

HOUSE BILL No. 2041

By Committee on Judiciary

1-12

1 AN ACT concerning courts; relating to court fees and costs; judicial
2 branch surcharge fund; *collection of debts owed to the courts*;
3 amending K.S.A. 2016 Supp. 8-2107, 8-2110, **20-169**, 20-3021, 21-
4 6614, 22-2410, 23-2510, 28-170, 28-172a, 28-177, 28-178, 28-179, 32-
5 1049a, 38-2215, 38-2312, 38-2314, 59-104, 60-729, 60-2001, 60-
6 2203a, 61-2704, 61-4001 and 65-409 and repealing the existing
7 sections; also repealing K.S.A. 2016 Supp. 21-6614g and 21-6614h.
8

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

10 Section 1. K.S.A. 2016 Supp. 8-2107 is hereby amended to read as
11 follows: 8-2107. (a) (1) Notwithstanding any other provisions of the
12 uniform act regulating traffic on highways, when a person is stopped by a
13 police officer for any of the offenses described in subsection (d) and such
14 person is not immediately taken before a judge of the district court, the
15 police officer may require the person stopped, subject to the provisions of
16 subsection (c), to deposit with the officer a valid Kansas driver's license
17 in exchange for a receipt therefor issued by such police officer, the form of
18 which shall be approved by the division of vehicles. Such receipt shall be
19 recognized as a valid temporary Kansas driver's license authorizing the
20 operation of a motor vehicle by the person stopped until the date of the
21 hearing stated on the receipt. The driver's license and a written copy of the
22 notice to appear shall be delivered by the police officer to the court having
23 jurisdiction of the offense charged as soon as reasonably possible. If the
24 hearing on such charge is continued for any reason, the judge may note on
25 the receipt the date to which such hearing has been continued and such
26 receipt shall be recognized as a valid temporary Kansas driver's license
27 until such date, but in no event shall such receipt be recognized as a valid
28 Kansas driver's license for a period longer than 30 days from the date set
29 for the original hearing. Any person who has deposited a driver's license
30 with a police officer under this subsection (a) shall have such license
31 returned upon final determination of the charge against such person.

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

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

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

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

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

42 (3) Such cash bond shall be taken in the following manner: The
43 police officer shall furnish the person stopped a stamped envelope

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

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

17 On and after July 1, 1996:

18 Reckless driving.....	\$82
19 Driving when privilege is canceled, suspended or revoked.....	82
20 Failure to comply with lawful order of officer.....	57
21 Registration violation (registered for 12,000 pounds 22 or less).....	52
23 Registration violation (registered for more than 12,000 24 pounds).....	92
25 No driver's license for the class of vehicle operated or 26 violation of restrictions.....	52
27 Spilling load on highway.....	52
28 Transporting open container of alcoholic liquor or cereal malt 29 beverage accessible while vehicle in motion.....	223

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

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

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

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

8 (i) Except as provided further, the docket fee established in this
9 section shall be the only fee collected or moneys in the nature of a fee
10 collected for the docket fee. Such fee shall only be established by an act of
11 the legislature and no other authority is established by law or otherwise to
12 collect a fee. On and after July 1, ~~2015~~ 2017, through June 30, ~~2017~~ 2019,
13 the supreme court may impose an additional charge, not to exceed \$22 per
14 docket fee, to fund the costs of non-judicial personnel.

15 Sec. 2. K.S.A. 2016 Supp. 8-2110 is hereby amended to read as
16 follows: 8-2110. (a) Failure to comply with a traffic citation means failure
17 either to: (1) Appear before any district or municipal court in response to a
18 traffic citation and pay in full any fine and court costs imposed; or (2)
19 otherwise comply with a traffic citation as provided in K.S.A. 8-2118, and
20 amendments thereto. Failure to comply with a traffic citation is a
21 misdemeanor, regardless of the disposition of the charge for which such
22 citation was originally issued.

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

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

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

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

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

5 (c) Except as provided in subsection (d), when the district or
6 municipal court notifies the division of vehicles of a failure to comply with
7 a traffic citation pursuant to subsection (b), the court shall assess a
8 reinstatement fee of \$59 for each charge on which the person failed to
9 make satisfaction regardless of the disposition of the charge for which
10 such citation was originally issued and regardless of any application for
11 restricted driving privileges. Such reinstatement fee shall be in addition to
12 any fine, restricted driving privilege application fee, district or municipal
13 court costs and other penalties. The court shall remit all reinstatement fees
14 to the state treasurer in accordance with the provisions of K.S.A. 75-4215,
15 and amendments thereto. Upon receipt of each such remittance, the state
16 treasurer shall deposit the entire amount in the state treasury and shall
17 credit 42.37% of such moneys to the division of vehicles operating fund,
18 31.78% to the community alcoholism and intoxication programs fund
19 created by K.S.A. 41-1126, and amendments thereto, 10.59% to the
20 juvenile alternatives to detention fund created by K.S.A. 79-4803, and
21 amendments thereto, and 15.26% to the judicial branch nonjudicial salary
22 adjustment fund created by K.S.A. 2016 Supp. 20-1a15, and amendments
23 thereto.

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

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

1 collected for such reinstatement. Such fee shall only be established by an
2 act of the legislature and no other authority is established by law or
3 otherwise to collect a fee. On and after July 1, 2015 2017, through June
4 30, 2017 2019, the supreme court may impose an additional charge, not to
5 exceed \$22 per reinstatement fee, to fund the costs of non-judicial
6 personnel.

