

**As Further Amended by House Committee**

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**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

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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

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

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

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

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

1 court at the time of trial, pay any fine or forfeiture imposed on such person  
2 not to exceed an amount to be stated on such certificate.

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

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

21 On and after July 1, 1996:

22 Reckless driving.....	\$82
23 Driving when privilege is canceled, suspended or revoked.....	82
24 Failure to comply with lawful order of officer.....	57
25 Registration violation (registered for 12,000 pounds or less).....	52
26 Registration violation (registered for more than 12,000 pounds).....	92
27 No driver's license for the class of vehicle operated or violation of restrictions.....	52
28 Spilling load on highway.....	52
29 Transporting open container of alcoholic liquor or cereal malt beverage accessible while 30 vehicle in motion.....	223

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

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

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

1 jurisdiction over the violation of state law.

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

9 (i) Except as provided further, the docket fee established in this  
10 section shall be the only fee collected or moneys in the nature of a fee  
11 collected for the docket fee. Such fee shall only be established by an act of  
12 the legislature and no other authority is established by law or otherwise to  
13 collect a fee. ~~On and after the effective date of this act through June 30,~~  
14 ~~2011-2012, On and after the effective date of this act through June 30,~~  
15 **2012**, the supreme court may impose an additional charge, not to exceed  
16 ~~\$17.50~~ **\$22** per docket fee, to fund the costs of non-judicial personnel.

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

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

1 informing court, the division of vehicles shall terminate the suspension or  
2 suspension action.

3 (2) (A) In lieu of suspension under paragraph (1), the driver may  
4 submit to the division of vehicles a written request for restricted driving  
5 privileges, with a non-refundable \$25 application fee, to be applied by the  
6 division of vehicles for additional administrative costs to implement  
7 restricted driving privileges. The division shall remit all restricted driving  
8 privilege application fees 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 division of vehicles operating fund.

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

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

1 31.78% to the community alcoholism and intoxication programs fund  
2 created by K.S.A. 41-1126, and amendments thereto, 10.59% to the  
3 juvenile detention facilities fund created by K.S.A. 79-4803, and  
4 amendments thereto, and 15.26% to the judicial branch nonjudicial salary  
5 adjustment fund created by K.S.A. 2010 Supp. 20-1a15, and amendments  
6 thereto.

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

25 (e) Except as provided further, the reinstatement fee established in  
26 this section shall be the only fee collected or moneys in the nature of a fee  
27 collected for such reinstatement. Such fee shall only be established by an  
28 act of the legislature and no other authority is established by law or  
29 otherwise to collect a fee. ~~On and after the effective date of this act~~  
30 ~~through June 30, 2011-2012, On and after the effective date of this act~~  
31 **through June 30, 2012**, the supreme court may impose an additional  
32 charge, not to exceed ~~\$17.50~~ **\$22** per reinstatement fee, to fund the costs of  
33 non-judicial personnel.

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

1 program, parole, postrelease supervision, conditional release or a  
2 suspended sentence.

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

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

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

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

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

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

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

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

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

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

42 (c) There shall be no expungement of convictions for the following  
43 offenses or of convictions for an attempt to commit any of the following

1 offenses:

- 2 (1) Rape as defined in *K.S.A. 21-3502, prior to its repeal, or section*  
3 *67 of chapter 136 of the 2010 Session Laws of Kansas*, and amendments  
4 thereto;
- 5 (2) indecent liberties with a child or aggravated indecent liberties  
6 with a child as defined in *K.S.A. 21-3503 or 21-3504, prior to their repeal,*  
7 *or section 70 of chapter 136 of the 2010 Session Laws of Kansas*, and  
8 amendments thereto;
- 9 (3) criminal sodomy as defined in *subsection (a)(2) or (a)(3) of*  
10 *K.S.A. 21-3505, prior to its repeal, or subsection (a)(3) or (a)(4) of section*  
11 *68 of chapter 136 of the 2010 Session Laws of Kansas*, and amendments  
12 thereto;
- 13 (4) aggravated criminal sodomy as defined in *K.S.A. 21-3506, prior*  
14 *to its repeal, or section 68 of chapter 136 of the 2010 Session Laws of*  
15 *Kansas*, and amendments thereto;
- 16 (5) indecent solicitation of a child or aggravated indecent solicitation  
17 of a child as defined in *K.S.A. 21-3510 or 21-3511, prior to their repeal,*  
18 *or section 72 of chapter 136 of the 2010 Session Laws of Kansas*, and  
19 amendments thereto;
- 20 (6) sexual exploitation of a child as defined in *K.S.A. 21-3516, prior*  
21 *to its repeal, or section 74 of chapter 136 of the 2010 Session Laws of*  
22 *Kansas*, and amendments thereto;
- 23 (7) aggravated incest as defined in *K.S.A. 21-3603, prior to its repeal,*  
24 *or section 81 of chapter 136 of the 2010 Session Laws of Kansas*, and  
25 amendments thereto;
- 26 (8) endangering a child or aggravated endangering a child as defined  
27 in *K.S.A. 21-3608 or 21-3608a, prior to their repeal, or section 78 of*  
28 *chapter 136 of the 2010 Session Laws of Kansas*, and amendments thereto;
- 29 (9) abuse of a child as defined in *K.S.A. 21-3609, prior to its repeal,*  
30 *or section 79 of chapter 136 of the 2010 Session Laws of Kansas*, and  
31 amendments thereto;
- 32 (10) capital murder as defined in *K.S.A. 21-3439, prior to its repeal,*  
33 *or section 36 of chapter 136 of the 2010 Session Laws of Kansas*, and  
34 amendments thereto;
- 35 (11) murder in the first degree as defined in *K.S.A. 21-3401, prior to*  
36 *its repeal, or section 37 of chapter 136 of the 2010 Session Laws of*  
37 *Kansas*, and amendments thereto;
- 38 (12) murder in the second degree as defined in *K.S.A. 21-3402, prior*  
39 *to its repeal, or section 38 of chapter 136 of the 2010 Session Laws of*  
40 *Kansas*, and amendments thereto;
- 41 (13) voluntary manslaughter as defined in *K.S.A. 21-3403, prior to its*  
42 *repeal, or section 39 of chapter 136 of the 2010 Session Laws of Kansas*,  
43 and amendments thereto;



