

SENATE BILL No. 51

By Committee on Judiciary

1-22

1 AN ACT concerning courts; relating to court fees and costs; judicial
2 branch surcharge fund; amending K.S.A. 2014 Supp. 8-2107, 8-2110,
3 20-3021, 21-6614, 22-2410, 23-2510, 28-170, 28-172a, 28-177, 28-
4 178, 28-179, 32-1049a, 38-2215, 38-2312, 38-2314, 59-104, 60-729,
5 60-2001, 60-2203a, 61-2704, 61-4001 and 65-409 and repealing the
6 existing sections; also repealing K.S.A. 2014 Supp. 21-6614e.
7

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

9 Section 1. K.S.A. 2014 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 police
42 officer shall furnish the person stopped a stamped envelope addressed to
43 the judge or clerk of the court named in the written notice to appear and

1 the person shall place in such envelope the amount of the bond, and in the
 2 presence of the police officer shall deposit the same in the United States
 3 mail. After such cash payment, the person stopped need not sign the
 4 written notice to appear, but the police officer shall note the amount of the
 5 bond mailed on the notice to appear form and shall give a copy of such
 6 form to the person. If the person stopped furnishes the police officer with a
 7 guaranteed arrest bond certificate or bank card draft, the police officer
 8 shall give such person a receipt therefor and shall note the amount of the
 9 bond on the notice to appear form and give a copy of such form to the
 10 person stopped. Such person need not sign the written notice to appear,
 11 and the police officer shall present the notice to appear and the guaranteed
 12 arrest bond certificate or bank card draft to the court having jurisdiction of
 13 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 (e) In the event of forfeiture of any bond under this section, \$75 of the
 30 amount forfeited shall be regarded as a docket fee in any court having
 31 jurisdiction over the violation of state law.

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

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

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

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

7 (i) Except as provided further, the docket fee established in this
8 section shall be the only fee collected or moneys in the nature of a fee
9 collected for the docket fee. Such fee shall only be established by an act of
10 the legislature and no other authority is established by law or otherwise to
11 collect a fee. ~~On and after July 1, 2013 2015, through July 1, 2015 2017,~~
12 The supreme court may impose an additional charge, not to exceed \$22 per
13 docket fee, to fund the costs of non-judicial personnel.

14 Sec. 2. K.S.A. 2014 Supp. 8-2110 is hereby amended to read as
15 follows: 8-2110. (a) Failure to comply with a traffic citation means failure
16 either to: (1) Appear before any district or municipal court in response to a
17 traffic citation and pay in full any fine and court costs imposed; or (2)
18 otherwise comply with a traffic citation as provided in K.S.A. 8-2118, and
19 amendments thereto. Failure to comply with a traffic citation is a
20 misdemeanor, regardless of the disposition of the charge for which such
21 citation was originally issued.

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

43 (2) (A) In lieu of suspension under paragraph (1), the driver may

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

9 (B) A person whose driver's license has expired during the period
10 when such person's drivers license has been suspended for failure to pay
11 fines for traffic citations, the driver may submit to the division of vehicles
12 a written request for restricted driving privileges, with a non-refundable
13 \$25 application fee, to be applied by the division of vehicles for additional
14 administrative costs to implement restricted driving privileges. The
15 division shall remit all restricted driving privilege application fees to the
16 state treasurer in accordance with the provisions of K.S.A. 75-4215, and
17 amendments thereto. Upon receipt of each such remittance, the state
18 treasurer shall deposit the entire amount in the state treasury to the credit
19 of the division of vehicles operating fund. An individual shall not qualify
20 for restricted driving privileges pursuant to this section unless the
21 following conditions are met: (i) The suspended license that expired was
22 issued by the division of vehicles; (ii) the suspended license resulted from
23 the individual's failure to comply with a traffic citation pursuant to
24 subsection (b)(1); (iii) the traffic citation that resulted in the failure to
25 comply pursuant to subsection (b)(1) was issued in this state; and (iv) the
26 individual has not previously received a stayed suspension as a result of a
27 driving while suspended conviction.

28 (C) Upon review and approval of the driver's eligibility, the driving
29 privileges will be restricted by the division of vehicles for a period up to
30 one year or until the terms of the traffic citation have been complied with
31 and the court shall immediately electronically notify the division of
32 vehicles of such compliance. If the driver fails to comply with the traffic
33 citation within the one year restricted period, the driving privileges will be
34 suspended by the division of vehicles until the court determines the person
35 has complied with the terms of the traffic citation and the court shall
36 immediately electronically notify the division of vehicles of such
37 compliance. Upon receipt of notification of such compliance from the
38 informing court, the division of vehicles shall terminate the suspension
39 action. When restricted driving privileges are approved pursuant to this
40 section, the person's driving privileges shall be restricted to driving only
41 under the following circumstances: (i) In going to or returning from the
42 person's place of employment or schooling; (ii) in the course of the
43 person's employment; (iii) in going to or returning from an appointment

1 with a health care provider or during a medical emergency; and (iv) in
2 going to and returning from probation or parole meetings, drug or alcohol
3 counseling or any place the person is required to go by a court.

4 (c) Except as provided in subsection (d), when the district or
5 municipal court notifies the division of vehicles of a failure to comply with
6 a traffic citation pursuant to subsection (b), the court shall assess a
7 reinstatement fee of \$59 for each charge on which the person failed to
8 make satisfaction regardless of the disposition of the charge for which
9 such citation was originally issued and regardless of any application for
10 restricted driving privileges. Such reinstatement fee shall be in addition to
11 any fine, restricted driving privilege application fee, district or municipal
12 court costs and other penalties. The court shall remit all reinstatement fees
13 to the state treasurer in accordance with the provisions of K.S.A. 75-4215,
14 and amendments thereto. Upon receipt of each such remittance, the state
15 treasurer shall deposit the entire amount in the state treasury and shall
16 credit 42.37% of such moneys to the division of vehicles operating fund,
17 31.78% to the community alcoholism and intoxication programs fund
18 created by K.S.A. 41-1126, and amendments thereto, 10.59% to the
19 juvenile detention facilities fund created by K.S.A. 79-4803, and
20 amendments thereto, and 15.26% to the judicial branch nonjudicial salary
21 adjustment fund created by K.S.A. 2014 Supp. 20-1a15, and amendments
22 thereto.

