

**Senate Substitute for HOUSE BILL No. 2338**

By Committee on Ways and Means

2-28

1 AN ACT concerning the judicial branch; relating to docket fees; making  
2 and concerning appropriations for the fiscal year ending June 30, 2015,  
3 for the judicial branch; creating the electronic filing and management  
4 fund; allowing the allocation of a budget for each judicial district court  
5 administration; authority and power of the chief judge of each judicial  
6 district; relating to district courts and the court of appeals; selection of  
7 chief judge; relating to vacancies in the office of judge of the district  
8 court and the office of district magistrate judge; longevity bonuses for  
9 judicial branch employees; amending K.S.A. 20-162, 20-318, 20-319,  
10 20-329, 20-342, 20-343, 20-345, 20-346a, 20-349, 20-361, 20-2909,  
11 20-2911, 20-2914, 20-3011, 25-312a and 60-729 and K.S.A. 2013  
12 Supp. 20-367, 21-6614, 22-2410, 28-172a, 38-2312, 59-104, 60-256,  
13 60-2001, 61-2704 ~~and,~~ 75-5541 ~~{and 75-5551}~~ and repealing the  
14 existing sections; also repealing K.S.A. 2013 Supp. 21-6614d, 38-  
15 2312c and 60-2001b.

16

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

18

New Section 1.

19

**JUDICIAL BRANCH**

20

(a) There is appropriated for the above agency from the state general  
21 fund for the fiscal year ending June 30, 2015, the following:

22

Judiciary operations.....\$2,000,000

23

(b) There is appropriated for the above agency from the following  
24 special revenue fund or funds for the fiscal year ending June 30, 2015, all  
25 moneys now or hereafter lawfully credited to and available in such fund or  
26 funds, except that expenditures other than refunds authorized by law shall  
27 not exceed the following:

28

Electronic filing and management fund.....No limit

29

New Sec. 2. (a) For the fiscal year ending June 30, 2016, and for each  
30 fiscal year thereafter, the chief judge in each judicial district may elect to  
31 be responsible for the budget of such judicial district pursuant to the  
32 provisions of this section.

33

(b) For the fiscal year ending June 30, 2016, and each fiscal year  
34 thereafter, the chief judge in each judicial district who elects to be  
35 responsible for the budget shall prepare such budget and submit it to the  
36 chief justice of the supreme court pursuant to K.S.A. 20-158, and

1 amendments thereto. On or before August 1, 2014, and each August 1  
2 thereafter, the chief judge shall notify the chief justice if such chief judge  
3 is electing to be responsible for the district court budget for the ensuing  
4 fiscal year.

5 (c) Subject to appropriations therefor, the chief justice shall have the  
6 final authority to determine and approve the annual amount allocated to  
7 the budget for each judicial district court administration in which the chief  
8 judge has elected to be responsible for such budget. Annually, as soon as  
9 possible following legislation passed by the legislature and enacted into  
10 law appropriating moneys for the judicial branch, the chief justice shall  
11 determine such budgeted amount for each such judicial district court  
12 administration and notify the chief judge of each such judicial district. On  
13 or before June 30 of each fiscal year, the chief judge of each judicial  
14 district who elects to be responsible for the budget shall submit to the chief  
15 justice such district court's budget for the ensuing fiscal year based upon  
16 the dollar amount allocated to such district court by the chief justice for  
17 such fiscal year.

18 (d) After the amount of such district court budget is established by  
19 the chief justice, the expenditures under such budget, other than  
20 expenditures for salaries mandated by law, shall be under the control and  
21 supervision of the chief judge of such judicial district. The judicial  
22 administrator of the courts, pursuant to K.S.A. 20-318, and amendments  
23 thereto, shall approve all lawful claims submitted by the chief judge within  
24 the limits of such judicial district court budget.

25 (e) The compensation to be paid to district court personnel in such  
26 judicial district shall be determined by the chief judge of such judicial  
27 district.

28 (f) The chief judge of such judicial district who elects to be  
29 responsible for the budget shall have the authority and power to hire,  
30 promote, suspend, demote and dismiss all personnel as necessary to carry  
31 out the functions and duties of such judicial district.

32 (g) Whenever for any fiscal year it appears that the resources of any  
33 special revenue fund of the judicial branch are likely to be insufficient to  
34 cover the appropriations made against such special revenue funds, the  
35 chief justice shall be responsible for determining any allotment system so  
36 as to assure that expenditures for any particular fiscal year will not exceed  
37 the available resources of any special revenue fund of the judicial branch  
38 for that fiscal year. All chief judges who are responsible for the district  
39 court budget shall follow any allotment system determined by the chief  
40 justice for such fiscal year.

41 New Sec. 3. (a) (1) On and after July 1, 2014, any party filing an  
42 appeal with the court of appeals shall pay a fee in the amount of \$145 to  
43 the clerk of the supreme court.

1 (2) On and after July 1, 2014, any party filing an appeal with the  
2 supreme court shall pay a fee in the amount of \$145 to the clerk of the  
3 supreme court.

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

6 (c) The fee shall be the only costs assessed in each case to services of  
7 the clerk of the supreme court. The clerk of the supreme court shall remit  
8 all revenues received from this section to the state treasurer, in accordance  
9 with the provisions of K.S.A. 75-4215, and amendments thereto, for  
10 deposit in the state treasury. The fee shall be disbursed in accordance with  
11 subsection (g) of K.S.A. 20-362, and amendments thereto.

12 (d) Except as provided further, the fee established in this section shall  
13 be the only fee collected or moneys in the nature of a fee collected for the  
14 docket fee. Such fee shall only be established by an act of the legislature  
15 and no other authority is established by law or otherwise to collect a fee.  
16 On and after July 1, 2014, through July 1, 2015, the supreme court may  
17 impose an additional charge, not to exceed \$10 per fee, to fund the costs of  
18 non-judicial personnel.

19 *{(e) The state of Kansas and all municipalities in this state, as*  
20 *defined in K.S.A. 12-105a, and amendments thereto, shall be exempt*  
21 *from paying such fee.}*

22 New Sec. 4. There is hereby created in the state treasury the  
23 electronic filing and management fund. All expenditures from the  
24 electronic filing and management fund shall be for purposes of creating,  
25 implementing and managing an electronic filing and centralized case  
26 management system for the state court system and shall be made in  
27 accordance with appropriation acts upon warrants of the director of  
28 accounts and reports issued pursuant to vouchers approved by the chief  
29 justice of the supreme court or by a person designated by the chief justice.

30 Sec. 5. K.S.A. 20-162 is hereby amended to read as follows: 20-162.

31 (a) The supreme court shall establish by rule a judicial personnel  
32 classification system for all nonjudicial personnel in the state court system  
33 *who are not subject to the authority and power of the chief judge of each*  
34 *judicial district pursuant to section 2, and amendments thereto,* and for  
35 judicial personnel whose compensation is not otherwise prescribed by law.  
36 ~~Said~~ *Such* personnel classification system shall ~~take effect on July 1, 1979,~~  
37 ~~and shall~~ prescribe the compensation for all such personnel *who are not*  
38 *subject to the authority and power of the chief judge of each judicial*  
39 *district pursuant to section 2, and amendments thereto.* No county may  
40 supplement the compensation of district court personnel ~~included in the~~  
41 ~~judicial personnel compensation system.~~ Such compensation shall be  
42 established so as to be commensurate with the duties and responsibilities  
43 of each type and class of personnel. In establishing the compensation for

1 each type and class of personnel, the supreme court shall take into  
2 consideration: (1) The compensation of ~~such personnel prior to January 1,~~  
3 ~~1979;~~ (2) the compensation of personnel in the executive branch of state  
4 government who have comparable duties and responsibilities; and ~~(3)~~ (2)  
5 the compensation of similar personnel in the court systems of other states  
6 having comparable size, population and characteristics.

7 (b) The following personnel shall not be included in the judicial  
8 personnel classification system:

9 (1) County auditors;

10 (2) coroners;

11 (3) court trustees and personnel in each trustee's office; and

12 (4) personnel performing services in adult or juvenile facilities used  
13 as a place of detention or for correctional purposes.

14 The compensation for the above personnel shall be paid by the county  
15 as prescribed by law.

16 (c) The judicial personnel classification system ~~also~~:

17 (1) Shall prescribe the powers, duties and functions for each type and  
18 class of personnel, which shall be subject to and not inconsistent with any  
19 provisions of law prescribing powers, duties and functions of such  
20 personnel; and

21 (2) *shall not infringe upon the authority of the chief judge of a*  
22 *judicial district to expend funds in such judicial district's budget for court*  
23 *administration pursuant to section 2, and amendments thereto.*

24 (d) In conjunction with the judicial personnel classification system,  
25 the supreme court shall prescribe a procedure whereby personnel subject  
26 to ~~said~~ such classification system who are removed from office by their  
27 appointing authority will have an opportunity to seek reinstatement.

28 ~~(e) On or before December 1, 1978, the supreme court shall submit to~~  
29 ~~the legislative coordinating council a detailed personnel classification and~~  
30 ~~pay plan for district court employees that are to be included in the judicial~~  
31 ~~personnel classification system. The plan shall detail each individual~~  
32 ~~position by classification, pay grade and pay step as compared to the~~  
33 ~~employee's present salary. In assignment of positions to particular steps~~  
34 ~~within the assigned pay grade, the plan shall place each employee at the~~  
35 ~~step which is the next highest over the employee's current salary. If an~~  
36 ~~employee is earning more than the highest step on a given grade, his or her~~  
37 ~~salary shall remain at the current level.~~

38 Sec. 6. K.S.A. 20-318 is hereby amended to read as follows: 20-318.

39 (a) There is hereby created within the state of Kansas, a judicial  
40 department for the supervision of all courts in the state of Kansas. The  
41 supreme court shall divide the state into separate sections, not to exceed  
42 six ~~(6)~~ in number, to be known as judicial departments, each of which shall  
43 be assigned a designation to distinguish it from the other departments. A

1 justice of the supreme court shall be assigned as departmental justice for  
2 each judicial department.