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

4 (15) sexual battery as defined in *K.S.A. 21-3517, prior to its repeal,*  
5 *or section 69 of chapter 136 of the 2010 Session Laws of Kansas, and*  
6 *amendments thereto, when the victim was less than 18 years of age at the*  
7 *time the crime was committed;*

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

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

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

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

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

22 (A) Defendant's full name;

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

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

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

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

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

31 (2) Except as *otherwise* provided ~~further, there shall be no docket fee~~  
32 ~~for filing a petition pursuant to this section~~ *by law, a petition for*  
33 *expungement shall be accompanied by a docket fee in the amount of \$100.*  
34 ~~On and after July 1, 2009 through June 30, 2010 April 15, 2010 through~~  
35 ~~June 30, 2012, On and after the effective date of this act through June~~  
36 ~~30, 2012,~~ **the supreme court may impose a charge, not to exceed \$10**~~\$15~~  
37 **\$19** per case, to fund the costs of non-judicial personnel. The charge  
38 established in this section shall be the only fee collected or moneys in the  
39 nature of a fee collected for the case. Such charge shall only be established  
40 by an act of the legislature and no other authority is established by law or  
41 otherwise to collect a fee.

42 (3) All petitions for expungement shall be docketed in the original  
43 criminal action. Any person who may have relevant information about the

1 petitioner may testify at the hearing. The court may inquire into the  
2 background of the petitioner and shall have access to any reports or  
3 records relating to the petitioner that are on file with the secretary of  
4 corrections or the Kansas parole board.

5 (e) At the hearing on the petition, the court shall order the petitioner's  
6 arrest record, conviction or diversion expunged if the court finds that:

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

10 (2) the circumstances and behavior of the petitioner warrant the  
11 expungement;

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

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

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

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

27 (A) In any application for licensure as a private detective, private  
28 detective agency, certification as a firearms trainer pursuant to K.S.A.  
29 ~~2009~~2010 Supp. 75-7b21, and amendments thereto, or employment as a  
30 detective with a private detective agency, as defined by K.S.A. 75-7b01,  
31 and amendments thereto; as security personnel with a private patrol  
32 operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with  
33 an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of  
34 the department of social and rehabilitation services;

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

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

41 (D) to aid in determining the petitioner's qualifications for executive  
42 director of the Kansas racing and gaming commission, for employment  
43 with the commission or for work in sensitive areas in parimutuel racing as

1 deemed appropriate by the executive director of the commission, or to aid  
2 in determining qualifications for licensure or renewal of licensure by the  
3 commission;

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

9 (F) upon application for a commercial driver's license under K.S.A.  
10 8-2,125 through 8-2,142, and amendments thereto;

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

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

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

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

21 (K) for applications received on and after July 1, 2006, to aid in  
22 determining the petitioner's qualifications for a license to carry a concealed  
23 weapon pursuant to the personal and family protection act, K.S.A.  
24 ~~20092010~~ Supp. 75-7c01 et seq., and amendments thereto;

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

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

30 (5) upon commitment to the custody of the secretary of corrections,  
31 any previously expunged record in the possession of the secretary of  
32 corrections may be reinstated and the expungement disregarded, and the  
33 record continued for the purpose of the new commitment.

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

41 (h) Subject to the disclosures required pursuant to subsection (f), in  
42 any application for employment, license or other civil right or privilege, or  
43 any appearance as a witness, a person whose arrest records, conviction or

1 diversion of a crime has been expunged under this statute may state that  
2 such person has never been arrested, convicted or diverted of such crime,  
3 but the expungement of a felony conviction does not relieve an individual  
4 of complying with any state or federal law relating to the use or possession  
5 of firearms by persons convicted of a felony.