23 (d) The district court or municipal court shall waive the reinstatement
24 fee provided for in subsection (c), if the failure to comply with a traffic
25 citation was the result of such person enlisting in or being drafted into the
26 armed services of the United States, being called into service as a member
27 of a reserve component of the military service of the United States, or
28 volunteering for such active duty, or being called into service as a member
29 of the state of Kansas national guard, or volunteering for such active duty,
30 and being absent from Kansas because of such military service. In any
31 case of a failure to comply with a traffic citation which occurred on or
32 after August 1, 1990, and prior to the effective date of this act, in which a
33 person was assessed and paid a reinstatement fee and the person failed to
34 comply with a traffic citation because the person was absent from Kansas
35 because of any such military service, the reinstatement fee shall be
36 reimbursed to such person upon application therefor. The state treasurer
37 and the director of accounts and reports shall prescribe procedures for all
38 such reimbursement payments and shall create appropriate accounts, make
39 appropriate accounting entries and issue such appropriate vouchers and
40 warrants as may be required to make such reimbursement payments.

41 (e) Except as provided further, the reinstatement fee established in
42 this section shall be the only fee collected or moneys in the nature of a fee
43 collected for such reinstatement. Such fee shall only be established by an

1 act of the legislature and no other authority is established by law or
2 otherwise to collect a fee. ~~On and after July 1, 2013-2015, through July 1,~~
3 ~~2015-2017,~~ The supreme court may impose an additional charge, not to
4 exceed \$22 per reinstatement fee, to fund the costs of non-judicial
5 personnel.

6 Sec. 3. K.S.A. 2014 Supp. 20-3021 is hereby amended to read as
7 follows: 20-3021. (a) (1) On and after July 1, 2014, any party filing an
8 appeal with the court of appeals shall pay a fee in the amount of \$145 to
9 the clerk of the supreme court.

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

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

15 (c) The fee shall be the only costs assessed in each case to services of
16 the clerk of the supreme court. The clerk of the supreme court shall remit
17 all revenues received from this section to the state treasurer, in accordance
18 with the provisions of K.S.A. 75-4215, and amendments thereto, for
19 deposit in the state treasury. The fee shall be disbursed in accordance with
20 K.S.A. 20-362, and amendments thereto.

21 (d) Except as provided further, the fee established in this section shall
22 be the only fee collected or moneys in the nature of a fee collected for the
23 docket fee. Such fee shall only be established by an act of the legislature
24 and no other authority is established by law or otherwise to collect a fee.
25 ~~On and after July 1, 2014-2015, through July 1, 2015-2017,~~ The supreme
26 court may impose an additional charge, not to exceed \$10 per fee, to fund
27 the costs of non-judicial personnel.

28 (e) The state of Kansas and all municipalities in this state, as defined
29 in K.S.A. 12-105a, and amendments thereto, shall be exempt from paying
30 such fee.

31 Sec. 4. K.S.A. 2014 Supp. 21-6614 is hereby amended to read as
32 follows: 21-6614. (a) (1) Except as provided in subsections (b), (c), (d),
33 (e) and (f), any person convicted in this state of a traffic infraction,
34 cigarette or tobacco infraction, misdemeanor or a class D or E felony, or
35 for crimes committed on or after July 1, 1993, nondrug crimes ranked in
36 severity levels 6 through 10, or for crimes committed on or after July 1,
37 1993, but prior to July 1, 2012, any felony ranked in severity level 4 of the
38 drug grid, or for crimes committed on or after July 1, 2012, any felony
39 ranked in severity level 5 of the drug grid may petition the convicting
40 court for the expungement of such conviction or related arrest records if
41 three or more years have elapsed since the person: (A) Satisfied the
42 sentence imposed; or (B) was discharged from probation, a community
43 correctional services program, parole, postrelease supervision, conditional

1 release or a suspended sentence.

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

7 (b) Any person convicted of prostitution, as defined in K.S.A. 21-
8 3512, prior to its repeal, convicted of a violation of K.S.A. 2014 Supp. 21-
9 6419, and amendments thereto, or who entered into a diversion agreement
10 in lieu of further criminal proceedings for such violation, may petition the
11 convicting court for the expungement of such conviction or diversion
12 agreement and related arrest records if:

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

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

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

35 (1) Vehicular homicide, as defined in K.S.A. 21-3405, prior to its
36 repeal, or K.S.A. 2014 Supp. 21-5406, and amendments thereto, or as
37 prohibited by any law of another state which is in substantial conformity
38 with that statute;

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

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

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

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

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

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

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

17 (d) No person may petition for expungement until seven or more
18 years have elapsed since the person satisfied the sentence imposed or the
19 terms of a diversion agreement or was discharged from probation, a
20 community correctional services program, parole, postrelease supervision,
21 conditional release or a suspended sentence, if such person was convicted
22 of a violation of K.S.A. 8-1567 or K.S.A. 2014 Supp. 8-1025, and
23 amendments thereto, including any diversion for such violation.

24 (e) There shall be no expungement of convictions for the following
25 offenses or of convictions for an attempt to commit any of the following
26 offenses:

27 (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.
28 2014 Supp. 21-5503, and amendments thereto;

29 (2) indecent liberties with a child or aggravated indecent liberties
30 with a child, as defined in K.S.A. 21-3503 or 21-3504, prior to their repeal,
31 or K.S.A. 2014 Supp. 21-5506, and amendments thereto;

32 (3) criminal sodomy, as defined in ~~subsection (a)(2) or (a)(3) of~~
33 ~~K.S.A. 21-3505(a)(2) or (a)(3), prior to its repeal, or subsection (a)(3) or~~
34 ~~(a)(4) of K.S.A. 2014 Supp. 21-5504(a)(3) or (a)(4), and amendments~~
35 ~~thereto;~~

36 (4) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior
37 to its repeal, or K.S.A. 2014 Supp. 21-5504, and amendments thereto;

38 (5) indecent solicitation of a child or aggravated indecent solicitation
39 of a child, as defined in K.S.A. 21-3510 or 21-3511, prior to their repeal,
40 or K.S.A. 2014 Supp. 21-5508, and amendments thereto;

41 (6) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior
42 to its repeal, or K.S.A. 2014 Supp. 21-5510, and amendments thereto;

43 (7) aggravated incest, as defined in K.S.A. 21-3603, prior to its

1 repeal, or K.S.A. 2014 Supp. 21-5604, and amendments thereto;

2 (8) endangering a child or aggravated endangering a child, as defined
3 in K.S.A. 21-3608 or 21-3608a, prior to their repeal, or K.S.A. 2014 Supp.
4 21-5601, and amendments thereto;