7 ***Sec. 3. K.S.A. 2016 Supp. 20-169 is hereby amended to read as***
8 ***follows: 20-169. (a) The judicial administrator is authorized to enter into***
9 ***contracts in accordance with this section for collection services for debts***
10 ***owed to courts or restitution owed under an order of restitution. On and***
11 ***after July 1, 1999, the cost of collection shall be paid by the defendant***
12 ***responsible party as an additional court cost in all criminal, traffic and***
13 ***juvenile offender cases where the defendant such party fails to pay any***
14 ***amount ordered by the court debts owed to courts or restitution owed***
15 ***under an order of restitution and the court utilizes the services of a***
16 ***contracting agent pursuant to this section. The cost of collection shall be***
17 ***deemed an administrative fee to pay the actual costs of collection made***
18 ***necessary by the defendant's such party's failure to pay court debt and***
19 ***restitution.***

20 ***(b) As used in this section:***

21 ***(1) "Beneficiary under an order of restitution" means the victim or***
22 ***victims of a crime to whom a district court has ordered restitution be***
23 ***paid;***

24 ***(2) "contracting agent" means a person, firm, agency or other***
25 ***entity who contracts hereunder to provide collection services;***

26 ***(3) "cost of collection" means the fee specified in contracts***
27 ***hereunder to be paid to or retained by a contracting agent for collection***
28 ***services. Cost of collection also includes any filing fee required under***
29 ***K.S.A. 60-4303, and amendments thereto, or administrative costs***
30 ***prescribed by rules of the supreme court; and***

31 ***(4) "debts owed to courts" means any assessment of court costs,***
32 ***finer, fees, moneys expended by the state in providing counsel and other***
33 ***defense services to indigent defendants or other charges which a district***
34 ***court judgment has ordered to be paid to the court, and which remain***
35 ***unpaid in whole or in part, and includes any interest or penalties on***
36 ***such unpaid amounts as provided for in the judgment or by law. "Debts***
37 ***owed to courts" also includes: (A) The cost of collection when collection***
38 ***services of a contracting agent hereunder are utilized; and (B) court***
39 ***costs, fines, fees or other charges arising from failure to comply with a***
40 ***traffic citation within 30 days from the date of the mailing of the notice***
41 ***pursuant to K.S.A. 8-2110(b)(1), and amendments thereto.***

42 ***(c) (1) Contracts authorized by this section may be entered into with***
43 ***state or federal agencies or political subdivisions of the state of Kansas,***

1 *including contracts for participation in the collection program*
2 *authorized by K.S.A. 75-6201 et seq., and amendments thereto. Such*
3 *contracts also may be entered into with private firms or individuals*
4 *selected by a procurement negotiation committee in accordance with*
5 *K.S.A. 75-37,102, and amendments thereto, except that the judicial*
6 *administrator shall designate a representative to serve as the chief*
7 *administrative officer member of such committee and that the other two*
8 *members of such committee shall be designated by the director of*
9 *purchases and the judicial administrator.*

10 (2) *Prior to negotiating any contract for collection services, this*
11 *procurement negotiation committee shall advertise for proposals,*
12 *negotiate with firms and individuals submitting proposals and select*
13 *among those submitting such proposals the party or parties to contract*
14 *with for the purpose of collection services.*

15 (3) *The supreme court may adopt rules as deemed appropriate for*
16 *the administration of this section, including procedures to be used in the*
17 *negotiation and execution of contracts pursuant to this section and*
18 *procedures to be followed by those who utilize collection services under*
19 *such contracts.*

20 (4) *For purposes of this section, the agencies, firms or individuals*
21 *with whom contracts are entered under this section shall be known as*
22 *contracting agents. The judicial administrator shall publish a list of the*
23 *contracting agents for use by courts or beneficiaries under orders of*
24 *restitution who desire to utilize the collection services of such agents.*

25 (5) *Each contract entered pursuant to this section shall provide for*
26 *a fee to be paid to or retained by the contracting agent for collection*
27 *services. Such fee shall be designated as the cost of collection hereunder,*
28 *and shall not exceed 33% of the amount collected. The cost of collection*
29 *shall be paid from the amount collected, but shall not be deducted from*
30 *the debts owed to courts or restitution. If a contracting agent uses the*
31 *debt setoff procedures pursuant to K.S.A. 75-6202 et seq., and*
32 *amendments thereto, to recover debts owed to the courts, the contracting*
33 *agent's cost of collection for debt recovered through that program shall*
34 *be the amount established by contract minus the collection assistance fee*
35 *imposed by the director of accounts and reports of the department of*
36 *administration pursuant to K.S.A. 75-6210, and amendments thereto.*

37 (d) *Judicial districts of the state of Kansas are authorized to utilize*
38 *the collection services of contracting agents pursuant to this section for*
39 *the purpose of collecting all outstanding debts owed to courts. Subject to*
40 *rules and orders of the Kansas supreme court, each judicial district may*
41 *establish by local rule guidelines for the compromise of court costs,*
42 *finer, attorney fees and other charges assessed in district court cases.*

43 (e) *Any beneficiary under an order of restitution entered by a court*

1 *after this section takes effect is authorized to utilize the collection*
2 *services of contracting agents pursuant to this section for the purpose of*
3 *collecting all outstanding amounts owed under such order of restitution.*