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

11 (1) The person whose record was expunged;

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

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

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

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

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

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

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

39 (9) the governor or the Kansas racing and gaming commission, or a  
40 designee of the commission, and the request is accompanied by a  
41 statement that the request is being made to aid in determining  
42 qualifications for executive director of the commission, for employment  
43 with the commission, for work in sensitive areas in parimutuel racing as

1 deemed appropriate by the executive director of the commission or for  
2 licensure, renewal of licensure or continued licensure by the commission;

3 (10) the Kansas racing and gaming commission, or a designee of the  
4 commission, and the request is accompanied by a statement that the  
5 request is being made to aid in determining qualifications of the following  
6 under the Kansas expanded lottery act: (A) Lottery gaming facility  
7 managers and prospective managers, racetrack gaming facility managers  
8 and prospective managers, licensees and certificate holders; and (B) their  
9 officers, directors, employees, owners, agents and contractors;

10 (11) the Kansas sentencing commission;

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

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

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

26 (15) a law enforcement agency and the request is accompanied by a  
27 statement that the request is being made to aid in determining eligibility  
28 for employment as a law enforcement officer as defined by K.S.A. 22-  
29 2202, and amendments thereto; or

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

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

37 (b) When a petition for expungement is filed, the court shall set a date  
38 for hearing on such petition and shall cause notice of such hearing to be  
39 given to the prosecuting attorney and the arresting law enforcement  
40 agency. When a petition for expungement is filed, the official court file  
41 shall be separated from the other records of the court, and shall be  
42 disclosed only to a judge of the court and members of the staff of the court  
43 designated by a judge of the district court, the prosecuting attorney, the

1 arresting law enforcement agency, or any other person when authorized by  
2 a court order, subject to any conditions imposed by the order. Except as  
3 otherwise provided by law, a petition for expungement shall be  
4 accompanied by a docket fee in the amount of \$100. Except as provided  
5 further, the docket fee established in this section shall be the only fee  
6 collected or moneys in the nature of a fee collected for the docket fee.  
7 Such 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. ~~On and after~~  
9 ~~the effective date of this act through June 30, 2011-2012,~~ **On and after the**  
10 **effective date of this act through June 30, 2012,** the supreme court may  
11 impose an additional charge, not to exceed ~~\$15~~ **\$19** per docket fee, to fund  
12 the costs of non-judicial personnel. The petition shall state:

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

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

27 (c) At the hearing on a petition for expungement, the court shall order  
28 the arrest record and subsequent court proceedings, if any, expunged upon  
29 finding: (1) The arrest occurred because of mistaken identity;  
30 (2) a court has found that there was no probable cause for the arrest;  
31 (3) the petitioner was found not guilty in court proceedings; or  
32 (4) the expungement would be in the best interests of justice and: (A)  
33 Charges have been dismissed; or (B) no charges have been or are likely to  
34 be filed.

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

1 (e) If the ground for expungement is as provided in subsection (c)(4),  
2 the court shall determine whether, in the interests of public welfare, the  
3 records should be available for any of the following purposes: (1) In any  
4 application for employment as a detective with a private detective agency,  
5 as defined in K.S.A. 75-7b01, and amendments thereto; as security  
6 personnel with a private patrol operator, as defined by K.S.A. 75-7b01,  
7 and amendments thereto; or with an institution, as defined in K.S.A. 76-  
8 12a01, and amendments thereto, of the department of social and  
9 rehabilitation services;

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

12 (3) to aid in determining the petitioner's qualifications for  
13 employment with the Kansas lottery or for work in sensitive areas within  
14 the Kansas lottery as deemed appropriate by the executive director of the  
15 Kansas lottery;

16 (4) to aid in determining the petitioner's qualifications for executive  
17 director of the Kansas racing commission, for employment with the  
18 commission or for work in sensitive areas in parimutuel racing as deemed  
19 appropriate by the executive director of the commission, or to aid in  
20 determining qualifications for licensure or renewal of licensure by the  
21 commission;

22 (5) in any application for a commercial driver's license under K.S.A.  
23 8-2,125 through 8-2,142, and amendments thereto;

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

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

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

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

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

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

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

4       (b) The clerk of the court shall remit all fees prescribed by this  
 5 section to the state treasurer in accordance with the provisions of K.S.A.  
 6 75-4215, and amendments thereto. Upon receipt of each such remittance,  
 7 the state treasurer shall deposit the entire amount in the state treasury. Of  
 8 each remittance, the state treasurer shall credit 38.98% to the protection  
 9 from abuse fund, 15.19% to the family and children trust account of the  
 10 family and children investment fund created by K.S.A. 38-1808, and  
 11 amendments thereto, 16.95% to the crime victims assistance fund created  
 12 by K.S.A. 74-7334, and amendments thereto, 15.25% to the judicial  
 13 branch nonjudicial salary adjustment fund created by K.S.A. 2010 Supp.  
 14 20-1a15, and amendments thereto, and the remainder to the state general  
 15 fund.

16       (c) Except as provided further, the marriage license fee established in  
 17 this section shall be the only fee collected or moneys in the nature of a fee  
 18 collected for a marriage license. Such fee shall only be established by an  
 19 act of the legislature and no other authority is established by law or  
 20 otherwise to collect a fee. ~~On and after the effective date of this act~~  
 21 ~~through June 30, 2011-2012, On and after the effective date of this act~~  
 22 **through June 30, 2012**, the supreme court may impose an additional  
 23 charge, not to exceed ~~\$21~~ **\$26.50** per marriage license fee, to fund the  
 24 costs of non-judicial personnel.

