

House Substitute for SENATE BILL No. 255

By Committee on Judiciary

3-11

1 AN ACT concerning court fees and funds; amending K.S.A. 2015 Supp.
2 21-6614 and repealing the existing section; reviving and amending
3 K.S.A. 5-517 and 20-166 and K.S.A. 2013 Supp. 20-1a04, 28-172b,
4 74-7325, 74-7334 and 75-7021 and repealing the revived sections; also
5 repealing K.S.A. 5-517, as amended by section 5 of chapter 82 of the
6 2014 Session Laws of Kansas, and 20-166, as amended by section 8 of
7 chapter 82 of the 2014 Session Laws of Kansas; K.S.A. 2013 Supp. 20-
8 1a04, as amended by section 6 of chapter 82 of the 2014 Session Laws
9 of Kansas, 20-367, 21-6614d, 28-172b, as amended by section 28 of
10 chapter 82 of the 2014 Session Laws of Kansas, 38-2312c, 60-2001b,
11 74-7325, as amended by section 38 of chapter 82 of the 2014 Session
12 Laws of Kansas, 74-7334, as amended by section 39 of chapter 82 of
13 the 2014 Session Laws of Kansas, and 75-7021, as amended by section
14 42 of chapter 82 of the 2014 Session Laws of Kansas; and K.S.A. 2015
15 Supp 20-1a16 and 21-6614f.

16

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

18 New Section 1. There is hereby created in the state treasury the
19 electronic filing and management fund. All expenditures from the
20 electronic filing and management fund shall be for purposes of creating,
21 implementing and managing an electronic filing and centralized case
22 management system for the state court system and shall be made in
23 accordance with appropriation acts upon warrants of the director of
24 accounts and reports issued pursuant to vouchers approved by the chief
25 justice of the supreme court or by a person designated by the chief justice.

26 Sec. 2. K.S.A. 5-517 is hereby revived and amended to read as
27 follows: 5-517. There is hereby created the dispute resolution fund in the
28 state treasury which shall be administered by the judicial administrator. All
29 expenditures from the dispute resolution fund shall be for the purpose of
30 carrying out the dispute resolution act. ~~In addition to funds generated by~~
31 ~~remittances under K.S.A. 20-367, and amendments thereto,~~ Funds
32 acquired through grants, training fees, registration and approval fees, and
33 other public or private sources and designated for dispute resolution, shall
34 be remitted to the dispute resolution fund for carrying out the dispute
35 resolution act. All expenditures from the dispute resolution fund shall be
36 made in accordance with appropriation acts upon warrants of the director

1 of accounts and reports issued pursuant to vouchers approved by the
2 judicial administrator or by the judicial administrator's designee.

3 Sec. 3. K.S.A. 2013 Supp. 20-1a04 is hereby revived and amended to
4 read as follows: 20-1a04. The clerk of the supreme court shall remit all
5 moneys received by or for such clerk for docket fees, and all amounts
6 received for other purposes than those specified in K.S.A. 20-1a01, 20-
7 1a02 or 20-1a03, and amendments thereto, unless by order of the supreme
8 court such clerk is directed to make other disposition thereof to the state
9 treasurer in accordance with the provisions of K.S.A. 75-4215, and
10 amendments thereto. Upon receipt of each such remittance, the state
11 treasurer shall deposit the entire amount in the state treasury to the credit
12 of the judicial branch nonjudicial salary initiative fund, a sum equal to
13 52.24% of the remittances of docket fees, to the judicial branch nonjudicial
14 salary adjustment fund, a sum equal to 6.72% of the remittance of docket
15 fees, and to the ~~state general~~ *judicial branch docket fee* fund, a sum equal
16 to 41.04% of the remittance of docket fees.

17 Sec. 4. K.S.A. 20-166 is hereby revived and amended to read as
18 follows: 20-166. (a) There is hereby created in the state treasury the access
19 to justice fund. Money credited to the fund ~~pursuant to K.S.A. 20-362, and~~
20 ~~amendments thereto~~, shall be used solely for the purpose of making grants
21 for operating expenses to programs, including dispute resolution programs,
22 which provide access to the Kansas civil justice system for persons who
23 would otherwise be unable to gain access to civil justice. Such programs
24 may provide legal assistance to pro se litigants, legal counsel for civil and
25 domestic matters or other legal or dispute resolution services provided the
26 recipient of the assistance or counsel meets financial qualifications under
27 guidelines established by the program in accordance with grant guidelines
28 promulgated by the supreme court of Kansas.