4 *(f) Contracts entered hereunder shall provide for the payment of*
5 *any amounts collected to the clerk of the district court for the court in*
6 *which the debt being collected originated, after first deducting the*
7 *collection fee. In accounting for amounts collected from any person*
8 *pursuant to this section, the district court clerk shall credit the person's*
9 *amount owed in the amount of the net proceeds collected and shall not*
10 *reduce the amount owed by any person by that portion of any payment*
11 *which constitutes the cost of collection pursuant to this section.*

12 *(g) With the appropriate cost of collection paid to the contracting*
13 *agent as agreed upon in the contract hereunder, the clerk shall then*
14 *distribute amounts collected hereunder as follows:*

15 *(1) When collection services are utilized pursuant to subsection (d),*
16 *all amounts shall be applied against the debts owed to the court as*
17 *specified in the original judgment creating the debt;*

18 *(2) when collection services are utilized pursuant to subsection (e),*
19 *all amounts shall be paid to the beneficiary under the order of restitution*
20 *designated to receive such restitution, except where that beneficiary has*
21 *received recovery from the Kansas crime victims compensation board*
22 *and such board has subrogation rights pursuant to K.S.A. 74-7312, and*
23 *amendments thereto, in which case all amounts shall be paid to the*
24 *board until its subrogation lien is satisfied.*

25 *(h) Whenever collection services are being utilized against the same*
26 *debtor pursuant to both subsections (d) and (e), any amounts collected*
27 *by a contracting agent shall be first applied to satisfy subsection (e)*
28 *debts, debts pursuant to an order of restitution. Upon satisfaction of all*
29 *such debts, amounts received from the same debtor shall then be applied*
30 *to satisfy subsection (d) debts, debts owed to courts.*

31 ~~Sec. 4.~~ K.S.A. 2016 Supp. 20-3021 is hereby amended to read as
32 follows: 20-3021. (a) (1) On and after July 1, 2014, any party filing an
33 appeal with the court of appeals shall pay a fee in the amount of \$145 to
34 the clerk of the supreme court.

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

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

40 (c) The fee shall be the only costs assessed in each case to services of
41 the clerk of the supreme court. The clerk of the supreme court shall remit
42 all revenues received from this section to the state treasurer, in accordance
43 with the provisions of K.S.A. 75-4215, and amendments thereto, for

1 deposit in the state treasury. The fee shall be disbursed in accordance with
2 K.S.A. 20-362, and amendments thereto.

3 (d) Except as provided further, the fee established in this section shall
4 be the only fee collected or moneys in the nature of a fee collected for the
5 docket fee. Such fee shall only be established by an act of the legislature
6 and no other authority is established by law or otherwise to collect a fee.
7 On and after July 1, ~~2015~~ 2017, through June 30, ~~2017~~ 2019, the supreme
8 court may impose an additional charge, not to exceed \$10 per fee, to fund
9 the costs of non-judicial personnel.

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

13 ~~Sec. 4.~~ 5. K.S.A. 2016 Supp. 21-6614 is hereby amended to read as
14 follows: 21-6614. (a) (1) Except as provided in subsections (b), (c), (d), (e)
15 and (f), any person convicted in this state of a traffic infraction, cigarette
16 or tobacco infraction, misdemeanor or a class D or E felony, or for crimes
17 committed on or after July 1, 1993, any nongrid felony or felony ranked in
18 severity levels 6 through 10 of the nondrug grid, or for crimes committed
19 on or after July 1, 1993, but prior to July 1, 2012, any felony ranked in
20 severity level 4 of the drug grid, or for crimes committed on or after July
21 1, 2012, any felony ranked in severity level 5 of the drug grid may petition
22 the convicting court for the expungement of such conviction or related
23 arrest records if three or more years have elapsed since the person: (A)
24 Satisfied the sentence imposed; or (B) was discharged from probation, a
25 community correctional services program, parole, postrelease supervision,
26 conditional release or a suspended sentence.

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

32 (b) Any person convicted of prostitution, as defined in K.S.A. 21-
33 3512, prior to its repeal, convicted of a violation of K.S.A. 2016 Supp. 21-
34 6419, and amendments thereto, or who entered into a diversion agreement
35 in lieu of further criminal proceedings for such violation, may petition the
36 convicting court for the expungement of such conviction or diversion
37 agreement and related arrest records if:

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

42 (2) such person can prove they were acting under coercion caused by
43 the act of another. For purposes of this subsection, "coercion" means:

1 Threats of harm or physical restraint against any person; a scheme, plan or
2 pattern intended to cause a person to believe that failure to perform an act
3 would result in bodily harm or physical restraint against any person; or the
4 abuse or threatened abuse of the legal process.

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

17 (1) Vehicular homicide, as defined in K.S.A. 21-3405, prior to its
18 repeal, or K.S.A. 2016 Supp. 21-5406, and amendments thereto, or as
19 prohibited by any law of another state which is in substantial conformity
20 with that statute;

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

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

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

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

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

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

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

41 (d) (1) No person may petition for expungement until five or more
42 years have elapsed since the person satisfied the sentence imposed or the
43 terms of a diversion agreement or was discharged from probation, a

1 community correctional services program, parole, postrelease supervision,
2 conditional release or a suspended sentence, if such person was convicted
3 of a first violation of K.S.A. 8-1567 or K.S.A. 2016 Supp. 8-1025, and
4 amendments thereto, including any diversion for such violation.

5 (2) No person may petition for expungement until 10 or more years
6 have elapsed since the person satisfied the sentence imposed or was
7 discharged from probation, a community correctional services program,
8 parole, postrelease supervision, conditional release or a suspended
9 sentence, if such person was convicted of a second or subsequent violation
10 of K.S.A. 8-1567 or K.S.A. 2016 Supp. 8-1025, and amendments thereto.

