

SENATE BILL No. 59

By Committee on Judiciary

1-22

1 AN ACT concerning district magistrate judges; relating to jurisdiction;
2 appeals; amending K.S.A. 2014 Supp. 20-302b and repealing the
3 existing section.
4

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

6 Section 1. K.S.A. 2014 Supp. 20-302b is hereby amended to read as
7 follows: 20-302b.(a) Subject to assignment pursuant to K.S.A. 20-329, and
8 amendments thereto, a district magistrate judge shall have the jurisdiction
9 and power, in any case in which a violation of the laws of the state is
10 charged, to conduct the trial of traffic infractions, *wildlife and parks*
11 *violations*, cigarette or tobacco infractions or misdemeanor charges, to
12 conduct felony first appearance hearings and the preliminary examination
13 of felony charges and to hear misdemeanor or felony arraignments. Except
14 as otherwise *specifically* provided *in this section*, in civil cases, a district
15 magistrate judge shall have jurisdiction over actions filed under the code
16 of civil procedure for limited actions, K.S.A. 61-2801 et seq., and
17 amendments thereto, and concurrent jurisdiction, powers and duties with a
18 district judge. Except as otherwise specifically provided in this ~~subsection~~
19 ~~and subsection (b) section~~, in all other civil cases, a district magistrate
20 judge shall have jurisdiction over any civil action not filed under the code
21 of civil procedure for limited actions only with the consent of the parties.
22 A district magistrate judge shall have jurisdiction over uncontested actions
23 for divorce. *Except with consent of the parties, or as otherwise specifically*
24 *provided in this section, a district magistrate judge shall not have*
25 *jurisdiction or cognizance over the following actions:*

26 (1) *Any action, other than an action seeking judgment for an*
27 *unsecured debt not sounding in tort and arising out of a contract for the*
28 *provision of goods, services or money, in which the amount in controversy,*
29 *exclusive of interests and costs, exceeds \$10,000. The provisions of this*
30 *subsection shall not apply to actions filed under the code of civil*
31 *procedure for limited actions, K.S.A. 61-2801 et seq., and amendments*
32 *thereto. In actions of replevin, the affidavit in replevin or the verified*
33 *petition fixing the value of the property shall govern the jurisdiction.*
34 *Nothing in this paragraph shall be construed as limiting the power of a*
35 *district magistrate judge to hear any action pursuant to the Kansas*
36 *probate code or to issue support orders as provided by subsection (a)(6);*

1 (2) actions against any officers of the state, or any subdivisions
2 thereof, for misconduct in office;

3 (3) actions for specific performance of contracts for real estate;

4 (4) actions in which title to real estate is sought to be recovered or in
5 which an interest in real estate, either legal or equitable, is sought to be
6 established. Nothing in this paragraph shall be construed as limiting the
7 right to bring an action for forcible detainer as provided in the acts
8 contained in K.S.A. 61-3801 through 61-3808, and amendments thereto.
9 Nothing in this paragraph shall be construed as limiting the power of a
10 district magistrate judge to hear any action pursuant to the Kansas
11 probate code;

12 (5) actions to foreclose real estate mortgages or to establish and
13 foreclose liens on real estate as provided in the acts contained in article 11
14 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto;

15 (6) contested actions for divorce, separate maintenance or custody of
16 minor children. Nothing in this paragraph shall be construed as limiting
17 the power of a district magistrate judge to: (A) Except as provided in
18 subsection (e), hear any action pursuant to the Kansas code for care of
19 children or the revised Kansas juvenile justice code; (B) establish, modify
20 or enforce orders of support, including, but not limited to, orders of
21 support pursuant to the Kansas parentage act, K.S.A. 2014 Supp. 23-2201
22 et seq., and amendments thereto, the uniform interstate family support act,
23 K.S.A. 2014 Supp. 23-36,101 et seq., and amendments thereto, articles 29
24 or 30 of chapter 23 of the Kansas Statutes Annotated, and amendments
25 thereto, K.S.A. 39-709, 39-718b or 39-755 or K.S.A. 2014 Supp. 23-3101
26 through 23-3113, 38-2348, 38-2349 or 38-2350, and amendments thereto;
27 or (C) enforce orders granting visitation rights or parenting time;

28 (7) habeas corpus;

29 (8) receiverships;

30 (9) declaratory judgments;

31 (10) mandamus and quo warranto;

32 (11) injunctions;

33 (12) class actions; and

34 (13) actions pursuant to K.S.A. 59-29a01 et seq., and amendments
35 thereto.

36 (b) Notwithstanding the provisions of subsection (a), in the absence,
37 disability or disqualification of a district judge, a district magistrate judge
38 may:

39 (1) Grant a restraining order, as provided in K.S.A. 60-902, and
40 amendments thereto;

41 (2) appoint a receiver, as provided in K.S.A. 60-1301, and
42 amendments thereto; and

43 (3) make any order authorized by K.S.A. 23-2707, and amendments

1 thereto.

2 (c) (1) ~~All actions or proceedings~~ *Every action or proceeding* before a
3 district magistrate judge regularly admitted to practice law in Kansas shall
4 be on the record if such ~~actions or proceedings~~ *action or proceeding* would
5 be on the record before a district judge.

6 (2) In accordance with the limitations and procedures prescribed by
7 law, and subject to any rules of the supreme court relating thereto, any
8 appeal permitted to be taken from an order or final decision of a district
9 magistrate judge: (A) who is not regularly admitted to practice law in
10 Kansas shall be tried and determined de novo by a district judge, except
11 that in civil cases where a record was made of the action or proceeding
12 before the district magistrate judge, the appeal shall be tried and
13 determined on the record by a district judge; and (B) who is regularly
14 admitted to practice law in Kansas shall be to the court of appeals.

15 (d) Except as provided in subsection (e), upon motion of a party, the
16 chief judge may reassign an action from a district magistrate judge to a
17 district judge.

18 (e) Upon motion of a party for a petition or motion filed under the
19 Kansas code for care of children requesting termination of parental rights
20 pursuant to K.S.A. 2014 Supp. ~~38-2361 through 38-2367~~ 38-2266 and 38-
21 2267, and amendments thereto, the chief judge shall reassign such action
22 from a district magistrate judge to a district judge.

23 (f) *This section shall apply to every action or proceeding on or after*
24 *July 1, 2014, regardless of the date such action or proceeding was filed or*
25 *commenced.*

26 Sec. 2. K.S.A. 2014 Supp. 20-302b is hereby repealed.

27 Sec. 3. This act shall take effect and be in force from and after its
28 publication in the Kansas register.