25       Sec. 6. K.S.A. 2010 Supp. 28-170 is hereby amended to read as  
 26 follows: 28-170. (a) The docket fee prescribed by K.S.A. 60-2001, and  
 27 amendments thereto, and the fees for service of process, shall be the only  
 28 costs assessed for services of the clerk of the district court and the sheriff  
 29 in any case filed under chapter 60 or chapter 61 of the Kansas Statutes  
 30 Annotated, and amendments thereto, except that no fee shall be charged  
 31 for an action filed under K.S.A. 60-3101 et seq., and under K.S.A. 60-  
 32 31a01 et seq., and amendments thereto. For services in other matters in  
 33 which no other fee is prescribed by statute, the following fees shall be  
 34 charged and collected by the clerk. Only one fee shall be charged for each  
 35 bond, lien or judgment:

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



1

2 (b) The fees for entries, certificates and other papers required in  
3 naturalization cases shall be those prescribed by the federal government  
4 and, when collected, shall be disbursed as prescribed by the federal  
5 government. The clerk of the court shall remit to the state treasurer at least  
6 monthly all moneys received from fees prescribed by subsection (a) or (b)  
7 or received for any services performed which may be required by law. The  
8 state treasurer shall deposit the remittance in the state treasury and credit  
9 the entire amount to the state general fund.

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

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

32 (e) Except as provided further, the bond, lien or judgment fee  
33 established in subsection (a) shall be the only fee collected or moneys in  
34 the nature of a fee collected for such bond, lien or judgment. Such fee shall  
35 only be established by an act of the legislature and no other authority is  
36 established by law or otherwise to collect a fee. ~~On and after the effective~~  
37 ~~date of this act through June 30, 2011-2012,~~ **On and after the effective**  
38 **date of this act through June 30, 2012,** the supreme court may impose an  
39 additional charge, not to exceed ~~\$17.50~~ **\$22** per bond, lien or judgment fee,  
40 to fund the costs of non-judicial personnel.

41 Sec. 7. K.S.A. 2010 Supp. 28-172a is hereby amended to read as  
42 follows: 28-172a. (a) Except as otherwise provided in this section,  
43 whenever the prosecuting witness or defendant is adjudged to pay the costs

1 in a criminal proceeding in any county, a docket fee shall be taxed as  
2 follows:

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

4		
5	Murder or manslaughter.....	\$182.50
6	Other felony.....	173.00
7	Misdemeanor.....	138.00
8	Forfeited recognizance.....	74.50
9	Appeals from other courts.....	74.50

10

11 (2) On and after July 1, 2013:

12

13	Murder or manslaughter.....	\$180.50
14	Other felony.....	171.00
15	Misdemeanor.....	136.00
16	Forfeited recognizance.....	72.50
17	Appeals from other courts.....	72.50

18

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

35

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

1 \$76, and on and after July 1, 2013, the docket fee to be paid as court costs  
2 shall be \$74.

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

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

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

35 (f) Except as provided further, the docket fee established in this  
36 section shall be the only fee collected or moneys in the nature of a fee  
37 collected for the docket fee. Such fee shall only be established by an act of  
38 the legislature and no other authority is established by law or otherwise to  
39 collect a fee. ~~On and after April 15, 2010, through June 30, 2011-2012, On~~  
40 **and after the effective date of this act through June 30, 2012,** the  
41 supreme court may impose an additional charge, not to exceed ~~\$17.50~~ **\$22**  
42 per docket fee, to fund the costs of non-judicial personnel.

43 Sec. 8. K.S.A. 2010 Supp. 28-177 is hereby amended to read as

1 follows: 28-177. (a) Except as provided further, the fees established by  
2 legislative enactment shall be the only fee collected or moneys in the  
3 nature of a fee collected for court procedures. Such fee shall only be  
4 established by an act of the legislature and no other authority is established  
5 by law or otherwise to collect a fee. Court procedures shall include docket  
6 fees, filing fees or other fees related to access to court procedures. ~~On and~~  
7 ~~after the effective date of this act through June 30, 2011-2012,~~ **On and**  
8 **after the effective date of this act through June 30, 2012,** the supreme  
9 court may impose an additional charge, not to exceed ~~\$24~~ **\$26.50** per fee  
10 or the amount established by the applicable statute, whichever amount is  
11 less, to fund the costs of non-judicial personnel.

12 (b) Any additional charge imposed by the court pursuant to K.S.A. 8-  
13 2107, 8-2110, 21-4619, *prior to its repeal*, 22-2410, 23-108a, 28-170, 28-  
14 172a, 59-104, 60-1621, 60-2001, 60-2203a, 61-2704 and 61-4001 and  
15 K.S.A. 2010 Supp. 28-178, 38-2215, 38-2312 and 38-2314 *and section*  
16 *254 of chapter 136 of the 2010 Session Laws of Kansas*, and amendments  
17 thereto, shall be remitted to the state treasurer in accordance with the  
18 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of  
19 each such remittance, the state treasurer shall deposit the entire amount in  
20 the state treasury to the credit of the judicial branch surcharge fund, which  
21 is hereby created in the state treasury.