11 (e) There shall be no expungement of convictions for the following
12 offenses or of convictions for an attempt to commit any of the following
13 offenses:

14 (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.
15 2016 Supp. 21-5503, and amendments thereto;

16 (2) indecent liberties with a child or aggravated indecent liberties
17 with a child, as defined in K.S.A. 21-3503 or 21-3504, prior to their repeal,
18 or K.S.A. 2016 Supp. 21-5506, and amendments thereto;

19 (3) criminal sodomy, as defined in K.S.A. 21-3505(a)(2) or (a)(3),
20 prior to its repeal, or K.S.A. 2016 Supp. 21-5504(a)(3) or (a)(4), and
21 amendments thereto;

22 (4) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior
23 to its repeal, or K.S.A. 2016 Supp. 21-5504, and amendments thereto;

24 (5) indecent solicitation of a child or aggravated indecent solicitation
25 of a child, as defined in K.S.A. 21-3510 or 21-3511, prior to their repeal,
26 or K.S.A. 2016 Supp. 21-5508, and amendments thereto;

27 (6) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior
28 to its repeal, or K.S.A. 2016 Supp. 21-5510, and amendments thereto;

29 (7) aggravated incest, as defined in K.S.A. 21-3603, prior to its
30 repeal, or K.S.A. 2016 Supp. 21-5604, and amendments thereto;

31 (8) endangering a child or aggravated endangering a child, as defined
32 in K.S.A. 21-3608 or 21-3608a, prior to their repeal, or K.S.A. 2016 Supp.
33 21-5601, and amendments thereto;

34 (9) abuse of a child, as defined in K.S.A. 21-3609, prior to its repeal,
35 or K.S.A. 2016 Supp. 21-5602, and amendments thereto;

36 (10) capital murder, as defined in K.S.A. 21-3439, prior to its repeal,
37 or K.S.A. 2016 Supp. 21-5401, and amendments thereto;

38 (11) murder in the first degree, as defined in K.S.A. 21-3401, prior to
39 its repeal, or K.S.A. 2016 Supp. 21-5402, and amendments thereto;

40 (12) murder in the second degree, as defined in K.S.A. 21-3402, prior
41 to its repeal, or K.S.A. 2016 Supp. 21-5403, and amendments thereto;

42 (13) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to
43 its repeal, or K.S.A. 2016 Supp. 21-5404, and amendments thereto;

1 (14) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to
2 its repeal, or K.S.A. 2016 Supp. 21-5405, and amendments thereto;

3 (15) sexual battery, as defined in K.S.A. 21-3517, prior to its repeal,
4 or K.S.A. 2016 Supp. 21-5505, and amendments thereto, when the victim
5 was less than 18 years of age at the time the crime was committed;

6 (16) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to
7 its repeal, or K.S.A. 2016 Supp. 21-5505, and amendments thereto;

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

10 (18) any conviction for any offense in effect at any time prior to July
11 1, 2011, that is comparable to any offense as provided in this subsection.

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

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

22 (A) Defendant's full name;

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

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

26 (D) crime for which the defendant was arrested, convicted or
27 diverted;

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

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

31 (2) Except as otherwise provided by law, a petition for expungement
32 shall be accompanied by a docket fee in the amount of \$176. On and after
33 July 1, ~~2015~~ 2017, through June 30, ~~2017~~ 2019, the supreme court may
34 impose a charge, not to exceed \$19 per case, to fund the costs of non-
35 judicial personnel. The charge established in this section shall be the only
36 fee collected or moneys in the nature of a fee collected for the case. Such
37 charge shall only be established by an act of the legislature and no other
38 authority is established by law or otherwise to collect a fee.

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

1 corrections or the prisoner review board.

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

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

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

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

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

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

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

28 (A) In any application for licensure as a private detective, private
29 detective agency, certification as a firearms trainer pursuant to K.S.A.
30 2016 Supp. 75-7b21, and amendments thereto, or employment as a
31 detective with a private detective agency, as defined by K.S.A. 75-7b01,
32 and amendments thereto; as security personnel with a private patrol
33 operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with
34 an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of
35 the Kansas department for aging and disability services;

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

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

42 (D) to aid in determining the petitioner's qualifications for executive
43 director of the Kansas racing and gaming commission, for employment

1 with the commission or for work in sensitive areas in parimutuel racing as
2 deemed appropriate by the executive director of the commission, or to aid
3 in determining qualifications for licensure or renewal of licensure by the
4 commission;

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

10 (F) upon application for a commercial driver's license under K.S.A.
11 8-2,125 through 8-2,142, and amendments thereto;

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

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

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

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

22 (K) for applications received on and after July 1, 2006, to aid in
23 determining the petitioner's qualifications for a license to carry a concealed
24 weapon pursuant to the personal and family protection act, K.S.A. 2016
25 Supp. 75-7c01 et seq., and amendments thereto; *or*

26 *(L) for applications received on and after July 1, 2016, to aid in*
27 *determining the petitioner's qualifications for a license to act as a bail*
28 *enforcement agent pursuant to K.S.A. 2016 Supp. 75-7e01 through 75-*
29 *7e09 and K.S.A. 2016 Supp. 50-6,141, and amendments thereto;*

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

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

35 (5) upon commitment to the custody of the secretary of corrections,
36 any previously expunged record in the possession of the secretary of
37 corrections may be reinstated and the expungement disregarded, and the
38 record continued for the purpose of the new commitment.