29 (b) All expenditures from the access to justice fund shall be made in
30 accordance with appropriations acts upon warrants of the director of
31 accounts and reports issued pursuant to vouchers approved by the chief
32 justice of the Kansas supreme court or by a person or persons designated
33 by the chief justice.

34 (c) The chief justice may apply for, receive and accept money from
35 any source for the purposes for which money in the access to justice fund
36 may be expended. Upon receipt of each such remittance, the chief justice
37 shall remit the entire amount to the state treasurer in accordance with the
38 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
39 each such remittance, the state treasurer shall deposit the entire amount in
40 the state treasury to the credit of the access to justice fund.

41 (d) Grants made to programs pursuant to this section shall be based
42 on the number of persons to be served and such other requirements as may
43 be established by the Kansas supreme court in guidelines established and

1 promulgated to regulate grants made under authority of this section. The
2 guidelines may include requirements for grant applications, organizational
3 characteristics, reporting and auditing criteria and such other standards for
4 eligibility and accountability as are deemed advisable by the supreme
5 court.

6 Sec. 5. K.S.A. 2015 Supp. 21-6614 is hereby amended to read as
7 follows: 21-6614. (a) (1) Except as provided in subsections (b), (c), (d), (e)
8 and (f), any person convicted in this state of a traffic infraction, cigarette
9 or tobacco infraction, misdemeanor or a class D or E felony, or for crimes
10 committed on or after July 1, 1993, any nongrid felony or felony ranked in
11 severity levels 6 through 10 of the nondrug grid, or for crimes committed
12 on or after July 1, 1993, but prior to July 1, 2012, any felony ranked in
13 severity level 4 of the drug grid, or for crimes committed on or after July
14 1, 2012, any felony ranked in severity level 5 of the drug grid may petition
15 the convicting court for the expungement of such conviction or related
16 arrest records if three or more years have elapsed since the person: (A)
17 Satisfied the sentence imposed; or (B) was discharged from probation, a
18 community correctional services program, parole, postrelease supervision,
19 conditional release or a suspended sentence.

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

25 (b) Any person convicted of prostitution, as defined in K.S.A. 21-
26 3512, prior to its repeal, convicted of a violation of K.S.A. 2015 Supp. 21-
27 6419, and amendments thereto, or who entered into a diversion agreement
28 in lieu of further criminal proceedings for such violation, may petition the
29 convicting court for the expungement of such conviction or diversion
30 agreement and related arrest records if:

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

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

41 (c) Except as provided in subsections (e) and (f), no person may
42 petition for expungement until five or more years have elapsed since the
43 person satisfied the sentence imposed or the terms of a diversion

1 agreement or was discharged from probation, a community correctional
2 services program, parole, postrelease supervision, conditional release or a
3 suspended sentence, if such person was convicted of a class A, B or C
4 felony, or for crimes committed on or after July 1, 1993, if convicted of an
5 off-grid felony or any felony ranked in severity levels 1 through 5 of the
6 nondrug grid, or for crimes committed on or after July 1, 1993, but prior to
7 July 1, 2012, any felony ranked in severity levels 1 through 3 of the drug
8 grid, or for crimes committed on or after July 1, 2012, any felony ranked
9 in severity levels 1 through 4 of the drug grid, or:

10 (1) Vehicular homicide, as defined in K.S.A. 21-3405, prior to its
11 repeal, or K.S.A. 2015 Supp. 21-5406, and amendments thereto, or as
12 prohibited by any law of another state which is in substantial conformity
13 with that statute;

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

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

22 (4) violating the provisions of K.S.A. 8-142 *Fifth*, and amendments
23 thereto, relating to fraudulent applications or violating the provisions of a
24 law of another state which is in substantial conformity with that statute;

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

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

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

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

34 (d) (1) No person may petition for expungement until five or more
35 years have elapsed since the person satisfied the sentence imposed or the
36 terms of a diversion agreement or was discharged from probation, a
37 community correctional services program, parole, postrelease supervision,
38 conditional release or a suspended sentence, if such person was convicted
39 of a first violation of K.S.A. 8-1567 or K.S.A. 2015 Supp. 8-1025, and
40 amendments thereto, including any diversion for such violation.

