

SENATE BILL No. 20

By Committee on Judiciary

1-17

1 AN ACT concerning courts; relating to court fees and costs; judicial
2 branch surcharge fund; amending K.S.A. 65-409 and K.S.A. 2018
3 Supp. 8-2107, 8-2110, 20-3021, 21-6614, 22-2410, 23-2510, 28-170,
4 28-172a, 28-177, 28-178, 28-179, 32-1049a, 38-2215, 38-2312, 38-
5 2314, 59-104, 60-729, 60-2001, 60-2203a, 61-2704 and 61-4001 and
6 repealing the existing sections.
7

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

9 Section 1. K.S.A. 2018 Supp. 8-2107 is hereby amended to read as
10 follows: 8-2107. (a) (1) Notwithstanding any other provisions of the
11 uniform act regulating traffic on highways, when a person is stopped by a
12 police officer for any of the offenses described in subsection (d) and such
13 person is not immediately taken before a judge of the district court, the
14 police officer may require the person stopped, subject to the provisions of
15 subsection (c), to deposit with the officer a valid Kansas driver's license in
16 exchange for a receipt therefor issued by such police officer, the form of
17 which shall be approved by the division of vehicles. Such receipt shall be
18 recognized as a valid temporary Kansas driver's license authorizing the
19 operation of a motor vehicle by the person stopped until the date of the
20 hearing stated on the receipt. The driver's license and a written copy of the
21 notice to appear shall be delivered by the police officer to the court having
22 jurisdiction of the offense charged as soon as reasonably possible. If the
23 hearing on such charge is continued for any reason, the judge may note on
24 the receipt the date to which such hearing has been continued and such
25 receipt shall be recognized as a valid temporary Kansas driver's license
26 until such date, but in no event shall such receipt be recognized as a valid
27 Kansas driver's license for a period longer than 30 days from the date set
28 for the original hearing. Any person who has deposited a driver's license
29 with a police officer under this subsection—(a) shall have such license
30 returned upon final determination of the charge against such person.

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

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

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

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

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

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

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

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

16 On and after July 1, 1996:

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

29 (e) In the event of forfeiture of any bond under this section, \$75 of
 30 the 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
 33 conflict 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 K.S.A. 8-2118(c), and amendments thereto, plus \$75
 41 which shall be regarded as a docket fee in any court having jurisdiction
 42 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, ~~2017~~ 2019, through June 30, ~~2019~~ 2021,
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. 2018 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 driver's 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) (1) Prior to July 1, 2018, except as provided in subsection (d),~~
5 ~~when the district or municipal court notifies the division of vehicles of a~~
6 ~~failure to comply with a traffic citation pursuant to subsection (b), the~~
7 ~~court shall assess a reinstatement fee of \$59 for each charge on which the~~
8 ~~person failed to make satisfaction regardless of the disposition of the~~
9 ~~charge for which such citation was originally issued and regardless of any~~
10 ~~application for restricted driving privileges. Such reinstatement fee shall~~
11 ~~be in addition to any fine, restricted driving privilege application fee,~~
12 ~~district or municipal court costs and other penalties. The court shall remit~~
13 ~~all reinstatement fees 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 and shall credit 42.37% of such moneys to the division of~~
17 ~~vehicles operating fund, 31.78% to the community alcoholism and~~
18 ~~intoxication programs fund created by K.S.A. 41-1126, and amendments~~
19 ~~thereto, 10.59% to the juvenile alternatives to detention fund created by~~
20 ~~K.S.A. 79-4803, and amendments thereto, and 15.26% to the judicial~~
21 ~~branch nonjudicial salary adjustment fund created by K.S.A. 2018 Supp.~~
22 ~~20-1a15, and amendments thereto.~~

23 ~~(2)~~ On and after July 1, 2018, except as provided in subsection (d),
24 when the district or municipal court notifies the division of vehicles of a
25 failure to comply with a traffic citation pursuant to subsection (b), the
26 court shall assess a reinstatement fee of \$100 for each charge on which the
27 person failed to make satisfaction regardless of the disposition of the
28 charge for which such citation was originally issued and regardless of any
29 application for restricted driving privileges. Such reinstatement fee shall
30 be in addition to any fine, restricted driving privilege application fee,
31 district or municipal court costs and other penalties. The court shall remit
32 all reinstatement fees to the state treasurer in accordance with the
33 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
34 each such remittance, the state treasurer shall deposit the entire amount in
35 the state treasury and shall credit the first \$15 of such reinstatement fee to
36 the judicial branch nonjudicial salary adjustment fund and of the
37 remaining amount, 29.41% of such moneys to the division of vehicles
38 operating fund, 22.06% to the community alcoholism and intoxication
39 programs fund created by K.S.A. 41-1126, and amendments thereto,
40 7.36% to the juvenile alternatives to detention fund created by K.S.A. 79-
41 4803, and amendments thereto, and 41.17% to the judicial branch
42 nonjudicial salary adjustment fund created by K.S.A. 2018 Supp. 20-1a15,
43 and amendments thereto.

1 (d) The district court or municipal court shall waive the reinstatement
2 fee provided for in subsection (c), if the failure to comply with a traffic
3 citation was the result of such person enlisting in or being drafted into the
4 armed services of the United States, being called into service as a member
5 of a reserve component of the military service of the United States, or
6 volunteering for such active duty, or being called into service as a member
7 of the state of Kansas national guard, or volunteering for such active duty,
8 and being absent from Kansas because of such military service.

9 (e) Except as provided further, the reinstatement fee established in
10 this section shall be the only fee collected or moneys in the nature of a fee
11 collected for such reinstatement. Such fee shall only be established by an
12 act of the legislature and no other authority is established by law or
13 otherwise to collect a fee. On and after July 1, ~~2017~~ 2019, through June
14 30, ~~2019~~ 2021, the supreme court may impose an additional charge, not to
15 exceed \$22 per reinstatement fee, to fund the costs of non-judicial
16 personnel.

17 Sec. 3. K.S.A. 2018 Supp. 20-3021 is hereby amended to read as
18 follows: 20-3021. (a) (1) On and after July 1, 2014, any party filing an
19 appeal with the court of appeals shall pay a fee in the amount of \$145 to
20 the clerk of the supreme court.

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

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

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

32 (d) Except as provided further, the fee established in this section shall
33 be the only fee collected or moneys in the nature of a fee collected for the
34 docket fee. Such fee shall only be established by an act of the legislature
35 and no other authority is established by law or otherwise to collect a fee.
36 On and after July 1, ~~2017~~ 2019, through June 30, ~~2019~~ 2021, the supreme
37 court may impose an additional charge, not to exceed \$10 per fee, to fund
38 the costs of non-judicial personnel.