5 (9) abuse of a child, as defined in K.S.A. 21-3609, prior to its repeal,
6 or K.S.A. 2014 Supp. 21-5602, and amendments thereto;

7 (10) capital murder, as defined in K.S.A. 21-3439, prior to its repeal,
8 or K.S.A. 2014 Supp. 21-5401, and amendments thereto;

9 (11) murder in the first degree, as defined in K.S.A. 21-3401, prior to
10 its repeal, or K.S.A. 2014 Supp. 21-5402, and amendments thereto;

11 (12) murder in the second degree, as defined in K.S.A. 21-3402, prior
12 to its repeal, or K.S.A. 2014 Supp. 21-5403, and amendments thereto;

13 (13) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to
14 its repeal, or K.S.A. 2014 Supp. 21-5404, and amendments thereto;

15 (14) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to
16 its repeal, or K.S.A. 2014 Supp. 21-5405, and amendments thereto;

17 (15) sexual battery, as defined in K.S.A. 21-3517, prior to its repeal,
18 or K.S.A. 2014 Supp. 21-5505, and amendments thereto, when the victim
19 was less than 18 years of age at the time the crime was committed;

20 (16) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to
21 its repeal, or K.S.A. 2014 Supp. 21-5505, and amendments thereto;

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

24 (18) any conviction for any offense in effect at any time prior to July
25 1, 2011, that is comparable to any offense as provided in this subsection.

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

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

36 (A) Defendant's full name;

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

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

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

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

43 (F) identity of the convicting court, arresting law enforcement

1 authority or diverting authority.

2 (2) Except as otherwise provided by law, a petition for expungement
3 shall be accompanied by a docket fee in the amount of ~~\$100~~ \$176. ~~On and~~
4 ~~after July 1, 2013–2015, through July 1, 2015–2017,~~ The supreme court
5 may impose a charge, not to exceed \$19 per case, to fund the costs of non-
6 judicial personnel. The charge established in this section shall be the only
7 fee collected or moneys in the nature of a fee collected for the case. Such
8 charge shall only be established by an act of the legislature and no other
9 authority is established by law or otherwise to collect a fee.

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

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

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

21 (2) the circumstances and behavior of the petitioner warrant the
22 expungement; and

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

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

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

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

38 (A) In any application for licensure as a private detective, private
39 detective agency, certification as a firearms trainer pursuant to K.S.A.
40 2014 Supp. 75-7b21, and amendments thereto, or employment as a
41 detective with a private detective agency, as defined by K.S.A. 75-7b01,
42 and amendments thereto; as security personnel with a private patrol
43 operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with

1 an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of
2 the Kansas department for aging and disability services;

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

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

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

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

20 (F) upon application for a commercial driver's license under K.S.A. 8-
21 2,125 through 8-2,142, and amendments thereto;

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

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

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

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

32 (K) for applications received on and after July 1, 2006, to aid in
33 determining the petitioner's qualifications for a license to carry a concealed
34 weapon pursuant to the personal and family protection act, K.S.A. 2014
35 Supp. 75-7c01 et seq., and amendments thereto;

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

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

41 (5) upon commitment to the custody of the secretary of corrections,
42 any previously expunged record in the possession of the secretary of
43 corrections may be reinstated and the expungement disregarded, and the

1 record continued for the purpose of the new commitment.

2 (j) Whenever a person is convicted of a crime, pleads guilty and pays
3 a fine for a crime, is placed on parole, postrelease supervision or
4 probation, is assigned to a community correctional services program, is
5 granted a suspended sentence or is released on conditional release, the
6 person shall be informed of the ability to expunge the arrest records or
7 conviction. Whenever a person enters into a diversion agreement, the
8 person shall be informed of the ability to expunge the diversion.

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

14 (2) Notwithstanding the provisions of subsection (k)(1), and except as
15 provided in ~~subsection (a)(3)(A)~~ of K.S.A. 2014 Supp. 21-6304(a)(3)(A),
16 and amendments thereto, the expungement of a prior felony conviction
17 does not relieve the individual of complying with any state or federal law
18 relating to the use, shipment, transportation, receipt or possession of
19 firearms by persons previously convicted of a felony.

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

25 (1) The person whose record was expunged;

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

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

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

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

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

42 (7) the supreme court, the clerk or disciplinary administrator thereof,
43 the state board for admission of attorneys or the state board for discipline

1 of attorneys, and the request is accompanied by a statement that the
2 request is being made in conjunction with an application for admission, or
3 for an order of reinstatement, to the practice of law in this state by the
4 person whose record has been expunged;

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

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

17 (10) the Kansas racing and gaming commission, or a designee of the
18 commission, and the request is accompanied by a statement that the
19 request is being made to aid in determining qualifications of the following
20 under the Kansas expanded lottery act: (A) Lottery gaming facility
21 managers and prospective managers, racetrack gaming facility managers
22 and prospective managers, licensees and certificate holders; and (B) their
23 officers, directors, employees, owners, agents and contractors;

24 (11) the Kansas sentencing commission;

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

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

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

40 (15) a law enforcement agency and the request is accompanied by a
41 statement that the request is being made to aid in determining eligibility
42 for employment as a law enforcement officer as defined by K.S.A. 22-
43 2202, and amendments thereto;

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

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

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

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

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

14 Sec. 5. K.S.A. 2014 Supp. 22-2410 is hereby amended to read as
15 follows: 22-2410. (a) Any person who has been arrested in this state may
16 petition the district court for the expungement of such arrest record.

17 (b) When a petition for expungement is filed, the court shall set a date
18 for hearing on such petition and shall cause notice of such hearing to be
19 given to the prosecuting attorney and the arresting law enforcement
20 agency. When a petition for expungement is filed, the official court file
21 shall be separated from the other records of the court, and shall be
22 disclosed only to a judge of the court and members of the staff of the court
23 designated by a judge of the district court, the prosecuting attorney, the
24 arresting law enforcement agency, or any other person when authorized by
25 a court order, subject to any conditions imposed by the order. Except as
26 otherwise provided by law, a petition for expungement shall be
27 accompanied by a docket fee in the amount of \$176. Except as provided
28 further, the docket fee established in this section shall be the only fee
29 collected or moneys in the nature of a fee collected for the docket fee.
30 Such fee 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. ~~On and after~~
32 ~~July 1, 2013–2015, through July 1, 2015–2017,~~ The supreme court may
33 impose an additional charge, not to exceed \$19 per docket fee, to fund the
34 costs of non-judicial personnel. The petition shall state:

35 (1) The petitioner's full name;

36 (2) the full name of the petitioner at the time of arrest, if different
37 than the petitioner's current name;

38 (3) the petitioner's sex, race and date of birth;

39 (4) the crime for which the petitioner was arrested;

40 (5) the date of the petitioner's arrest; and

41 (6) the identity of the arresting law enforcement agency.