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

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

30 Sec. 9. K.S.A. 2010 Supp. 28-178 is hereby amended to read as  
31 follows: 28-178. (a) In addition to any other fees specifically prescribed by  
32 law, ~~on and after the effective date of this act through June 30, 2011-2012,~~  
33 **on and after the effective date of this act through June 30, 2012,** the  
34 supreme court may impose a charge, not to exceed ~~\$10~~ **\$12.50** per fee, to  
35 fund the costs of non-judicial personnel, on the following:

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

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

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

1 (4) Persons who request a writ or order of sale pursuant to K.S.A. 60-  
2 2401 or 61-3602, and amendments thereto.

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

5 (6) A person who requests an attachment against the property of a  
6 defendant or any one or more of several defendants pursuant to K.S.A. 60-  
7 701 or 61-3501, and amendments thereto.

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

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

18 Sec. 10. K.S.A. 2010 Supp. 38-2215 is hereby amended to read as  
19 follows: 38-2215. (a) *Docket fee*. The docket fee for proceedings under  
20 this code, if one is assessed as provided in this section, shall be \$34. Only  
21 one docket fee shall be assessed in each case. Except as provided further,  
22 the docket fee established in this section shall be the only fee collected or  
23 moneys in the nature of a fee collected for the docket fee. Such fee shall  
24 only be established by an act of the legislature and no other authority is  
25 established by law or otherwise to collect a fee. ~~On and after the effective~~  
26 ~~date of this act through June 30, 2011-2012,~~ **On and after the effective**  
27 **date of this act through June 30, 2012,** the supreme court may impose an  
28 additional charge, not to exceed ~~\$17.50~~ **\$22** per docket fee, to fund the  
29 costs of non-judicial personnel.

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

34 (c) *Assessment of docket fee and expenses*. (1) *Docket fee*. The docket  
35 fee may be assessed or waived by the court conducting the initial  
36 dispositional hearing and the docket fee may be assessed against the  
37 complaining witness or person initiating the proceedings or a party or  
38 interested party other than the state, a political subdivision of the state, an  
39 agency of the state or of a political subdivision of the state, or a person  
40 acting in the capacity of an employee of the state or of a political  
41 subdivision of the state. Any docket fee received shall be remitted to the  
42 state treasurer pursuant to K.S.A. 20-362, and amendments thereto.

43 (2) *Expenses*. Expenses may be assessed against the complaining

1 witness, a person initiating the proceedings, a party or an interested party,  
2 other than the state, a political subdivision of the state, an agency of the  
3 state or of a political subdivision of the state or a person acting in the  
4 capacity of an employee of the state or of a political subdivision of the  
5 state. When expenses are recovered from a person against whom they have  
6 been assessed the general fund of the county shall be reimbursed in the  
7 amount of the recovery. If it appears to the court in any proceedings under  
8 this code that expenses were unreasonably incurred at the request of any  
9 party the court may assess that portion of the expenses against the party.

10 (d) *Cases in which venue is transferred.* If venue is transferred from  
11 one county to another, the court from which the case is transferred shall  
12 send to the receiving court a statement of expenses paid from the general  
13 fund of the sending county. If the receiving court collects any of the  
14 expenses owed in the case, the receiving court shall pay to the sending  
15 court an amount proportional to the sending court's share of the total  
16 expenses owed to both counties. The expenses of the sending county shall  
17 not be an obligation of the receiving county except to the extent that the  
18 sending county's proportion of the expenses is collected by the receiving  
19 court. All amounts collected shall first be applied toward payment of the  
20 docket fee.

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

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

1 K.S.A. 21-3502, *prior to its repeal, or section 67 of chapter 124 of the*  
2 *2010 Session Laws of Kansas*, and amendments thereto, rape; K.S.A. 21-  
3 3503, *prior to its repeal, or subsection (a) of section 70 of chapter 124 of*  
4 *the 2010 Session Laws of Kansas*, and amendments thereto, indecent  
5 liberties with a child; K.S.A. 21-3504, *prior to its repeal, or subsection*  
6 *(b) of section 70 of chapter 124 of the 2010 Session Laws of Kansas*, and  
7 amendments thereto, aggravated indecent liberties with a child; K.S.A.  
8 21-3506, *prior to its repeal, or subsection (b) of section 68 of chapter 124*  
9 *of the 2010 Session Laws of Kansas*, and amendments thereto, aggravated  
10 criminal sodomy; K.S.A. 21-3510, *prior to its repeal, or subsection (a) of*  
11 *section 72 of chapter 124 of the 2010 Session Laws of Kansas*, and  
12 amendments thereto, indecent solicitation of a child; K.S.A. 21-3511,  
13 *prior to its repeal, or subsection (b) of section 72 of chapter 124 of the*  
14 *2010 Session Laws of Kansas*, and amendments thereto, aggravated  
15 indecent solicitation of a child; K.S.A. 21-3516, *prior to its repeal, or*  
16 *section 74 of chapter 124 of the 2010 Session Laws of Kansas*, and  
17 amendments thereto, sexual exploitation; K.S.A. 21-3603, *prior to its*  
18 *repeal, or subsection (b) of section 81 of chapter 124 of the 2010 Session*  
19 *Laws of Kansas*, and amendments thereto, aggravated incest; K.S.A. 21-  
20 3608, *prior to its repeal, or subsection (a) of section 78 of chapter 124 of*  
21 *the 2010 Session Laws of Kansas*, and amendments thereto, endangering a  
22 child; K.S.A. 21-3609, *prior to its repeal, or section 79 of chapter 124 of*  
23 *the 2010 Session Laws of Kansas*, and amendments thereto, abuse of a  
24 child; or which would constitute an attempt to commit a violation of any  
25 of the offenses specified in this subsection.