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

42 Sec. 4. K.S.A. 2018 Supp. 21-6614 is hereby amended to read as
43 follows: 21-6614. (a) (1) Except as provided in subsections (b), (c), (d),

1 (e) and (f), any person convicted in this state of a traffic infraction,
2 cigarette or tobacco infraction, misdemeanor or a class D or E felony, or
3 for crimes committed on or after July 1, 1993, any nongrid felony or
4 felony ranked in severity levels 6 through 10 of the nondrug grid, or for
5 crimes committed on or after July 1, 1993, but prior to July 1, 2012, any
6 felony ranked in severity level 4 of the drug grid, or for crimes committed
7 on or after July 1, 2012, any felony ranked in severity level 5 of the drug
8 grid may petition the convicting court for the expungement of such
9 conviction or related arrest records if three or more years have elapsed
10 since the person: (A) Satisfied the sentence imposed; or (B) was
11 discharged from probation, a community correctional services program,
12 parole, postrelease supervision, conditional release or a suspended
13 sentence.

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

19 (b) Any person convicted of prostitution, as defined in K.S.A. 21-
20 3512, prior to its repeal, convicted of a violation of K.S.A. 2018 Supp. 21-
21 6419, and amendments thereto, or who entered into a diversion agreement
22 in lieu of further criminal proceedings for such violation, may petition the
23 convicting court for the expungement of such conviction or diversion
24 agreement and related arrest records if:

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

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

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

1 July 1, 2012, any felony ranked in severity levels 1 through 3 of the drug
2 grid, or for crimes committed on or after July 1, 2012, any felony ranked
3 in severity levels 1 through 4 of the drug grid, or:

4 (1) Vehicular homicide, as defined in K.S.A. 21-3405, prior to its
5 repeal, or K.S.A. 2018 Supp. 21-5406, and amendments thereto, or as
6 prohibited by any law of another state which is in substantial conformity
7 with that statute;

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

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

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

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

21 (6) failing to stop at the scene of an accident and perform the duties
22 required by K.S.A. ~~8-1602~~, 8-1603, prior to its repeal, or *K.S.A. 8-1602 or*
23 *8-1604*, and amendments thereto, or required by a law of another state
24 which is in substantial conformity with those statutes;

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

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

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

35 (2) No person may petition for expungement until 10 or more years
36 have elapsed since the person satisfied the sentence imposed or was
37 discharged from probation, a community correctional services program,
38 parole, postrelease supervision, conditional release or a suspended
39 sentence, if such person was convicted of a second or subsequent violation
40 of K.S.A. 8-1567, and amendments thereto.

41 (3) Except as provided further, the provisions of this subsection shall
42 apply to all violations committed on or after July 1, 2006. The provisions
43 of subsection (d)(2) shall not apply to violations committed on or after

1 July 1, 2014, but prior to July 1, 2015.

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

5 (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.
6 2018 Supp. 21-5503, and amendments thereto;

7 (2) indecent liberties with a child or aggravated indecent liberties
8 with a child, as defined in K.S.A. 21-3503 or 21-3504, prior to their repeal,
9 or K.S.A. 2018 Supp. 21-5506, and amendments thereto;

10 (3) criminal sodomy, as defined in K.S.A. 21-3505(a)(2) or (a)(3),
11 prior to its repeal, or K.S.A. 2018 Supp. 21-5504(a)(3) or (a)(4), and
12 amendments thereto;

13 (4) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior
14 to its repeal, or K.S.A. 2018 Supp. 21-5504, and amendments thereto;

15 (5) indecent solicitation of a child or aggravated indecent solicitation
16 of a child, as defined in K.S.A. 21-3510 or 21-3511, prior to their repeal,
17 or K.S.A. 2018 Supp. 21-5508, and amendments thereto;

18 (6) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior
19 to its repeal, or K.S.A. 2018 Supp. 21-5510, and amendments thereto;

20 (7) internet trading in child pornography or aggravated internet
21 trading in child pornography, as defined in K.S.A. 2018 Supp. 21-5514,
22 and amendments thereto;

23 (8) aggravated incest, as defined in K.S.A. 21-3603, prior to its
24 repeal, or K.S.A. 2018 Supp. 21-5604, and amendments thereto;

25 (9) endangering a child or aggravated endangering a child, as defined
26 in K.S.A. 21-3608 or 21-3608a, prior to their repeal, or K.S.A. 2018 Supp.
27 21-5601, and amendments thereto;

28 (10) abuse of a child, as defined in K.S.A. 21-3609, prior to its repeal,
29 or K.S.A. 2018 Supp. 21-5602, and amendments thereto;

30 (11) capital murder, as defined in K.S.A. 21-3439, prior to its repeal,
31 or K.S.A. 2018 Supp. 21-5401, and amendments thereto;

32 (12) murder in the first degree, as defined in K.S.A. 21-3401, prior to
33 its repeal, or K.S.A. 2018 Supp. 21-5402, and amendments thereto;

34 (13) murder in the second degree, as defined in K.S.A. 21-3402, prior
35 to its repeal, or K.S.A. 2018 Supp. 21-5403, and amendments thereto;

36 (14) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to
37 its repeal, or K.S.A. 2018 Supp. 21-5404, and amendments thereto;

38 (15) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to
39 its repeal, or K.S.A. 2018 Supp. 21-5405, and amendments thereto;

40 (16) sexual battery, as defined in K.S.A. 21-3517, prior to its repeal,
41 or K.S.A. 2018 Supp. 21-5505, and amendments thereto, when the victim
42 was less than 18 years of age at the time the crime was committed;

43 (17) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to

1 its repeal, or K.S.A. 2018 Supp. 21-5505, and amendments thereto;

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

4 (19) any conviction for any offense in effect at any time prior to July
5 1, 2011, that is comparable to any offense as provided in this subsection.

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

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

16 (A) Defendant's full name;

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

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

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

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

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

25 (2) Except as otherwise provided by law, a petition for expungement
26 shall be accompanied by a docket fee in the amount of \$176. On and after
27 July 1, ~~2017~~ 2019, through June 30, ~~2019~~ 2021, the supreme court may
28 impose a charge, not to exceed \$19 per case, to fund the costs of non-
29 judicial personnel. The charge established in this section shall be the only
30 fee collected or moneys in the nature of a fee collected for the case. Such
31 charge shall only be established by an act of the legislature and no other
32 authority is established by law or otherwise to collect a fee.

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

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

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

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

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

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

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

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

22 (A) In any application for licensure as a private detective, private
23 detective agency, certification as a firearms trainer pursuant to K.S.A.
24 2018 Supp. 75-7b21, and amendments thereto, or employment as a
25 detective with a private detective agency, as defined by K.S.A. 75-7b01,
26 and amendments thereto; as security personnel with a private patrol
27 operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with
28 an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of
29 the Kansas department for aging and disability services;

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

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

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

42 (E) to aid in determining the petitioner's qualifications for the
43 following under the Kansas expanded lottery act: (i) Lottery gaming

1 facility manager or prospective manager, racetrack gaming facility
2 manager or prospective manager, licensee or certificate holder; or (ii) an
3 officer, director, employee, owner, agent or contractor thereof;

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

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

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

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

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

16 (K) ~~for applications received on and after July 1, 2006,~~ to aid in
17 determining the petitioner's qualifications for a license to carry a concealed
18 weapon pursuant to the personal and family protection act, K.S.A. 2018
19 Supp. 75-7c01 et seq., and amendments thereto; or

20 (L) ~~for applications received on and after July 1, 2017,~~ to aid in
21 determining the petitioner's qualifications for a license to act as a bail
22 enforcement agent pursuant to K.S.A. 2018 Supp. 75-7e01 through 75-
23 7e09 and K.S.A. 2018 Supp. 50-6,141, and amendments thereto;

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

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

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

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

40 (k) (1) Subject to the disclosures required pursuant to subsection (i),
41 in any application for employment, license or other civil right or privilege,
42 or any appearance as a witness, a person whose arrest records, conviction
43 or diversion of a crime has been expunged under this statute may state that

1 such person has never been arrested, convicted or diverted of such crime.