42 No surcharge or fee shall be imposed to any person filing a petition
43 pursuant to this section, who was arrested as a result of being a victim of

1 identity theft under K.S.A. 21-4018, prior to its repeal, or ~~subsection (a) of~~
2 K.S.A. 2014 Supp. 21-6107(a), and amendments thereto, or who has had
3 criminal charges dismissed because a court has found that there was no
4 probable cause for the arrest, the petitioner was found not guilty in court
5 proceedings or the charges have been dismissed. Any person who may
6 have relevant information about the petitioner may testify at the hearing.
7 The court may inquire into the background of the petitioner.

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

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

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

13 (4) the expungement would be in the best interests of justice and: (A)

14 Charges have been dismissed; or (B) no charges have been or are likely to
15 be filed.

16 (d) When the court has ordered expungement of an arrest record and
17 subsequent court proceedings, if any, the order shall state the information
18 required to be stated in the petition and shall state the grounds for
19 expungement under subsection (c). The clerk of the court shall send a
20 certified copy of the order to the Kansas bureau of investigation which
21 shall notify the federal bureau of investigation, the secretary of corrections
22 and any other criminal justice agency which may have a record of the
23 arrest. If an order of expungement is entered, the petitioner shall be treated
24 as not having been arrested.

25 (e) If the ground for expungement is as provided in subsection (c)(4),
26 the court shall determine whether, in the interests of public welfare, the
27 records should be available for any of the following purposes: (1) In any
28 application for employment as a detective with a private detective agency,
29 as defined in K.S.A. 75-7b01, and amendments thereto; as security
30 personnel with a private patrol operator, as defined by K.S.A. 75-7b01,
31 and amendments thereto; or with an institution, as defined in K.S.A. 76-
32 12a01, and amendments thereto, of the Kansas department for aging and
33 disability services;

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

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

40 (4) to aid in determining the petitioner's qualifications for executive
41 director of the Kansas racing commission, for employment with the
42 commission or for work in sensitive areas in parimutuel racing as deemed
43 appropriate by the executive director of the commission, or to aid in

1 determining qualifications for licensure or renewal of licensure by the
2 commission;

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

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

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

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

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

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

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

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

25 (h) Whenever a petitioner's arrest records have been expunged as
26 provided in this section, the custodian of the records of arrest,
27 incarceration due to arrest or court proceedings related to the arrest, shall
28 not disclose the arrest or any information related to the arrest, except as
29 directed by the order of expungement or when requested by the person
30 whose arrest record was expunged.

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

34 Sec. 6. K.S.A. 2014 Supp. 23-2510 is hereby amended to read as
35 follows: 23-2510. (a) The judge or clerk of the district court shall collect
36 from the applicant for a marriage license a fee of \$59.

37 (b) The clerk of the court shall remit all fees prescribed by this
38 section to the state treasurer in accordance with the provisions of K.S.A.
39 75-4215, and amendments thereto. Upon receipt of each such remittance,
40 the state treasurer shall deposit the entire amount in the state treasury. Of
41 each remittance, the state treasurer shall credit 38.98% to the protection
42 from abuse fund, 15.19% to the family and children trust account of the
43 family and children investment fund created by K.S.A. 38-1808, and

1 amendments thereto, 16.95% to the crime victims assistance fund created
2 by K.S.A. 74-7334, and amendments thereto, 15.25% to the judicial
3 branch nonjudicial salary adjustment fund created by K.S.A. 2014 Supp.
4 20-1a15, and amendments thereto, and the remainder to the state general
5 fund.

6 (c) Except as provided further, the marriage license fee established in
7 this section shall be the only fee collected or moneys in the nature of a fee
8 collected for a marriage license. Such fee shall only be established by an
9 act of the legislature and no other authority is established by law or
10 otherwise to collect a fee. ~~On and after July 1, 2013 2015, through July 1,~~
11 ~~2015 2017,~~ The supreme court may impose an additional charge, not to
12 exceed \$26.50 per marriage license fee, to fund the costs of non-judicial
13 personnel.

14 Sec. 7. K.S.A. 2014 Supp. 28-170 is hereby amended to read as
15 follows: 28-170. (a) The docket fee prescribed by K.S.A. 60-2001, and
16 amendments thereto, and the fees for service of process, shall be the only
17 costs assessed for services of the clerk of the district court and the sheriff
18 in any case filed under chapter 60 or chapter 61 of the Kansas Statutes
19 Annotated, and amendments thereto, except that no fee shall be charged
20 for an action filed under K.S.A. 60-3101 et seq., and under K.S.A. 60-
21 31a01 et seq., and amendments thereto. For services in other matters in
22 which no other fee is prescribed by statute, the following fees shall be
23 charged and collected by the clerk. Only one fee shall be charged for each
24 bond, lien or judgment:

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

32 (b) The fees for entries, certificates and other papers required in
33 naturalization cases shall be those prescribed by the federal government
34 and, when collected, shall be disbursed as prescribed by the federal
35 government. The clerk of the court shall remit to the state treasurer at least
36 monthly all moneys received from fees prescribed by subsection (a) or (b)
37 or received for any services performed which may be required by law. The
38 state treasurer shall deposit the remittance in the state treasury and credit
39 the entire amount to the state general fund.

40 (c) In actions pursuant to the revised Kansas code for care of children,
41 K.S.A. 2014 Supp. 38-2201 et seq., and amendments thereto, the revised
42 Kansas juvenile justice code, K.S.A. 2014 Supp. 38-2301 et seq., and
43 amendments thereto, the act for treatment of alcoholism, K.S.A. 65-4001

1 et seq., and amendments thereto, the act for treatment of drug abuse,
 2 K.S.A. 65-5201 et seq., and amendments thereto, or the care and treatment
 3 act for mentally ill persons, K.S.A. 59-2945 et seq., and amendments
 4 thereto, the clerk shall charge an additional fee of \$1 which shall be
 5 deducted from the docket fee and credited to the prosecuting attorneys'
 6 training fund as provided in K.S.A. 28-170a, and amendments thereto.

