

HOUSE BILL No. 2377

By Committee on Appropriations

2-20

1 AN ACT concerning courts; relating to court fees and costs; relating to the
2 judicial branch surcharge fund; amending K.S.A. 2012 Supp. 8-2107,
3 8-2110, 21-6614, 22-2410, 23-2510, 28-170, 28-172a, 28-177, 28-178,
4 28-179, 32-1049a, 38-2215, 38-2312, 38-2314, 59-104, 60-2001, 60-
5 2203a, 61-2704, 61-4001 and 65-409 and repealing the existing
6 sections.

7

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

9 Section 1. K.S.A. 2012 Supp. 8-2107 is hereby amended to read as
10 follows: 8-2107. (a) (1) Notwithstanding any other provisions of the
11 uniform act regulating traffic on highways, when a person is stopped by a
12 police officer for any of the offenses described in subsection (d) and such
13 person is not immediately taken before a judge of the district court, the
14 police officer may require the person stopped, subject to the provisions of
15 subsection (c), to deposit with the officer a valid Kansas driver's license in
16 exchange for a receipt therefor issued by such police officer, the form of
17 which shall be approved by the division of vehicles. Such receipt shall be
18 recognized as a valid temporary Kansas driver's license authorizing the
19 operation of a motor vehicle by the person stopped until the date of the
20 hearing stated on the receipt. The driver's license and a written copy of the
21 notice to appear shall be delivered by the police officer to the court having
22 jurisdiction of the offense charged as soon as reasonably possible. If the
23 hearing on such charge is continued for any reason, the judge may note on
24 the receipt the date to which such hearing has been continued and such
25 receipt shall be recognized as a valid temporary Kansas driver's license
26 until such date, but in no event shall such receipt be recognized as a valid
27 Kansas driver's license for a period longer than 30 days from the date set
28 for the original hearing. Any person who has deposited a driver's license
29 with a police officer under this subsection (a) shall have such license
30 returned upon final determination of the charge against such person.

31 (2) In the event the person stopped deposits a valid Kansas driver's
32 license with the police officer and fails to appear in the district court on the
33 date set for appearance, or any continuance thereof, and in any event
34 within 30 days from the date set for the original hearing, the court shall
35 forward such person's driver's license to the division of vehicles with an
36 appropriate explanation attached thereto. Upon receipt of such person's

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

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

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

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

41 (3) Such cash bond shall be taken in the following manner: The
42 police officer shall furnish the person stopped a stamped envelope
43 addressed to the judge or clerk of the court named in the written notice to

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

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

16 On and after July 1, 1996:

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

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

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

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

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

8 (i) Except as provided further, the docket fee established in this
9 section shall be the only fee collected or moneys in the nature of a fee
10 collected for the docket fee. Such fee shall only be established by an act of
11 the legislature and no other authority is established by law or otherwise to
12 collect a fee. On and after ~~the effective date of this act through June 30,~~
13 ~~2013~~ *July 1, 2013, through July 1, 2015*, the supreme court may impose an
14 additional charge, not to exceed \$22 per docket fee, to fund the costs of
15 non-judicial personnel.

16 Sec. 2. K.S.A. 2012 Supp. 8-2110 is hereby amended to read as
17 follows: 8-2110. (a) Failure to comply with a traffic citation means failure
18 either to: (1) Appear before any district or municipal court in response to a
19 traffic citation and pay in full any fine and court costs imposed; or (2)
20 otherwise comply with a traffic citation as provided in K.S.A. 8-2118, and
21 amendments thereto. Failure to comply with a traffic citation is a
22 misdemeanor, regardless of the disposition of the charge for which such
23 citation was originally issued.

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

1 suspension action.

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

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

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

1 created by K.S.A. 41-1126, and amendments thereto, 10.59% to the
2 juvenile detention facilities fund created by K.S.A. 79-4803, and
3 amendments thereto, and 15.26% to the judicial branch nonjudicial salary
4 adjustment fund created by K.S.A. 2012 Supp. 20-1a15, and amendments
5 thereto.

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

24 (e) Except as provided further, the reinstatement fee established in
25 this section shall be the only fee collected or moneys in the nature of a fee
26 collected for such reinstatement. Such fee shall only be established by an
27 act of the legislature and no other authority is established by law or
28 otherwise to collect a fee. On and after ~~the effective date of this act~~
29 ~~through June 30, 2013~~ *July 1, 2013, through July 1, 2015*, the supreme
30 court may impose an additional charge, not to exceed \$22 per
31 reinstatement fee, to fund the costs of non-judicial personnel.

32 Sec. 3. K.S.A. 2012 Supp. 21-6614 is hereby amended to read as
33 follows: 21-6614. (a) (1) Except as provided in subsections (b), (c), (d) and
34 (e), any person convicted in this state of a traffic infraction, cigarette or
35 tobacco infraction, misdemeanor or a class D or E felony, or for crimes
36 committed on or after July 1, 1993, nondrug crimes ranked in severity
37 levels 6 through 10, or for crimes committed on or after July 1, 1993, but
38 prior to July 1, 2012, any felony ranked in severity level 4 of the drug grid,
39 or for crimes committed on or after July 1, 2012, any felony ranked in
40 severity level 5 of the drug grid may petition the convicting court for the
41 expungement of such conviction or related arrest records if three or more
42 years have elapsed since the person: (A) Satisfied the sentence imposed; or
43 (B) was discharged from probation, a community correctional services

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

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

8 (b) Except as provided in subsections (c), (d) and (e), no person may
9 petition for expungement until five or more years have elapsed since the
10 person satisfied the sentence imposed, the terms of a diversion agreement
11 or was discharged from probation, a community correctional services
12 program, parole, postrelease supervision, conditional release or a
13 suspended sentence, if such person was convicted of a class A, B or C
14 felony, or for crimes committed on or after July 1, 1993, if convicted of an
15 off-grid felony or any nondrug crime ranked in severity levels 1 through 5,
16 or for crimes committed on or after July 1, 1993, but prior to July 1, 2012,
17 any felony ranked in severity levels 1 through 3 of the drug grid, or for
18 crimes committed on or after July 1, 2012, any felony ranked in severity
19 levels 1 through 4 of the drug grid, or:

20 (1) Vehicular homicide, as defined in K.S.A. 21-3405, prior to its
21 repeal, or K.S.A. 2012 Supp. 21-5406, and amendments thereto, or as
22 prohibited by any law of another state which is in substantial conformity
23 with that statute;