2 (2) Notwithstanding the provisions of subsection (k)(1), and except as
3 provided in K.S.A. 2018 Supp. 21-6304(a)(3)(A), and amendments
4 thereto, the expungement of a prior felony conviction does not relieve the
5 individual of complying with any state or federal law relating to the use,
6 shipment, transportation, receipt or possession of firearms by persons
7 previously convicted of a felony.

8 (1) Whenever the record of any arrest, conviction or diversion has
9 been expunged under the provisions of this section or under the provisions
10 of any other existing or former statute, the custodian of the records of
11 arrest, conviction, diversion and incarceration relating to that crime shall
12 not disclose the existence of such records, except when requested by:

13 (1) The person whose record was expunged;

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

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

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

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

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

30 (7) the supreme court, the clerk or disciplinary administrator thereof,
31 the state board for admission of attorneys or the state board for discipline
32 of attorneys, and the request is accompanied by a statement that the
33 request is being made in conjunction with an application for admission, or
34 for an order of reinstatement, to the practice of law in this state by the
35 person whose record has been expunged;

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

41 (9) the governor or the Kansas racing and gaming commission, or a
42 designee of the commission, and the request is accompanied by a
43 statement that the request is being made to aid in determining

- 1 qualifications for executive director of the commission, for employment
2 with the commission, for work in sensitive areas in parimutuel racing as
3 deemed appropriate by the executive director of the commission or for
4 licensure, renewal of licensure or continued licensure by the commission;
- 5 (10) the Kansas racing and gaming commission, or a designee of the
6 commission, and the request is accompanied by a statement that the
7 request is being made to aid in determining qualifications of the following
8 under the Kansas expanded lottery act: (A) Lottery gaming facility
9 managers and prospective managers, racetrack gaming facility managers
10 and prospective managers, licensees and certificate holders; and (B) their
11 officers, directors, employees, owners, agents and contractors;
- 12 (11) the Kansas sentencing commission;
- 13 (12) the state gaming agency, and the request is accompanied by a
14 statement that the request is being made to aid in determining
15 qualifications: (A) To be an employee of the state gaming agency; or (B)
16 to be an employee of a tribal gaming commission or to hold a license
17 issued pursuant to a tribal-gaming compact;
- 18 (13) the Kansas securities commissioner or a designee of the
19 commissioner, and the request is accompanied by a statement that the
20 request is being made in conjunction with an application for registration as
21 a broker-dealer, agent, investment adviser or investment adviser
22 representative by such agency and the application was submitted by the
23 person whose record has been expunged;
- 24 (14) the Kansas commission on peace officers' standards and training
25 and the request is accompanied by a statement that the request is being
26 made to aid in determining certification eligibility as a law enforcement
27 officer pursuant to K.S.A. 74-5601 et seq., and amendments thereto;
- 28 (15) a law enforcement agency and the request is accompanied by a
29 statement that the request is being made to aid in determining eligibility
30 for employment as a law enforcement officer as defined by K.S.A. 22-
31 2202, and amendments thereto;
- 32 (16) the attorney general and the request is accompanied by a
33 statement that the request is being made to aid in determining
34 qualifications for a license to:
- 35 (A) Carry a concealed weapon pursuant to the personal and family
36 protection act; or
- 37 (B) act as a bail enforcement agent pursuant to K.S.A. 2018 Supp.
38 75-7e01 through 75-7e09 and K.S.A. 2018 Supp. 50-6,141, and
39 amendments thereto; or
- 40 (17) the Kansas bureau of investigation for the purposes of:
- 41 (A) Completing a person's criminal history record information within
42 the central repository, in accordance with K.S.A. 22-4701 et seq., and
43 amendments thereto; or

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

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

6 Sec. 5. K.S.A. 2018 Supp. 22-2410 is hereby amended to read as
7 follows: 22-2410. (a) (1) Any person who has been arrested in this state
8 may petition the district court for the expungement of such arrest record.

9 (2) (A) If a person has been arrested in this state as a result of
10 mistaken identity or as a result of another person using the identifying
11 information of the named person, and the charge against the named person
12 is dismissed or not prosecuted, the prosecuting attorney or other judicial
13 officer who ordered the dismissal or declined to prosecute shall provide
14 notice to the court of such action and petition the district court for the
15 expungement of such arrest record, and the court shall order the arrest
16 record and subsequent court proceedings, if any, expunged and purged
17 from all applicable state and federal systems pursuant to subsection (d).

18 (B) For purposes of this section, the term "mistaken identity" means
19 the erroneous arrest of a person for a crime as a result of misidentification
20 by a witness or law enforcement, confusion on the part of a witness or law
21 enforcement as to the identity of the person who committed the crime,
22 misinformation provided to law enforcement as to the identity of the
23 person who committed the crime or some other mistake on the part of a
24 witness or law enforcement as to the identity of the person who committed
25 the crime. "Mistaken identity" shall not include any situation in which an
26 arrestee intentionally provides false information to law enforcement
27 officials in an attempt to conceal such person's identity.

28 (b) (1) When a petition for expungement is filed pursuant to
29 subsection (a)(1), the court shall set a date for hearing on such petition and
30 shall cause notice of such hearing to be given to the prosecuting attorney
31 and the arresting law enforcement agency. Any person who may have
32 relevant information about the petitioner may testify at the hearing. The
33 court may inquire into the background of the petitioner.

34 (2) When a petition for expungement is filed pursuant to subsection
35 (a)(1) or (a)(2), the official court file shall be separated from the other
36 records of the court, and shall be disclosed only to a judge of the court and
37 members of the staff of the court designated by a judge of the district
38 court, the prosecuting attorney, the arresting law enforcement agency, or
39 any other person when authorized by a court order, subject to any
40 conditions imposed by the order.

41 (3) (A) Except as otherwise provided by law, a petition for
42 expungement pursuant to subsection (a)(1) shall be accompanied by a
43 docket fee in the amount of \$176. Except as provided further, the docket

1 fee established in this section shall be the only fee collected or moneys in
2 the nature of a fee collected for the docket fee. Such fee shall only be
3 established by an act of the legislature and no other authority is established
4 by law or otherwise to collect a fee. On and after July 1, ~~2017~~ 2019,
5 through June 30, ~~2019~~ 2021, the supreme court may impose an additional
6 charge, not to exceed \$19 per docket fee, to fund the costs of non-judicial
7 personnel.