26 (c) When a petition for expungement is filed, the court shall set a date  
27 for a hearing on the petition and shall give notice thereof to the county or  
28 district attorney. The petition shall state: (1) The juvenile's full name; (2)  
29 the full name of the juvenile as reflected in the court record, if different  
30 than (1); (3) the juvenile's sex and date of birth; (4) the offense for which  
31 the juvenile was adjudicated; (5) the date of the trial; and (6) the identity  
32 of the trial court. Except as otherwise provided by law, a petition for  
33 expungement shall be accompanied by a docket fee in the amount of \$100.  
34 ~~On and after the effective date of this act through June 30, 2011 2012, On~~  
35 **and after the effective date of this act through June 30, 2012**, the  
36 supreme court may impose a charge, not to exceed ~~\$45~~ **\$19** per case, to  
37 fund the costs of non-judicial personnel. All petitions for expungement  
38 shall be docketed in the original action. Any person who may have  
39 relevant information about the petitioner may testify at the hearing. The  
40 court may inquire into the background of the petitioner.

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

43 (A) The juvenile has reached 23 years of age or that two years have

1 elapsed since the final discharge;

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

7 (C) the circumstances and behavior of the petitioner warrant  
8 expungement.

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

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

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

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

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

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

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

40 (1) The person whose record was expunged;

41 (2) a private detective agency or a private patrol operator, and the  
42 request is accompanied by a statement that the request is being made in  
43 conjunction with an application for employment with such agency or



1 operator by the person whose record has been expunged;

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

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

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

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

16 (7) the governor or the Kansas racing commission, or a designee of  
17 the commission, and the request is accompanied by a statement that the  
18 request is being made to aid in determining qualifications for executive  
19 director of the commission, for employment with the commission, for  
20 work in sensitive areas in parimutuel racing as deemed appropriate by the  
21 executive director of the commission or for licensure, renewal of licensure  
22 or continued licensure by the commission; or

23 (8) the Kansas sentencing commission.

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

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

40 (c) *Assessment of docket fee and expenses*. (1) *Docket fee*. The docket  
41 fee may be assessed or waived by the court conducting the initial  
42 sentencing hearing and may be assessed against the juvenile or the parent  
43 of the juvenile. Any docket fee received shall be remitted to the state

1 treasurer pursuant to K.S.A. 20-362, and amendments thereto.

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

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

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

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

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

31

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

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

23 (2) Except as provided further, the docket fee established in this  
24 section shall be the only fee collected or moneys in the nature of a fee  
25 collected for the docket fee. Such fee shall only be established by an act of  
26 the legislature and no other authority is established by law or otherwise to  
27 collect a fee. ~~On and after the effective date of this act through June 30,~~  
28 ~~2011-2012, On and after the effective date of this act through June 30,~~  
29 **2012**, the supreme court may impose an additional charge, not to exceed  
30 ~~\$17.50~~ **\$22** per docket fee, to fund the costs of non-judicial personnel.

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

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

39 (d) *Additional court costs.* Other fees and expenses to be assessed as  
40 additional court costs shall be approved by the court, unless specifically  
41 fixed by statute. Other fees shall include, but not be limited to, witness  
42 fees, appraiser fees, fees for service of process outside the state, fees for  
43 depositions, transcripts and publication of legal notice, executor or

1 administrator fees, attorney fees, court costs from other courts and any  
2 other fees and expenses required by statute. All additional court costs shall  
3 be taxed and billed against the parties or estate as directed by the court. No  
4 sheriff in this state shall charge any district court in this state a fee or  
5 mileage for serving any paper or process.

6 Sec. 14. K.S.A. 2010 Supp. 60-1621 is hereby amended to read as  
7 follows: 60-1621. (a) No post-decree motion petitioning for a modification  
8 or termination of separate maintenance, for a change in legal custody,  
9 residency, visitation rights or parenting time or for a modification of child  
10 support shall be filed or docketed in the district court without payment of a  
11 docket fee in the amount of \$42 on and after July 1, 2009 through June 30,  
12 2013, and \$40 on and after July 1, 2013, to the clerk of the district court.