39 (j) Whenever a person is convicted of a crime, pleads guilty and pays
40 a fine for a crime, is placed on parole, postrelease supervision or
41 probation, is assigned to a community correctional services program, is
42 granted a suspended sentence or is released on conditional release, the
43 person shall be informed of the ability to expunge the arrest records or

1 conviction. Whenever a person enters into a diversion agreement, the
2 person shall be informed of the ability to expunge the diversion.

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

8 (2) Notwithstanding the provisions of subsection (k)(1), and except as
9 provided in K.S.A. 2016 Supp. 21-6304(a)(3)(A), and amendments
10 thereto, the expungement of a prior felony conviction does not relieve the
11 individual of complying with any state or federal law relating to the use,
12 shipment, transportation, receipt or possession of firearms by persons
13 previously convicted of a felony.

14 (1) Whenever the record of any arrest, conviction or diversion has
15 been expunged under the provisions of this section or under the provisions
16 of any other existing or former statute, the custodian of the records of
17 arrest, conviction, diversion and incarceration relating to that crime shall
18 not disclose the existence of such records, 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) a prosecutor, and such request is accompanied by a statement that
34 the request is being made in conjunction with a prosecution of an offense
35 that requires a prior conviction as one of the elements of such offense;

36 (7) the supreme court, the clerk or disciplinary administrator thereof,
37 the state board for admission of attorneys or the state board for discipline
38 of attorneys, and the request is accompanied by a statement that the
39 request is being made in conjunction with an application for admission, or
40 for an order of reinstatement, to the practice of law in this state by the
41 person whose record has been expunged;

42 (8) the Kansas lottery, and the request is accompanied by a statement
43 that the request is being made to aid in determining qualifications for

1 employment with the Kansas lottery or for work in sensitive areas within
2 the Kansas lottery as deemed appropriate by the executive director of the
3 Kansas lottery;

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

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

18 (11) the Kansas sentencing commission;

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

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

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

34 (15) a law enforcement agency and the request is accompanied by a
35 statement that the request is being made to aid in determining eligibility
36 for employment as a law enforcement officer as defined by K.S.A. 22-
37 2202, and amendments thereto;

38 (16) the attorney general and the request is accompanied by a
39 statement that the request is being made to:

40 (A) Aid in determining qualifications for a license to carry a
41 concealed weapon pursuant to the personal and family protection act; *or*

42 (B) *act as a bail enforcement agent pursuant to K.S.A. 2016 Supp.*
43 *75-7e01 through 75-7e09 and K.S.A. 2016 Supp. 50-6,141, and*

1 *amendments thereto*; or

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

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

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

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

11 ~~Sec. 5.~~ **6.** K.S.A. 2016 Supp. 22-2410 is hereby amended to read as
12 follows: 22-2410. (a) Any person who has been arrested in this state may
13 petition the district court for the expungement of such arrest record.

14 (b) When a petition for expungement is filed, the court shall set a date
15 for hearing on such petition and shall cause notice of such hearing to be
16 given to the prosecuting attorney and the arresting law enforcement
17 agency. When a petition for expungement is filed, the official court file
18 shall be separated from the other records of the court, and shall be
19 disclosed only to a judge of the court and members of the staff of the court
20 designated by a judge of the district court, the prosecuting attorney, the
21 arresting law enforcement agency, or any other person when authorized by
22 a court order, subject to any conditions imposed by the order. Except as
23 otherwise provided by law, a petition for expungement shall be
24 accompanied by a docket fee in the amount of \$176. Except as provided
25 further, the docket fee established in this section shall be the only fee
26 collected or moneys in the nature of a fee collected for the docket fee.
27 Such fee shall only be established by an act of the legislature and no other
28 authority is established by law or otherwise to collect a fee. On and after
29 July 1, ~~2015~~ 2017, through June 30, ~~2017~~ 2019, the supreme court may
30 impose an additional charge, not to exceed \$19 per docket fee, to fund the
31 costs of non-judicial personnel. The petition shall state:

32 (1) The petitioner's full name;

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

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

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

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

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

39 No surcharge or fee shall be imposed to any person filing a petition
40 pursuant to this section, who was arrested as a result of being a victim of
41 identity theft under K.S.A. 21-4018, prior to its repeal, or K.S.A. 2016
42 Supp. 21-6107(a), and amendments thereto, or who has had criminal
43 charges dismissed because a court has found that there was no probable

1 cause for the arrest, the petitioner was found not guilty in court
2 proceedings or the charges have been dismissed. Any person who may
3 have relevant information about the petitioner may testify at the hearing.
4 The court may inquire into the background of the petitioner.

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

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

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

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

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

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

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

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

1 appropriate by the executive director of the commission, or to aid in
2 determining qualifications for licensure or renewal of licensure by the
3 commission;

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

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

8 (7) 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; or

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

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

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

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

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

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

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

35 ~~Sec. 6~~ 7. K.S.A. 2016 Supp. 23-2510 is hereby amended to read as
36 follows: 23-2510. (a) The judge or clerk of the district court shall collect
37 from the applicant for a marriage license a fee of \$59.

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

1 family and children investment fund created by K.S.A. 38-1808, and
2 amendments thereto, 16.95% to the crime victims assistance fund created
3 by K.S.A. 74-7334, and amendments thereto, 15.25% to the judicial
4 branch nonjudicial salary adjustment fund created by K.S.A. 2016 Supp.
5 20-1a15, and amendments thereto, and the remainder to the state general
6 fund.