3 (b) There is created hereby the position of judicial administrator of  
4 the courts, who shall be appointed by the chief justice of the supreme court  
5 to serve at the will of the chief justice. The judicial administrator shall  
6 have a broad knowledge of judicial administration and substantial prior  
7 experience in an administrative capacity. No person appointed as judicial  
8 administrator shall engage in the practice of law while serving in such  
9 capacity. Compensation of the judicial administrator shall be determined  
10 by the justices, but shall not exceed the salary authorized by law for the  
11 judge of the district court. The judicial administrator shall be responsible  
12 to the chief justice of the supreme court of the state of Kansas, and shall  
13 implement the policies of the court with respect to the operation and  
14 administration of the courts, *subject to the provisions of section 2, and*  
15 *amendments thereto*, under the supervision of the chief justice. ~~Said~~ The  
16 administrator shall perform such other duties as are provided by law or  
17 assigned ~~him or her~~ by the supreme court or the chief justice.

18 (c) Expenditures from appropriations for district court operations to  
19 be paid by the state shall be made on vouchers approved by the judicial  
20 administrator. All claims for salaries, wages or other compensation for  
21 district court operations to be paid by the state shall be certified as  
22 provided in K.S.A. 75-3731, *and amendments thereto*, by the judicial  
23 administrator.

24 Sec. 7. K.S.A. 20-319 is hereby amended to read as follows: 20-319.

25 (a) A justice assigned to each department shall:

26 (1) With the help and assistance of the judicial administrator, make a  
27 survey of the conditions of the dockets and business of the district courts  
28 in the justice's department and make a report and recommendations on the  
29 conditions and business to the chief justice.

30 (2) Assemble the judges of the district courts within the justice's  
31 department, at least annually, to discuss such recommendations and other  
32 business as will benefit the judiciary of the state. When so summoned, the  
33 judges of the district courts in the various departments shall attend such  
34 conferences at the expense of the state. Such judges shall be entitled to  
35 their actual and necessary expenses while attending such conferences and  
36 shall be required to attend the conferences unless excused by the  
37 departmental justice for good cause.

38 (b) Departmental justices shall have authority within their  
39 departments to assign any district judge or district magistrate judge to hear  
40 any proceeding or try any cause, within the judge's jurisdiction, in other  
41 district courts. Any departmental justice may request the assistance of any  
42 district judge or district magistrate judge from another department.

43 (c) *Subject to the provisions of section 2, and amendments thereto,*

1 the departmental justices shall supervise all administrative matters relating  
2 to the district courts within their departments and require reports  
3 periodically, covering such matters and in such form as the supreme court  
4 may determine, on any such matter which will aid in promoting the  
5 efficiency or the speedy determination of causes now pending. *Nothing in*  
6 *this section shall grant the departmental justice the authority to make or*  
7 *change any budget decisions made by the chief judge of the district court*  
8 *pursuant to section 2, and amendments thereto.* Departmental justices shall  
9 have the power to examine the dockets, records and proceedings of any  
10 courts under their supervision. All judges and clerks of the several courts  
11 of the state shall promptly make such reports and furnish the information  
12 requested by any departmental justice or the judicial administrator, in the  
13 manner and form prescribed by the supreme court.

14 (d) In order to properly advise the three branches of government on  
15 the operation of the juvenile justice system, each district court shall furnish  
16 the judicial administrator such information regarding juveniles coming to  
17 the attention of the court pursuant to the revised Kansas code for care of  
18 children as is determined necessary by the secretary ~~of social and~~  
19 ~~rehabilitation services for children and families~~ and the director of the  
20 statistical analysis center of the Kansas bureau of investigation, on forms  
21 approved by the judicial administrator. Such information shall be  
22 confidential and shall not be disseminated or publicly disclosed in a  
23 manner which enables identification of any individual who is a subject of  
24 the information.

25 (e) The departmental justice shall assign to each chief judge in the  
26 justice's department such duties as are necessary to carry out the intent of  
27 just, speedy and inexpensive litigation for the litigants of the state.

28 Sec. 8. K.S.A. 20-329 is hereby amended to read as follows: 20-329.  
29 In every judicial district, ~~the supreme court~~ *district court judges in such*  
30 *judicial district shall designate elect* a district judge as chief judge who  
31 shall have general control over the assignment of cases within the district,  
32 subject to supervision by the supreme court. *The procedure for such*  
33 *election shall be determined by the district court judges and adopted by*  
34 *district court rule.* Within guidelines established by statute, rule of the  
35 supreme court or the district court, the chief judge of each district court  
36 shall be responsible for and have general supervisory authority over the  
37 clerical and administrative functions of such court. *The district judge*  
38 *designated as chief judge by the supreme court on July 1, 2014, shall be*  
39 *allowed to serve as chief judge through January 1, 2016.*

40 Sec. 9. K.S.A. 20-342 is hereby amended to read as follows: 20-342.  
41 After consultation with the district magistrate judges of such court, each  
42 district court, by action of a majority of the district judges thereof, may  
43 promulgate such rules as may be necessary to provide for the

1 administrative operations of such court and to facilitate the regulation and  
2 supervision of the nonjudicial personnel thereof *subject to the provisions*  
3 *of section 2, and amendments thereto*. Any rules so adopted shall be  
4 consistent with applicable statutes and, *subject to the provisions of section*  
5 *2, and amendments thereto*, rules of the supreme court. Such rules shall be  
6 in addition to the rules adopted under authority of K.S.A. 60-267, and  
7 amendments thereto.

8 Sec. 10. K.S.A. 20-343 is hereby amended to read as follows: 20-343.  
9 The chief judge of each judicial district, shall appoint a clerk of the district  
10 court in each county within such judicial district. The chief judge shall  
11 designate one of such clerks as the chief clerk of the district court of such  
12 judicial district, except that a chief clerk is not required to be designated in  
13 a judicial district which ~~is authorized to have~~ *has* a court administrator  
14 pursuant to the personnel plan of the supreme court *or subject to the*  
15 *provisions of section 2, and amendments thereto*. The clerks of the district  
16 court and deputies, assistants and other clerical personnel shall have such  
17 qualifications as are prescribed for the offices by statute, rule of the district  
18 court and rule of the supreme court. Such clerks, deputies, assistants and  
19 other personnel shall have such powers, duties and functions as are  
20 prescribed by law, prescribed by rules of the supreme court or assigned by  
21 the chief judge.

22 Sec. 11. K.S.A. 20-345 is hereby amended to read as follows: 20-345.  
23 Within staffing limits prescribed by the supreme court and appropriations  
24 therefor *or the annual budget allocated pursuant to section 2, and*  
25 *amendments thereto*, the chief judge of each judicial district shall appoint  
26 such bailiffs, court reporters, secretaries, court services officers and other  
27 clerical and nonjudicial personnel as necessary to perform the judicial and  
28 administrative functions of the district court. Persons appointed pursuant  
29 to this section shall have qualifications prescribed by law or rule of the  
30 supreme court. ~~Except as otherwise provided~~ *Unless specifically*  
31 *established* by law, such persons shall receive compensation prescribed by  
32 the judicial personnel classification system *or the chief judge, whichever is*  
33 *applicable*. Such persons shall perform the duties and functions prescribed  
34 by law, designated in the personnel classification system ~~or~~ *and* assigned  
35 by the chief judge, ~~subject to rule of the supreme court~~. Personnel whose  
36 salary is payable by counties shall receive compensation in the amounts  
37 provided in the district court budget approved by the board of county  
38 commissioners. Whenever any person is employed or assigned to work  
39 under direct supervision of any judge or in a division of court in which a  
40 judge presides, the employment or assignment of the person shall be  
41 subject to the approval of that judge.

42 Sec. 12. K.S.A. 20-346a is hereby amended to read as follows: 20-  
43 346a. (a) The department of corrections shall have the functions and duties

1 provided by law with regard to providing parole officers for felons placed  
2 on parole by the ~~Kansas adult authority~~ *prisoner review board* but shall not  
3 provide parole officers for the supervision of misdemeanants placed on  
4 parole by the district courts of this state. The department of corrections  
5 shall provide the visitation, supervision and other services regarding  
6 probationers and parolees which are required under the uniform act for  
7 out-of-state parolee supervision.

8 (b) All court services officers supervising adults and juveniles placed  
9 on probation by the district courts of this state and all court services  
10 officers supervising misdemeanants placed on parole by the district courts  
11 of this state shall be appointed by the district courts as provided by law.  
12 The supreme court shall prescribe the qualifications required of persons  
13 appointed as court services officers of the district courts. The  
14 compensation of court services officers of the district courts shall be paid  
15 by the state either in accordance with ~~a~~ *the* compensation plan adopted by  
16 the supreme court or ~~as may be otherwise specifically provided by law~~  
17 *approved by the chief judge of the district court where such officer is*  
18 *appointed, whichever is applicable.*

19 ~~(e) Any probation and parole officers of the department of corrections~~  
20 ~~who were terminated from service as officers and employees of that~~  
21 ~~department because of the transfer of functions and duties from that~~  
22 ~~department to the district courts under this section and who were appointed~~  
23 ~~as court services officers of the district courts pursuant to this subsection~~  
24 ~~as it existed prior to amendment by this act shall retain all retirement~~  
25 ~~benefits and, to the extent feasible and compatible with the provisions of~~  
26 ~~the judicial personnel system relating to nonjudicial employees of the~~  
27 ~~district courts, these appointments shall be deemed to be transfers with all~~  
28 ~~rights of civil service which had accrued to those officers and employees~~  
29 ~~prior to July 1, 1979, and the service of each officer and employee so~~  
30 ~~appointed and transferred shall be deemed to have been continuous.~~

31 Sec. 13. K.S.A. 20-349 is hereby amended to read as follows: 20-349.  
32 The chief judge in each judicial district shall be responsible for the  
33 preparation of the budget to be submitted to the board of county  
34 commissioners of each county. The board of county commissioners shall  
35 then have final authority to determine and approve the budget for district  
36 court operations payable by their county. The judicial administrator of the  
37 courts shall prescribe the form upon which such budgets shall be  
38 submitted. The budget shall include all expenditures payable by the county  
39 for operations of the district court in such county. A separate budget shall  
40 be prepared for each county within the district and the judges of the district  
41 court shall approve the budget for the county in which such judges are  
42 regularly assigned prior to submission of such budget to the board of  
43 county commissioners. The compensation to be paid to district court