41 (2) No person may petition for expungement until 10 or more years
42 have elapsed since the person satisfied the sentence imposed or was
43 discharged from probation, a community correctional services program,

1 parole, postrelease supervision, conditional release or a suspended
2 sentence, if such person was convicted of a second or subsequent violation
3 of K.S.A. 8-1567 or K.S.A. 2015 Supp. 8-1025, and amendments thereto.

4 (e) There shall be no expungement of convictions for the following
5 offenses or of convictions for an attempt to commit any of the following
6 offenses:

7 (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.
8 2015 Supp. 21-5503, and amendments thereto;

9 (2) indecent liberties with a child or aggravated indecent liberties
10 with a child, as defined in K.S.A. 21-3503 or 21-3504, prior to their repeal,
11 or K.S.A. 2015 Supp. 21-5506, and amendments thereto;

12 (3) criminal sodomy, as defined in K.S.A. 21-3505(a)(2) or (a)(3),
13 prior to its repeal, or K.S.A. 2015 Supp. 21-5504(a)(3) or (a)(4), and
14 amendments thereto;

15 (4) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior
16 to its repeal, or K.S.A. 2015 Supp. 21-5504, and amendments thereto;

17 (5) indecent solicitation of a child or aggravated indecent solicitation
18 of a child, as defined in K.S.A. 21-3510 or 21-3511, prior to their repeal,
19 or K.S.A. 2015 Supp. 21-5508, and amendments thereto;

20 (6) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior
21 to its repeal, or K.S.A. 2015 Supp. 21-5510, and amendments thereto;

22 (7) aggravated incest, as defined in K.S.A. 21-3603, prior to its
23 repeal, or K.S.A. 2015 Supp. 21-5604, and amendments thereto;

24 (8) endangering a child or aggravated endangering a child, as defined
25 in K.S.A. 21-3608 or 21-3608a, prior to their repeal, or K.S.A. 2015 Supp.
26 21-5601, and amendments thereto;

27 (9) abuse of a child, as defined in K.S.A. 21-3609, prior to its repeal,
28 or K.S.A. 2015 Supp. 21-5602, and amendments thereto;

29 (10) capital murder, as defined in K.S.A. 21-3439, prior to its repeal,
30 or K.S.A. 2015 Supp. 21-5401, and amendments thereto;

31 (11) murder in the first degree, as defined in K.S.A. 21-3401, prior to
32 its repeal, or K.S.A. 2015 Supp. 21-5402, and amendments thereto;

33 (12) murder in the second degree, as defined in K.S.A. 21-3402, prior
34 to its repeal, or K.S.A. 2015 Supp. 21-5403, and amendments thereto;

35 (13) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to
36 its repeal, or K.S.A. 2015 Supp. 21-5404, and amendments thereto;

37 (14) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to
38 its repeal, or K.S.A. 2015 Supp. 21-5405, and amendments thereto;

39 (15) sexual battery, as defined in K.S.A. 21-3517, prior to its repeal,
40 or K.S.A. 2015 Supp. 21-5505, and amendments thereto, when the victim
41 was less than 18 years of age at the time the crime was committed;

42 (16) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to
43 its repeal, or K.S.A. 2015 Supp. 21-5505, and amendments thereto;

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

3 (18) any conviction for any offense in effect at any time prior to July
4 1, 2011, that is comparable to any offense as provided in this subsection.

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

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

15 (A) Defendant's full name;

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

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

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

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

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

24 (2) Except as otherwise provided by law, a petition for expungement
25 shall be accompanied by a docket fee in the amount of \$176. On and after
26 July 1, ~~2013~~ 2015, through July 1, ~~2015~~ June 30, 2017, the supreme court
27 may impose a charge, not to exceed \$19 per case, to fund the costs of non-
28 judicial personnel. The charge established in this section shall be the only
29 fee collected or moneys in the nature of a fee collected for the case. Such
30 charge shall only be established by an act of the legislature and no other
31 authority is established by law or otherwise to collect a fee.