7 (c) Except as provided further, the marriage license fee established in
8 this section shall be the only fee collected or moneys in the nature of a fee
9 collected for a marriage license. Such fee shall only be established by an
10 act of the legislature and no other authority is established by law or
11 otherwise to collect a fee. On and after July 1, ~~2015~~ 2017, through June
12 30, ~~2017~~ 2019, the supreme court may impose an additional charge, not to
13 exceed \$26.50 per marriage license fee, to fund the costs of non-judicial
14 personnel.

15 Sec. ~~7~~ 8. K.S.A. 2016 Supp. 28-170 is hereby amended to read as
16 follows: 28-170. (a) The docket fee prescribed by K.S.A. 60-2001, and
17 amendments thereto, and the fees for service of process, shall be the only
18 costs assessed for services of the clerk of the district court and the sheriff
19 in any case filed under chapter 60 or chapter 61 of the Kansas Statutes
20 Annotated, and amendments thereto, except that no fee shall be charged
21 for an action filed under K.S.A. 60-3101 et seq., and under K.S.A. 60-
22 31a01 et seq., and amendments thereto. For services in other matters in
23 which no other fee is prescribed by statute, the following fees shall be
24 charged and collected by the clerk. Only one fee shall be charged for each
25 bond, lien or judgment:

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

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

41 (c) In actions pursuant to the revised Kansas code for care of
42 children, K.S.A. 2016 Supp. 38-2201 et seq., and amendments thereto, the
43 revised Kansas juvenile justice code, K.S.A. 2016 Supp. 38-2301 et seq.,

1 and amendments thereto, the act for treatment of alcoholism, K.S.A. 65-
2 4001 et seq., and amendments thereto, the act for treatment of drug abuse,
3 K.S.A. 65-5201 et seq., and amendments thereto, or the care and treatment
4 act for mentally ill persons, K.S.A. 59-2945 et seq., and amendments
5 thereto, the clerk shall charge an additional fee of \$1 which shall be
6 deducted from the docket fee and credited to the prosecuting attorneys'
7 training fund as provided in K.S.A. 28-170a, and amendments thereto.

8 (d) Except as provided further, the bond, lien or judgment fee
9 established in subsection (a) shall be the only fee collected or moneys in
10 the nature of a fee collected for such bond, lien or judgment. Such fee shall
11 only be established by an act of the legislature and no other authority is
12 established by law or otherwise to collect a fee. On and after July 1, ~~2015~~
13 ~~2017~~, through June 30, ~~2017~~ 2019, the supreme court may impose an
14 additional charge, not to exceed \$22 per bond, lien or judgment fee, to
15 fund the costs of non-judicial personnel.

16 Sec. ~~8~~ 9. K.S.A. 2016 Supp. 28-172a is hereby amended to read as
17 follows: 28-172a. (a) Except as otherwise provided in this section,
18 whenever the prosecuting witness or defendant is adjudged to pay the costs
19 in a criminal proceeding in any county, a docket fee shall be taxed as
20 follows, on and after July 1, 2013:

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

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

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

1 and amendments thereto, on and after July 1, 2014, the docket fee to be
2 paid as court costs shall be \$86.

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

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

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

33 (f) Except as provided further, the docket fee established in this
34 section shall be the only fee collected or moneys in the nature of a fee
35 collected for the docket fee. Such fee shall only be established by an act of
36 the legislature and no other authority is established by law or otherwise to
37 collect a fee. On and after July 1, ~~2015~~ 2017, through June 30, ~~2017~~ 2019,
38 the supreme court may impose an additional charge, not to exceed \$22 per
39 docket fee, to fund the costs of non-judicial personnel.

40 Sec. 9. 10. K.S.A. 2016 Supp. 28-177 is hereby amended to read as
41 follows: 28-177. (a) Except as provided in this section and K.S.A. 2016
42 Supp. 28-178, and amendments thereto, the fees established by legislative
43 enactment shall be the only fee collected or moneys in the nature of a fee

1 collected for court procedures. Such fee shall only be established by an act
2 of the legislature and no other authority is established by law or otherwise
3 to collect a fee. Court procedures shall include docket fees, filing fees or
4 other fees related to access to court procedures. On and after July 1, ~~2015~~
5 ~~2017~~, through June 30, ~~2017~~ 2019, the supreme court may impose an
6 additional charge, not to exceed \$26.50 per fee or the amount established
7 by the applicable statute, whichever amount is less, to fund the costs of
8 non-judicial personnel.

9 (b) Such additional charge imposed by the court pursuant to K.S.A. 8-
10 2107, 8-2110, 22-2410, 28-170, 28-172a, 59-104, 60-2001, 60-2203a, 61-
11 2704, 61-4001 and 65-409 and K.S.A. 2016 Supp. 21-6614, 23-2510, 28-
12 178, 28-179, 32-1049a, 38-2215, 38-2312 and 38-2314, and amendments
13 thereto, shall be remitted to the state treasurer in accordance with the
14 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
15 each such remittance, the state treasurer shall deposit the entire amount in
16 the state treasury to the credit of the judicial branch docket fee fund, which
17 is hereby created in the state treasury.