1 personnel excluded from the judicial personnel classification system  
2 pursuant to subsection (b) of K.S.A. 20-162, and amendments thereto,  
3 shall be listed in the budget as a separate item for each job position. After  
4 the amount of such district court budget is established, the expenditures  
5 under such budget, other than expenditures for job positions contained in  
6 the budget, shall be under the control and supervision of the chief judge,  
7 ~~subject to supreme court rules relating thereto~~, and the board of county  
8 commissioners shall approve all claims submitted by the chief judge  
9 within the limits of such district court budget. The financial affairs of the  
10 district court in each county including, but not limited to, nonexpendable  
11 trust funds, law library funds and court trustee operations shall be subject  
12 to audit pursuant to the provisions of K.S.A. 75-1122, and amendments  
13 thereto, as part of the annual county audit. Reports of fiscal or managerial  
14 discrepancies or noncompliance with applicable law shall be made to the  
15 judicial administrator of the courts as well as the board of county  
16 commissioners. *Chief judges who have not elected to be responsible for*  
17 *the district court budget pursuant to section 2, and amendments thereto,*  
18 *shall be subject to the supreme court rules relating to the district court*  
19 *operations payable by the county.*

20 Sec. 14. K.S.A. 20-361 is hereby amended to read as follows: 20-361.

21 (a) The state shall pay the salaries of all nonjudicial personnel of the  
22 district courts of this state, except for personnel enumerated in subsection  
23 (b) of K.S.A. 20-162, and amendments thereto, and no county may  
24 supplement the compensation of district court personnel paid by the state.  
25 ~~For employees of the district court who were employees of such court on~~  
26 ~~December 31, 1978, a full month's proportion of the employee's annual~~  
27 ~~pay shall be paid for the state payroll period ending on January 17, 1979,~~  
28 ~~notwithstanding that such period is shorter than the normal state payroll~~  
29 ~~period.~~ With regard to judicial and nonjudicial personnel of the district  
30 courts whose salary is payable by the state, the state shall provide for  
31 unemployment security coverage, employer contributions for retirement,  
32 workmen's compensation coverage, health insurance coverage and surety  
33 bond coverage.

34 (b) ~~The supreme court shall establish a formal pay plan for court~~  
35 ~~reporters serving district judges. Within the limits of legislative~~  
36 ~~appropriations therefor, compensation of such court reporters shall be paid~~  
37 ~~by the state in an amount prescribed by the pay plan established by the~~  
38 ~~supreme court and no county may supplement the compensation of such~~  
39 ~~court reporters. The plan shall detail each reporters position by~~  
40 ~~classification, pay grade and pay step. Except as provided further, the~~  
41 ~~supreme court shall establish a formal pay plan for court reporters~~  
42 ~~serving district judges. Within the limits of legislative appropriations~~  
43 ~~therefor, compensation of court reporters shall be paid by the state in an~~

1 *amount prescribed by the pay plan established by the supreme court. The*  
2 *plan shall detail each reporter's position by classification, pay grade and*  
3 *pay step. Pursuant to section 2, and amendments thereto, compensation of*  
4 *court reporters shall be paid by the state in an amount prescribed by the*  
5 *chief judge of the district court where such reporter serves. No county may*  
6 *supplement the compensation of any court reporter.*

7 Sec. 15. K.S.A. 2013 Supp. 20-367 is hereby amended to read as  
8 follows: 20-367. (a) ~~On and after July 1, 2009 through June 30, 2013, of~~  
9 ~~the remittance of the balance of docket fees received by the state treasurer~~  
10 ~~from clerks of the district court pursuant to subsection (g) of K.S.A. 20-~~  
11 ~~362, and amendments thereto, the state treasurer shall deposit and credit:~~

- 12 (1) ~~3.05% to the judicial performance fund;~~
- 13 (2) ~~4.24% to the access to justice fund;~~
- 14 (3) ~~2.35% to the juvenile detention facilities fund;~~
- 15 (4) ~~1.81% to the judicial branch education fund;~~
- 16 (5) ~~.48% to the crime victims assistance fund;~~
- 17 (6) ~~2.31% to the protection from abuse fund;~~
- 18 (7) ~~3.66% to the judiciary technology fund;~~
- 19 (8) ~~.29% to the dispute resolution fund;~~
- 20 (9) ~~1.07% to the Kansas juvenile delinquency prevention trust fund;~~
- 21 (10) ~~.18% to the permanent families account in the family and~~  
22 ~~children investment fund;~~
- 23 (11) ~~1.27% to the trauma fund;~~
- 24 (12) ~~.96% to the judicial council fund;~~
- 25 (13) ~~.58% to the child exchange and visitation centers fund;~~
- 26 (14) ~~15.54% to the judicial branch nonjudicial salary adjustment~~  
27 ~~fund;~~
- 28 (15) ~~15.37% to the judicial branch nonjudicial salary initiative fund;~~  
29 ~~and~~

30 (16) ~~the balance to the state general fund~~ *During the fiscal years*  
31 *ending June 30, 2015, June 30, 2016, and June 30, 2017, of the remittance*  
32 *of the balance of docket fees received by the state treasurer from clerks of*  
33 *the district court pursuant to subsection (g) of K.S.A. 20-362, and*  
34 *amendments thereto, the state treasurer shall deposit and credit the first*  
35 *\$3,100,000 to the electronic filing and management fund created in*  
36 *section 4, and amendments thereto. During the fiscal year ending June 30,*  
37 *2018, and each fiscal year thereafter, of the remittance of the balance of*  
38 *docket fees received by the state treasurer from clerks of the district court*  
39 *pursuant to subsection (g) of K.S.A. 20-362, and amendments thereto, the*  
40 *state treasurer shall deposit and credit the first \$1,000,000 to the*  
41 *electronic filing and management fund.*

42 (b) ~~On and after July 1, 2013, of the remittance of the balance of~~  
43 ~~docket fees received by the state treasurer from clerks of the district court~~

1 ~~pursuant to subsection (g) of K.S.A. 20-362, and amendments thereto~~  
2 *Subject to the provisions of section 102(c) of chapter 136 of the 2013*  
3 *Session Laws of Kansas for the fiscal year ending June 30, 2015, of the*  
4 *balance which remains after deduction of the amounts specified in*  
5 *subsection (a), the state treasurer shall deposit and credit:*

- 6 (1) 4.37% to the access to justice fund;
- 7 (2) 2.42% to the juvenile detention facilities fund;
- 8 (3) 1.87% to the judicial branch education fund;
- 9 (4) .50% to the crime victims assistance fund;
- 10 (5) 2.38% to the protection from abuse fund;
- 11 (6) 3.78% to the judiciary technology fund;
- 12 (7) .30% to the dispute resolution fund;
- 13 (8) 1.10% to the Kansas juvenile delinquency prevention trust fund;
- 14 (9) .19% to the permanent families account in the family and children  
15 investment fund;
- 16 (10) 1.31% to the trauma fund;
- 17 (11) .99% to the judicial council fund;
- 18 (12) .60% to the child exchange and visitation centers fund;
- 19 (13) 16.03% to the judicial branch nonjudicial salary adjustment  
20 fund;
- 21 (14) 15.85% to the judicial branch nonjudicial salary initiative fund;  
22 and
- 23 (15) the balance to the state general fund.

24 Sec. 16. K.S.A. 20-2909 is hereby amended to read as follows: 20-  
25 2909. (a) (1) Whenever a vacancy occurs in the office of judge of the  
26 district court in any judicial district, or whenever a vacancy will occur in  
27 such office on a specified future date, the chief justice of the supreme court  
28 ~~promptly~~ shall give notice of such vacancy to the chairperson of the  
29 district judicial nominating commission of such judicial district *not later*  
30 *than 120 days following the date the vacancy occurs or will occur.*

31 (2) The chairperson, in consultation with members of the  
32 commission, within five days after receipt of such notice, shall set a  
33 schedule for accepting nominations and conducting interviews for the  
34 purpose of nominating persons for appointment to such office. It shall be  
35 the duty of the commission to nominate not less than two nor more than  
36 three persons for each office which is vacant, and shall submit the names  
37 of the persons so nominated to the governor. Any person nominated shall  
38 have the qualifications prescribed by subsection (b) of K.S.A. 20-2903,  
39 and amendments thereto, and in order to obtain the best qualified persons  
40 as nominees, the commission shall not limit its consideration of potential  
41 nominees to those persons whose names have been submitted to the  
42 commission or who have expressed a willingness to serve. The  
43 commission may authorize one or more members of the commission to

1 tender a nomination to any qualified person in order to ascertain the  
2 person's willingness to serve if nominated, but any such tender of  
3 nomination shall be subject to final action of the commission under the  
4 conditions prescribed by subsection (b) of K.S.A. 20-2907, and  
5 amendments thereto.

6 (3) In order that a vacancy in the office of judge of the district court  
7 does not exist for an inordinate length of time, the commission shall  
8 conduct the business of selecting nominees for appointment to such office  
9 and certifying the same to the governor as promptly and expeditiously as  
10 possible, having due regard for the importance of selecting the best  
11 possible nominees. In no event shall the commission submit its  
12 nominations to the governor more than 45 days after the date the chief  
13 justice has notified the nominating commission that a vacancy is to be  
14 filled, unless the chief justice permits an extension of such time period.

15 (b) If there are not at least two attorneys deemed qualified by the  
16 district judicial nominating commission who reside in the judicial district  
17 and who are willing to accept the nomination to fill a vacancy in a district  
18 judge position, the nominating commission need not limit its consideration  
19 of nominees to attorneys residing in the judicial district. In cases where  
20 there is one such attorney, such attorney shall be one of the nominees  
21 submitted to the governor. If an appointee is not a resident of the judicial  
22 district at the time of appointment to a district judge position, the  
23 appointee shall establish residency in the judicial district before taking  
24 office and shall maintain such residency while holding such office.

25 Sec. 17. K.S.A. 20-2911 is hereby amended to read as follows: 20-  
26 2911. (a) Whenever a district judicial nominating commission has  
27 submitted to the governor the required number of nominations for  
28 appointment to fill a vacancy in the office of judge of the district court, it  
29 shall be the duty of the governor to make such appointment within ~~thirty~~  
30 ~~(30)~~ 60 days after such nominations are submitted or resubmitted to ~~him or~~  
31 ~~her~~ the governor. If the governor fails to make the appointment within ~~said~~  
32 ~~thirty (30)~~ 60 days, the chief justice of the supreme court shall make the  
33 appointment from among such nominees; ~~but, except~~ whenever any  
34 change in the nominations is made pursuant to K.S.A. 20-2910, ~~said thirty-~~  
35 ~~day and amendments thereto, such 60-day~~ period commences on the day  
36 the nominations are resubmitted.