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

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

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

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

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

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

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

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

9 (d) There shall be no expungement of convictions for the following
10 offenses or of convictions for an attempt to commit any of the following
11 offenses:

12 (1) Rape as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.
13 2012 Supp. 21-5503, and amendments thereto;

14 (2) indecent liberties with a child or aggravated indecent liberties
15 with a child as defined in K.S.A. 21-3503 or 21-3504, prior to their repeal,
16 or K.S.A. 2012 Supp. 21-5506, and amendments thereto;

17 (3) criminal sodomy as defined in subsection (a)(2) or (a)(3) of
18 K.S.A. 21-3505, prior to its repeal, or subsection (a)(3) or (a)(4) of K.S.A.
19 2012 Supp. 21-5504, and amendments thereto;

20 (4) aggravated criminal sodomy as defined in K.S.A. 21-3506, prior
21 to its repeal, or K.S.A. 2012 Supp. 21-5504, and amendments thereto;

22 (5) indecent solicitation of a child or aggravated indecent solicitation
23 of a child as defined in K.S.A. 21-3510 or 21-3511, prior to their repeal, or
24 K.S.A. 2012 Supp. 21-5508, and amendments thereto;

25 (6) sexual exploitation of a child as defined in K.S.A. 21-3516, prior
26 to its repeal, or K.S.A. 2012 Supp. 21-5510, and amendments thereto;

27 (7) aggravated incest as defined in K.S.A. 21-3603, prior to its repeal,
28 or K.S.A. 2012 Supp. 21-5604, and amendments thereto;

29 (8) endangering a child or aggravated endangering a child as defined
30 in K.S.A. 21-3608 or 21-3608a, prior to their repeal, or K.S.A. 2012 Supp.
31 21-5601, and amendments thereto;

32 (9) abuse of a child as defined in K.S.A. 21-3609, prior to its repeal,
33 or K.S.A. 2012 Supp. 21-5602, and amendments thereto;

34 (10) capital murder as defined in K.S.A. 21-3439, prior to its repeal,
35 or K.S.A. 2012 Supp. 21-5401, and amendments thereto;

36 (11) murder in the first degree as defined in K.S.A. 21-3401, prior to
37 its repeal, or K.S.A. 2012 Supp. 21-5402, and amendments thereto;

38 (12) murder in the second degree as defined in K.S.A. 21-3402, prior
39 to its repeal, or K.S.A. 2012 Supp. 21-5403, and amendments thereto;

40 (13) voluntary manslaughter as defined in K.S.A. 21-3403, prior to its
41 repeal, or K.S.A. 2012 Supp. 21-5404, and amendments thereto;

42 (14) involuntary manslaughter as defined in K.S.A. 21-3404, prior to
43 its repeal, or K.S.A. 2012 Supp. 21-5405, and amendments thereto;

1 (15) sexual battery as defined in K.S.A. 21-3517, prior to its repeal,
2 or K.S.A. 2012 Supp. 21-5505, and amendments thereto, when the victim
3 was less than 18 years of age at the time the crime was committed;

4 (16) aggravated sexual battery as defined in K.S.A. 21-3518, prior to
5 its repeal, or K.S.A. 2012 Supp. 21-5505, and amendments thereto;

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

8 (18) any conviction for any offense in effect at any time prior to July
9 1, 2011, that is comparable to any offense as provided in this subsection.

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

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

20 (A) Defendant's full name;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (A) In any application for licensure as a private detective, private
24 detective agency, certification as a firearms trainer pursuant to K.S.A.
25 2012 Supp. 75-7b21, and amendments thereto, or employment as a
26 detective with a private detective agency, as defined by K.S.A. 75-7b01,
27 and amendments thereto; as security personnel with a private patrol
28 operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with
29 an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of
30 the department of social and rehabilitation services;

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

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

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

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

1 following under the Kansas expanded lottery act: (i) Lottery gaming
2 facility manager or prospective manager, racetrack gaming facility
3 manager or prospective manager, licensee or certificate holder; or (ii) an
4 officer, director, employee, owner, agent or contractor thereof;

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

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

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

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

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

17 (K) for applications received on and after July 1, 2006, to aid in
18 determining the petitioner's qualifications for a license to carry a concealed
19 weapon pursuant to the personal and family protection act, K.S.A. 2012
20 Supp. 75-7c01 et seq., and amendments thereto;

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

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

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

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

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

1 of firearms by persons convicted of a felony.

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

7 (1) The person whose record was expunged;

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

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

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

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

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

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

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

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

42 (10) the Kansas racing and gaming commission, or a designee of the
43 commission, and the request is accompanied by a statement that the

1 request is being made to aid in determining qualifications of the following
2 under the Kansas expanded lottery act: (A) Lottery gaming facility
3 managers and prospective managers, racetrack gaming facility managers
4 and prospective managers, licensees and certificate holders; and (B) their
5 officers, directors, employees, owners, agents and contractors;

6 (11) the Kansas sentencing commission;

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

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

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

22 (15) a law enforcement agency and the request is accompanied by a
23 statement that the request is being made to aid in determining eligibility
24 for employment as a law enforcement officer as defined by K.S.A. 22-
25 2202, and amendments thereto;

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

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

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

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

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

39 Sec. 4. K.S.A. 2012 Supp. 22-2410 is hereby amended to read as
40 follows: 22-2410. (a) Any person who has been arrested in this state may
41 petition the district court for the expungement of such arrest record.

42 (b) When a petition for expungement is filed, the court shall set a date
43 for hearing on such petition and shall cause notice of such hearing to be

1 given to the prosecuting attorney and the arresting law enforcement
2 agency. When a petition for expungement is filed, the official court file
3 shall be separated from the other records of the court, and shall be
4 disclosed only to a judge of the court and members of the staff of the court
5 designated by a judge of the district court, the prosecuting attorney, the
6 arresting law enforcement agency, or any other person when authorized by
7 a court order, subject to any conditions imposed by the order. Except as
8 otherwise provided by law, a petition for expungement shall be
9 accompanied by a docket fee in the amount of \$100. Except as provided
10 further, the docket fee established in this section shall be the only fee
11 collected or moneys in the nature of a fee collected for the docket fee.
12 Such fee shall only be established by an act of the legislature and no other
13 authority is established by law or otherwise to collect a fee. On and after
14 ~~the effective date of this act through June 30, 2013~~ *July 1, 2013, through*
15 *July 1, 2015*, the supreme court may impose an additional charge, not to
16 exceed \$19 per docket fee, to fund the costs of non-judicial personnel. The
17 petition shall state:

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

25 No surcharge or fee shall be imposed to any person filing a petition
26 pursuant to this section, who was arrested as a result of being a victim of
27 identity theft under K.S.A. 21-4018, prior to its repeal, or subsection (a) of
28 K.S.A. 2012 Supp. 21-6107, and amendments thereto, or who has had
29 criminal charges dismissed because a court has found that there was no
30 probable cause for the arrest, the petitioner was found not guilty in court
31 proceedings or the charges have been dismissed. Any person who may
32 have relevant information about the petitioner may testify at the hearing.
33 The court may inquire into the background of the petitioner.