8 (B) No surcharge or fee shall be imposed to any person filing a
9 petition pursuant to subsection (a)(1), who was arrested as a result of being
10 a victim of identity theft under K.S.A. 21-4018, prior to its repeal, or
11 K.S.A. 2018 Supp. 21-6107(a), and amendments thereto, or who has had
12 criminal charges dismissed because a court has found that there was no
13 probable cause for the arrest, the petitioner was found not guilty in court
14 proceedings or the charges have been dismissed.

15 (4) The petition filed pursuant to subsection (a)(1) or (a)(2) shall
16 state:

17 (A) The petitioner's full name;

18 (B) the full name of the petitioner at the time of arrest, if different
19 than the petitioner's current name;

20 (C) the petitioner's sex, race and date of birth;

21 (D) the crime for which the petitioner was arrested;

22 (E) the date of the petitioner's arrest; and

23 (F) the identity of the arresting law enforcement agency.

24 (c) At the hearing on a petition for expungement pursuant to
25 subsection (a)(1), the court shall order the arrest record and subsequent
26 court proceedings, if any, expunged upon finding: (1) The arrest occurred
27 because of mistaken identity;

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

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

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

33 (d) (1) When the court has ordered expungement of an arrest record
34 and subsequent court proceedings, if any, on a petition for expungement
35 pursuant to subsection (a)(1), the order shall state the information required
36 to be stated in the petition and shall state the grounds for expungement
37 under subsection (c). The clerk of the court shall send a certified copy of
38 the order to the Kansas bureau of investigation which shall notify the
39 federal bureau of investigation, the secretary of corrections and any other
40 criminal justice agency which may have a record of the arrest. If the case
41 was appealed from municipal court, the clerk of the district court shall
42 send a certified copy of the order of expungement to the municipal court.
43 The municipal court shall order the case expunged once the certified copy

1 of the order of expungement is received. If an order of expungement is
2 entered, the petitioner pursuant to subsection (a)(1) shall be treated as not
3 having been arrested.

4 (2) When the court has ordered expungement of arrest records on a
5 petition for expungement pursuant to subsection (a)(2), the order shall
6 state the information required to be stated in the petition and shall state the
7 grounds for expungement under subsection (a)(2). The order shall also
8 direct the Kansas bureau of investigation to purge the arrest information
9 from the criminal justice information system central repository and all
10 applicable state and federal databases. The clerk of the court shall send a
11 certified copy of the order to the Kansas bureau of investigation, which
12 shall carry out the order and shall notify the federal bureau of
13 investigation, the secretary of corrections and any other criminal justice
14 agency that may have a record of the arrest. If an order of expungement is
15 entered, the person eligible for mandatory expungement pursuant to
16 subsection (a)(2) shall be treated as not having been arrested.

17 (e) If the ground for expungement is as provided in subsection (c)(4),
18 the court shall determine whether, in the interests of public welfare, the
19 records should be available for any of the following purposes:

20 (1) In any application for employment as a detective with a private
21 detective agency, as defined in K.S.A. 75-7b01, and amendments thereto;
22 as security personnel with a private patrol operator, as defined by K.S.A.
23 75-7b01, and amendments thereto; or with an institution, as defined in
24 K.S.A. 76-12a01, and amendments thereto, of the Kansas department for
25 aging and disability services;

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

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

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

38 (5) in any application for a commercial driver's license under K.S.A.
39 8-2,125 through 8-2,142, and amendments thereto;

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

42 (7) to aid in determining the petitioner's qualifications to be an
43 employee of a tribal gaming commission or to hold a license issued

- 1 pursuant to a tribal-state gaming compact; or
- 2 (8) in any other circumstances which the court deems appropriate.
- 3 (f) The court shall make all expunged records and related information
- 4 in such court's possession, created prior to, on and after July 1, 2011,
- 5 available to the Kansas bureau of investigation for the purposes of:
- 6 (1) 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 (2) 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 (g) Subject to any disclosures required under subsection (e), in any
- 13 application for employment, license or other civil right or privilege, or any
- 14 appearance as a witness, a person whose arrest records have been
- 15 expunged as provided in this section may state that such person has never
- 16 been arrested.
- 17 (h) Whenever a person's arrest records have been expunged as
- 18 provided in this section, the custodian of the records of arrest,
- 19 incarceration due to arrest or court proceedings related to the arrest, shall
- 20 not disclose the arrest or any information related to the arrest, except as
- 21 directed by the order of expungement or when requested by the person
- 22 whose arrest record was expunged.
- 23 (i) The docket fee collected at the time the petition for expungement
- 24 is filed pursuant to subsection (a)(1) shall be disbursed in accordance with
- 25 K.S.A. 20-362, and amendments thereto.
- 26 Sec. 6. K.S.A. 2018 Supp. 23-2510 is hereby amended to read as
- 27 follows: 23-2510. (a) The judge or clerk of the district court shall collect
- 28 from the applicant for a marriage license a fee of \$59.
- 29 (b) The clerk of the court shall remit all fees prescribed by this
- 30 section to the state treasurer in accordance with the provisions of K.S.A.
- 31 75-4215, and amendments thereto. Upon receipt of each such remittance,
- 32 the state treasurer shall deposit the entire amount in the state treasury. Of
- 33 each remittance, the state treasurer shall credit 38.98% to the protection
- 34 from abuse fund, 15.19% to the family and children trust account of the
- 35 family and children investment fund created by K.S.A. 38-1808, and
- 36 amendments thereto, 16.95% to the crime victims assistance fund created
- 37 by K.S.A. 74-7334, and amendments thereto, 15.25% to the judicial
- 38 branch nonjudicial salary adjustment fund created by K.S.A. 2018 Supp.
- 39 20-1a15, and amendments thereto, and the remainder to the state general
- 40 fund.
- 41 (c) Except as provided further, the marriage license fee established in
- 42 this section shall be the only fee collected or moneys in the nature of a fee
- 43 collected for a marriage license. 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, ~~2017~~ 2019, through June
3 30, ~~2019~~ 2021, the supreme court may impose an additional charge, not to
4 exceed \$26.50 per marriage license fee, to fund the costs of non-judicial
5 personnel.

6 Sec. 7. K.S.A. 2018 Supp. 28-170 is hereby amended to read as
7 follows: 28-170. (a) The docket fee prescribed by K.S.A. 60-2001, and
8 amendments thereto, and the fees for service of process, shall be the only
9 costs assessed for services of the clerk of the district court and the sheriff
10 in any case filed under chapter 60 or chapter 61 of the Kansas Statutes
11 Annotated, and amendments thereto, except that no fee shall be charged
12 for an action filed under K.S.A. 60-3101 et seq., and under K.S.A. 60-
13 31a01 et seq., and amendments thereto. For services in other matters in
14 which no other fee is prescribed by statute, the following fees shall be
15 charged and collected by the clerk. Only one fee shall be charged for each
16 bond, lien or judgment:

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

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

32 (c) In actions pursuant to the revised Kansas code for care of
33 children, K.S.A. 2018 Supp. 38-2201 et seq., and amendments thereto, the
34 revised Kansas juvenile justice code, K.S.A. 2018 Supp. 38-2301 et seq.,
35 and amendments thereto, the act for treatment of alcoholism, K.S.A. 65-
36 4001 et seq., and amendments thereto, the act for treatment of drug abuse,
37 K.S.A. 65-5201 et seq., and amendments thereto, or the care and treatment
38 act for mentally ill persons, K.S.A. 59-2945 et seq., and amendments
39 thereto, the clerk shall charge an additional fee of \$1 which shall be
40 deducted from the docket fee and credited to the prosecuting attorneys'
41 training fund as provided in K.S.A. 28-170a, and amendments thereto.