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

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

19 (d) Except as provided further, the docket fee established in this  
20 section shall be the only fee collected or moneys in the nature of a fee  
21 collected for the docket fee. Such fee shall only be established by an act of  
22 the legislature and no other authority is established by law or otherwise to  
23 collect a fee. ~~On and after the effective date of this act through June 30,~~  
24 ~~2011-2012, On and after the effective date of this act through June 30,~~  
25 **2012**, the supreme court may impose an additional charge, not to exceed  
26 ~~\$17.50~~ **\$22** per docket fee, to fund the costs of non-judicial personnel.

27 Sec. 15. K.S.A. 2010 Supp. 60-2001 is hereby amended to read as  
28 follows: 60-2001. (a) *Docket fee*. Except as otherwise provided by law, no  
29 case shall be filed or docketed in the district court, whether original or  
30 appealed, without payment of a docket fee in the amount of \$156 on and  
31 after July 1, 2009 through June 30, 2013, and \$154 on and after July 1,  
32 2013, to the clerk of the district court. Except as provided further, the  
33 docket fee established in this subsection shall be the only fee collected or  
34 moneys in the nature of a fee collected for the docket fee. Such fee shall  
35 only be established by an act of the legislature and no other authority is  
36 established by law or otherwise to collect a fee. ~~On and after the effective~~  
37 ~~date of this act through June 30, 2011-2012, On and after the effective~~  
38 **date of this act through June 30, 2012**, the supreme court may impose an  
39 additional charge, not to exceed ~~\$17.50~~ **\$22** per docket fee, to fund the  
40 costs of non-judicial personnel.

41 (b) *Poverty affidavit in lieu of docket fee*. (1) *Effect*. In any case  
42 where a plaintiff by reason of poverty is unable to pay a docket fee, and an  
43 affidavit so stating is filed, no fee will be required. An inmate in the

1 custody of the secretary of corrections may file a poverty affidavit only if  
2 the inmate attaches a statement disclosing the average account balance, or  
3 the total deposits, whichever is less, in the inmate's trust fund for each  
4 month in: (A) The six-month period preceding the filing of the action; or  
5 (B) the current period of incarceration, whichever is shorter. Such  
6 statement shall be certified by the secretary. On receipt of the affidavit and  
7 attached statement, the court shall determine the initial fee to be assessed  
8 for filing the action and in no event shall the court require an inmate to pay  
9 less than \$3. The secretary of corrections is hereby authorized to disburse  
10 money from the inmate's account to pay the costs as determined by the  
11 court. If the inmate has a zero balance in such inmate's account, the  
12 secretary shall debit such account in the amount of \$3 per filing fee as  
13 established by the court until money is credited to the account to pay such  
14 docket fee. Any initial filing fees assessed pursuant to this subsection shall  
15 not prevent the court, pursuant to subsection (d), from taxing that  
16 individual for the remainder of the amount required under subsection (a) or  
17 this subsection.

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

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

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

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

36 (d) *Additional court costs.* Other fees and expenses to be assessed as  
37 additional court costs shall be approved by the court, unless specifically  
38 fixed by statute. Other fees shall include, but not be limited to, witness  
39 fees, appraiser fees, fees for service of process, fees for depositions,  
40 alternative dispute resolution fees, transcripts and publication, attorney  
41 fees, court costs from other courts and any other fees and expenses  
42 required by statute. All additional court costs shall be taxed and billed  
43 against the parties as directed by the court. No sheriff in this state shall

1 charge any mileage for serving any papers or process.

2 Sec. 16. K.S.A. 2010 Supp. 60-2203a is hereby amended to read as  
3 follows: 60-2203a. (a) After the commencement of any action in any  
4 district court of this state, or the courts of the United States in the state of  
5 Kansas or in any action now pending heretofore commenced in such  
6 courts, which does not involve title to real estate, any party to such action  
7 may give notice in any other county of the state of the pendency of the  
8 action by filing for record with the clerk of the district court of such other  
9 county a verified statement setting forth the parties to the action, the nature  
10 of the action, the court in which it is pending, and the relief sought, which  
11 shall impart notice of the pendency of the action and shall result in the  
12 same lien rights as if the action were pending in that county. The lien shall  
13 be effective from the time the statement is filed, but not to exceed four  
14 months prior to the entry of judgment except as provided in subsection (c).  
15 The party filing such notice shall within 30 days after any satisfaction of  
16 the judgment entered in such action, or any other final disposition thereof,  
17 cause to be filed with such clerk of the district court a notice that all claims  
18 in such action are released. If the party filing fails or neglects to do so after  
19 reasonable demand by any party in interest, such party shall be liable in  
20 damages in the same amounts and manner as is provided by law for failure  
21 of a mortgagee to enter satisfaction of a mortgage. Upon the filing of such  
22 a notice of the pendency of an action the clerk shall charge a fee of \$14  
23 and shall enter and index the action in the same manner as for the filing of  
24 an original action. Upon the filing of a notice of release, the notice shall  
25 likewise be entered on the docket. Except as provided further, the fee  
26 established in this subsection shall be the only fee collected or moneys in  
27 the nature of a fee collected for the court procedure. Such fee shall only be  
28 established by an act of the legislature and no other authority is established  
29 by law or otherwise to collect a fee. ~~On and after the effective date of this~~  
30 ~~act through June 30, 2011-2012;~~ **On and after the effective date of this**  
31 **act through June 30, 2012,** the supreme court may impose an additional  
32 charge, not to exceed ~~\$17.50~~ **\$22** per fee, to fund the costs of non-judicial  
33 personnel.