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

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

42 (d) When the court has ordered expungement of an arrest record and
43 subsequent court proceedings, if any, the order shall state the information

1 required to be stated in the petition and shall state the grounds for
2 expungement under subsection (c). The clerk of the court shall send a
3 certified copy of the order to the Kansas bureau of investigation which
4 shall notify the federal bureau of investigation, the secretary of corrections
5 and any other criminal justice agency which may have a record of the
6 arrest. If an order of expungement is entered, the petitioner shall be treated
7 as not having been arrested.

8 (e) If the ground for expungement is as provided in subsection (c)(4),
9 the court shall determine whether, in the interests of public welfare, the
10 records should be available for any of the following purposes: (1) In any
11 application for employment as a detective with a private detective agency,
12 as defined in K.S.A. 75-7b01, and amendments thereto; as security
13 personnel with a private patrol operator, as defined by K.S.A. 75-7b01,
14 and amendments thereto; or with an institution, as defined in K.S.A. 76-
15 12a01, and amendments thereto, of the department of social and
16 rehabilitation services;

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

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

23 (4) to aid in determining the petitioner's qualifications for executive
24 director of the Kansas racing commission, for employment with the
25 commission or for work in sensitive areas in parimutuel racing as deemed
26 appropriate by the executive director of the commission, or to aid in
27 determining qualifications for licensure or renewal of licensure by the
28 commission;

29 (5) in any application for a commercial driver's license under K.S.A.
30 8-2,125 through 8-2,142, and amendments thereto;

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

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

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

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

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

43 (2) providing information or documentation to the federal bureau of

1 investigation, in connection with the national instant criminal background
2 check system, to determine a person's qualification to possess a firearm.

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

8 (h) Whenever a petitioner's arrest records have been expunged as
9 provided in this section, the custodian of the records of arrest,
10 incarceration due to arrest or court proceedings related to the arrest, shall
11 not disclose the arrest or any information related to the arrest, except as
12 directed by the order of expungement or when requested by the person
13 whose arrest record was expunged.

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

17 Sec. 5. K.S.A. 2012 Supp. 23-2510 is hereby amended to read as
18 follows: 23-2510. (a) The judge or clerk of the district court shall collect
19 from the applicant for a marriage license a fee of \$59.

20 (b) The clerk of the court shall remit all fees prescribed by this
21 section to the state treasurer in accordance with the provisions of K.S.A.
22 75-4215, and amendments thereto. Upon receipt of each such remittance,
23 the state treasurer shall deposit the entire amount in the state treasury. Of
24 each remittance, the state treasurer shall credit 38.98% to the protection
25 from abuse fund, 15.19% to the family and children trust account of the
26 family and children investment fund created by K.S.A. 38-1808, and
27 amendments thereto, 16.95% to the crime victims assistance fund created
28 by K.S.A. 74-7334, and amendments thereto, 15.25% to the judicial
29 branch nonjudicial salary adjustment fund created by K.S.A. 2012 Supp.
30 20-1a15, and amendments thereto, and the remainder to the state general
31 fund.

32 (c) Except as provided further, the marriage license fee established in
33 this section shall be the only fee collected or moneys in the nature of a fee
34 collected for a marriage license. Such fee shall only be established by an
35 act of the legislature and no other authority is established by law or
36 otherwise to collect a fee. On and after ~~the effective date of this act~~
37 ~~through June 30, 2013~~ *July 1, 2013, through July 1, 2015*, the supreme
38 court may impose an additional charge, not to exceed \$26.50 per marriage
39 license fee, to fund the costs of non-judicial personnel.

40 Sec. 6. K.S.A. 2012 Supp. 28-170 is hereby amended to read as
41 follows: 28-170. (a) The docket fee prescribed by K.S.A. 60-2001, and
42 amendments thereto, and the fees for service of process, shall be the only
43 costs assessed for services of the clerk of the district court and the sheriff

1 in any case filed under chapter 60 or chapter 61 of the Kansas Statutes
 2 Annotated, and amendments thereto, except that no fee shall be charged
 3 for an action filed under K.S.A. 60-3101 et seq., and under K.S.A. 60-
 4 31a01 et seq., and amendments thereto. For services in other matters in
 5 which no other fee is prescribed by statute, the following fees shall be
 6 charged and collected by the clerk. Only one fee shall be charged for each
 7 bond, lien or judgment:

- 8 1. For filing, entering and releasing a bond, mechanic's lien, notice of
 9 intent to
 10 perform, personal property tax judgment or any judgment on which
 11 execution
 12 process cannot be issued..... \$14
- 13 2. For filing, entering and releasing a judgment of a court of this state on
 14 which
 15 execution or other process can be issued..... \$24
- 16 3. For a certificate, or for copying or certifying any paper or writ, such fee
 17 as shall be prescribed by the district court.

18
 19 (b) The fees for entries, certificates and other papers required in
 20 naturalization cases shall be those prescribed by the federal government
 21 and, when collected, shall be disbursed as prescribed by the federal
 22 government. The clerk of the court shall remit to the state treasurer at least
 23 monthly all moneys received from fees prescribed by subsection (a) or (b)
 24 or received for any services performed which may be required by law. The
 25 state treasurer shall deposit the remittance in the state treasury and credit
 26 the entire amount to the state general fund.

27 (c) In actions pursuant to the revised Kansas code for care of
 28 children, K.S.A. 2012 Supp. 38-2201 et seq., and amendments thereto, the
 29 revised Kansas juvenile justice code, K.S.A. 2012 Supp. 38-2301 et seq.,
 30 and amendments thereto, the act for treatment of alcoholism, K.S.A. 65-
 31 4001 et seq., and amendments thereto, the act for treatment of drug abuse,
 32 K.S.A. 65-5201 et seq., and amendments thereto, or the care and treatment
 33 act for mentally ill persons, K.S.A. 59-2945 et seq., and amendments
 34 thereto, the clerk shall charge an additional fee of \$1 which shall be
 35 deducted from the docket fee and credited to the prosecuting attorneys'
 36 training fund as provided in K.S.A. 28-170a, and amendments thereto.