37 (b) Whenever a vacancy in the office of judge of the district court  
38 exists at the time the appointment to fill such vacancy is made pursuant to  
39 this section, the appointment shall be effective at the time it is made, but  
40 where an appointment is made pursuant to this section to fill a vacancy  
41 which will occur at a future date, such appointment shall not take effect  
42 until ~~said~~ such future date.

43 Sec. 18. K.S.A. 20-2914 is hereby amended to read as follows: 20-

1 2914. (a) Whenever a vacancy shall occur in the office of district  
2 magistrate judge in any judicial district which has approved the  
3 proposition of nonpartisan selection of district court judges, or whenever a  
4 vacancy will occur in such office on a specified future date, the chief  
5 justice of the supreme court ~~promptly~~ shall give notice of such vacancy to  
6 the chairperson of the district judicial nominating commission of such  
7 judicial district *not later than 120 days following the date the vacancy*  
8 *occurs or will occur*. The chairperson, in consultation with members of the  
9 commission, within five days after receipt of such notice, shall set a  
10 schedule for accepting nominations and ~~conduction~~ *conducting* interviews  
11 for the purpose of selecting a person to fill such vacancy. Any person so  
12 selected shall have the qualifications prescribed by subsection (c) of  
13 K.S.A. 20-334, *and amendments thereto*, and in order to obtain the best  
14 qualified person as a district magistrate judge, the commission shall not  
15 limit its consideration of potential appointees to those persons whose  
16 names have been submitted to the commission or who have expressed a  
17 willingness to serve. The commission may authorize one or more members  
18 of the commission to tender an appointment to any qualified person in  
19 order to ascertain such person's willingness to serve if appointed. Any such  
20 tender of appointment shall be subject to final action of the commission  
21 under the conditions prescribed by subsection (b) of K.S.A. 20-2907, and  
22 amendments thereto.

23 (b) Any appointment made pursuant to subsection (a) shall be  
24 contingent upon the acceptance of such appointment by the person so  
25 appointed and, if such person is not regularly admitted to practice law in  
26 Kansas, the appointment shall be made on a temporary basis until such  
27 person has been certified by the supreme court as qualified to hold such  
28 office, in the manner provided by K.S.A. 20-337, and amendments thereto.

29 Sec. 19. K.S.A. 20-3011 is hereby amended to read as follows: 20-  
30 3011. ~~The supreme court~~ *court of appeals judges shall designate elect* a  
31 judge of the court of appeals to serve as chief judge of such court ~~at the~~  
32 ~~pleasure of the supreme court~~. *The procedure for such election shall be*  
33 *determined by the court of appeals*. The chief judge shall exercise such  
34 administrative powers as may be prescribed by law or by rule of the  
35 supreme court. *The judge of the court of appeals designated as chief judge*  
36 *by the supreme court on July 1, 2014, shall be allowed to serve as chief*  
37 *judge through January 1, 2016*.

38 Sec. 20. K.S.A. 2013 Supp. 21-6614 is hereby amended to read as  
39 follows: 21-6614. (a) (1) Except as provided in subsections (b), (c), (d), (e)  
40 and (f), any person convicted in this state of a traffic infraction, cigarette  
41 or tobacco infraction, misdemeanor or a class D or E felony, or for crimes  
42 committed on or after July 1, 1993, nondrug crimes ranked in severity  
43 levels 6 through 10, or for crimes committed on or after July 1, 1993, but

1 prior to July 1, 2012, any felony ranked in severity level 4 of the drug grid,  
2 or for crimes committed on or after July 1, 2012, any felony ranked in  
3 severity level 5 of the drug grid may petition the convicting court for the  
4 expungement of such conviction or related arrest records if three or more  
5 years have elapsed since the person: (A) Satisfied the sentence imposed; or  
6 (B) was discharged from probation, a community correctional services  
7 program, parole, postrelease supervision, conditional release or a  
8 suspended sentence.

9 (2) Except as provided in subsections (b), (c), (d), (e) and (f), any  
10 person who has fulfilled the terms of a diversion agreement may petition  
11 the district court for the expungement of such diversion agreement and  
12 related arrest records if three or more years have elapsed since the terms of  
13 the diversion agreement were fulfilled.

14 (b) Any person convicted of prostitution, as defined in K.S.A. 21-  
15 3512, prior to its repeal, convicted of a violation of K.S.A. 2013 Supp. 21-  
16 6419, and amendments thereto, or who entered into a diversion agreement  
17 in lieu of further criminal proceedings for such violation, may petition the  
18 convicting court for the expungement of such conviction or diversion  
19 agreement and related arrest records if:

20 (1) One or more years have elapsed since the person satisfied the  
21 sentence imposed or the terms of a diversion agreement or was discharged  
22 from probation, a community correctional services program, parole,  
23 postrelease supervision, conditional release or a suspended sentence; and

24 (2) such person can prove they were acting under coercion caused by  
25 the act of another. For purposes of this subsection, "coercion" means:  
26 Threats of harm or physical restraint against any person; a scheme, plan or  
27 pattern intended to cause a person to believe that failure to perform an act  
28 would result in bodily harm or physical restraint against any person; or the  
29 abuse or threatened abuse of the legal process.

30 (c) Except as provided in subsections (e) and (f), no person may  
31 petition for expungement until five or more years have elapsed since the  
32 person satisfied the sentence imposed or the terms of a diversion  
33 agreement or was discharged from probation, a community correctional  
34 services program, parole, postrelease supervision, conditional release or a  
35 suspended sentence, if such person was convicted of a class A, B or C  
36 felony, or for crimes committed on or after July 1, 1993, if convicted of an  
37 off-grid felony or any nondrug crime ranked in severity levels 1 through 5,  
38 or for crimes committed on or after July 1, 1993, but prior to July 1, 2012,  
39 any felony ranked in severity levels 1 through 3 of the drug grid, or for  
40 crimes committed on or after July 1, 2012, any felony ranked in severity  
41 levels 1 through 4 of the drug grid, or:

42 (1) Vehicular homicide, as defined in K.S.A. 21-3405, prior to its  
43 repeal, or K.S.A. 2013 Supp. 21-5406, and amendments thereto, or as

1 prohibited by any law of another state which is in substantial conformity  
2 with that statute;

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

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

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

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

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

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

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

24 (d) No person may petition for expungement until 10 or more years  
25 have elapsed since the person satisfied the sentence imposed or the terms  
26 of a diversion agreement or was discharged from probation, a community  
27 correctional services program, parole, postrelease supervision, conditional  
28 release or a suspended sentence, if such person was convicted of a  
29 violation of K.S.A. 8-1567, and amendments thereto, including any  
30 diversion for such violation.

31 (e) There shall be no expungement of convictions for the following  
32 offenses or of convictions for an attempt to commit any of the following  
33 offenses:

34 (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.  
35 2013 Supp. 21-5503, and amendments thereto;

36 (2) indecent liberties with a child or aggravated indecent liberties  
37 with a child, as defined in K.S.A. 21-3503 or 21-3504, prior to their repeal,  
38 or K.S.A. 2013 Supp. 21-5506, and amendments thereto;

39 (3) criminal sodomy, as defined in subsection (a)(2) or (a)(3) of  
40 K.S.A. 21-3505, prior to its repeal, or subsection (a)(3) or (a)(4) of K.S.A.  
41 2013 Supp. 21-5504, and amendments thereto;

42 (4) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior  
43 to its repeal, or K.S.A. 2013 Supp. 21-5504, and amendments thereto;

1 (5) indecent solicitation of a child or aggravated indecent solicitation  
2 of a child, as defined in K.S.A. 21-3510 or 21-3511, prior to their repeal,  
3 or K.S.A. 2013 Supp. 21-5508, and amendments thereto;

4 (6) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior  
5 to its repeal, or K.S.A. 2013 Supp. 21-5510, and amendments thereto;

6 (7) aggravated incest, as defined in K.S.A. 21-3603, prior to its  
7 repeal, or K.S.A. 2013 Supp. 21-5604, and amendments thereto;

8 (8) endangering a child or aggravated endangering a child, as defined  
9 in K.S.A. 21-3608 or 21-3608a, prior to their repeal, or K.S.A. 2013 Supp.  
10 21-5601, and amendments thereto;

11 (9) abuse of a child, as defined in K.S.A. 21-3609, prior to its repeal,  
12 or K.S.A. 2013 Supp. 21-5602, and amendments thereto;

13 (10) capital murder, as defined in K.S.A. 21-3439, prior to its repeal,  
14 or K.S.A. 2013 Supp. 21-5401, and amendments thereto;

15 (11) murder in the first degree, as defined in K.S.A. 21-3401, prior to  
16 its repeal, or K.S.A. 2013 Supp. 21-5402, and amendments thereto;

17 (12) murder in the second degree, as defined in K.S.A. 21-3402, prior  
18 to its repeal, or K.S.A. 2013 Supp. 21-5403, and amendments thereto;

19 (13) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to  
20 its repeal, or K.S.A. 2013 Supp. 21-5404, and amendments thereto;

21 (14) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to  
22 its repeal, or K.S.A. 2013 Supp. 21-5405, and amendments thereto;

23 (15) sexual battery, as defined in K.S.A. 21-3517, prior to its repeal,  
24 or K.S.A. 2013 Supp. 21-5505, and amendments thereto, when the victim  
25 was less than 18 years of age at the time the crime was committed;

26 (16) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to  
27 its repeal, or K.S.A. 2013 Supp. 21-5505, and amendments thereto;

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

30 (18) any conviction for any offense in effect at any time prior to July  
31 1, 2011, that is comparable to any offense as provided in this subsection.

32 (f) Notwithstanding any other law to the contrary, for any offender  
33 who is required to register as provided in the Kansas offender registration  
34 act, K.S.A. 22-4901 et seq., and amendments thereto, there shall be no  
35 expungement of any conviction or any part of the offender's criminal  
36 record while the offender is required to register as provided in the Kansas  
37 offender registration act.