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

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

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

43 (2) the circumstances and behavior of the petitioner warrant the

1 expungement; and

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

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

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

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

17 (A) In any application for licensure as a private detective, private
18 detective agency, certification as a firearms trainer pursuant to K.S.A.
19 2015 Supp. 75-7b21, and amendments thereto, or employment as a
20 detective with a private detective agency, as defined by K.S.A. 75-7b01,
21 and amendments thereto; as security personnel with a private patrol
22 operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with
23 an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of
24 the Kansas department for aging and disability services;

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

27 (C) to aid in determining the petitioner's qualifications for
28 employment with the Kansas lottery or for work in sensitive areas within
29 the Kansas lottery as deemed appropriate by the executive director of the
30 Kansas lottery;

31 (D) to aid in determining the petitioner's qualifications for executive
32 director of the Kansas racing and gaming commission, for employment
33 with the commission or for work in sensitive areas in parimutuel racing as
34 deemed appropriate by the executive director of the commission, or to aid
35 in determining qualifications for licensure or renewal of licensure by the
36 commission;

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

42 (F) upon application for a commercial driver's license under K.S.A.
43 8-2,125 through 8-2,142, and amendments thereto;

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

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

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

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

11 (K) for applications received on and after July 1, 2006, to aid in
12 determining the petitioner's qualifications for a license to carry a concealed
13 weapon pursuant to the personal and family protection act, K.S.A. 2015
14 Supp. 75-7c01 et seq., and amendments thereto;

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

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

20 (5) upon commitment to the custody of the secretary of corrections,
21 any previously expunged record in the possession of the secretary of
22 corrections may be reinstated and the expungement disregarded, and the
23 record continued for the purpose of the new commitment.

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

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

36 (2) Notwithstanding the provisions of subsection (k)(1), and except as
37 provided in K.S.A. 2015 Supp. 21-6304(a)(3)(A), and amendments
38 thereto, the expungement of a prior felony conviction does not relieve the
39 individual of complying with any state or federal law relating to the use,
40 shipment, transportation, receipt or possession of firearms by persons
41 previously convicted of a felony.

42 (l) Whenever the record of any arrest, conviction or diversion has
43 been expunged under the provisions of this section or under the provisions

1 of any other existing or former statute, the custodian of the records of
2 arrest, conviction, diversion and incarceration relating to that crime shall
3 not disclose the existence of such records, except when requested by:

4 (1) The person whose record was expunged;

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

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

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

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

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

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

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

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

39 (10) the Kansas racing and gaming commission, or a designee of the
40 commission, and the request is accompanied by a statement that the
41 request is being made to aid in determining qualifications of the following
42 under the Kansas expanded lottery act: (A) Lottery gaming facility
43 managers and prospective managers, racetrack gaming facility managers

1 and prospective managers, licensees and certificate holders; and (B) their
2 officers, directors, employees, owners, agents and contractors;

3 (11) the Kansas sentencing commission;

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

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

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

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

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

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

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

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

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

36 Sec. 6. K.S.A. 2013 Supp. 28-172b is hereby revived and amended to
37 read as follows: 28-172b. (a) There is hereby established in the state
38 treasury an indigents' defense services fund.

39 (b) ~~The clerk of the district court shall charge a fee of \$.50 in each~~
40 ~~criminal case, to be deducted from the docket fee as provided in K.S.A.~~
41 ~~28-172a, and amendments thereto, and shall charge a fee of \$.50 in each~~
42 ~~case pursuant to the revised Kansas code for care of children or the revised~~
43 ~~Kansas juvenile justice code and each mental illness, drug abuse or~~

1 ~~alcoholism treatment action as provided by subsection (d) of K.S.A. 28-~~
2 ~~170, and amendments thereto. The clerk of the district court shall remit all~~
3 ~~such fees received to the state treasurer in accordance with the provisions~~
4 ~~of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such~~
5 ~~remittance, the state treasurer shall deposit the entire amount in the state~~
6 ~~treasury to the credit of the indigents' defense services fund.~~

7 (e)—Moneys in the indigents' defense services fund shall be used
8 exclusively to provide counsel and related services for indigent
9 defendants. Expenditures from such fund shall be made in accordance with
10 appropriation acts upon warrants of the director of accounts and reports
11 issued pursuant to vouchers approved by the chairperson of the state board
12 of indigents' defense services or a person designated by the chairperson.