37 (d) In actions pursuant to the revised Kansas code for care of
 38 children, K.S.A. 2012 Supp. 38-2201 et seq., and amendments thereto, the
 39 revised Kansas juvenile justice code, K.S.A. 2012 Supp. 38-2301 et seq.,
 40 and amendments thereto, the act for treatment of alcoholism, K.S.A. 65-
 41 4001 et seq., and amendments thereto, the act for treatment of drug abuse,
 42 K.S.A. 65-5201 et seq., and amendments thereto, or the care and treatment
 43 act for mentally ill persons, K.S.A. 59-2945 et seq., and amendments

1 thereto, the clerk shall charge an additional fee of \$.50 which shall be
 2 deducted from the docket fee and credited to the indigents' defense
 3 services fund as provided in K.S.A. 28-172b, and amendments thereto.

4 (e) Except as provided further, the bond, lien or judgment fee
 5 established in subsection (a) shall be the only fee collected or moneys in
 6 the nature of a fee collected for such bond, lien or judgment. Such fee shall
 7 only be established by an act of the legislature and no other authority is
 8 established by law or otherwise to collect a fee. On and after ~~the effective~~
 9 ~~date of this act through June 30, 2013~~ *July 1, 2013, through July 1, 2015*,
 10 the supreme court may impose an additional charge, not to exceed \$22 per
 11 bond, lien or judgment fee, to fund the costs of non-judicial personnel.

12 Sec. 7. K.S.A. 2012 Supp. 28-172a is hereby amended to read as
 13 follows: 28-172a. (a) Except as otherwise provided in this section,
 14 whenever the prosecuting witness or defendant is adjudged to pay the costs
 15 in a criminal proceeding in any county, a docket fee shall be taxed as
 16 follows:

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

18 Murder or manslaughter.....	\$182.50
19 Other felony.....	173.00
20 Misdemeanor.....	138.00
21 Forfeited recognizance.....	74.50
22 Appeals from other courts.....	74.50

23

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

25 Murder or manslaughter.....	\$180.50
26 Other felony.....	171.00
27 Misdemeanor.....	136.00
28 Forfeited recognizance.....	72.50
29 Appeals from other courts.....	72.50

30

31 (b) (1) Except as provided in paragraph (2), in actions involving the
 32 violation of any of the laws of this state regulating traffic on highways,
 33 including those listed in subsection (c) of K.S.A. 8-2118, and amendments
 34 thereto, a cigarette or tobacco infraction, any act declared a crime pursuant
 35 to the statutes contained in chapter 32 of the Kansas Statutes Annotated,
 36 and amendments thereto, or any act declared a crime pursuant to the
 37 statutes contained in article 8 of chapter 82a of the Kansas Statutes
 38 Annotated, and amendments thereto, whenever the prosecuting witness or
 39 defendant is adjudged to pay the costs in the action, on and after July 1,
 40 2009 through June 30, 2013, a docket fee of \$76 shall be charged, and on
 41 and after July 1, 2013, a docket fee of \$74 shall be charged. When an
 42 action is disposed of under subsections (a) and (b) of K.S.A. 8-2118 or
 43 subsection (f) of K.S.A. 79-3393, and amendments thereto, on and after

1 July 1, 2009 through June 30, 2013, the docket fee to be paid as court costs
2 shall be \$76, and on and after July 1, 2013, the docket fee to be paid as
3 court costs shall be \$74.

4 (2) In actions involving the violation of a moving traffic violation
5 under K.S.A. 8-2118, and amendments thereto, as defined by rules and
6 regulations adopted under K.S.A. 8-249, and amendments thereto,
7 whenever the prosecuting witness or defendant is adjudged to pay the costs
8 in the action, on and after July 1, 2009 through June 30, 2013, a docket fee
9 of \$76 shall be charged, and on and after July 1, 2013, a docket fee of \$74
10 shall be charged. When an action is disposed of under subsection (a) and
11 (b) of K.S.A. 8-2118, and amendments thereto, on and after July 1, 2009
12 through June 30, 2013, the docket fee to be paid as court costs shall be
13 \$76, and on and after July 1, 2013, the docket fee to be paid as court costs
14 shall be \$74.

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

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

36 (e) In each case charging a violation of the laws relating to parking of
37 motor vehicles on the statehouse grounds or other state-owned or operated
38 property in Shawnee county, Kansas, as specified in K.S.A. 75-4510a, and
39 amendments thereto, or as specified in K.S.A. 75-4508, and amendments
40 thereto, the clerk shall tax a fee of \$2 which shall constitute the entire costs
41 in the case, except that witness fees, mileage and expenses incurred in
42 serving a warrant shall be in addition to the fee. Appearance bond for a
43 parking violation of K.S.A. 75-4508 or 75-4510a, and amendments

1 thereto, shall be \$3, unless a warrant is issued. The judge may order the
2 bond forfeited upon the defendant's failure to appear, and \$2 of any bond
3 so forfeited shall be regarded as court costs.

4 (f) Except as provided further, the docket fee established in this
5 section shall be the only fee collected or moneys in the nature of a fee
6 collected for the docket fee. Such fee shall only be established by an act of
7 the legislature and no other authority is established by law or otherwise to
8 collect a fee. On and after ~~the effective date of this act through June 30,~~
9 ~~2013~~ *July 1, 2013, through July 1, 2015*, the supreme court may impose an
10 additional charge, not to exceed \$22 per docket fee, to fund the costs of
11 non-judicial personnel.

12 Sec. 8. K.S.A. 2012 Supp. 28-177 is hereby amended to read as
13 follows: 28-177. (a) Except as provided in this section and K.S.A. 2012
14 Supp. 28-178, and amendments thereto, the fees established by legislative
15 enactment shall be the only fee collected or moneys in the nature of a fee
16 collected for court procedures. Such fee shall only be established by an act
17 of the legislature and no other authority is established by law or otherwise
18 to collect a fee. Court procedures shall include docket fees, filing fees or
19 other fees related to access to court procedures. On and after ~~the effective~~
20 ~~date of this act through June 30, 2013~~ *July 1, 2013, through July 1, 2015*,
21 the supreme court may impose an additional charge, not to exceed \$26.50
22 per fee or the amount established by the applicable statute, whichever
23 amount is less, to fund the costs of non-judicial personnel.