38 (g) (1) When a petition for expungement is filed, the court shall set a  
39 date for a hearing of such petition and shall cause notice of such hearing to  
40 be given to the prosecutor and the arresting law enforcement agency. The  
41 petition shall state the:

42 (A) Defendant's full name;

43 (B) full name of the defendant at the time of arrest, conviction or



- 1 diversion, if different than the defendant's current name;  
2 (C) defendant's sex, race and date of birth;  
3 (D) crime for which the defendant was arrested, convicted or  
4 diverted;  
5 (E) date of the defendant's arrest, conviction or diversion; and  
6 (F) identity of the convicting court, arresting law enforcement  
7 authority or diverting authority.

8 (2) Except as otherwise provided by law, a petition for expungement  
9 shall be accompanied by a docket fee in the amount of ~~\$100~~ \$176. On and  
10 after ~~April 12, 2012, through June 30, 2013~~ *July 1, 2013, through July 1,*  
11 *2015*, the supreme court may impose a charge, not to exceed \$19 per case,  
12 to fund the costs of non-judicial personnel. The charge established in this  
13 section shall be the only fee collected or moneys in the nature of a fee  
14 collected for the case. Such charge shall only be established by an act of  
15 the legislature and no other authority is established by law or otherwise to  
16 collect a fee.

17 (3) All petitions for expungement shall be docketed in the original  
18 criminal action. Any person who may have relevant information about the  
19 petitioner may testify at the hearing. The court may inquire into the  
20 background of the petitioner and shall have access to any reports or  
21 records relating to the petitioner that are on file with the secretary of  
22 corrections or the prisoner review board.

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

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

28 (2) the circumstances and behavior of the petitioner warrant the  
29 expungement; and

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

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

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

43 (2) the petitioner shall disclose that the arrest, conviction or diversion

1 occurred if asked about previous arrests, convictions or diversions:

2 (A) In any application for licensure as a private detective, private  
3 detective agency, certification as a firearms trainer pursuant to K.S.A.  
4 2013 Supp. 75-7b21, and amendments thereto, or employment as a  
5 detective with a private detective agency, as defined by K.S.A. 75-7b01,  
6 and amendments thereto; as security personnel with a private patrol  
7 operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with  
8 an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of  
9 the *Kansas* department for ~~children and families~~ *aging and disability*  
10 *services*;

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

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

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

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

28 (F) upon application for a commercial driver's license under K.S.A.  
29 8-2,125 through 8-2,142, and amendments thereto;

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

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

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

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

40 (K) for applications received on and after July 1, 2006, to aid in  
41 determining the petitioner's qualifications for a license to carry a concealed  
42 weapon pursuant to the personal and family protection act, K.S.A. 2013  
43 Supp. 75-7c01 et seq., and amendments thereto;

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

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

6 (5) upon commitment to the custody of the secretary of corrections,  
7 any previously expunged record in the possession of the secretary of  
8 corrections may be reinstated and the expungement disregarded, and the  
9 record continued for the purpose of the new commitment.

10 (j) Whenever a person is convicted of a crime, pleads guilty and pays  
11 a fine for a crime, is placed on parole, postrelease supervision or  
12 probation, is assigned to a community correctional services program, is  
13 granted a suspended sentence or is released on conditional release, the  
14 person shall be informed of the ability to expunge the arrest records or  
15 conviction. Whenever a person enters into a diversion agreement, the  
16 person shall be informed of the ability to expunge the diversion.

17 (k) (1) Subject to the disclosures required pursuant to subsection (i),  
18 in any application for employment, license or other civil right or privilege,  
19 or any appearance as a witness, a person whose arrest records, conviction  
20 or diversion of a crime has been expunged under this statute may state that  
21 such person has never been arrested, convicted or diverted of such crime.

22 (2) Notwithstanding the provisions of subsection (k)(1), and except as  
23 provided in subsection (a)(3)(A) of K.S.A. 2013 Supp. 21-6304, and  
24 amendments thereto, the expungement of a prior felony conviction does  
25 not relieve the individual of complying with any state or federal law  
26 relating to the use, shipment, transportation, receipt or possession of  
27 firearms by persons previously convicted of a felony.

28 (l) Whenever the record of any arrest, conviction or diversion has  
29 been expunged under the provisions of this section or under the provisions  
30 of any other existing or former statute, the custodian of the records of  
31 arrest, conviction, diversion and incarceration relating to that crime shall  
32 not disclose the existence of such records, except when requested by:

33 (1) The person whose record was expunged;

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

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

40 (4) ~~the secretary of the department for children and families~~ *for aging*  
41 *and disability services*, or a designee of the secretary, for the purpose of  
42 obtaining information relating to employment in an institution, as defined  
43 in K.S.A. 76-12a01, and amendments thereto, of the *Kansas* department

1 ~~for children and families~~ *for aging and disability services* of any person  
2 whose record has been expunged;

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

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

8 (7) the supreme court, the clerk or disciplinary administrator thereof,  
9 the state board for admission of attorneys or the state board for discipline  
10 of attorneys, and the request is accompanied by a statement that the  
11 request is being made in conjunction with an application for admission, or  
12 for an order of reinstatement, to the practice of law in this state by the  
13 person whose record has been expunged;

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

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

26 (10) the Kansas racing and gaming commission, or a designee of the  
27 commission, and the request is accompanied by a statement that the  
28 request is being made to aid in determining qualifications of the following  
29 under the Kansas expanded lottery act: (A) Lottery gaming facility  
30 managers and prospective managers, racetrack gaming facility managers  
31 and prospective managers, licensees and certificate holders; and (B) their  
32 officers, directors, employees, owners, agents and contractors;

33 (11) the Kansas sentencing commission;

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

39 (13) the Kansas securities commissioner or a designee of the  
40 commissioner, and the request is accompanied by a statement that the  
41 request is being made in conjunction with an application for registration as  
42 a broker-dealer, agent, investment adviser or investment adviser  
43 representative by such agency and the application was submitted by the

1 person whose record has been expunged;

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

6 (15) a law enforcement agency and the request is accompanied by a  
7 statement that the request is being made to aid in determining eligibility  
8 for employment as a law enforcement officer as defined by K.S.A. 22-  
9 2202, and amendments thereto;

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

14 (17) the Kansas bureau of investigation for the purposes of:

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

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

21 (m) The provisions of subsection (l)(17) shall apply to records  
22 created prior to, on and after July 1, 2011.

23 Sec. 21. K.S.A. 2013 Supp. 22-2410 is hereby amended to read as  
24 follows: 22-2410. (a) Any person who has been arrested in this state may  
25 petition the district court for the expungement of such arrest record.

26 (b) When a petition for expungement is filed, the court shall set a date  
27 for hearing on such petition and shall cause notice of such hearing to be  
28 given to the prosecuting attorney and the arresting law enforcement  
29 agency. When a petition for expungement is filed, the official court file  
30 shall be separated from the other records of the court, and shall be  
31 disclosed only to a judge of the court and members of the staff of the court  
32 designated by a judge of the district court, the prosecuting attorney, the  
33 arresting law enforcement agency, or any other person when authorized by  
34 a court order, subject to any conditions imposed by the order. Except as  
35 otherwise provided by law, a petition for expungement shall be  
36 accompanied by a docket fee in the amount of ~~\$100~~ \$176. Except as  
37 provided further, the docket fee established in this section shall be the only  
38 fee collected or moneys in the nature of a fee collected for the docket fee.  
39 Such fee shall only be established by an act of the legislature and no other  
40 authority is established by law or otherwise to collect a fee. On and after  
41 July 1, 2013, through July 1, 2015, the supreme court may impose an  
42 additional charge, not to exceed \$19 per docket fee, to fund the costs of  
43 non-judicial personnel. The petition shall state:

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

8 No surcharge or fee shall be imposed to any person filing a petition  
9 pursuant to this section, who was arrested as a result of being a victim of  
10 identity theft under K.S.A. 21-4018, prior to its repeal, or subsection (a) of  
11 K.S.A. 2013 Supp. 21-6107, and amendments thereto, or who has had  
12 criminal charges dismissed because a court has found that there was no  
13 probable cause for the arrest, the petitioner was found not guilty in court  
14 proceedings or the charges have been dismissed. Any person who may  
15 have relevant information about the petitioner may testify at the hearing.  
16 The court may inquire into the background of the petitioner.

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

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

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

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

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

34 (e) If the ground for expungement is as provided in subsection (c)(4),  
35 the court shall determine whether, in the interests of public welfare, the  
36 records should be available for any of the following purposes: (1) In any  
37 application for employment as a detective with a private detective agency,  
38 as defined in K.S.A. 75-7b01, and amendments thereto; as security  
39 personnel with a private patrol operator, as defined by K.S.A. 75-7b01,  
40 and amendments thereto; or with an institution, as defined in K.S.A. 76-  
41 12a01, and amendments thereto, of the department of social and  
42 rehabilitation services;

43 (2) in any application for admission, or for an order of reinstatement,

1 to the practice of law in this state;

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

6 (4) to aid in determining the petitioner's qualifications for executive  
7 director of the Kansas racing commission, for employment with the  
8 commission or for work in sensitive areas in parimutuel racing as deemed  
9 appropriate by the executive director of the commission, or to aid in  
10 determining qualifications for licensure or renewal of licensure by the  
11 commission;

12 (5) in any application for a commercial driver's license under K.S.A.  
13 8-2,125 through 8-2,142, and amendments thereto;

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

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

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

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

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

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

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

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

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

43 Sec. 22. K.S.A. 25-312a is hereby amended to read as follows: 25-

1 312a. Except as otherwise provided in K.S.A. 20-2903 through 20-2913,  
 2 and amendments thereto, whenever a vacancy occurs in the office of judge  
 3 of the district court, it shall be filled by appointment by the governor  
 4 *following receipt of notice from the clerk of the supreme court, which shall*  
 5 *be given not later than 120 days following the date the vacancy occurs or*  
 6 *will occur.* If the vacancy occurs on or after May 1 of the second year of  
 7 the term, the person so appointed shall serve for the remainder of the  
 8 unexpired term and until a successor is elected and qualified. If the  
 9 vacancy occurs before May 1 of the second year of the term, the person  
 10 appointed to fill the vacancy shall serve until a successor is elected and  
 11 qualified at the next general election to serve the remainder of the  
 12 unexpired term. Any appointment made by the governor as required by  
 13 this section shall be made within ~~60 days after the vacancy occurs~~ *90 days*  
 14 *following receipt of notice from the clerk of the supreme court.*