13 Sec. 7. K.S.A. 2013 Supp. 74-7325 is hereby revived and amended to
14 read as follows: 74-7325. (a) There is hereby created in the state treasury
15 the protection from abuse fund. All moneys credited to the fund shall be
16 used solely for the purpose of making grants to programs providing: (1)
17 Temporary emergency shelter for adult victims of domestic abuse or
18 sexual assault and their dependent children; (2) counseling and assistance
19 to those victims and their children; or (3) educational services directed at
20 reducing the incidence of domestic abuse or sexual assault and
21 diminishing its impact on the victims. All moneys credited to the fund
22 ~~pursuant to K.S.A. 20-367, and amendments thereto,~~ shall be used only for
23 on-going operating expenses of domestic violence programs. All moneys
24 credited to the fund pursuant to any increase in docket fees as provided by
25 this act as described in K.S.A. ~~20-367~~ and 60-2001, and amendments
26 thereto, shall not be awarded to programs until July 1, 2003, and shall be
27 used for ongoing operating expenses of domestic violence or sexual
28 assault programs.

29 (b) All expenditures from the protection from abuse fund shall be
30 made in accordance with appropriation acts upon warrants of the director
31 of accounts and reports issued pursuant to vouchers approved by the
32 attorney general or by a person or persons designated by the attorney
33 general.

34 (c) The attorney general may apply for, receive and accept moneys
35 from any source for the purposes for which moneys in the protection from
36 abuse fund may be expended. Upon receipt of any such moneys, the
37 attorney general shall remit the entire amount to the state treasurer in
38 accordance with the provisions of K.S.A. 75-4215, and amendments
39 thereto. Upon receipt of each such remittance, the state treasurer shall
40 deposit the entire amount in the state treasury to the credit of the protection
41 from abuse fund.

42 (d) Grants made to programs pursuant to this section shall be based
43 on the numbers of persons served by the program and shall be made only

1 to the city of Wichita or to agencies which are engaged, as their primary
2 function, in programs aimed at preventing domestic violence or sexual
3 assault or providing residential services or facilities to family or household
4 members who are victims of domestic violence or sexual assault. In order
5 for programs to qualify for funding under this section, they must:

6 (1) Meet the requirements of section 501(c) of the internal revenue
7 code of 1986;

8 (2) be registered and in good standing as a nonprofit corporation;

9 (3) meet normally accepted standards for nonprofit organizations;

10 (4) have trustees who represent the racial, ethnic and socioeconomic
11 diversity of the county or counties served;

12 (5) have received 50% or more of their funds from sources other than
13 funds distributed through the fund, which other sources may be public or
14 private and may include contributions of goods or services, including
15 materials, commodities, transportation, office space or other types of
16 facilities or personal services;

17 (6) demonstrate ability to successfully administer programs;

18 (7) make available an independent certified audit of the previous
19 year's financial records;

20 (8) have obtained appropriate licensing or certification, or both;

21 (9) serve a significant number of residents of the county or counties
22 served;

23 (10) not unnecessarily duplicate services already adequately provided
24 to county residents; and

25 (11) agree to comply with reporting requirements of the attorney
26 general.

27 The attorney general may adopt rules and regulations establishing
28 additional standards for eligibility and accountability for grants made
29 pursuant to this section.

30 (e) As used in this section:

31 (1) "Domestic abuse" means abuse as defined by the protection from
32 abuse act (, K.S.A. 60-3101 et seq., and amendments thereto).

33 (2) "Sexual assault" means acts defined in article 35 of chapter 21 of
34 the Kansas Statutes Annotated, prior to their repeal, or article 55 of chapter
35 21 of the Kansas Statutes Annotated, or K.S.A. ~~2013~~ 2015 Supp. 21-6419
36 through 21-6421, and amendments thereto.

37 (f) On or before the 10th day of each month, the director of accounts
38 and reports shall transfer from the state general fund to the protection from
39 abuse fund interest earnings based on:

40 (1) The average daily balance of moneys in the protection from abuse
41 fund for the preceding month; and

42 (2) the net earnings rate for the pooled money investment portfolio
43 for the preceding month.