7 (d) Except as provided further, the bond, lien or judgment fee
 8 established in subsection (a) shall be the only fee collected or moneys in
 9 the nature of a fee collected for such bond, lien or judgment. 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 July 1, 2013~~
 12 ~~2015, through July 1, 2015-2017,~~ The supreme court may impose an
 13 additional charge, not to exceed \$22 per bond, lien or judgment fee, to
 14 fund the costs of non-judicial personnel.

15 Sec. 8. K.S.A. 2014 Supp. 28-172a is hereby amended to read as
 16 follows: 28-172a. (a) Except as otherwise provided in this section,
 17 whenever the prosecuting witness or defendant is adjudged to pay the costs
 18 in a criminal proceeding in any county, a docket fee shall be taxed as
 19 follows, on and after July 1, 2013:

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

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

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

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

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

7 (d) Statutory charges made pursuant to the provisions of K.S.A. 20-
8 362, and amendments thereto, shall be paid from the docket fee; the family
9 violence and child abuse and neglect assistance and prevention fund fee
10 shall be paid from criminal proceedings docket fees. All other fees and
11 expenses to be assessed as additional court costs shall be approved by the
12 court, unless specifically fixed by statute. Additional fees shall include, but
13 are not limited to, fees for Kansas bureau of investigation forensic or
14 laboratory analyses, fees for detention facility processing pursuant to
15 K.S.A. 12-16,119, and amendments thereto, fees for the sexual assault
16 evidence collection kit, fees for conducting an examination of a sexual
17 assault victim, fees for service of process outside the state, witness fees,
18 fees for transcripts and depositions, costs from other courts, doctors' fees
19 and examination and evaluation fees. No sheriff in this state shall charge
20 any district court of this state a fee or mileage for serving any paper or
21 process.

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

33 (f) Except as provided further, the docket fee established in this
34 section shall be the only fee collected or moneys in the nature of a fee
35 collected for the docket fee. Such fee 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. ~~On and after July 1, 2013 2015, through July 1, 2015 2017,~~
38 The supreme court may impose an additional charge, not to exceed \$22 per
39 docket fee, to fund the costs of non-judicial personnel.

40 Sec. 9. K.S.A. 2014 Supp. 28-177 is hereby amended to read as
41 follows: 28-177. (a) Except as provided in this section and K.S.A. 2014
42 Supp. 28-178, and amendments thereto, the fees established by legislative
43 enactment shall be the only fee collected or moneys in the nature of a fee

1 collected for court procedures. Such fee shall only be established by an act
2 of the legislature and no other authority is established by law or otherwise
3 to collect a fee. Court procedures shall include docket fees, filing fees or
4 other fees related to access to court procedures. ~~On and after July 1, 2013~~
5 ~~2015, through July 1, 2015-2017,~~ The supreme court may impose an
6 additional charge, not to exceed \$26.50 per fee or the amount established
7 by the applicable statute, whichever amount is less, to fund the costs of
8 non-judicial personnel.

9 (b) Such additional charge imposed by the court pursuant to K.S.A. 8-
10 2107, 8-2110, 22-2410, 28-170, 28-172a, 59-104, 60-2001, 60-2203a, 61-
11 2704, 61-4001 and 65-409 and K.S.A. 2014 Supp. 21-6614, 23-2510, 28-
12 178, 28-179, 32-1049a, 38-2215, 38-2312 and 38-2314, and amendments
13 thereto, shall be remitted to the state treasurer in accordance with the
14 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
15 each such remittance, the state treasurer shall deposit the entire amount in
16 the state treasury to the credit of the judicial branch docket fee fund, which
17 is hereby created in the state treasury.

18 (c) Moneys credited to the judicial branch docket fee fund shall not
19 be expended for compensation of judges or justices of the judicial branch.

20 (d) All expenditures from the judicial branch docket fee fund shall be
21 made in accordance with appropriation acts and upon warrants of the
22 director of accounts and reports issued pursuant to vouchers approved by
23 the chief justice of the Kansas supreme court or by a person or persons
24 designated by the chief justice.

25 (e) Expenditures may be made from the judicial branch docket fee
26 fund to provide services and programs for the purpose of educating and
27 training judicial branch officers and employees, administering the training,
28 testing and education of municipal judges as provided in K.S.A. 12-4114,
29 and amendments thereto, and for educating and training municipal judges
30 and municipal court and support staff, including official hospitality. The
31 judicial administrator is hereby authorized to fix, charge and collect fees
32 for such services and programs. Such fees may be fixed to cover all or part
33 of the operating expenditures incurred in providing such services and
34 programs, including official hospitality. All fees received for such
35 purposes and programs, including official hospitality, shall be deposited in
36 the state treasury in accordance with the provisions of K.S.A. 75-4215, and
37 amendments thereto, and shall be credited to the judicial branch docket fee
38 fund.

39 (f) On the effective date of this act:

40 (1) The director of accounts and reports shall transfer all moneys in
41 the judicial branch surcharge fund to the judicial branch docket fee fund;

42 (2) all liabilities of the judicial branch surcharge fund existing prior to
43 that date are hereby imposed on the judicial branch docket fee fund; and

1 (3) the judicial branch surcharge fund is hereby abolished.

2 Sec. 10. K.S.A. 2014 Supp. 28-178 is hereby amended to read as
3 follows: 28-178. (a) In addition to any other fees specifically prescribed by
4 law, ~~on and after July 1, 2013 2015, through July 1, 2015 2017,~~ the
5 supreme court may impose a charge, not to exceed \$12.50 per fee, to fund
6 the costs of non-judicial personnel, on the following:

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

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

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

15 (4) Persons who request a writ or order of sale pursuant to K.S.A. 60-
16 2401 or 61-3602, and amendments thereto.

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

19 (6) A person who requests an attachment against the property of a
20 defendant or any one or more of several defendants pursuant to K.S.A. 60-
21 701 or 61-3501, and amendments thereto.

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

28 (c) The fees established in this section shall be the only fee collected
29 or moneys in the nature of a fee collected for such court procedures. Such
30 fee 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 Sec. 11. K.S.A. 2014 Supp. 28-179 is hereby amended to read as
33 follows: 28-179. (a) No post-decree motion petitioning for a modification
34 or termination of separate maintenance, for a change in legal custody,
35 residency, visitation rights or parenting time or for a modification of child
36 support shall be filed or docketed in the district court without payment of a
37 docket fee in the amount of \$40 on and after July 1, 2013, to the clerk of
38 the district court.

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

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

1 thereto.