15 Sec. 23. K.S.A. 2013 Supp. 28-172a is hereby amended to read as  
 16 follows: 28-172a. (a) Except as otherwise provided in this section,  
 17 whenever the prosecuting witness or defendant is adjudged to pay the costs  
 18 in a criminal proceeding in any county, a docket fee shall be taxed as  
 19 follows, on and after July 1, 2013:

20 Murder or manslaughter.....	\$180.50
21 Other felony.....	171.00
22 Misdemeanor.....	136.00
23 Forfeited recognizance.....	72.50
24 Appeals from other courts.....	72.50

25 (b) (1) Except as provided in paragraph (2), in actions involving the  
 26 violation of any of the laws of this state regulating traffic on highways,  
 27 including those listed in subsection (c) of K.S.A. 8-2118, and amendments  
 28 thereto, a cigarette or tobacco infraction, any act declared a crime pursuant  
 29 to the statutes contained in chapter 32 of the Kansas Statutes Annotated,  
 30 and amendments thereto, or any act declared a crime pursuant to the  
 31 statutes contained in article 8 of chapter 82a of the Kansas Statutes  
 32 Annotated, and amendments thereto, whenever the prosecuting witness or  
 33 defendant is adjudged to pay the costs in the action, on and after July 1,  
 34 ~~2013~~ *2014*, a docket fee of ~~\$74~~ *\$86* shall be charged. When an action is  
 35 disposed of under subsections (a) and (b) of K.S.A. 8-2118 or subsection  
 36 (f) of K.S.A. 79-3393, and amendments thereto, on and after July 1, ~~2013~~  
 37 *2014*, the docket fee to be paid as court costs shall be ~~\$74~~ *\$86*.

38 (2) In actions involving the violation of a moving traffic violation  
 39 under K.S.A. 8-2118, and amendments thereto, as defined by rules and  
 40 regulations adopted under K.S.A. 8-249, and amendments thereto,  
 41 whenever the prosecuting witness or defendant is adjudged to pay the costs  
 42 in the action, on and after July 1, ~~2013~~ *2014*, a docket fee of ~~\$74~~ *\$86* shall  
 43 be charged. When an action is disposed of under subsection (a) and (b) of



1 K.S.A. 8-2118, and amendments thereto, on and after July 1, ~~2013~~ 2014,  
2 the docket fee to be paid as court costs shall be ~~\$74~~ \$86.

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 July 1, 2013, through July 1, 2015, the supreme  
40 court may impose an additional charge, not to exceed \$22 per docket fee,  
41 to fund the costs of non-judicial personnel.

42 Sec. 24. K.S.A. 2013 Supp. 38-2312 is hereby amended to read as  
43 follows: 38-2312. (a) Except as provided in subsection (b) and (c), any

1 records or files specified in this code concerning a juvenile may be  
2 expunged upon application to a judge of the court of the county in which  
3 the records or files are maintained. The application for expungement may  
4 be made by the juvenile, if 18 years of age or older or, if the juvenile is  
5 less than 18 years of age, by the juvenile's parent or next friend.

6 (b) There shall be no expungement of records or files concerning acts  
7 committed by a juvenile which, if committed by an adult, would constitute  
8 a violation of K.S.A. 21-3401, prior to its repeal, or K.S.A. 2013 Supp. 21-  
9 5402, and amendments thereto, murder in the first degree; K.S.A. 21-3402,  
10 prior to its repeal, or K.S.A. 2013 Supp. 21-5403, and amendments  
11 thereto, murder in the second degree; K.S.A. 21-3403, prior to its repeal,  
12 or K.S.A. 2013 Supp. 21-5404, and amendments thereto, voluntary  
13 manslaughter; K.S.A. 21-3404, prior to its repeal, or K.S.A. 2013 Supp.  
14 21-5405, and amendments thereto, involuntary manslaughter; K.S.A. 21-  
15 3439, prior to its repeal, or K.S.A. 2013 Supp. 21-5401, and amendments  
16 thereto, capital murder; K.S.A. 21-3442, prior to its repeal, or subsection  
17 (a)(3) of K.S.A. 2013 Supp. 21-5405, and amendments thereto,  
18 involuntary manslaughter while driving under the influence of alcohol or  
19 drugs; K.S.A. 21-3502, prior to its repeal, or K.S.A. 2013 Supp. 21-5503,  
20 and amendments thereto, rape; K.S.A. 21-3503, prior to its repeal, or  
21 subsection (a) of K.S.A. 2013 Supp. 21-5506, and amendments thereto,  
22 indecent liberties with a child; K.S.A. 21-3504, prior to its repeal, or  
23 subsection (b) of K.S.A. 2013 Supp. 21-5506, and amendments thereto,  
24 aggravated indecent liberties with a child; K.S.A. 21-3506, prior to its  
25 repeal, or subsection (b) of K.S.A. 2013 Supp. 21-5504, and amendments  
26 thereto, aggravated criminal sodomy; K.S.A. 21-3510, prior to its repeal,  
27 or subsection (a) of K.S.A. 2013 Supp. 21-5508, and amendments thereto,  
28 indecent solicitation of a child; K.S.A. 21-3511, prior to its repeal, or  
29 subsection (b) of K.S.A. 2013 Supp. 21-5508, and amendments thereto,  
30 aggravated indecent solicitation of a child; K.S.A. 21-3516, prior to its  
31 repeal, or K.S.A. 2013 Supp. 21-5510, and amendments thereto, sexual  
32 exploitation of a child; K.S.A. 21-3603, prior to its repeal, or subsection  
33 (b) of K.S.A. 2013 Supp. 21-5604, and amendments thereto, aggravated  
34 incest; K.S.A. 21-3608, prior to its repeal, or subsection (a) of K.S.A. 2013  
35 Supp. 21-5601, and amendments thereto, endangering a child; K.S.A. 21-  
36 3609, prior to its repeal, or K.S.A. 2013 Supp. 21-5602, and amendments  
37 thereto, abuse of a child; or which would constitute an attempt to commit a  
38 violation of any of the offenses specified in this subsection.

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

1 offender registration act.

2 (d) When a petition for expungement is filed, the court shall set a date  
3 for a hearing on the petition and shall give notice thereof to the county or  
4 district attorney. The petition shall state: (1) The juvenile's full name; (2)  
5 the full name of the juvenile as reflected in the court record, if different  
6 than (1); (3) the juvenile's sex and date of birth; (4) the offense for which  
7 the juvenile was adjudicated; (5) the date of the trial; and (6) the identity  
8 of the trial court. Except as otherwise provided by law, a petition for  
9 expungement shall be accompanied by a docket fee in the amount of ~~\$100~~  
10 *\$176*. On and after ~~the effective date of this act through June 30, 2013~~ *July*  
11 *1, 2013, through July 1, 2015*, the supreme court may impose a charge, not  
12 to exceed \$19 per case, to fund the costs of non-judicial personnel. All  
13 petitions for expungement shall be docketed in the original action. Any  
14 person who may have relevant information about the petitioner may testify  
15 at the hearing. The court may inquire into the background of the petitioner.

16 (e) (1) After hearing, the court shall order the expungement of the  
17 records and files if the court finds that:

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

20 (ii) one year has elapsed since the final discharge for an adjudication  
21 concerning acts committed by a juvenile which, if committed by an adult,  
22 would constitute a violation of K.S.A. 2013 Supp. 21-6419, and  
23 amendments thereto;

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

29 (C) the circumstances and behavior of the petitioner warrant  
30 expungement.

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

33 (f) Upon entry of an order expunging records or files, the offense  
34 which the records or files concern shall be treated as if it never occurred,  
35 except that upon conviction of a crime or adjudication in a subsequent  
36 action under this code the offense may be considered in determining the  
37 sentence to be imposed. The petitioner, the court and all law enforcement  
38 officers and other public offices and agencies shall properly reply on  
39 inquiry that no record or file exists with respect to the juvenile. Inspection  
40 of the expunged files or records thereafter may be permitted by order of  
41 the court upon petition by the person who is the subject thereof. The  
42 inspection shall be limited to inspection by the person who is the subject of  
43 the files or records and the person's designees.

1 (g) A certified copy of any order made pursuant to subsection (a) or  
2 (d) shall be sent to the Kansas bureau of investigation, which shall notify  
3 every juvenile or criminal justice agency which may possess records or  
4 files ordered to be expunged. If the agency fails to comply with the order  
5 within a reasonable time after its receipt, such agency may be adjudged in  
6 contempt of court and punished accordingly.

7 (h) The court shall inform any juvenile who has been adjudicated a  
8 juvenile offender of the provisions of this section.

9 (i) Nothing in this section shall be construed to prohibit the  
10 maintenance of information relating to an offense after records or files  
11 concerning the offense have been expunged if the information is kept in a  
12 manner that does not enable identification of the juvenile.