1 Sec. 8. K.S.A. 2013 Supp. 74-7334 is hereby revived and amended to
2 read as follows: 74-7334. (a) There is hereby created in the state treasury
3 the crime victims assistance fund. All moneys credited to the fund
4 pursuant to K.S.A. 12-4117, 19-101e; ~~and 19-4707 and 20-367~~, and
5 amendments thereto, shall be used solely for the purpose of making grants
6 for on-going operating expenses of programs, including court-appointed
7 special advocate programs, providing: (1) Temporary emergency shelter
8 for victims of child abuse and neglect; (2) counseling and assistance to
9 those victims; or (3) educational services directed at reducing the
10 incidence of child abuse and neglect and diminishing its impact on the
11 victim. The remainder of moneys credited to the fund shall be used for the
12 purpose of supporting the operation of state agency programs which
13 provide services to the victims of crime and making grants to existing
14 programs or to establish and maintain new programs providing services to
15 the victims of crime.

16 (b) All expenditures from the crime victims assistance fund shall be
17 made in accordance with appropriations acts upon warrants of the director
18 of accounts and reports issued pursuant to vouchers approved by the
19 attorney general or by a person or persons designated by the attorney
20 general.

21 (c) The attorney general may apply for, receive and accept moneys
22 from any source for the purposes for which moneys in the crime victims
23 assistance fund may be expended. Upon receipt of any such moneys, the
24 attorney general shall remit the entire amount to the state treasurer in
25 accordance with the provisions of K.S.A. 75-4215, and amendments
26 thereto. Upon receipt of each such remittance, the state treasurer shall
27 deposit the entire amount in the state treasury to the credit of the crime
28 victims assistance fund.

29 (d) Grants made to programs with funds derived from K.S.A. 12-
30 4117, 19-101e; ~~and 19-4707 and 20-367~~, and amendments thereto, shall be
31 based on the numbers of persons served by the program and shall be made
32 only to programs aimed at preventing child abuse and neglect or providing
33 residential services or facilities to victims of child abuse or neglect. In
34 order for programs to qualify for funding under this section, they must:

35 (1) Meet the requirements of section 501(c) of the internal revenue
36 code of 1986;

37 (2) be registered and in good standing as a nonprofit corporation;

38 (3) meet normally accepted standards for nonprofit organizations;

39 (4) have trustees who represent the racial, ethnic and socioeconomic
40 diversity of the county or counties served;

41 (5) have received 50% or more of their funds from sources other than
42 funds distributed through the fund, which other sources may be public or
43 private and may include contributions of goods or services, including

1 materials, commodities, transportation, office space or other types of
2 facilities or personal services;

3 (6) demonstrate ability to successfully administer programs;

4 (7) make available an independent certified audit of the previous
5 year's financial records;

6 (8) have obtained appropriate licensing or certification, or both;

7 (9) serve a significant number of residents of the county or counties
8 served;

9 (10) not unnecessarily duplicate services already adequately provided
10 to county residents; and

11 (11) agree to comply with reporting requirements of the attorney
12 general.

13 The attorney general may adopt rules and regulations establishing
14 additional standards for eligibility and accountability for grants made
15 pursuant to this section.

16 (e) All moneys credited to the fund pursuant to K.S.A. ~~2013~~ 2015
17 Supp. 23-2510, and amendments thereto, shall be set aside to use as
18 matching funds for meeting any federal requirement for the purpose of
19 establishing child exchange and visitation centers as provided in K.S.A.
20 75-720, and amendments thereto. If no federal funds are made available to
21 the state for the purpose of establishing such child exchange and visitation
22 centers, then such moneys may be used as otherwise provided in this
23 section. Only those moneys credited to the fund pursuant to K.S.A. ~~2013~~
24 2015 Supp. 23-2510, and amendments thereto, may be used for such
25 matching funds. No state general fund moneys shall be used for such
26 matching funds.