24 (b) Such additional charge imposed by the court pursuant to K.S.A. 8-
25 2107, 8-2110, 22-2410, ~~23-108a~~, 28-170, 28-172a, 59-104, 60-2001, 60-
26 2203a, 61-2704, 61-4001 and 65-409 and K.S.A. 2012 Supp. 21-6614, 23-
27 2510, 28-178, 28-179, 32-1049a, 38-2215, 38-2312 and 38-2314, and
28 amendments thereto, shall be remitted to the state treasurer in accordance
29 with the provisions of K.S.A. 75-4215, and amendments thereto. Upon
30 receipt of each such remittance, the state treasurer shall deposit the entire
31 amount in the state treasury to the credit of the judicial branch surcharge
32 fund, which is hereby created in the state treasury.

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

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

41 Sec. 9. K.S.A. 2012 Supp. 28-178 is hereby amended to read as
42 follows: 28-178. (a) In addition to any other fees specifically prescribed by
43 law, on and after ~~the effective date of this act through June 30, 2013~~ *July*

1 *I, 2013, through July 1, 2015*, the supreme court may impose a charge, not
2 to exceed \$12.50 per fee, to fund the costs of non-judicial personnel, on
3 the following:

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

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

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

12 (4) Persons who request a writ or order of sale pursuant to K.S.A. 60-
13 2401 or 61-3602, and amendments thereto.

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

16 (6) A person who requests an attachment against the property of a
17 defendant or any one or more of several defendants pursuant to K.S.A. 60-
18 701 or 61-3501, and amendments thereto.

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

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

29 Sec. 10. K.S.A. 2012 Supp. 28-179 is hereby amended to read as
30 follows: 28-179. (a) No post-decree motion petitioning for a modification
31 or termination of separate maintenance, for a change in legal custody,
32 residency, visitation rights or parenting time or for a modification of child
33 support shall be filed or docketed in the district court without payment of a
34 docket fee in the amount of \$42 on and after July 1, 2009 through June 30,
35 2013, and \$40 on and after July 1, 2013, to the clerk of the district court.

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

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

42 (d) Except as provided further, the docket fee established in this
43 section shall be the only fee collected or moneys in the nature of a fee

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

7 Sec. 11. K.S.A. 2012 Supp. 32-1049a is hereby amended to read as
8 follows: 32-1049a. (a) Failure to comply with a wildlife, parks and tourism
9 citation means failure to:

10 (1) Appear before any district court in response to a wildlife, parks
11 and tourism citation and pay in full any fine, court costs, assessments or
12 fees imposed;

13 (2) fully pay or satisfy all fines, court costs, assessments or fees
14 imposed as a part of the sentence of any district court for violation of the
15 wildlife, parks and tourism laws of this state; or

16 (3) otherwise comply with a wildlife, parks and tourism citation as
17 provided in K.S.A. 32-1049, and amendments thereto.

18 Failure to comply with a wildlife, parks and tourism citation is a class
19 C misdemeanor, regardless of the disposition of the charge for which such
20 citation, complaint or charge was originally issued.

21 (b) The term "citation" means any complaint, summons, notice to
22 appear, ticket, warrant, penalty assessment or other official document
23 issued for the prosecution of the wildlife, parks and tourism laws or rules
24 and regulations of this state.

25 (c) In addition to penalties of law applicable under subsection (a)
26 when a person fails to comply with a wildlife, parks and tourism citation
27 or sentence for a violation of wildlife, parks and tourism laws or rules and
28 regulations, the district court in which the person should have complied
29 shall mail a notice to the person that if the person does not appear in the
30 district court or pay all fines, court costs, assessments or fees, and any
31 penalties imposed within 30 days from the date of mailing, the Kansas
32 department of wildlife, parks and tourism shall be notified to forfeit or
33 suspend any license, permit, stamp or other issue of the department. Upon
34 receipt of a report of a failure to comply with a wildlife, parks and tourism
35 citation under this section, and amendments thereto, the department shall
36 notify the violator and suspend or forfeit the license, permit, stamp or
37 other issue of the department held by the violator until satisfactory
38 evidence of compliance with the wildlife, parks and tourism citation or
39 sentence of the district court for violation of the wildlife, parks and
40 tourism laws or rules and regulations of this state are furnished to the
41 informing court. Upon receipt of notification of such compliance from the
42 informing court, the department shall terminate the suspension action,
43 unless the violator is otherwise suspended.

1 (d) Except as provided in subsection (e), when the district court
2 notifies the department of a failure to comply with a wildlife, parks and
3 tourism citation or failure to comply with a sentence of the district court
4 imposed on violation of a wildlife, parks and tourism law or rule and
5 regulation, the court shall assess a reinstatement fee of \$50 for each charge
6 or sentence on which the person failed to make satisfaction, regardless of
7 the disposition of the charge for which such citation was originally issued.
8 Such reinstatement fee shall be in addition to any fine, court costs and
9 other assessments, fees or penalties. The court shall remit all reinstatement
10 fees to the state treasurer in accordance with the provisions of K.S.A. 75-
11 4215, and amendments thereto. Upon receipt of each remittance, the state
12 treasurer shall deposit the entire amount in the state treasury and shall
13 credit such moneys to the state general fund.

14 (e) The district court shall waive the reinstatement fee provided for in
15 subsection (d), if the failure to comply with a wildlife, parks and tourism
16 citation was the result of such person enlisting in or being drafted into the
17 armed services of the United States of America, being called into service
18 as a member of a reserve component of the military service of the United
19 States of America, or volunteering for such active duty or being called into
20 service as a member of the Kansas national guard or volunteering for such
21 active duty and being absent from Kansas because of such military service.
22 The state treasurer and the director of accounts and reports shall prescribe
23 procedures for all such reimbursement payments and shall create
24 appropriate accounts, make appropriate accounting entries and issue such
25 appropriate vouchers and warrants as may be required to make such
26 reimbursement payments.

27 (f) Except as provided further, the reinstatement fee established in
28 subsection (d) shall be the only fee collected or moneys in the nature of a
29 fee collected for such reinstatement. Such fee shall only be established by
30 an act of the legislature and no other authority is established by law or
31 otherwise to collect a fee. On and after ~~the effective date of this act~~
32 ~~through June 30, 2013~~ *July 1, 2013, through July 1, 2015*, the supreme
33 court may impose an additional charge, not to exceed \$22 per
34 reinstatement fee, to fund the costs of non-judicial personnel.

