date of this act through June 30, 2011-2012, **On and after the effective**~~  
29 ~~**date of this act through June 30, 2012,**~~ the supreme court may impose an  
30 additional charge, not to exceed \$17.50 per docket fee, to fund the costs of  
31 non-judicial personnel.

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

1 money from the inmate's account to pay the costs as determined by the  
2 court. If the inmate has a zero balance in such inmate's account, the  
3 secretary shall debit such account in the amount of \$3 per filing fee as  
4 established by the court until money is credited to the account to pay such  
5 docket fee. Any initial filing fees assessed pursuant to this subsection shall  
6 not prevent the court, pursuant to subsection (d), from taxing that  
7 individual for the remainder of the amount required under subsection (a) or  
8 this subsection.

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

11 State of Kansas, \_\_\_\_\_ County.

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

15 (c) *Disposition of fees.* The docket fees and the fees for service of  
16 process shall be the only costs assessed in each case for services of the  
17 clerk of the district court and the sheriff. For every person to be served by  
18 the sheriff, the persons requesting service of process shall provide proper  
19 payment to the clerk and the clerk of the district court shall forward the  
20 service of process fee to the sheriff in accordance with K.S.A. 28-110, and  
21 amendments thereto. The service of process fee, if paid by check or money  
22 order, shall be made payable to the sheriff. Such service of process fee shall  
23 be submitted by the sheriff at least monthly to the county treasurer for  
24 deposit in the county treasury and credited to the county general fund. The  
25 docket fee shall be disbursed in accordance with K.S.A. 20-362, and  
26 amendments thereto.

27 (d) *Additional court costs.* Other fees and expenses to be assessed as  
28 additional court costs shall be approved by the court, unless specifically  
29 fixed by statute. Other fees shall include, but not be limited to, witness fees,  
30 appraiser fees, fees for service of process, fees for depositions, alternative  
31 dispute resolution fees, transcripts and publication, attorney fees, court  
32 costs from other courts and any other fees and expenses required by statute.  
33 All additional court costs shall be taxed and billed against the parties as  
34 directed by the court. No sheriff in this state shall charge any mileage for  
35 serving any papers or process.

36 Sec. 16. K.S.A. 2010 Supp. 60-2203a is hereby amended to read as  
37 follows: 60-2203a. (a) After the commencement of any action in any  
38 district court of this state, or the courts of the United States in the state of  
39 Kansas or in any action now pending heretofore commenced in such courts,  
40 which does not involve title to real estate, any party to such action may  
41 give notice in any other county of the state of the pendency of the action by  
42 filing for record with the clerk of the district court of such other county a  
43 verified statement setting forth the parties to the action, the nature of the

1 action, the court in which it is pending, and the relief sought, which shall  
2 impart notice of the pendency of the action and shall result in the same lien  
3 rights as if the action were pending in that county. The lien shall be  
4 effective from the time the statement is filed, but not to exceed four months  
5 prior to the entry of judgment except as provided in subsection (c). The  
6 party filing such notice shall within 30 days after any satisfaction of the  
7 judgment entered in such action, or any other final disposition thereof,  
8 cause to be filed with such clerk of the district court a notice that all claims  
9 in such action are released. If the party filing fails or neglects to do so after  
10 reasonable demand by any party in interest, such party shall be liable in  
11 damages in the same amounts and manner as is provided by law for failure  
12 of a mortgagee to enter satisfaction of a mortgage. Upon the filing of such a  
13 notice of the pendency of an action the clerk shall charge a fee of \$14 and  
14 shall enter and index the action in the same manner as for the filing of an  
15 original action. Upon the filing of a notice of release, the notice shall  
16 likewise be entered on the docket. Except as provided further, the fee  
17 established in this subsection shall be the only fee collected or moneys in  
18 the nature of a fee collected for the court procedure. Such fee shall only be  
19 established by an act of the legislature and no other authority is established  
20 by law or otherwise to collect a fee. ~~On and after the effective date of this~~  
21 ~~act through June 30, 2011-2012, On and after the effective date of this~~  
22 **act through June 30, 2012**, the supreme court may impose an additional  
23 charge, not to exceed \$17.50 per fee, to fund the costs of non-judicial  
24 personnel.

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

30 (c) Notwithstanding the foregoing provisions of this section, the filing  
31 of a notice of the pendency of an action pursuant to subsection (a) shall  
32 create no lien rights against the property of an employee of the state or a  
33 municipality prior to the date judgment is rendered if the pleadings in the  
34 pending action allege a negligent or wrongful act or omission of the  
35 employee while acting within the scope of such employee's employment,  
36 regardless of whether or not it is alleged in the alternative that the  
37 employee was acting outside of such employee's employment. A judgment  
38 against an employee shall become a lien upon such employee's property in  
39 the county where notice is filed pursuant to subsection (a) when the  
40 judgment is rendered only if it is found that: (1) The employee's negligent  
41 or wrongful act or omission occurred when the employee was acting  
42 outside the scope of such employee's employment; or (2) the employee's  
43 conduct which gave rise to the judgment was because of actual fraud or

1 actual malice of the employee. In such cases the lien shall not be effective  
2 prior to the date judgment was rendered. As used in this subsection (c),  
3 "employee" shall have the meaning ascribed to such term in K.S.A. 75-  
4 6102, and amendments thereto.