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

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

1 employee while acting within the scope of such employee's employment,  
2 regardless of whether or not it is alleged in the alternative that the  
3 employee was acting outside of such employee's employment. A judgment  
4 against an employee shall become a lien upon such employee's property in  
5 the county where notice is filed pursuant to subsection (a) when the  
6 judgment is rendered only if it is found that: (1) The employee's negligent  
7 or wrongful act or omission occurred when the employee was acting  
8 outside the scope of such employee's employment; or (2) the employee's  
9 conduct which gave rise to the judgment was because of actual fraud or  
10 actual malice of the employee. In such cases the lien shall not be effective  
11 prior to the date judgment was rendered. As used in this subsection (c),  
12 "employee" shall have the meaning ascribed to such term in K.S.A. 75-  
13 6102, and amendments thereto.

14 Sec. 17. K.S.A. 2010 Supp. 61-2704 is hereby amended to read as  
15 follows: 61-2704. (a) An action seeking the recovery of a small claim shall  
16 be considered to have been commenced at the time a person files a written  
17 statement of the person's small claim with the clerk of the court if, within  
18 90 days after the small claim is filed, service of process is obtained or the  
19 first publication is made for service by publication. Otherwise, the action  
20 is deemed commenced at the time of service of process or first publication.  
21 An entry of appearance shall have the same effect as service.

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

31 (c) Except as provided further, the docket fee established in this  
32 section shall be the only fee collected or moneys in the nature of a fee  
33 collected for the docket fee. Such fee shall only be established by an act of  
34 the legislature and no other authority is established by law or otherwise to  
35 collect a fee. ~~On and after the effective date of this act through June 30,~~  
36 ~~2011-2012,~~ **On and after the effective date of this act through June 30,**  
37 **2012,** the supreme court may impose an additional charge, not to exceed  
38 ~~\$10~~ **\$12.50** per docket fee, to fund the costs of non-judicial personnel.

39 Sec. 18. K.S.A. 2010 Supp. 61-4001 is hereby amended to read as  
40 follows: 61-4001. (a) Docket fee. No case shall be filed or docketed  
41 pursuant to the code of civil procedure for limited actions without the  
42 payment of a docket fee in the amount of \$37 on and after July 1, 2009  
43 through June 30, 2013, and \$35 on and after July 1, 2013, if the amount in

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

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

13 (c) Except as provided further, the docket fee established in this  
14 section shall be the only fee collected or moneys in the nature of a fee  
15 collected for the docket fee. Such fee shall only be established by an act of  
16 the legislature and no other authority is established by law or otherwise to  
17 collect a fee. ~~On and after the effective date of this act through June 30,~~  
18 ~~2011-2012, On and after the effective date of this act through June 30,~~  
19 **2012**, the supreme court may impose an additional charge, not to exceed  
20 ~~\$15~~ **\$19** per docket fee, to fund the costs of non-judicial personnel.

21 **Sec. 19. K.S.A. 2010 Supp. 20-3002 is hereby amended to read as**  
22 **follows: 20-3002. (a) On and after January 1, 2008, through December**  
23 **31, ~~2011-2012~~, the court of appeals shall consist of 13 judges whose**  
24 **positions shall be numbered one to 13. On and after January 1, ~~2012~~**  
25 **2013, the court of appeals shall consist of 14 judges whose positions**  
26 **shall be numbered one to 14. Judges of the court of appeals shall**  
27 **possess the qualifications prescribed by law for justices of the supreme**  
28 **court.**

29 (b) **Judges of the court of appeals shall be selected in the manner**  
30 **provided by K.S.A. 20-3003 through 20-3010, and amendments**  
31 **thereto. Each judge of the court of appeals shall receive an annual**  
32 **salary in the amount prescribed by law. No judge of the court of**  
33 **appeals may receive additional compensation for official services**  
34 **performed by the judge. Each such judge shall be reimbursed for**  
35 **expenses incurred in the performance of such judge's official duties in**  
36 **the same manner and to the same extent justices of the supreme court**  
37 **are reimbursed for such expenses.**

38 (c) **The supreme court may assign a judge of the court of appeals**  
39 **to serve temporarily on the supreme court.**

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



1       Sec.~~19~~ **20**. Section 254 of chapter 136 of the 2010 Session Laws of  
2 Kansas and K.S.A. 2010 Supp. 8-2107, 8-2110, **20-3002**, 22-2410, 23-  
3 108a, 28-170, 28-172a, 28-177, 28-178, 38-2215, 38-2312, 38-2314, 59-  
4 104, 60-1621, 60-2001, 60-2203a, 61-2704 and 61-4001 are hereby  
5 repealed.

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

8