35 Sec. 12. K.S.A. 2012 Supp. 38-2215 is hereby amended to read as
36 follows: 38-2215. (a) *Docket fee*. The docket fee for proceedings under
37 this code, if one is assessed as provided in this section, shall be \$34. Only
38 one docket fee shall be assessed in each case. Except as provided further,
39 the docket fee established in this section shall be the only fee collected or
40 moneys in the nature of a fee collected for the docket fee. Such fee shall
41 only be established by an act of the legislature and no other authority is
42 established by law or otherwise to collect a fee. On and after ~~the effective~~
43 ~~date of this act through June 30, 2013~~ *July 1, 2013, through July 1, 2015*,

1 the supreme court may impose an additional charge, not to exceed \$22 per
2 docket fee, to fund the costs of non-judicial personnel.

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

7 (c) *Assessment of docket fee and expenses.* (1) *Docket fee.* The docket
8 fee may be assessed or waived by the court conducting the initial
9 dispositional hearing and the docket fee may be assessed against the
10 complaining witness or person initiating the proceedings or a party or
11 interested party other than the state, a political subdivision of the state, an
12 agency of the state or of a political subdivision of the state, or a person
13 acting in the capacity of an employee of the state or of a political
14 subdivision of the state. Any docket fee received shall be remitted to the
15 state treasurer pursuant to K.S.A. 20-362, and amendments thereto.

16 (2) *Expenses.* Expenses may be assessed against the complaining
17 witness, a person initiating the proceedings, a party or an interested party,
18 other than the state, a political subdivision of the state, an agency of the
19 state or of a political subdivision of the state or a person acting in the
20 capacity of an employee of the state or of a political subdivision of the
21 state. When expenses are recovered from a person against whom they have
22 been assessed the general fund of the county shall be reimbursed in the
23 amount of the recovery. If it appears to the court in any proceedings under
24 this code that expenses were unreasonably incurred at the request of any
25 party the court may assess that portion of the expenses against the party.

26 (d) *Cases in which venue is transferred.* If venue is transferred from
27 one county to another, the court from which the case is transferred shall
28 send to the receiving court a statement of expenses paid from the general
29 fund of the sending county. If the receiving court collects any of the
30 expenses owed in the case, the receiving court shall pay to the sending
31 court an amount proportional to the sending court's share of the total
32 expenses owed to both counties. The expenses of the sending county shall
33 not be an obligation of the receiving county except to the extent that the
34 sending county's proportion of the expenses is collected by the receiving
35 court. All amounts collected shall first be applied toward payment of the
36 docket fee.

37 Sec. 13. K.S.A. 2012 Supp. 38-2312 is hereby amended to read as
38 follows: 38-2312. (a) Except as provided in subsection (b) and (c), any
39 records or files specified in this code concerning a juvenile may be
40 expunged upon application to a judge of the court of the county in which
41 the records or files are maintained. The application for expungement may
42 be made by the juvenile, if 18 years of age or older or, if the juvenile is
43 less than 18 years of age, by the juvenile's parent or next friend.

1 (b) There shall be no expungement of records or files concerning acts
2 committed by a juvenile which, if committed by an adult, would constitute
3 a violation of K.S.A. 21-3401, prior to its repeal, or K.S.A. 2012 Supp. 21-
4 5402, and amendments thereto, murder in the first degree; K.S.A. 21-3402,
5 prior to its repeal, or K.S.A. 2012 Supp. 21-5403, and amendments
6 thereto, murder in the second degree; K.S.A. 21-3403, prior to its repeal,
7 or K.S.A. 2012 Supp. 21-5404, and amendments thereto, voluntary
8 manslaughter; K.S.A. 21-3404, prior to its repeal, or K.S.A. 2012 Supp.
9 21-5405, and amendments thereto, involuntary manslaughter; K.S.A. 21-
10 3439, prior to its repeal, or K.S.A. 2012 Supp. 21-5401, and amendments
11 thereto, capital murder; K.S.A. 21-3442, prior to its repeal, or subsection
12 (a)(3) of K.S.A. 2012 Supp. 21-5405, and amendments thereto,
13 involuntary manslaughter while driving under the influence of alcohol or
14 drugs; K.S.A. 21-3502, prior to its repeal, or K.S.A. 2012 Supp. 21-5503,
15 and amendments thereto, rape; K.S.A. 21-3503, prior to its repeal, or
16 subsection (a) of K.S.A. 2012 Supp. 21-5506, and amendments thereto,
17 indecent liberties with a child; K.S.A. 21-3504, prior to its repeal, or
18 subsection (b) of K.S.A. 2012 Supp. 21-5506, and amendments thereto,
19 aggravated indecent liberties with a child; K.S.A. 21-3506, prior to its
20 repeal, or subsection (b) of K.S.A. 2012 Supp. 21-5504, and amendments
21 thereto, aggravated criminal sodomy; K.S.A. 21-3510, prior to its repeal,
22 or subsection (a) of K.S.A. 2012 Supp. 21-5508, and amendments thereto,
23 indecent solicitation of a child; K.S.A. 21-3511, prior to its repeal, or
24 subsection (b) of K.S.A. 2012 Supp. 21-5508, and amendments thereto,
25 aggravated indecent solicitation of a child; K.S.A. 21-3516, prior to its
26 repeal, or K.S.A. 2012 Supp. 21-5510, and amendments thereto, sexual
27 exploitation; K.S.A. 21-3603, prior to its repeal, or subsection (b) of
28 K.S.A. 2012 Supp. 21-5604, and amendments thereto, aggravated incest;
29 K.S.A. 21-3608, prior to its repeal, or subsection (a) of K.S.A. 2012 Supp.
30 21-5601, and amendments thereto, endangering a child; K.S.A. 21-3609,
31 prior to its repeal, or K.S.A. 2012 Supp. 21-5602, and amendments
32 thereto, abuse of a child; or which would constitute an attempt to commit a
33 violation of any of the offenses specified in this subsection.

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

40 (d) When a petition for expungement is filed, the court shall set a date
41 for a hearing on the petition and shall give notice thereof to the county or
42 district attorney. The petition shall state: (1) The juvenile's full name; (2)
43 the full name of the juvenile as reflected in the court record, if different

1 than (1); (3) the juvenile's sex and date of birth; (4) the offense for which
2 the juvenile was adjudicated; (5) the date of the trial; and (6) the identity
3 of the trial court. Except as otherwise provided by law, a petition for
4 expungement shall be accompanied by a docket fee in the amount of \$100.
5 On and after ~~the effective date of this act through June 30, 2013~~ *July 1,*
6 *2013, through July 1, 2015*, the supreme court may impose a charge, not to
7 exceed \$19 per case, to fund the costs of non-judicial personnel. All
8 petitions for expungement shall be docketed in the original action. Any
9 person who may have relevant information about the petitioner may testify
10 at the hearing. The court may inquire into the background of the petitioner.