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

16 (k) Whenever the records or files of any adjudication have been  
17 expunged under the provisions of this section, the custodian of the records  
18 or files of adjudication relating to that offense shall not disclose the  
19 existence of such records or files, except when requested by:

20 (1) The person whose record was expunged;

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

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

27 (4) ~~the secretary of the department for children and families~~ *for aging*  
28 *and disability services*, or a designee of the secretary, for the purpose of  
29 obtaining information relating to employment in an institution, as defined  
30 in K.S.A. 76-12a01, and amendments thereto, of the *Kansas* department  
31 ~~for children and families~~ *aging and disability services* of any person whose  
32 record has been expunged;

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

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

40 (7) the governor or the Kansas racing commission, or a designee of  
41 the commission, and the request is accompanied by a statement that the  
42 request is being made to aid in determining qualifications for executive  
43 director of the commission, for employment with the commission, for

1 work in sensitive areas in parimutuel racing as deemed appropriate by the  
 2 executive director of the commission or for licensure, renewal of licensure  
 3 or continued licensure by the commission;

4 (8) the Kansas sentencing commission; or

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

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

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

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

14 Sec. 25. K.S.A. 2013 Supp. 59-104 is hereby amended to read as  
 15 follows: 59-104. (a) *Docket fee.* (1) Except as otherwise provided by law,  
 16 no case shall be filed or docketed in the district court under the provisions  
 17 of chapter 59 of the Kansas Statutes Annotated, and amendments thereto,  
 18 or of articles 40 and 52 of chapter 65 of the Kansas Statutes Annotated,  
 19 and amendments thereto, without payment of an appropriate docket fee as  
 20 follows, on and after July 1, ~~2013~~ 2014:

21 Treatment of mentally ill .....	34.50
22 Treatment of alcoholism or drug abuse .....	34.50
23 Determination of descent of property .....	49.50
24 Termination of life estate .....	48.50
25 Termination of joint tenancy .....	48.50
26 Refusal to grant letters of administration .....	48.50
27 Adoption .....	48.50
28 Filing a will and affidavit under K.S.A. 59-618a.....	48.50
29 Guardianship .....	69.50
30 Conservatorship .....	69.50
31 Trusteeship .....	69.50
32 Combined guardianship and conservatorship .....	69.50
33 Certified probate proceedings under K.S.A. 59-213, 34 and amendments thereto .....	23.50
35 Decrees in probate from another state.....	<del>108.50</del> 73.00
36 Probate of an estate or of a will.....	109.50
37 Civil commitment under K.S.A. 59-29a01 et seq. ....	33.50

38 (2) Except as provided further, the docket fee established in this  
 39 section shall be the only fee collected or moneys in the nature of a fee  
 40 collected for the docket fee. Such fee shall only be established by an act of  
 41 the legislature and no other authority is established by law or otherwise to  
 42 collect a fee. On and after July 1, 2013, through July 1, 2015, the supreme  
 43 court may impose an additional charge, not to exceed \$22 per docket fee,

1 to fund the costs of non-judicial personnel.

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

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

10 (d) *Additional court costs.* Other fees and expenses to be assessed as  
11 additional court costs shall be approved by the court, unless specifically  
12 fixed by statute. Other fees shall include, but not be limited to, witness  
13 fees, appraiser fees, fees for service of process outside the state, fees for  
14 depositions, transcripts and publication of legal notice, executor or  
15 administrator fees, attorney fees, court costs from other courts and any  
16 other fees and expenses required by statute. All additional court costs shall  
17 be taxed and billed against the parties or estate as directed by the court. No  
18 sheriff in this state shall charge any district court in this state a fee or  
19 mileage for serving any paper or process.

20 Sec. 26. K.S.A. 2013 Supp. 60-256 is hereby amended to read as  
21 follows: 60-256. (a) *By a claiming party.* A party claiming relief may  
22 move, with or without supporting affidavits or supporting declarations  
23 pursuant to K.S.A. 53-601, and amendments thereto, for summary  
24 judgment on all or part of the claim.

25 (b) *By a defending party.* A party against whom relief is sought may  
26 move, with or without supporting affidavits or supporting declarations  
27 pursuant to K.S.A. 53-601, and amendments thereto, for summary  
28 judgment on all or part of the claim.

29 (c) *Time for a motion; response and reply; proceedings.* (1) These  
30 times apply unless a different time is set by local rule or the court orders  
31 otherwise:

32 (A) A party may move for summary judgment at any time until 30  
33 days after the close of all discovery;

34 (B) a party opposing the motion must file a response within 21 days  
35 after the motion is served or a responsive pleading is due, whichever is  
36 later; and

37 (C) the movant may file a reply within 14 days after the response is  
38 served.

39 (2) The judgment sought should be rendered if the pleadings, the  
40 discovery and disclosure materials on file, and any affidavits or  
41 declarations show that there is no genuine issue as to any material fact and  
42 that the movant is entitled to judgment as a matter of law.

43 (d) *Case not fully adjudicated on the motion.* (1) *Establishing facts.* If

1 summary judgment is not rendered on the whole action, the court should,  
2 to the extent practicable, determine what material facts are not genuinely  
3 at issue. The court should so determine by examining the pleadings and  
4 evidence before it and by interrogating the attorneys. It should then issue  
5 an order specifying what facts, including items of damages or other relief,  
6 are not genuinely at issue. The facts so specified must be treated as  
7 established in the action.

8 (2) *Establishing liability.* An interlocutory summary judgment may be  
9 rendered on liability alone, even if there is a genuine issue on the amount  
10 of damages.

11 (e) *Affidavits or declarations; further testimony.* (1) *In general.* A  
12 supporting or opposing affidavit or declaration must be made on personal  
13 knowledge, set out facts that would be admissible in evidence and show  
14 that the affiant or declarant is competent to testify on the matters stated. If  
15 a paper or part of a paper is referred to in an affidavit or declaration, a  
16 sworn or certified copy must be attached to or served with the affidavit or  
17 declaration. The court may permit an affidavit or declaration to be  
18 supplemented or opposed by depositions, answers to interrogatories or  
19 additional affidavits or declarations.

20 (2) *Opposing party's obligation to respond.* When a motion for  
21 summary judgment is properly made and supported, an opposing party  
22 may not rely merely on allegations or denials in its own pleading; rather,  
23 its response must, by affidavits or by declarations pursuant to K.S.A. 53-  
24 601, and amendments thereto, or as otherwise provided in this section, set  
25 out specific facts showing a genuine issue for trial. If the opposing party  
26 does not so respond, summary judgment should, if appropriate, be entered  
27 against that party.

28 (f) *When affidavits or declarations are unavailable.* If a party  
29 opposing the motion shows by affidavit or by declaration pursuant to  
30 K.S.A. 53-601, and amendments thereto, that, for specified reasons, it  
31 cannot present facts essential to justify its opposition, the court may:

32 (1) Deny the motion;

33 (2) order a continuance to enable affidavits or declarations to be  
34 obtained, depositions to be taken or other discovery to be undertaken; or

35 (3) issue any other just order.

36 (g) *Affidavits or declarations submitted in bad faith.* If satisfied that  
37 an affidavit or declaration under this section is submitted in bad faith or  
38 solely for delay, the court must order the submitting party or attorney to  
39 pay the other party the reasonable expenses, including attorney's fees, it  
40 incurred as a result. An offending party or attorney may be held in  
41 contempt.

42 (h) *Fee for filing a motion for summary judgment.* (1) *On and after*  
43 *July 1, 2014, any party filing a motion for summary judgment shall pay a*

1 *fee in the amount of \$195 to the clerk of the district court.*

2 (2) *A poverty affidavit may be filed in lieu of a fee as established in*  
3 *K.S.A. 60-2001, and amendments thereto.*

4 (3) *The fee shall be disbursed in accordance with subsection (g) of*  
5 *K.S.A. 20-362, and amendments thereto.*

6 (4) *Such fee shall only be established by an act of the legislature and*  
7 *no other authority is established by law or otherwise to collect a fee.*

8 (5) *The state of Kansas and all municipalities in this state, as defined*  
9 *in K.S.A. 12-105a, and amendments thereto, shall be exempt from paying*  
10 *such fee.*

11 (6) *The provisions of this subsection shall not apply to an action*  
12 *pursuant to the code of civil procedure for limited actions.*

13 Sec. 27. K.S.A. 60-729 is hereby amended to read as follows: 60-729.

14 (a) Garnishment is a procedure whereby the wages, money or intangible  
15 property of a person can be seized or attached pursuant to an order of  
16 garnishment issued by the court under the conditions set forth in the order.

17 (b) *On and after July 1, 2014, any party requesting an order of*  
18 *garnishment shall pay a fee in the amount of \$7.50 to the clerk of the*  
19 *district court.*

20 (c) *A poverty affidavit may be filed in lieu of a fee as established in*  
21 *K.S.A. 60-2001, and amendments thereto.*

22 (d) *The fee shall be the only costs assessed in each case for services*  
23 *of the clerk of the district court and the sheriff. The fee shall be disbursed*  
24 *in accordance with subsection (g) of K.S.A. 20-362, and amendments*  
25 *thereto.*

26 (e) *Except as provided further, the fee established in this section shall*  
27 *be the only fee collected or moneys in the nature of a fee collected for the*  
28 *docket fee. Such fee shall only be established by an act of the legislature*  
29 *and no other authority is established by law or otherwise to collect a fee.*  
30 *On and after July 1, 2014, through July 1, 2015, the supreme court may*  
31 *impose an additional charge, not to exceed \$12.50 per fee, to fund the*  
32 *costs of non-judicial personnel.*

33 ***{(f) The state of Kansas and all municipalities in this state, as***  
34 ***defined in K.S.A. 12-105a, and amendments thereto, shall be exempt***  
35 ***from paying such fee.}***

36 Sec. 28. K.S.A. 2013 Supp. 60-2001 is hereby amended to read as  
37 follows: 60-2001. (a) *Docket fee.* Except as otherwise provided by law, no  
38 case shall be filed or docketed in the district court, whether original or  
39 appealed, without payment of a docket fee in the amount of ~~\$156 on and~~  
40 ~~after July 1, 2009 through June 30, 2013, and \$154~~ \$173 on and after July  
41 1, ~~2013~~ 2014, to the clerk of the district court. Except as provided further,  
42 the docket fee established in this subsection shall be the only fee collected  
43 or moneys in the nature of a fee collected for the docket fee. Such fee shall



1 only be established by an act of the legislature and no other authority is  
2 established by law or otherwise to collect a fee. On and after ~~the effective~~  
3 ~~date of this act through June 30, 2013~~ July 1, 2013, through July 1, 2015,  
4 the supreme court may impose an additional charge, not to exceed \$22 per  
5 docket fee, to fund the costs of non-judicial personnel.

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

26 (2) *Form of affidavit.* The affidavit provided for in this subsection  
27 shall set forth a factual basis upon which the plaintiff alleges by reason of  
28 poverty an inability to pay a docket fee, including, but not limited to, the  
29 source and amount of the plaintiff's weekly income. Such affidavit shall be  
30 signed and sworn to by the plaintiff under oath, before one who has  
31 authority to administer the oath, under penalty of perjury, K.S.A. 2013  
32 Supp. 21-5903, and amendments thereto. The form of the affidavit shall be  
33 deemed sufficient if in substantial compliance with the form set forth by  
34 the judicial council.