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

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

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

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

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

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

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

2 Sec. ~~10~~ **11**. K.S.A. 2016 Supp. 28-178 is hereby amended to read as
3 follows: 28-178. (a) In addition to any other fees specifically prescribed by
4 law, on and after July 1, ~~2015~~ 2017, through June 30, ~~2017~~ 2019, the
5 supreme court may impose a charge, not to exceed \$12.50 per fee, to fund
6 the costs of non-judicial personnel, on the following:

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

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

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

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

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

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

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

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

32 Sec. ~~11~~ **12**. K.S.A. 2016 Supp. 28-179 is hereby amended to read as
33 follows: 28-179. (a) No post-decree motion petitioning for a modification
34 or termination of separate maintenance, for a change in legal custody,
35 residency, visitation rights or parenting time or for a modification of child
36 support shall be filed or docketed in the district court without payment of a
37 docket fee in the amount of \$40 on and after July 1, 2013, to the clerk of
38 the district court.

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

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

1 thereto.

2 (d) Except as provided further, the docket fee established in this
3 section shall be the only fee collected or moneys in the nature of a fee
4 collected for the docket fee. Such fee shall only be established by an act of
5 the legislature and no other authority is established by law or otherwise to
6 collect a fee. On and after July 1, ~~2015~~ 2017, through June 30, ~~2017~~ 2019,
7 the supreme court may impose an additional charge, not to exceed \$22 per
8 docket fee, to fund the costs of non-judicial personnel.

9 Sec. ~~12~~ 13. K.S.A. 2016 Supp. 32-1049a is hereby amended to read
10 as follows: 32-1049a. (a) Failure to comply with a wildlife, parks and
11 tourism citation means failure to:

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

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

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

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

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

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

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

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

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

29 (f) Except as provided further, the reinstatement fee established in
30 subsection (d) shall be the only fee collected or moneys in the nature of a
31 fee collected for such reinstatement. Such fee shall only be established by
32 an act of the legislature and no other authority is established by law or
33 otherwise to collect a fee. On and after July 1, ~~2015~~ 2017, through June
34 30, ~~2017~~ 2019, the supreme court may impose an additional charge, not to
35 exceed \$22 per reinstatement fee, to fund the costs of non-judicial
36 personnel.

37 Sec. ~~13~~ 14. K.S.A. 2016 Supp. 38-2215 is hereby amended to read as
38 follows: 38-2215. (a) *Docket fee*. The docket fee for proceedings under
39 this code, if one is assessed as provided in this section, shall be \$34. Only
40 one docket fee shall be assessed in each case. Except as provided further,
41 the docket fee established in this section shall be the only fee collected or
42 moneys in the nature of a fee collected for the docket fee. Such fee shall
43 only be established by an act of the legislature and no other authority is

1 established by law or otherwise to collect a fee. On and after July 1, 2015
2 2017, through June 30, 2017 2019, the supreme court may impose an
3 additional charge, not to exceed \$22 per docket fee, to fund the costs of
4 non-judicial personnel.

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

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

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

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

39 ~~Sec. 14.~~ 15. K.S.A. 2016 Supp. 38-2312 is hereby amended to read as
40 follows: 38-2312. (a) Except as provided in ~~subsection~~ subsections (b) and
41 (c), any records or files specified in this code concerning a juvenile may be
42 expunged upon application to a judge of the court of the county in which
43 the records or files are maintained. The application for expungement may

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

3 (b) There shall be no expungement of records or files concerning acts
4 committed by a juvenile which, if committed by an adult, would constitute
5 a violation of K.S.A. 21-3401, prior to its repeal, or K.S.A. 2016 Supp. 21-
6 5402, and amendments thereto, murder in the first degree; K.S.A. 21-3402,
7 prior to its repeal, or K.S.A. 2016 Supp. 21-5403, and amendments
8 thereto, murder in the second degree; K.S.A. 21-3403, prior to its repeal,
9 or K.S.A. 2016 Supp. 21-5404, and amendments thereto, voluntary
10 manslaughter; K.S.A. 21-3404, prior to its repeal, or K.S.A. 2016 Supp.
11 21-5405, and amendments thereto, involuntary manslaughter; K.S.A. 21-
12 3439, prior to its repeal, or K.S.A. 2016 Supp. 21-5401, and amendments
13 thereto, capital murder; K.S.A. 21-3442, prior to its repeal, or K.S.A. 2016
14 Supp. 21-5405(a)(3), and amendments thereto, involuntary manslaughter
15 while driving under the influence of alcohol or drugs; K.S.A. 21-3502,
16 prior to its repeal, or K.S.A. 2016 Supp. 21-5503, and amendments
17 thereto, rape; K.S.A. 21-3503, prior to its repeal, or K.S.A. 2016 Supp. 21-
18 5506(a), and amendments thereto, indecent liberties with a child; K.S.A.
19 21-3504, prior to its repeal, or K.S.A. 2016 Supp. 21-5506(b), and
20 amendments thereto, aggravated indecent liberties with a child; K.S.A. 21-
21 3506, prior to its repeal, or K.S.A. 2016 Supp. 21-5504(b), and
22 amendments thereto, aggravated criminal sodomy; K.S.A. 21-3510, prior
23 to its repeal, or K.S.A. 2016 Supp. 21-5508(a), and amendments thereto,
24 indecent solicitation of a child; K.S.A. 21-3511, prior to its repeal, or
25 K.S.A. 2016 Supp. 21-5508(b), and amendments thereto, aggravated
26 indecent solicitation of a child; K.S.A. 21-3516, prior to its repeal, or
27 K.S.A. 2016 Supp. 21-5510, and amendments thereto, sexual exploitation
28 of a child; K.S.A. 21-3603, prior to its repeal, or K.S.A. 2016 Supp. 21-
29 5604(b), and amendments thereto, aggravated incest; K.S.A. 21-3608,
30 prior to its repeal, or K.S.A. 2016 Supp. 21-5601(a), and amendments
31 thereto, endangering a child; K.S.A. 21-3609, prior to its repeal, or K.S.A.
32 2016 Supp. 21-5602, and amendments thereto, abuse of a child; or which
33 would constitute an attempt to commit a violation of any of the offenses
34 specified in this subsection.