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

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

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

20 (C) the circumstances and behavior of the petitioner warrant
21 expungement.

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

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

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

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

43 (i) Nothing in this section shall be construed to prohibit the

1 maintenance of information relating to an offense after records or files
2 concerning the offense have been expunged if the information is kept in a
3 manner that does not enable identification of the juvenile.

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

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

11 (1) The person whose record was expunged;

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

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

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

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

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

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

37 (8) the Kansas sentencing commission; or

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

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

42 (B) providing information or documentation to the federal bureau of
43 investigation, in connection with the national instant criminal background

1 check system, to determine a person's qualification to possess a firearm.

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

4 Sec. 14. K.S.A. 2012 Supp. 38-2314 is hereby amended to read as
5 follows: 38-2314. (a) *Docket fee.* The docket fee for proceedings under
6 this code, if one is assessed as provided by this section, shall be \$34. Only
7 one docket fee shall be assessed in each case. Except as provided further,
8 the docket fee established in this section shall be the only fee collected or
9 moneys in the nature of a fee collected for the docket fee. Such fee shall
10 only be established by an act of the legislature and no other authority is
11 established by law or otherwise to collect a fee. On and after ~~the effective~~
12 ~~date of this act through June 30, 2013~~ *July 1, 2013, through July 1, 2015,*
13 the supreme court may impose an additional charge, not to exceed \$22 per
14 docket fee, to fund the costs of non-judicial personnel.

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

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

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

28 (3) *Prohibited assessment.* Docket fees or expenses shall not be
29 assessed against the state, a political subdivision of the state, an agency of
30 the state or of a political subdivision of the state or a person acting in the
31 capacity of an employee of the state or of a political subdivision of the
32 state.

33 (d) *Cases in which venue is transferred.* If venue is transferred from
34 one county to another, the court from which the case is transferred shall
35 send to the receiving court a statement of expenses paid from the general
36 fund of the sending county. If the receiving court collects any of the
37 expenses owed in the case, the receiving court shall pay to the sending
38 court an amount proportional to the sending court's share of the total
39 expenses owed to both counties. The expenses of the sending county shall
40 not be an obligation of the receiving county except to the extent that the
41 sending county's proportionate share of the expenses is collected by the
42 receiving court. Unless otherwise ordered by the court, all amounts
43 collected shall first be applied toward payment of restitution, then toward

1 the payment of the docket fee.

2 Sec. 15. K.S.A. 2012 Supp. 59-104 is hereby amended to read as
 3 follows: 59-104. (a) *Docket fee.* (1) Except as otherwise provided by law,
 4 no case shall be filed or docketed in the district court under the provisions
 5 of chapter 59 of the Kansas Statutes Annotated, and amendments thereto,
 6 or of articles 40 and 52 of chapter 65 of the Kansas Statutes Annotated,
 7 and amendments thereto, without payment of an appropriate docket fee as
 8 follows:

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

10	Treatment of mentally ill	\$59.00
11	Treatment of alcoholism or drug abuse	36.50
12	Determination of descent of property	51.50
13	Termination of life estate	50.50
14	Termination of joint tenancy.....	50.50
15	Refusal to grant letters of administration	50.50
16	Adoption	50.50
17	Filing a will and affidavit under K.S.A. 59-618a.....	50.50
18	Guardianship	71.50
19	Conservatorship	71.50
20	Trusteeship.....	71.50
21	Combined guardianship and conservatorship	71.50
22	Certified probate proceedings under K.S.A. 59-213, 23 and amendments thereto	25.50
24	Decrees in probate from another state.....	110.50
25	Probate of an estate or of a will	111.50
26	Civil commitment under K.S.A. 59-29a01 et seq.....	35.50

27
 28 (B) On and after July 1, 2013:

29	Treatment of mentally ill	34.50
30	Treatment of alcoholism or drug abuse	34.50
31	Determination of descent of property	49.50
32	Termination of life estate	48.50
33	Termination of joint tenancy	48.50
34	Refusal to grant letters of administration	48.50
35	Adoption	48.50
36	Filing a will and affidavit under K.S.A. 59-618a.....	48.50
37	Guardianship	69.50
38	Conservatorship	69.50
39	Trusteeship	69.50
40	Combined guardianship and conservatorship	69.50
41	Certified probate proceedings under K.S.A. 59-213, 42 and amendments thereto	23.50
43	Decrees in probate from another state	108.50

1 Probate of an estate or of a will109.50
 2 Civil commitment under K.S.A. 59-29a01 et seq.33.50

3
 4 (2) Except as provided further, the docket fee established in this
 5 section shall be the only fee collected or moneys in the nature of a fee
 6 collected for the docket fee. Such fee shall only be established by an act of
 7 the legislature and no other authority is established by law or otherwise to
 8 collect a fee. On and after ~~the effective date of this act through June 30,~~
 9 ~~2013~~ July 1, 2013, through July 1, 2015, the supreme court may impose an
 10 additional charge, not to exceed \$22 per docket fee, to fund the costs of
 11 non-judicial personnel.

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

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

20 (d) *Additional court costs.* Other fees and expenses to be assessed as
 21 additional court costs shall be approved by the court, unless specifically
 22 fixed by statute. Other fees shall include, but not be limited to, witness
 23 fees, appraiser fees, fees for service of process outside the state, fees for
 24 depositions, transcripts and publication of legal notice, executor or
 25 administrator fees, attorney fees, court costs from other courts and any
 26 other fees and expenses required by statute. All additional court costs shall
 27 be taxed and billed against the parties or estate as directed by the court. No
 28 sheriff in this state shall charge any district court in this state a fee or
 29 mileage for serving any paper or process.

30 Sec. 16. K.S.A. 2012 Supp. 60-2001 is hereby amended to read as
 31 follows: 60-2001. (a) *Docket fee.* Except as otherwise provided by law, no
 32 case shall be filed or docketed in the district court, whether original or
 33 appealed, without payment of a docket fee in the amount of \$156 on and
 34 after July 1, 2009 through June 30, 2013, and \$154 on and after July 1,
 35 2013, to the clerk of the district court. Except as provided further, the
 36 docket fee established in this subsection shall be the only fee collected or
 37 moneys in the nature of a fee collected for the docket fee. Such fee shall
 38 only be established by an act of the legislature and no other authority is
 39 established by law or otherwise to collect a fee. On and after ~~the effective~~
 40 ~~date of this act through June 30, 2013~~ July 1, 2013, through July 1, 2015,
 41 the supreme court may impose an additional charge, not to exceed \$22 per
 42 docket fee, to fund the costs of non-judicial personnel.