42 (d) Except as provided further, the bond, lien or judgment fee
43 established in subsection (a) shall be the only fee collected or moneys in

1 the nature of a fee collected for such bond, lien or judgment. Such fee shall
 2 only be established by an act of the legislature and no other authority is
 3 established by law or otherwise to collect a fee. On and after July 1, ~~2017~~
 4 ~~2019~~, through June 30, ~~2019~~ 2021, the supreme court may impose an
 5 additional charge, not to exceed \$22 per bond, lien or judgment fee, to
 6 fund the costs of non-judicial personnel.

7 Sec. 8. K.S.A. 2018 Supp. 28-172a is hereby amended to read as
 8 follows: 28-172a. (a) Except as otherwise provided in this section,
 9 whenever the prosecuting witness or defendant is adjudged to pay the costs
 10 in a criminal proceeding in any county, a docket fee shall be taxed as
 11 follows, ~~on and after July 1, 2013~~:

| | |
|-----------------------------------|----------|
| 12 Murder or manslaughter..... | \$180.50 |
| 13 Other felony..... | 171.00 |
| 14 Misdemeanor..... | 136.00 |
| 15 Forfeited recognizance..... | 72.50 |
| 16 Appeals from other courts..... | 72.50 |

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

29 (2) In actions involving the violation of a moving traffic violation
 30 under K.S.A. 8-2118, and amendments thereto, as defined by rules and
 31 regulations adopted under K.S.A. 8-249, and amendments thereto,
 32 whenever the prosecuting witness or defendant is adjudged to pay the costs
 33 in the action, ~~on and after July 1, 2014~~, a docket fee of \$86 shall be
 34 charged. When an action is disposed of under K.S.A. 8-2118(a) and (b),
 35 and amendments thereto, ~~on and after July 1, 2014~~, the docket fee to be
 36 paid as court costs shall be \$86.

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

41 (d) Statutory charges made pursuant to the provisions of K.S.A. 20-
 42 362, and amendments thereto, shall be paid from the docket fee; the family
 43 violence and child abuse and neglect assistance and prevention fund fee

1 shall be paid from criminal proceedings docket fees. All other fees and
2 expenses to be assessed as additional court costs shall be approved by the
3 court, unless specifically fixed by statute. Additional fees shall include, but
4 are not limited to, fees for Kansas bureau of investigation forensic or
5 laboratory analyses, fees for detention facility processing pursuant to
6 K.S.A. 12-16,119, and amendments thereto, fees for the sexual assault
7 evidence collection kit, fees for conducting an examination of a sexual
8 assault victim, fees for service of process outside the state, witness fees,
9 fees for transcripts and depositions, costs from other courts, doctors' fees
10 and examination and evaluation fees. No sheriff in this state shall charge
11 any district court of this state a fee or mileage for serving any paper or
12 process.

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

24 (f) Except as provided further, the docket fee established in this
25 section shall be the only fee collected or moneys in the nature of a fee
26 collected for the docket fee. Such fee shall only be established by an act of
27 the legislature and no other authority is established by law or otherwise to
28 collect a fee. On and after July 1, ~~2017~~ 2019, through June 30, ~~2019~~ 2021,
29 the supreme court may impose an additional charge, not to exceed \$22 per
30 docket fee, to fund the costs of non-judicial personnel.

31 Sec. 9. K.S.A. 2018 Supp. 28-177 is hereby amended to read as
32 follows: 28-177. (a) Except as provided in this section and K.S.A. 2018
33 Supp. 28-178, and amendments thereto, the fees established by legislative
34 enactment shall be the only fee collected or moneys in the nature of a fee
35 collected for court procedures. Such fee shall only be established by an act
36 of the legislature and no other authority is established by law or otherwise
37 to collect a fee. Court procedures shall include docket fees, filing fees or
38 other fees related to access to court procedures. On and after July 1, ~~2017~~
39 2019, through June 30, ~~2019~~ 2021, the supreme court may impose an
40 additional charge, not to exceed \$26.50 per fee or the amount established
41 by the applicable statute, whichever amount is less, to fund the costs of
42 non-judicial personnel.

43 (b) Such additional charge imposed by the court pursuant to K.S.A. 8-

1 2107, 8-2110, 22-2410, 28-170, 28-172a, 59-104, 60-2001, 60-2203a, 61-
2 2704, 61-4001 and 65-409 and K.S.A. 2018 Supp. 21-6614, 23-2510, 28-
3 178, 28-179, 32-1049a, 38-2215, 38-2312 and 38-2314, and amendments
4 thereto, shall be remitted to the state treasurer in accordance with the
5 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
6 each such remittance, the state treasurer shall deposit the entire amount in
7 the state treasury to the credit of the judicial branch docket fee fund, which
8 is hereby created in the state treasury.

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

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

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

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

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

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

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

36 Sec. 10. K.S.A. 2018 Supp. 28-178 is hereby amended to read as
37 follows: 28-178. (a) In addition to any other fees specifically prescribed by
38 law, on and after July 1, ~~2017~~ 2019, through June 30, ~~2019~~ 2021, the
39 supreme court may impose a charge, not to exceed \$12.50 per fee, to fund
40 the costs of non-judicial personnel, on the following:

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

43 (2) Persons who request a hearing in aid of execution pursuant to

1 K.S.A. 60-2419, and amendments thereto.

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

6 (4) Persons who request a writ or order of sale pursuant to K.S.A. 60-
7 2401 or 61-3602, and amendments thereto.

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

10 (6) A person who requests an attachment against the property of a
11 defendant or any one or more of several defendants pursuant to K.S.A. 60-
12 701 or 61-3501, and amendments thereto.

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

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

23 Sec. 11. K.S.A. 2018 Supp. 28-179 is hereby amended to read as
24 follows: 28-179. (a) No post-decree motion petitioning for a modification
25 or termination of separate maintenance, for a change in legal custody,
26 residency, visitation rights or parenting time or for a modification of child
27 support shall be filed or docketed in the district court without payment of a
28 docket fee in the amount of \$40 ~~on and after July 1, 2013~~, to the clerk of
29 the district court.