5 Sec. 17. K.S.A. 2010 Supp. 61-2704 is hereby amended to read as  
6 follows: 61-2704. (a) An action seeking the recovery of a small claim shall  
7 be considered to have been commenced at the time a person files a written  
8 statement of the person's small claim with the clerk of the court if, within  
9 90 days after the small claim is filed, service of process is obtained or the  
10 first publication is made for service by publication. Otherwise, the action is  
11 deemed commenced at the time of service of process or first publication.  
12 An entry of appearance shall have the same effect as service.

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

22 (c) Except as provided further, the docket fee established in this  
23 section shall be the only fee collected or moneys in the nature of a fee  
24 collected for the docket fee. Such fee shall only be established by an act of  
25 the legislature and no other authority is established by law or otherwise to  
26 collect a fee. ~~On and after the effective date of this act through June 30,~~  
27 ~~2011-2012;~~ **On and after the effective date of this act through June 30,**  
28 **2012,** the supreme court may impose an additional charge, not to exceed  
29 \$10 per docket fee, to fund the costs of non-judicial personnel.

30 Sec. 18. K.S.A. 2010 Supp. 61-4001 is hereby amended to read as  
31 follows: 61-4001. (a) Docket fee. No case shall be filed or docketed  
32 pursuant to the code of civil procedure for limited actions without the  
33 payment of a docket fee in the amount of \$37 on and after July 1, 2009  
34 through June 30, 2013, and \$35 on and after July 1, 2013, if the amount in  
35 controversy or claimed does not exceed \$500; \$57 on and after July 1, 2009  
36 through June 30, 2013, and \$55 on and after July 1, 2013, if the amount in  
37 controversy or claimed exceeds \$500 but does not exceed \$5,000; or \$103  
38 on and after July 1, 2009 through June 30, 2013, and \$101 on and after July  
39 1, 2013, if the amount in controversy or claimed exceeds \$5,000. If  
40 judgment is rendered for the plaintiff, the court also may enter judgment for  
41 the plaintiff for the amount of the docket fee paid by the plaintiff.

42 (b) Poverty affidavit; additional court costs; exemptions for the state  
43 and municipalities. The provisions of subsections (b), (c) and (d) of K.S.A.

1 60-2001 and 60-2005, and amendments thereto, shall be applicable to  
2 lawsuits brought under the code of civil procedure for limited actions.

3 (c) Except as provided further, the docket fee established in this  
4 section shall be the only fee collected or moneys in the nature of a fee  
5 collected for the docket fee. Such fee shall only be established by an act of  
6 the legislature and no other authority is established by law or otherwise to  
7 collect a fee. ~~On and after the effective date of this act through June 30,~~  
8 ~~2011-2012, On and after the effective date of this act through June 30,~~  
9 **2012**, the supreme court may impose an additional charge, not to exceed  
10 \$15 per docket fee, to fund the costs of non-judicial personnel.

11 **Sec. 19. K.S.A. 2010 Supp. 20-3002 is hereby amended to read as**  
12 **follows: 20-3002. (a) On and after January 1, 2008, through December**  
13 **31, 2011-2012, the court of appeals shall consist of 13 judges whose**  
14 **positions shall be numbered one to 13. On and after January 1, 2012-**  
15 **2013, the court of appeals shall consist of 14 judges whose positions**  
16 **shall be numbered one to 14. Judges of the court of appeals shall**  
17 **possess the qualifications prescribed by law for justices of the supreme**  
18 **court.**

19 (b) Judges of the court of appeals shall be selected in the manner  
20 provided by K.S.A. 20-3003 through 20-3010, and amendments thereto.  
21 Each judge of the court of appeals shall receive an annual salary in the  
22 amount prescribed by law. No judge of the court of appeals may  
23 receive additional compensation for official services performed by the  
24 judge. Each such judge shall be reimbursed for expenses incurred in  
25 the performance of such judge's official duties in the same manner and  
26 to the same extent justices of the supreme court are reimbursed for  
27 such expenses.

28 (c) The supreme court may assign a judge of the court of appeals  
29 to serve temporarily on the supreme court.

30 (d) Any additional court of appeals judge position created by this  
31 section shall be considered a position created by the supreme court and  
32 not a civil appointment to a state office pursuant to K.S.A. 46-234, and  
33 amendments thereto.

34 ~~Sec. 19. 20.~~ Section 254 of chapter 136 of the 2010 Session Laws of  
35 Kansas and K.S.A. 2010 Supp. 8-2107, 8-2110, **20-3002**, 22-2410, 23-  
36 108a, 28-170, 28-172a, 28-177, 28-178, 38-2215, 38-2312, 38-2314, 59-  
37 104, 60-1621, 60-2001, 60-2203a, 61-2704 and 61-4001 are hereby  
38 repealed.

39 ~~Sec. 20. 21.~~ This act shall take effect and be in force from and after its  
40 publication in the statute book.