2 (d) Except as provided further, the docket fee established in this
3 section shall be the only fee collected or moneys in the nature of a fee
4 collected for the docket fee. Such fee shall only be established by an act of
5 the legislature and no other authority is established by law or otherwise to
6 collect a fee. ~~On and after July 1, 2013-2015, through July 1, 2015-2017,~~
7 The supreme court may impose an additional charge, not to exceed \$22 per
8 docket fee, to fund the costs of non-judicial personnel.

9 Sec. 12. K.S.A. 2014 Supp. 32-1049a is hereby amended to read as
10 follows: 32-1049a. (a) Failure to comply with a wildlife, parks and tourism
11 citation means failure to:

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

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

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

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

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

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

1 informing court, the department shall terminate the suspension action,
2 unless the violator is otherwise suspended.

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

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

29 (f) Except as provided further, the reinstatement fee established in
30 subsection (d) shall be the only fee collected or moneys in the nature of a
31 fee collected for such reinstatement. Such fee shall only be established by
32 an act of the legislature and no other authority is established by law or
33 otherwise to collect a fee. ~~On and after July 1, 2013-2015, through July 1,~~
34 ~~2015-2017,~~ The supreme court may impose an additional charge, not to
35 exceed \$22 per reinstatement fee, to fund the costs of non-judicial
36 personnel.

37 Sec. 13. K.S.A. 2014 Supp. 38-2215 is hereby amended to read as
38 follows: 38-2215. (a) *Docket fee.* The docket fee for proceedings under
39 this code, if one is assessed as provided in this section, shall be \$34. Only
40 one docket fee shall be assessed in each case. Except as provided further,
41 the docket fee established in this section shall be the only fee collected or
42 moneys in the nature of a fee collected for the docket fee. Such fee shall
43 only be established by an act of the legislature and no other authority is

1 established by law or otherwise to collect a fee. ~~On and after July 1, 2013~~
2 ~~2015, through July 1, 2015-2017,~~ The supreme court may impose an
3 additional charge, not to exceed \$22 per docket fee, to fund the costs of
4 non-judicial personnel.

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

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

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

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

39 Sec. 14. K.S.A. 2014 Supp. 38-2312 is hereby amended to read as
40 follows: 38-2312. (a) Except as provided in subsection (b) and (c), any
41 records or files specified in this code concerning a juvenile may be
42 expunged upon application to a judge of the court of the county in which
43 the records or files are maintained. The application for expungement may

1 be made by the juvenile, if 18 years of age or older or, if the juvenile is
2 less than 18 years of age, by the juvenile's parent or next friend.

3 (b) There shall be no expungement of records or files concerning acts
4 committed by a juvenile which, if committed by an adult, would constitute
5 a violation of K.S.A. 21-3401, prior to its repeal, or K.S.A. 2014 Supp. 21-
6 5402, and amendments thereto, murder in the first degree; K.S.A. 21-3402,
7 prior to its repeal, or K.S.A. 2014 Supp. 21-5403, and amendments
8 thereto, murder in the second degree; K.S.A. 21-3403, prior to its repeal,
9 or K.S.A. 2014 Supp. 21-5404, and amendments thereto, voluntary
10 manslaughter; K.S.A. 21-3404, prior to its repeal, or K.S.A. 2014 Supp.
11 21-5405, and amendments thereto, involuntary manslaughter; K.S.A. 21-
12 3439, prior to its repeal, or K.S.A. 2014 Supp. 21-5401, and amendments
13 thereto, capital murder; K.S.A. 21-3442, prior to its repeal, or ~~subsection~~
14 ~~(a)(3)~~ of K.S.A. 2014 Supp. 21-5405(a)(3), and amendments thereto,
15 involuntary manslaughter while driving under the influence of alcohol or
16 drugs; K.S.A. 21-3502, prior to its repeal, or K.S.A. 2014 Supp. 21-5503,
17 and amendments thereto, rape; K.S.A. 21-3503, prior to its repeal, or
18 ~~subsection (a)~~ of K.S.A. 2014 Supp. 21-5506(a), and amendments thereto,
19 indecent liberties with a child; K.S.A. 21-3504, prior to its repeal, or
20 ~~subsection (b)~~ of K.S.A. 2014 Supp. 21-5506(b), and amendments thereto,
21 aggravated indecent liberties with a child; K.S.A. 21-3506, prior to its
22 repeal, or ~~subsection (b)~~ of K.S.A. 2014 Supp. 21-5504(b), and
23 amendments thereto, aggravated criminal sodomy; K.S.A. 21-3510, prior
24 to its repeal, or ~~subsection (a)~~ of K.S.A. 2014 Supp. 21-5508(a), and
25 amendments thereto, indecent solicitation of a child; K.S.A. 21-3511, prior
26 to its repeal, or ~~subsection (b)~~ of K.S.A. 2014 Supp. 21-5508(b), and
27 amendments thereto, aggravated indecent solicitation of a child; K.S.A.
28 21-3516, prior to its repeal, or K.S.A. 2014 Supp. 21-5510, and
29 amendments thereto, sexual exploitation of a child; K.S.A. 21-3603, prior
30 to its repeal, or ~~subsection (b)~~ of K.S.A. 2014 Supp. 21-5604(b), and
31 amendments thereto, aggravated incest; K.S.A. 21-3608, prior to its repeal,
32 or ~~subsection (a)~~ of K.S.A. 2014 Supp. 21-5601(a), and amendments
33 thereto, endangering a child; K.S.A. 21-3609, prior to its repeal, or K.S.A.
34 2014 Supp. 21-5602, and amendments thereto, abuse of a child; or which
35 would constitute an attempt to commit a violation of any of the offenses
36 specified in this subsection.

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

43 (d) When a petition for expungement is filed, the court shall set a date

1 for a hearing on the petition and shall give notice thereof to the county or
2 district attorney. The petition shall state: (1) The juvenile's full name; (2)
3 the full name of the juvenile as reflected in the court record, if different
4 than (1); (3) the juvenile's sex and date of birth; (4) the offense for which
5 the juvenile was adjudicated; (5) the date of the trial; and (6) the identity
6 of the trial court. Except as otherwise provided by law, a petition for
7 expungement shall be accompanied by a docket fee in the amount of \$176.
8 ~~On and after July 1, 2013-2015, through July 1, 2015-2017,~~ The supreme
9 court may impose a charge, not to exceed \$19 per case, to fund the costs of
10 non-judicial personnel. All petitions for expungement shall be docketed in
11 the original action. Any person who may have relevant information about
12 the petitioner may testify at the hearing. The court may inquire into the
13 background of the petitioner.