27 Sec. 9. K.S.A. 2013 Supp. 75-7021 is hereby revived and amended to
28 read as follows: 75-7021. (a) There is hereby created in the state treasury
29 the Kansas juvenile delinquency prevention trust fund. Money credited to
30 the Kansas juvenile delinquency prevention trust fund ~~pursuant to K.S.A.~~
31 ~~20-367, and amendments thereto, or by any other lawful means~~ shall be
32 used solely for the purpose of making grants to further the purpose of
33 juvenile justice reform, including rational prevention programs and
34 programs for treatment and rehabilitation of juveniles and to further the
35 partnership between state and local communities. Such treatment and
36 rehabilitation programs should aim to combine accountability and
37 sanctions with increasingly intensive treatment and rehabilitation services
38 with an aim to provide greater public safety and provide intervention that
39 will be uniform and consistent.

40 (b) All expenditures from the Kansas juvenile delinquency prevention
41 trust fund shall be made in accordance with appropriations acts upon
42 warrants of the director of accounts and reports issued pursuant to
43 vouchers approved by the ~~commissioner of juvenile justice~~ *secretary of*

1 *corrections* or by a person or persons designated by the ~~commissioner~~
2 *secretary*.

3 (c) ~~The commissioner of juvenile justice~~ *secretary of corrections* may
4 apply for, receive and accept money from any source for the purposes for
5 which money in the Kansas juvenile delinquency prevention trust fund
6 may be expended. Upon receipt of any such money, the ~~commissioner~~
7 *secretary* shall remit the entire amount to the state treasurer in accordance
8 with the provisions of K.S.A. 75-4215, and amendments thereto. Upon
9 receipt of each such remittance, the state treasurer shall deposit the entire
10 amount in the state treasury to the credit of the Kansas juvenile
11 delinquency prevention trust fund.

12 (d) Grants made to programs pursuant to this section shall be based
13 on the number of persons to be served and such other requirements as may
14 be established by the Kansas advisory group on juvenile justice and
15 delinquency prevention in guidelines established and promulgated to
16 regulate grants made under authority of this section. The guidelines may
17 include requirements for grant applications, organizational characteristics,
18 reporting and auditing criteria and such other standards for eligibility and
19 accountability as are deemed advisable by the Kansas advisory group on
20 juvenile justice and delinquency prevention.

21 (e) On or before the 10th of each month, the director of accounts and
22 reports shall transfer from the state general fund to the Kansas juvenile
23 delinquency prevention trust fund interest earnings based on:

24 (1) The average daily balance of moneys in the Kansas juvenile
25 delinquency prevention trust fund for the preceding month; and

26 (2) the net earnings rate of the pooled money investment portfolio for
27 the preceding month.

28 (f) On and after the effective date of this act, the Kansas endowment
29 for youth trust fund created by this section prior to amendment by this act
30 is hereby redesignated as the Kansas juvenile delinquency prevention trust
31 fund. On and after the effective date of this act, whenever the Kansas
32 endowment for youth trust fund created by this section prior to amendment
33 by this act, or words of like effect, is referred to or designated by a statute,
34 contract or other document such reference or designation shall be deemed
35 to apply to the Kansas juvenile delinquency prevention trust fund.

36 Sec. 10. K.S.A. 5-517, as revived by section 2 of this act, 5-517, as
37 amended by section 5 of chapter 82 of the 2014 Session Laws of Kansas,
38 20-166, as revived by section 4 of this act, and 20-166, as amended by
39 section 8 of chapter 82 of the 2014 Session Laws of Kansas; K.S.A. 2013
40 Supp. 20-1a04, as revived by section 3 of this act, 20-1a04, as amended by
41 section 6 of chapter 82 of the 2014 Session Laws of Kansas, 20-367, 21-
42 6614d, 28-172b, as revived by section 6 of this act, 28-172b, as amended
43 by section 28 of chapter 82 of the 2014 Session Laws of Kansas, 38-

1 2312c, 60-2001b, 74-7325, as revived by section 7 of this act, 74-7325, as
2 amended by section 38 of chapter 82 of the 2014 Session Laws of Kansas,
3 74-7334, as revived by section 8 of this act, 74-7334, as amended by
4 section 39 of chapter 82 of the 2014 Session Laws of Kansas, 75-7021, as
5 revived by section 9 of this act, and 75-7021, as amended by section 42 of
6 chapter 82 of the 2014 Session Laws of Kansas; and K.S.A. 2015 Supp.
7 20-1a16, 21-6614 and 21-6614f are hereby repealed.

8 Sec. 11. This act shall take effect and be in force from and after its
9 publication in the statute book.