35 (3) *Court review; grounds for dismissal; service of process.* The court  
36 shall review any petition authorized for filing under this subsection. Upon  
37 such review, if the court finds that the plaintiff's allegation of poverty is  
38 untrue, the court shall direct the plaintiff to pay the docket fee or dismiss  
39 the petition without prejudice. Notwithstanding K.S.A. 60-301, and  
40 amendments thereto, service of process shall not issue unless the court  
41 grants leave following its review.

42 (c) *Disposition of fees.* The docket fees and the fees for service of  
43 process shall be the only costs assessed in each case for services of the

1 clerk of the district court and the sheriff. For every person to be served by  
2 the sheriff, the persons requesting service of process shall provide proper  
3 payment to the clerk and the clerk of the district court shall forward the  
4 service of process fee to the sheriff in accordance with K.S.A. 28-110, and  
5 amendments thereto. The service of process fee, if paid by check or money  
6 order, shall be made payable to the sheriff. Such service of process fee  
7 shall be submitted by the sheriff at least monthly to the county treasurer  
8 for deposit in the county treasury and credited to the county general fund.  
9 The docket fee shall be disbursed in accordance with K.S.A. 20-362, and  
10 amendments thereto.

11 (d) *Additional court costs.* Other fees and expenses to be assessed as  
12 additional court costs shall be approved by the court, unless specifically  
13 fixed by statute. Other fees shall include, but not be limited to, witness  
14 fees, appraiser fees, fees for service of process, fees for depositions,  
15 alternative dispute resolution fees, transcripts and publication, attorney  
16 fees, court costs from other courts and any other fees and expenses  
17 required by statute. All additional court costs shall be taxed and billed  
18 against the parties as directed by the court. No sheriff in this state shall  
19 charge any mileage for serving any papers or process.

20 Sec. 29. K.S.A. 2013 Supp. 61-2704 is hereby amended to read as  
21 follows: 61-2704. (a) An action seeking the recovery of a small claim shall  
22 be considered to have been commenced at the time a person files a written  
23 statement of the person's small claim with the clerk of the court if, within  
24 90 days after the small claim is filed, service of process is obtained or the  
25 first publication is made for service by publication. Otherwise, the action  
26 is deemed commenced at the time of service of process or first publication.  
27 An entry of appearance shall have the same effect as service.

28 (b) Upon the filing of a plaintiff's small claim, the clerk of the court  
29 shall require from the plaintiff a docket fee of ~~\$37~~ \$35 on and after July 1,  
30 ~~2013~~ 2014, if the claim does not exceed \$500; or ~~\$57~~ \$55 on and after July  
31 1, ~~2013~~ 2014, if the claim exceeds \$500; unless for good cause shown the  
32 judge waives the fee. The docket fee shall be the only costs required in an  
33 action seeking recovery of a small claim. No person may file more than 20  
34 small claims under this act in the same court during any calendar year.

35 (c) 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 July 1, 2013, through July 1, 2015, the supreme  
40 court may impose an additional charge, not to exceed \$12.50 per docket  
41 fee, to fund the costs of non-judicial personnel.

42 Sec. 30. K.S.A. 2013 Supp. 75-5541 is hereby amended to read as  
43 follows: 75-5541. (a) Except as otherwise provided by this section, each

1 classified employee, excluding any such employee who is on temporary  
2 appointment, ~~and each nonjudicial employee in the unclassified service~~  
3 ~~under the Kansas civil service act in a state agency in the judicial branch~~  
4 ~~of state government~~, shall receive a bonus as provided by this section,  
5 which shall be referred to as a longevity bonus, under the terms and  
6 conditions and subject to the limitations prescribed by this section.

7 (b) After June 30, 1989, any such officer or employee who has been  
8 employed by any agency, board or department within any branch of state  
9 government, whether or not the entire period of service is continuous with  
10 the same agency, board or department, shall be eligible to receive a  
11 longevity bonus upon completion of 120 months of state service. Length  
12 of service and service anniversary dates shall be determined pursuant to  
13 rules and regulations adopted by the secretary of administration.

14 (c) The amount of each longevity bonus payment shall be computed  
15 by multiplying \$40 by the number of full years of state service, not to  
16 exceed 25 years, rendered by such officer or employee as of the service  
17 anniversary date within such fiscal year.

18 (d) Each longevity bonus payment shall be included in the employee's  
19 regular pay warrant. The amount of the bonus shall be displayed separately  
20 on the warrant stub or advice.

21 (e) Longevity bonus payments shall be compensation, within the  
22 meaning of K.S.A. 74-4901 et seq., and amendments thereto, for all  
23 purposes under the Kansas public employees retirement system and shall  
24 be subject to applicable deductions for employee contributions  
25 notwithstanding the fact that payments are made annually. Longevity  
26 bonus payments shall be in addition to the regular earnings to which an  
27 officer or employee may become entitled or for which such employee may  
28 become eligible.

29 (f) The purpose of longevity pay is to recognize permanent  
30 employees who have provided experience and faithful long-term service to  
31 the state of Kansas in order to encourage officers and employees to remain  
32 in the service of the state. The provisions of this section shall apply to  
33 fiscal years commencing after June 30, 1989. The amendatory language of  
34 this section shall be construed to confirm that longevity pay is intended,  
35 and has been intended since its enactment, to be a bonus as defined in 29  
36 C.F.R. § 778.208.

37 (g) In accordance with the provisions of K.S.A. 75-3706, and  
38 amendments thereto, the secretary of administration shall adopt rules and  
39 regulations to implement the provisions of this section with respect to  
40 officers and employees in the executive branch of state government. ~~The~~  
41 ~~supreme court may adopt policies to implement the provisions of this~~  
42 ~~section with respect to officers and employees who are nonjudicial~~  
43 ~~personnel of state agencies in the judicial branch of state government.~~

1 (h) The provisions of this section shall not apply to any state officer  
2 or employee who is employed or re-employed as a state officer or  
3 employee on or after June 15, 2008.

4 *{Sec. 31. K.S.A. 2013 Supp. 75-5551 is hereby amended to read as*  
5 *follows: 75-5551. (a) The compensation program (compensation and*  
6 *benefits opportunity and delivery) for state employees will be designed to*  
7 *support the mission of the various branches of government and the*  
8 *agencies and departments within those branches. The foundation of the*  
9 *compensation program is to attract and retain quality employees with*  
10 *competitive compensation based on relevant labor markets. The*  
11 *programs will be based upon principles of fairness and equity and will*  
12 *be administered with sound fiscal discipline.*

13 *(b) The compensation philosophy component statements are:*

14 *(1) The legislature will be accountable for the adoption of the*  
15 *compensation philosophy and framework. The executive branch through*  
16 *delegated authority from the governor to the department of*  
17 *administration will be accountable for the consistent administration of*  
18 *the program for classified employees. Agency heads will be accountable*  
19 *for proper administration of the program within their agencies. The*  
20 *chief justice, through delegated authority to the office of judicial*  
21 *administration will be accountable for the consistent administration of*  
22 *the program for judicial branch employees subject to section 2, and*  
23 *amendments thereto. The state board of regents, through delegated*  
24 *authority to the chief executive officer of each campus, will be*  
25 *accountable for the consistent administration of the program for higher*  
26 *education faculty and non- classified employees. The respective*  
27 *appointing authorities will have accountability for the consistent*  
28 *administration of compensation for non-classified employees.*

29 *(2) The compensation program will be based on consistent*  
30 *principles of fairness throughout the state, yet will be flexible to meet*  
31 *changing needs. This will allow for multiple pay plans to fit different*  
32 *needs and market variables for the different branches of government*  
33 *and within those branches.*

34 *(3) Establishing the value of compensation will be primarily based*  
35 *on establishing the appropriate market value of the job. For positions for*  
36 *which a market value cannot be readily identified, the value of*  
37 *compensation for those positions will be based on a fair, defensible and*  
38 *understandable method.*

39 *(4) While recognizing that service and tenure yields valued*  
40 *experience, pay delivery mechanisms will be based on a combination of*  
41 *achievement of performance objectives, recognition of differences in job*  
42 *content, acquisition and application of further skill and education and*  
43 *pay for the achievement of team/unit or department goals.*

1       ***(5) All aspects of compensation (base salary, benefits, lump sum***  
2 ***payments, allowances and other variable elements of compensation) will***  
3 ***be considered as a total compensation package for state employees. The***  
4 ***state's pay programs will utilize both fixed and variable compensation as***  
5 ***well as non-cash reward and recognition programs.***

6       ***(6) Total compensation, as defined above, will be targeted at a***  
7 ***competitive level when compared to the appropriate labor markets to***  
8 ***allow the state to attract and retain the quality and quantity of employees***  
9 ***needed to fulfill service commitments to its citizens.***

10       ***(7) The state is committed to ensuring that its salary structures are***  
11 ***up to date through the conduct of market surveys at regular intervals.***  
12 ***There will be a planned approach to ensure that the classification***  
13 ***structure and classification of employees is kept current.***

14       ***(8) The compensation programs will reinforce a work culture and***  
15 ***climate where employees are recognized and rewarded for their***  
16 ***contribution. Any changes to compensation must be reasonable and take***  
17 ***into consideration the needs of the state as an employer, the work***  
18 ***culture afforded to the employees as public service providers and the***  
19 ***citizens receiving services from the state.***

20       ***(9) It is the intent of the legislature that longevity bonus payments***  
21 ***shall not be considered as part of base pay.***

22       New Sec. ~~31~~, {32.} The provisions of this act are not severable. If any  
23 provision of this act is stayed or is held to be invalid or unconstitutional, it  
24 shall be presumed conclusively that the legislature would not have enacted  
25 the remainder of such act without such stayed, invalid or unconstitutional  
26 provision.

27       Sec. ~~32~~, {33.} K.S.A. 20-162, 20-318, 20-319, 20-329, 20-342, 20-  
28 343, 20-345, 20-346a, 20-349, 20-361, 20-2909, 20-2911, 20-2914, 20-  
29 3011, 25-312a and 60-729 and K.S.A. 2013 Supp. 20-367, 21-6614, 21-  
30 6614d, 22-2410, 28-172a, 38-2312, 38-2312c, 59-104, 60-256, 60-2001,  
31 60-2001b, 61-2704 ~~and~~, {75-5541 {and 75-5551}} are hereby repealed.

32       Sec. ~~33~~, {34.} This act shall take effect and be in force from and after  
33 its publication in the statute book.