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

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

18 (ii) one year has elapsed since the final discharge for an adjudication
19 concerning acts committed by a juvenile which, if committed by an adult,
20 would constitute a violation of K.S.A. 2014 Supp. 21-6419, and
21 amendments thereto;

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

27 (C) the circumstances and behavior of the petitioner warrant
28 expungement.

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

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

42 (g) A certified copy of any order made pursuant to subsection (a) or
43 (d) shall be sent to the Kansas bureau of investigation, which shall notify

1 every juvenile or criminal justice agency which may possess records or
2 files ordered to be expunged. If the agency fails to comply with the order
3 within a reasonable time after its receipt, such agency may be adjudged in
4 contempt of court and punished accordingly.

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

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

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

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

18 (1) The person whose record was expunged;

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

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

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

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

32 (6) the Kansas lottery, and the request is accompanied by a statement
33 that the request is being made to aid in determining 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 (7) the governor or the Kansas racing commission, or a designee of
38 the commission, and the request is accompanied by a statement that the
39 request is being made to aid in determining qualifications for executive
40 director of the commission, for employment with the commission, for
41 work in sensitive areas in parimutuel racing as deemed appropriate by the
42 executive director of the commission or for licensure, renewal of licensure
43 or continued licensure by the commission;

1 (8) the Kansas sentencing commission; or

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

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

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

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

11 Sec. 15. K.S.A. 2014 Supp. 38-2314 is hereby amended to read as
12 follows: 38-2314. (a) *Docket fee*. The docket fee for proceedings under
13 this code, if one is assessed as provided by this section, shall be \$34. Only
14 one docket fee shall be assessed in each case. Except as provided further,
15 the docket fee established in this section shall be the only fee collected or
16 moneys in the nature of a fee collected for the docket fee. Such fee shall
17 only be established by an act of the legislature and no other authority is
18 established by law or otherwise to collect a fee. ~~On and after July 1, 2013~~
19 ~~2015, through July 1, 2015-2017~~; The supreme court may impose an
20 additional charge, not to exceed \$22 per docket fee, to fund the costs of
21 non-judicial personnel.

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

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

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

35 (3) *Prohibited assessment*. Docket fees or expenses shall not be
36 assessed against the state, a political subdivision of the state, an agency of
37 the state or of a political subdivision of the state or a person acting in the
38 capacity of an employee of the state or of a political subdivision of the
39 state.

40 (d) *Cases in which venue is transferred*. If venue is transferred from
41 one county to another, the court from which the case is transferred shall
42 send to the receiving court a statement of expenses paid from the general
43 fund of the sending county. If the receiving court collects any of the

1 expenses owed in the case, the receiving court shall pay to the sending
 2 court an amount proportional to the sending court's share of the total
 3 expenses owed to both counties. The expenses of the sending county shall
 4 not be an obligation of the receiving county except to the extent that the
 5 sending county's proportionate share of the expenses is collected by the
 6 receiving court. Unless otherwise ordered by the court, all amounts
 7 collected shall first be applied toward payment of restitution, then toward
 8 the payment of the docket fee.

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

16 Treatment of mentally ill.....	\$34.50
17 Treatment of alcoholism or drug abuse	34.50
18 Determination of descent of property	49.50
19 Termination of life estate	48.50
20 Termination of joint tenancy	48.50
21 Refusal to grant letters of administration	48.50
22 Adoption	48.50
23 Filing a will and affidavit under K.S.A. 59-618a.....	48.50
24 Guardianship	69.50
25 Conservatorship	69.50
26 Trusteeship	69.50
27 Combined guardianship and conservatorship	69.50
28 Certified probate proceedings under K.S.A. 59-213, 29 and amendments thereto	23.50
30 Decrees in probate from another state.....	173.00
31 Probate of an estate or of a will.....	109.50
32 Civil commitment under K.S.A. 59-29a01 et seq.	33.50

33 (2) Except as provided further, the docket fee established in this
 34 section shall be the only fee collected or moneys in the nature of a fee
 35 collected for the docket fee. Such fee 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. ~~On and after July 1, 2013 2015, through July 1, 2015 2017.~~
 38 The supreme court may impose an additional charge, not to exceed \$22 per
 39 docket fee, to fund the costs of non-judicial personnel.

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

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

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

15 Sec. 17. K.S.A. 2014 Supp. 60-729 is hereby amended to read as
16 follows: 60-729. (a) Garnishment is a procedure whereby the wages,
17 money or intangible property of a person can be seized or attached
18 pursuant to an order of garnishment issued by the court under the
19 conditions set forth in the order.

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

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

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

28 (e) Except as provided further, the fee established in this section shall
29 be the only fee collected or moneys in the nature of a fee collected for the
30 docket fee. Such fee shall only be established by an act of the legislature
31 and no other authority is established by law or otherwise to collect a fee.
32 ~~On and after July 1, 2014 2015, through July 1, 2015 2017,~~ The supreme
33 court may impose an additional charge, not to exceed \$12.50 per fee, to
34 fund the costs of non-judicial personnel.

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

38 Sec. 18. K.S.A. 2014 Supp. 60-2001 is hereby amended to read as
39 follows: 60-2001. (a) *Docket fee.* Except as otherwise provided by law, no
40 case shall be filed or docketed in the district court, whether original or
41 appealed, without payment of a docket fee in the amount of \$173 on and
42 after July 1, 2014, to the clerk of the district court. Except as provided
43 further, the docket fee established in this subsection shall be the only fee

1 collected or moneys in the nature of a fee collected for the docket fee.
2 Such fee shall only be established by an act of the legislature and no other
3 authority is established by law or otherwise to collect a fee. ~~On and after~~
4 ~~July 1, 2013-2015, through July 1, 2015-2017,~~ The supreme court may
5 impose an additional charge, not to exceed \$22 per docket fee, to fund the
6 costs of non-judicial personnel.

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

27 (2) *Form of affidavit.* The affidavit provided for in this subsection
28 shall set forth a factual basis upon which the plaintiff alleges by reason of
29 poverty an inability to pay a docket fee, including, but not limited to, the
30 source and amount of the plaintiff's weekly income. Such affidavit shall be
31 signed and sworn to by the plaintiff under oath, before one who has
32 authority to administer the oath, under penalty of perjury, K.S.A. 2014
33 Supp. 21-5903, and amendments thereto. The form of the affidavit shall be
34 deemed sufficient if in substantial compliance with the form set forth by
35 the judicial council.