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

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

36 (d) Except as provided further, the docket fee established in this
37 section shall be the only fee collected or moneys in the nature of a fee
38 collected for the docket fee. Such fee shall only be established by an act of
39 the legislature and no other authority is established by law or otherwise to
40 collect a fee. On and after July 1, ~~2017~~ 2019, through June 30, ~~2019~~ 2021,
41 the supreme court may impose an additional charge, not to exceed \$22 per
42 docket fee, to fund the costs of non-judicial personnel.

43 Sec. 12. K.S.A. 2018 Supp. 32-1049a is hereby amended to read as

1 follows: 32-1049a. (a) Failure to comply with a wildlife, parks and tourism
2 citation means failure to:

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

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

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

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

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

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

37 (d) Except as provided in subsection (e), when the district court
38 notifies the department of a failure to comply with a wildlife, parks and
39 tourism citation or failure to comply with a sentence of the district court
40 imposed on violation of a wildlife, parks and tourism law or rule and
41 regulation, the court shall assess a reinstatement fee of \$50 for each charge
42 or sentence on which the person failed to make satisfaction, regardless of
43 the disposition of the charge for which such citation was originally issued.

1 Such reinstatement fee shall be in addition to any fine, court costs and
2 other assessments, fees or penalties. The court shall remit all reinstatement
3 fees to the state treasurer in accordance with the provisions of K.S.A. 75-
4 4215, and amendments thereto. Upon receipt of each remittance, the state
5 treasurer shall deposit the entire amount in the state treasury and shall
6 credit such moneys to the state general fund.

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

20 (f) Except as provided further, the reinstatement fee established in
21 subsection (d) shall be the only fee collected or moneys in the nature of a
22 fee collected for such reinstatement. Such fee shall only be established by
23 an act of the legislature and no other authority is established by law or
24 otherwise to collect a fee. On and after July 1, ~~2017~~ 2019, through June
25 30, ~~2019~~ 2021, the supreme court may impose an additional charge, not to
26 exceed \$22 per reinstatement fee, to fund the costs of non-judicial
27 personnel.

28 Sec. 13. K.S.A. 2018 Supp. 38-2215 is hereby amended to read as
29 follows: 38-2215. (a) *Docket fee*. The docket fee for proceedings under
30 this code, if one is assessed as provided in this section, shall be \$34. Only
31 one docket fee shall be assessed in each case. Except as provided further,
32 the docket fee established in this section shall be the only fee collected or
33 moneys in the nature of a fee collected for the docket fee. Such fee shall
34 only be established by an act of the legislature and no other authority is
35 established by law or otherwise to collect a fee. On and after July 1, ~~2017~~
36 2019, through June 30, ~~2019~~ 2021, the supreme court may impose an
37 additional charge, not to exceed \$22 per docket fee, to fund the costs of
38 non-judicial personnel.

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

43 (c) *Assessment of docket fee and expenses*. (1) *Docket fee*. The docket

1 fee may be assessed or waived by the court conducting the initial
2 dispositional hearing and the docket fee may be assessed against the
3 complaining witness or person initiating the proceedings or a party or
4 interested party other than the state, a political subdivision of the state, an
5 agency of the state or of a political subdivision of the state, or a person
6 acting in the capacity of an employee of the state or of a political
7 subdivision of the state. Any docket fee received shall be remitted to the
8 state treasurer pursuant to K.S.A. 20-362, and amendments thereto.

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

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

30 Sec. 14. K.S.A. 2018 Supp. 38-2312 is hereby amended to read as
31 follows: 38-2312. (a) Except as provided in subsections (b) and (c), any
32 records or files specified in this code concerning a juvenile may be
33 expunged upon application to a judge of the court of the county in which
34 the records or files are maintained. The application for expungement may
35 be made by the juvenile, if 18 years of age or older or, if the juvenile is
36 less than 18 years of age, by the juvenile's parent or next friend.

37 (b) There shall be no expungement of records or files concerning acts
38 committed by a juvenile which, if committed by an adult, would constitute
39 a violation of K.S.A. 21-3401, prior to its repeal, or K.S.A. 2018 Supp. 21-
40 5402, and amendments thereto, murder in the first degree; K.S.A. 21-3402,
41 prior to its repeal, or K.S.A. 2018 Supp. 21-5403, and amendments
42 thereto, murder in the second degree; K.S.A. 21-3403, prior to its repeal,
43 or K.S.A. 2018 Supp. 21-5404, and amendments thereto, voluntary

1 manslaughter; K.S.A. 21-3404, prior to its repeal, or K.S.A. 2018 Supp.
2 21-5405, and amendments thereto, involuntary manslaughter; K.S.A. 21-
3 3439, prior to its repeal, or K.S.A. 2018 Supp. 21-5401, and amendments
4 thereto, capital murder; K.S.A. 21-3442, prior to its repeal, or K.S.A. 2018
5 Supp. 21-5405(a)(3) or (a)(5), and amendments thereto, involuntary
6 manslaughter while driving under the influence of alcohol or drugs; K.S.A.
7 21-3502, prior to its repeal, or K.S.A. 2018 Supp. 21-5503, and
8 amendments thereto, rape; K.S.A. 21-3503, prior to its repeal, or K.S.A.
9 2018 Supp. 21-5506(a), and amendments thereto, indecent liberties with a
10 child; K.S.A. 21-3504, prior to its repeal, or K.S.A. 2018 Supp. 21-
11 5506(b), and amendments thereto, aggravated indecent liberties with a
12 child; K.S.A. 21-3506, prior to its repeal, or K.S.A. 2018 Supp. 21-
13 5504(b), and amendments thereto, aggravated criminal sodomy; K.S.A.
14 21-3510, prior to its repeal, or K.S.A. 2018 Supp. 21-5508(a), and
15 amendments thereto, indecent solicitation of a child; K.S.A. 21-3511, prior
16 to its repeal, or K.S.A. 2018 Supp. 21-5508(b), and amendments thereto,
17 aggravated indecent solicitation of a child; K.S.A. 21-3516, prior to its
18 repeal, or K.S.A. 2018 Supp. 21-5510, and amendments thereto, sexual
19 exploitation of a child; K.S.A. 2018 Supp. 21-5514(a), and amendments
20 thereto, internet trading in child pornography; K.S.A. 2018 Supp. 21-
21 5514(b), and amendments thereto, aggravated internet trading in child
22 pornography; K.S.A. 21-3603, prior to its repeal, or K.S.A. 2018 Supp. 21-
23 5604(b), and amendments thereto, aggravated incest; K.S.A. 21-3608,
24 prior to its repeal, or K.S.A. 2018 Supp. 21-5601(a), and amendments
25 thereto, endangering a child; K.S.A. 21-3609, prior to its repeal, or K.S.A.
26 2018 Supp. 21-5602, and amendments thereto, abuse of a child; or which
27 would constitute an attempt to commit a violation of any of the offenses
28 specified in this subsection.