43 (b) *Poverty affidavit in lieu of docket fee.* (1) *Effect.* In any case

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

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

22 State of Kansas, _____ County.

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

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

38 (d) *Additional court costs.* Other fees and expenses to be assessed as
39 additional court costs shall be approved by the court, unless specifically
40 fixed by statute. Other fees shall include, but not be limited to, witness
41 fees, appraiser fees, fees for service of process, fees for depositions,
42 alternative dispute resolution fees, transcripts and publication, attorney
43 fees, court costs from other courts and any other fees and expenses

1 required by statute. All additional court costs shall be taxed and billed
2 against the parties as directed by the court. No sheriff in this state shall
3 charge any mileage for serving any papers or process.

4 Sec. 17. K.S.A. 2012 Supp. 60-2203a is hereby amended to read as
5 follows: 60-2203a. (a) After the commencement of any action in any
6 district court of this state, or the courts of the United States in the state of
7 Kansas or in any action now pending heretofore commenced in such
8 courts, which does not involve title to real estate, any party to such action
9 may give notice in any other county of the state of the pendency of the
10 action by filing for record with the clerk of the district court of such other
11 county a verified statement setting forth the parties to the action, the nature
12 of the action, the court in which it is pending, and the relief sought, which
13 shall impart notice of the pendency of the action and shall result in the
14 same lien rights as if the action were pending in that county. The lien shall
15 be effective from the time the statement is filed, but not to exceed four
16 months prior to the entry of judgment except as provided in subsection (c).
17 The party filing such notice shall within 30 days after any satisfaction of
18 the judgment entered in such action, or any other final disposition thereof,
19 cause to be filed with such clerk of the district court a notice that all claims
20 in such action are released. If the party filing fails or neglects to do so after
21 reasonable demand by any party in interest, such party shall be liable in
22 damages in the same amounts and manner as is provided by law for failure
23 of a mortgagee to enter satisfaction of a mortgage. Upon the filing of such
24 a notice of the pendency of an action the clerk shall charge a fee of \$14
25 and shall enter and index the action in the same manner as for the filing of
26 an original action. Upon the filing of a notice of release, the notice shall
27 likewise be entered on the docket. Except as provided further, the fee
28 established in this subsection shall be the only fee collected or moneys in
29 the nature of a fee collected for the court procedure. Such fee shall only be
30 established by an act of the legislature and no other authority is established
31 by law or otherwise to collect a fee. On and after ~~the effective date of this~~
32 ~~act through June 30, 2013~~ *July 1, 2013, through July 1, 2015*, the supreme
33 court may impose an additional charge, not to exceed \$22 per fee, to fund
34 the costs of non-judicial personnel.

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

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

1 the pending action allege a negligent or wrongful act or omission of the
2 employee while acting within the scope of such employee's employment,
3 regardless of whether or not it is alleged in the alternative that the
4 employee was acting outside of such employee's employment. A judgment
5 against an employee shall become a lien upon such employee's property in
6 the county where notice is filed pursuant to subsection (a) when the
7 judgment is rendered only if it is found that: (1) The employee's negligent
8 or wrongful act or omission occurred when the employee was acting
9 outside the scope of such employee's employment; or (2) the employee's
10 conduct which gave rise to the judgment was because of actual fraud or
11 actual malice of the employee. In such cases the lien shall not be effective
12 prior to the date judgment was rendered. As used in this subsection (c),
13 "employee" shall have the meaning ascribed to such term in K.S.A. 75-
14 6102, and amendments thereto.

15 Sec. 18. K.S.A. 2012 Supp. 61-2704 is hereby amended to read as
16 follows: 61-2704. (a) An action seeking the recovery of a small claim shall
17 be considered to have been commenced at the time a person files a written
18 statement of the person's small claim with the clerk of the court if, within
19 90 days after the small claim is filed, service of process is obtained or the
20 first publication is made for service by publication. Otherwise, the action
21 is deemed commenced at the time of service of process or first publication.
22 An entry of appearance shall have the same effect as service.

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

32 (c) Except as provided further, the docket fee established in this
33 section shall be the only fee collected or moneys in the nature of a fee
34 collected for the docket fee. Such fee shall only be established by an act of
35 the legislature and no other authority is established by law or otherwise to
36 collect a fee. On and after ~~the effective date of this act through June 30,~~
37 ~~2013~~ *July 1, 2013, through July 1, 2015*, the supreme court may impose an
38 additional charge, not to exceed \$12.50 per docket fee, to fund the costs of
39 non-judicial personnel.

40 Sec. 19. K.S.A. 2012 Supp. 61-4001 is hereby amended to read as
41 follows: 61-4001. (a) Docket fee. (1) No case shall be filed or docketed
42 pursuant to the code of civil procedure for limited actions without the
43 payment of a docket fee in the amount of \$37 on and after July 1, 2009,

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

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

18 (b) Poverty affidavit; additional court costs; exemptions for the state
19 and municipalities. The provisions of subsections (b), (c) and (d) of K.S.A.
20 60-2001 and 60-2005, and amendments thereto, shall be applicable to
21 lawsuits brought under the code of civil procedure for limited actions.

22 Sec. 20. K.S.A. 2012 Supp. 65-409 is hereby amended to read as
23 follows: 65-409. (a) The clerk of the district court shall charge a fee of \$14
24 for entering and filing a lien statement under this act.

25 (b) Except as provided further, the lien fee established in subsection
26 (a) shall be the only fee collected or moneys in the nature of a fee collected
27 for such lien. Such fee shall only be established by an act of the legislature
28 and no other authority is established by law or otherwise to collect a fee.
29 On and after ~~the effective date of this act through June 30, 2013~~ *July 1,*
30 *2013, through July 1, 2015*, the supreme court may impose an additional
31 charge, not to exceed \$22 per lien fee, to fund the costs of non-judicial
32 personnel.

33 Sec. 21. K.S.A. 2012 Supp. 8-2107, 8-2110, 21-6614, 22-2410, 23-
34 2510, 28-170, 28-172a, 28-177, 28-178, 28-179, 32-1049a, 38-2215, 38-
35 2312, 38-2314, 59-104, 60-2001, 60-2203a, 61-2704, 61-4001 and 65-409
36 are hereby repealed.

37 Sec. 22. This act shall take effect and be in force from and after its
38 publication in the statute book.