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

43 (c) *Disposition of fees.* The docket fees and the fees for service of

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

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

21 Sec. 19. K.S.A. 2014 Supp. 60-2203a is hereby amended to read as
22 follows: 60-2203a. (a) After the commencement of any action in any
23 district court of this state, or the courts of the United States in the state of
24 Kansas or in any action now pending heretofore commenced in such
25 courts, which does not involve title to real estate, any party to such action
26 may give notice in any other county of the state of the pendency of the
27 action by filing for record with the clerk of the district court of such other
28 county a verified statement setting forth the parties to the action, the nature
29 of the action, the court in which it is pending, and the relief sought, which
30 shall impart notice of the pendency of the action and shall result in the
31 same lien rights as if the action were pending in that county. The lien shall
32 be effective from the time the statement is filed, but not to exceed four
33 months prior to the entry of judgment except as provided in subsection (c).
34 The party filing such notice shall within 30 days after any satisfaction of
35 the judgment entered in such action, or any other final disposition thereof,
36 cause to be filed with such clerk of the district court a notice that all claims
37 in such action are released. If the party filing fails or neglects to do so after
38 reasonable demand by any party in interest, such party shall be liable in
39 damages in the same amounts and manner as is provided by law for failure
40 of a mortgagee to enter satisfaction of a mortgage. Upon the filing of such
41 a notice of the pendency of an action the clerk shall charge a fee of \$14
42 and shall enter and index the action in the same manner as for the filing of
43 an original action. Upon the filing of a notice of release, the notice shall

1 likewise be entered on the docket. Except as provided further, the fee
2 established in this subsection shall be the only fee collected or moneys in
3 the nature of a fee collected for the court procedure. Such fee shall only be
4 established by an act of the legislature and no other authority is established
5 by law or otherwise to collect a fee. ~~On and after July 1, 2013-2015,~~
6 ~~through July 1, 2015-2017,~~ The supreme court may impose an additional
7 charge, not to exceed \$22 per fee, to fund the costs of non-judicial
8 personnel.

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

14 (c) Notwithstanding the foregoing provisions of this section, the filing
15 of a notice of the pendency of an action pursuant to subsection (a) shall
16 create no lien rights against the property of an employee of the state or a
17 municipality prior to the date judgment is rendered if the pleadings in the
18 pending action allege a negligent or wrongful act or omission of the
19 employee while acting within the scope of such employee's employment,
20 regardless of whether or not it is alleged in the alternative that the
21 employee was acting outside of such employee's employment. A judgment
22 against an employee shall become a lien upon such employee's property in
23 the county where notice is filed pursuant to subsection (a) when the
24 judgment is rendered only if it is found that: (1) The employee's negligent
25 or wrongful act or omission occurred when the employee was acting
26 outside the scope of such employee's employment; or (2) the employee's
27 conduct which gave rise to the judgment was because of actual fraud or
28 actual malice of the employee. In such cases the lien shall not be effective
29 prior to the date judgment was rendered. As used in this subsection (c),
30 "employee" shall have the meaning ascribed to such term in K.S.A. 75-
31 6102, and amendments thereto.

32 Sec. 20. K.S.A. 2014 Supp. 61-2704 is hereby amended to read as
33 follows: 61-2704. (a) An action seeking the recovery of a small claim shall
34 be considered to have been commenced at the time a person files a written
35 statement of the person's small claim with the clerk of the court if, within
36 90 days after the small claim is filed, service of process is obtained or the
37 first publication is made for service by publication. Otherwise, the action
38 is deemed commenced at the time of service of process or first publication.
39 An entry of appearance shall have the same effect as service.

40 (b) Upon the filing of a plaintiff's small claim, the clerk of the court
41 shall require from the plaintiff a docket fee of \$35 on and after July 1,
42 2014, if the claim does not exceed \$500; or \$55 on and after July 1, 2014,
43 if the claim exceeds \$500; unless for good cause shown the judge waives

1 the fee. The docket fee shall be the only costs required in an action seeking
2 recovery of a small claim. No person may file more than 20 small claims
3 under this act in the same court during any calendar year.

4 (c) 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 July 1, 2013 2015, through July 1, 2015 2017,~~
9 The supreme court may impose an additional charge, not to exceed \$12.50
10 per docket fee, to fund the costs of non-judicial personnel.

11 Sec. 21. K.S.A. 2014 Supp. 61-4001 is hereby amended to read as
12 follows: 61-4001. (a) Docket fee. (1) No case shall be filed or docketed
13 pursuant to the code of civil procedure for limited actions without the
14 payment of a docket fee in the amount of \$35 on and after July 1, 2013, if
15 the amount in controversy or claimed does not exceed \$500; \$55 on and
16 after July 1, 2013, if the amount in controversy or claimed exceeds \$500
17 but does not exceed \$5,000; or \$101 on and after July 1, 2013, if the
18 amount in controversy or claimed exceeds \$5,000. If judgment is rendered
19 for the plaintiff, the court also may enter judgment for the plaintiff for the
20 amount of the docket fee paid by the plaintiff.

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

28 (b) Poverty affidavit; additional court costs; exemptions for the state
29 and municipalities. The provisions of ~~subsections (b), (c) and (d) of~~ K.S.A.
30 60-2001(b), (c) and (d) and 60-2005, and amendments thereto, shall be
31 applicable to lawsuits brought under the code of civil procedure for limited
32 actions.

33 Sec. 22. K.S.A. 2014 Supp. 65-409 is hereby amended to read as
34 follows: 65-409. (a) The clerk of the district court shall charge a fee of \$14
35 for entering and filing a lien statement under this act.

36 (b) Except as provided further, the lien fee established in subsection
37 (a) shall be the only fee collected or moneys in the nature of a fee collected
38 for such lien. Such fee shall only be established by an act of the legislature
39 and no other authority is established by law or otherwise to collect a fee.
40 ~~On and after July 1, 2013 2015, through July 1, 2015 2017,~~ The supreme
41 court may impose an additional charge, not to exceed \$22 per lien fee, to
42 fund the costs of non-judicial personnel.

43 Sec. 23. K.S.A. 2014 Supp. 8-2107, 8-2110, 20-3021, 21-6614, 21-

1 6614e, 22-2410, 23-2510, 28-170, 28-172a, 28-177, 28-178, 28-179, 32-
2 1049a, 38-2215, 38-2312, 38-2314, 59-104, 60-729, 60-2001, 60-2203a,
3 61-2704, 61-4001 and 65-409 are hereby repealed.

4 Sec. 24. This act shall take effect and be in force from and after its
5 publication in the statute book.