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

35 (d) When a petition for expungement is filed, the court shall set a date
36 for a hearing on the petition and shall give notice thereof to the county or
37 district attorney. The petition shall state: (1) The juvenile's full name; (2)
38 the full name of the juvenile as reflected in the court record, if different
39 than (1); (3) the juvenile's sex and date of birth; (4) the offense for which
40 the juvenile was adjudicated; (5) the date of the trial; and (6) the identity
41 of the trial court. Except as otherwise provided by law, a petition for
42 expungement shall be accompanied by a docket fee in the amount of \$176.
43 On and after July 1, ~~2017~~ 2019, through June 30, ~~2019~~ 2021, the supreme

1 court may impose a charge, not to exceed \$19 per case, to fund the costs of
2 non-judicial personnel. All petitions for expungement shall be docketed in
3 the original action. Any person who may have relevant information about
4 the petitioner may testify at the hearing. The court may inquire into the
5 background of the petitioner.

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

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

10 (ii) one year has elapsed since the final discharge for an adjudication
11 concerning acts committed by a juvenile which, if committed by an adult,
12 would constitute a violation of K.S.A. 2018 Supp. 21-6419, and
13 amendments thereto; or

14 (iii) the juvenile is a victim of human trafficking, aggravated human
15 trafficking or commercial sexual exploitation of a child, the adjudication
16 concerned acts committed by the juvenile as a result of such victimization,
17 including, but not limited to, acts which, if committed by an adult, would
18 constitute a violation of K.S.A. 2018 Supp. 21-6203 or 21-6419, and
19 amendments thereto, and the hearing on expungement occurred on or after
20 the date of final discharge. The provisions of this clause shall not allow an
21 expungement of records or files concerning acts described in subsection
22 (b);

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

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

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

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

43 (g) A certified copy of any order made pursuant to subsection (a) or

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

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

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

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

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

19 (1) The person whose record was expunged;

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

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

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

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

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

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

1 or continued licensure by the commission;

2 (8) the Kansas sentencing commission; or

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

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

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

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

12 Sec. 15. K.S.A. 2018 Supp. 38-2314 is hereby amended to read as
13 follows: 38-2314. (a) *Docket fee*. The docket fee for proceedings under
14 this code, if one is assessed as provided by this section, shall be \$34. Only
15 one docket fee shall be assessed in each case. Except as provided further,
16 the docket fee established in this section shall be the only fee collected or
17 moneys in the nature of a fee collected for the docket fee. Such fee shall
18 only be established by an act of the legislature and no other authority is
19 established by law or otherwise to collect a fee. On and after July 1, ~~2017~~
20 ~~2019~~, through June 30, ~~2019~~ 2021, the supreme court may impose an
21 additional charge, not to exceed \$22 per docket fee, to fund the costs of
22 non-judicial personnel.

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

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

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

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

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

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

10 Sec. 16. K.S.A. 2018 Supp. 59-104 is hereby amended to read as
 11 follows: 59-104. (a) *Docket fee.* (1) Except as otherwise provided by law,
 12 no case shall be filed or docketed in the district court under the provisions
 13 of chapter 59 of the Kansas Statutes Annotated, and amendments thereto,
 14 or of articles 40 and 52 of chapter 65 of the Kansas Statutes Annotated,
 15 and amendments thereto, without payment of an appropriate docket fee as
 16 follows, ~~on and after July 1, 2014:~~

| | |
|---|---------|
| 17 Treatment of mentally ill..... | \$34.50 |
| 18 Treatment of alcoholism or drug abuse..... | 34.50 |
| 19 Determination of descent of property..... | 49.50 |
| 20 Termination of life estate..... | 48.50 |
| 21 Termination of joint tenancy..... | 48.50 |
| 22 Refusal to grant letters of administration..... | 48.50 |
| 23 Adoption..... | 48.50 |
| 24 Filing a will and affidavit under K.S.A. 59-618a, <i>and</i> 25 <i>amendments thereto</i> | 48.50 |
| 26 Guardianship..... | 69.50 |
| 27 Conservatorship..... | 69.50 |
| 28 Trusteeship..... | 69.50 |
| 29 Combined guardianship and conservatorship..... | 69.50 |
| 30 Certified probate proceedings under K.S.A. 59-213, and amendments 31 thereto..... | 23.50 |
| 32 Decrees in probate from another state..... | 173.00 |
| 33 Probate of an estate or of a will..... | 109.50 |
| 34 Civil commitment under K.S.A. 59-29a01 et seq., <i>and</i> 35 <i>amendments thereto</i> | 33.50 |

36 (2) Except as provided further, the docket fee established in this
 37 section shall be the only fee collected or moneys in the nature of a fee
 38 collected for the docket fee. Such fee shall only be established by an act of
 39 the legislature and no other authority is established by law or otherwise to
 40 collect a fee. On and after July 1, ~~2017~~ 2019, through June 30, ~~2019~~ 2021,
 41 the supreme court may impose an additional charge, not to exceed \$22 per
 42 docket fee, to fund the costs of non-judicial personnel.

43 (b) *Poverty affidavit in lieu of docket fee and exemptions.* The

1 provisions of K.S.A. 60-2001(b) and K.S.A. 60-2005, and amendments
2 thereto, shall apply to probate docket fees prescribed by this section.

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

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

17 Sec. 17. K.S.A. 2018 Supp. 60-729 is hereby amended to read as
18 follows: 60-729. (a) Garnishment is a procedure whereby the wages,
19 money or intangible property of a person can be seized or attached
20 pursuant to an order of garnishment issued by the court under the
21 conditions set forth in the order.

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

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

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

30 (e) Except as provided further, the fee established in this section shall
31 be the only fee collected or moneys in the nature of a fee collected for the
32 docket fee. Such fee shall only be established by an act of the legislature
33 and no other authority is established by law or otherwise to collect a fee.
34 On and after July 1, ~~2017~~ 2019, through June 30, ~~2019~~ 2021, the supreme
35 court may impose an additional charge, not to exceed \$12.50 per fee, to
36 fund the costs of non-judicial personnel.

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

40 Sec. 18. K.S.A. 2018 Supp. 60-2001 is hereby amended to read as
41 follows: 60-2001. (a) *Docket fee.* Except as otherwise provided by law, no
42 case shall be filed or docketed in the district court, whether original or
43 appealed, without payment of a docket fee in the amount of \$173 ~~on and~~

1 ~~after July 1, 2014~~, to the clerk of the district court. Except as provided
2 further, the docket fee established in this subsection shall be the only fee
3 collected or moneys in the nature of a fee collected for the docket fee.
4 Such fee shall only be established by an act of the legislature and no other
5 authority is established by law or otherwise to collect a fee. On and after
6 July 1, ~~2017~~ 2019, through June 30, ~~2019~~ 2021, the supreme court may
7 impose an additional charge, not to exceed \$22 per docket fee, to fund the
8 costs of non-judicial personnel.

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

29 (2) *Form of affidavit.* The affidavit provided for in this subsection
30 shall set forth a factual basis upon which the plaintiff alleges by reason of
31 poverty an inability to pay a docket fee, including, but not limited to, the
32 source and amount of the plaintiff's weekly income. Such affidavit shall be
33 signed and sworn to by the plaintiff under oath, before one who has
34 authority to administer the oath, under penalty of perjury, K.S.A. 2018
35 Supp. 21-5903, and amendments thereto. The form of the affidavit shall be
36 deemed sufficient if in substantial compliance with the form set forth by
37 the judicial council.

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

1 grants leave following its review.

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

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

23 Sec. 19. K.S.A. 2018 Supp. 60-2203a is hereby amended to read as
24 follows: 60-2203a. (a) After the commencement of any action in any
25 district court of this state, or the courts of the United States in the state of
26 Kansas or in any action now pending heretofore commenced in such
27 courts, which does not involve title to real estate, any party to such action
28 may give notice in any other county of the state of the pendency of the
29 action by filing for record with the clerk of the district court of such other
30 county a verified statement setting forth the parties to the action, the nature
31 of the action, the court in which it is pending, and the relief sought, which
32 shall impart notice of the pendency of the action and shall result in the
33 same lien rights as if the action were pending in that county. The lien shall
34 be effective from the time the statement is filed, but not to exceed four
35 months prior to the entry of judgment except as provided in subsection (c).
36 The party filing such notice shall within 30 days after any satisfaction of
37 the judgment entered in such action, or any other final disposition thereof,
38 cause to be filed with such clerk of the district court a notice that all claims
39 in such action are released. If the party filing fails or neglects to do so after
40 reasonable demand by any party in interest, such party shall be liable in
41 damages in the same amounts and manner as is provided by law for failure
42 of a mortgagee to enter satisfaction of a mortgage. Upon the filing of such
43 a notice of the pendency of an action the clerk shall charge a fee of \$14

1 and shall enter and index the action in the same manner as for the filing of
2 an original action. Upon the filing of a notice of release, the notice shall
3 likewise be entered on the docket. Except as provided further, the fee
4 established in this subsection shall be the only fee collected or moneys in
5 the nature of a fee collected for the court procedure. Such fee shall only be
6 established by an act of the legislature and no other authority is established
7 by law or otherwise to collect a fee. On and after July 1, ~~2017~~ 2019,
8 through June 30, ~~2019~~ 2021, the supreme court may impose an additional
9 charge, not to exceed \$22 per fee, to fund the costs of non-judicial
10 personnel.

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

16 (e) Notwithstanding the foregoing provisions of this section, the
17 filing of a notice of the pendency of an action pursuant to subsection (a)
18 shall create no lien rights against the property of an employee of the state
19 or a municipality prior to the date judgment is rendered if the pleadings in
20 the pending action allege a negligent or wrongful act or omission of the
21 employee while acting within the scope of such employee's employment,
22 regardless of whether or not it is alleged in the alternative that the
23 employee was acting outside of such employee's employment. A judgment
24 against an employee shall become a lien upon such employee's property in
25 the county where notice is filed pursuant to subsection (a) when the
26 judgment is rendered only if it is found that: (1) The employee's negligent
27 or wrongful act or omission occurred when the employee was acting
28 outside the scope of such employee's employment; or (2) the employee's
29 conduct which gave rise to the judgment was because of actual fraud or
30 actual malice of the employee. In such cases the lien shall not be effective
31 prior to the date judgment was rendered. As used in this subsection (c),
32 "employee" shall have the meaning ascribed to such term in K.S.A. 75-
33 6102, and amendments thereto.

34 Sec. 20. K.S.A. 2018 Supp. 61-2704 is hereby amended to read as
35 follows: 61-2704. (a) An action seeking the recovery of a small claim shall
36 be considered to have been commenced at the time a person files a written
37 statement of the person's small claim with the clerk of the court if, within
38 90 days after the small claim is filed, service of process is obtained or the
39 first publication is made for service by publication. Otherwise, the action
40 is deemed commenced at the time of service of process or first publication.
41 An entry of appearance shall have the same effect as service.

42 (b) Upon the filing of a plaintiff's small claim, the clerk of the court
43 shall require from the plaintiff a docket fee of \$35 ~~on and after July 1,~~

1 2014; if the claim does not exceed \$500; or \$55 ~~on and after July 1, 2014,~~
2 if the claim exceeds \$500; unless for good cause shown the judge waives
3 the fee. The docket fee shall be the only costs required in an action seeking
4 recovery of a small claim. No person may file more than 20 small claims
5 under this act in the same court during any calendar year.

6 (c) Except as provided further, the docket fee established in this
7 section shall be the only fee collected or moneys in the nature of a fee
8 collected for the docket fee. Such fee shall only be established by an act of
9 the legislature and no other authority is established by law or otherwise to
10 collect a fee. On and after July 1, ~~2017~~ 2019, through June 30, ~~2019~~ 2021,
11 the supreme court may impose an additional charge, not to exceed \$12.50
12 per docket fee, to fund the costs of non-judicial personnel.

13 Sec. 21. K.S.A. 2018 Supp. 61-4001 is hereby amended to read as
14 follows: 61-4001. (a) *Docket fee.* (1) No case shall be filed or docketed
15 pursuant to the code of civil procedure for limited actions without the
16 payment of a docket fee in the amount of \$35 ~~on and after July 1, 2013,~~ if
17 the amount in controversy or claimed does not exceed \$500; \$55 ~~on and~~
18 ~~after July 1, 2013,~~ if the amount in controversy or claimed exceeds \$500
19 but does not exceed \$5,000; or \$101 ~~on and after July 1, 2013,~~ if the
20 amount in controversy or claimed exceeds \$5,000. If judgment is rendered
21 for the plaintiff, the court also may enter judgment for the plaintiff for the
22 amount of the docket fee paid by the plaintiff.

23 (2) Except as provided further, the docket fee established in this
24 section shall be the only fee collected or moneys in the nature of a fee
25 collected for the docket fee. Such fee shall only be established by an act of
26 the legislature and no other authority is established by law or otherwise to
27 collect a fee. On and after July 1, ~~2017~~ 2019, through June 30, ~~2019~~ 2021,
28 the supreme court may impose an additional charge, not to exceed \$19 per
29 docket fee, to fund the costs of non-judicial personnel.

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

34 Sec. 22. K.S.A. 65-409 is hereby amended to read as follows: 65-409.

35 (a) The clerk of the district court shall charge a fee of \$14 for entering and
36 filing a lien statement under this act.

37 (b) Except as provided further, the lien fee established in subsection
38 (a) shall be the only fee collected or moneys in the nature of a fee collected
39 for such lien. Such fee shall only be established by an act of the legislature
40 and no other authority is established by law or otherwise to collect a fee.
41 On and after July 1, ~~2017~~ 2019, through June 30, ~~2019~~ 2021, the supreme
42 court may impose an additional charge, not to exceed \$22 per lien fee, to
43 fund the costs of non-judicial personnel.

1 Sec. 23. K.S.A. 65-409 and K.S.A. 2018 Supp. 8-2107, 8-2110, 20-
2 3021, 21-6614, 22-2410, 23-2510, 28-170, 28-172a, 28-177, 28-178, 28-
3 179, 32-1049a, 38-2215, 38-2312, 38-2314, 59-104, 60-729, 60-2001, 60-
4 2203a, 61-2704 and 61-4001 are hereby repealed.

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