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

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

1 the full name of the juvenile as reflected in the court record, if different
2 than (1); (3) the juvenile's sex and date of birth; (4) the offense for which
3 the juvenile was adjudicated; (5) the date of the trial; and (6) the identity
4 of the trial court. Except as otherwise provided by law, a petition for
5 expungement shall be accompanied by a docket fee in the amount of \$176.
6 On and after July 1, ~~2015~~ 2017, through June 30, ~~2017~~ 2019, the supreme
7 court may impose a charge, not to exceed \$19 per case, to fund the costs of
8 non-judicial personnel. All petitions for expungement shall be docketed in
9 the original action. Any person who may have relevant information about
10 the petitioner may testify at the hearing. The court may inquire into the
11 background of the petitioner.

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

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

16 (ii) one year has elapsed since the final discharge for an adjudication
17 concerning acts committed by a juvenile which, if committed by an adult,
18 would constitute a violation of K.S.A. 2016 Supp. 21-6419, and
19 amendments thereto;

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

25 (C) the circumstances and behavior of the petitioner warrant
26 expungement.

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

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

40 (g) A certified copy of any order made pursuant to subsection (a) or
41 (d) shall be sent to the Kansas bureau of investigation, which shall notify
42 every juvenile or criminal justice agency which may possess records or
43 files ordered to be expunged. If the agency fails to comply with the order

1 within a reasonable time after its receipt, such agency may be adjudged in
2 contempt of court and punished accordingly.

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

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

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

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

16 (1) The person whose record was expunged;

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

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

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

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

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

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

42 (8) the Kansas sentencing commission; or

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

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

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

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

9 Sec. ~~15~~ **16**. K.S.A. 2016 Supp. 38-2314 is hereby amended to read as
10 follows: 38-2314. (a) *Docket fee*. The docket fee for proceedings under
11 this code, if one is assessed as provided by this section, shall be \$34. Only
12 one docket fee shall be assessed in each case. Except as provided further,
13 the docket fee established in this section shall be the only fee collected or
14 moneys in the nature of a fee collected for the docket fee. Such fee shall
15 only be established by an act of the legislature and no other authority is
16 established by law or otherwise to collect a fee. On and after July 1, ~~2015~~
17 *2017*, through June 30, ~~2017~~ *2019*, the supreme court may impose an
18 additional charge, not to exceed \$22 per docket fee, to fund the costs of
19 non-judicial personnel.

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

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

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

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

38 (d) *Cases in which venue is transferred*. If venue is transferred from
39 one county to another, the court from which the case is transferred shall
40 send to the receiving court a statement of expenses paid from the general
41 fund of the sending county. If the receiving court collects any of the
42 expenses owed in the case, the receiving court shall pay to the sending
43 court an amount proportional to the sending court's share of the total

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

7 Sec. ~~16~~ 17. K.S.A. 2016 Supp. 59-104 is hereby amended to read as
 8 follows: 59-104. (a) *Docket fee*. (1) Except as otherwise provided by law,
 9 no case shall be filed or docketed in the district court under the provisions
 10 of chapter 59 of the Kansas Statutes Annotated, and amendments thereto,
 11 or of articles 40 and 52 of chapter 65 of the Kansas Statutes Annotated,
 12 and amendments thereto, without payment of an appropriate docket fee as
 13 follows, on and after July 1, 2014:

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

31 (2) Except as provided further, the docket fee established in this
 32 section shall be the only fee collected or moneys in the nature of a fee
 33 collected for the docket fee. Such fee shall only be established by an act of
 34 the legislature and no other authority is established by law or otherwise to
 35 collect a fee. On and after July 1, ~~2015~~ 2017, through June 30, ~~2017~~ 2019,
 36 the supreme court may impose an additional charge, not to exceed \$22 per
 37 docket fee, to fund the costs of non-judicial personnel.

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

41 (c) *Disposition of docket fee*. Statutory charges for the law library and
 42 for the prosecuting attorneys' training fund shall be paid from the docket
 43 fee. The remainder of the docket fee shall be paid to the state treasurer in

1 accordance with K.S.A. 20-362, and amendments thereto.

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

12 Sec. ~~17~~ **18.** K.S.A. 2016 Supp. 60-729 is hereby amended to read as
13 follows: 60-729. (a) Garnishment is a procedure whereby the wages,
14 money or intangible property of a person can be seized or attached
15 pursuant to an order of garnishment issued by the court under the
16 conditions set forth in the order.

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

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

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

25 (e) Except as provided further, the fee established in this section shall
26 be the only fee collected or moneys in the nature of a fee collected for the
27 docket fee. Such fee shall only be established by an act of the legislature
28 and no other authority is established by law or otherwise to collect a fee.
29 On and after July 1, ~~2015~~ 2017, through June 30, ~~2017~~ 2019, the supreme
30 court may impose an additional charge, not to exceed \$12.50 per fee, to
31 fund the costs of non-judicial personnel.

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

35 Sec. ~~18~~ **19.** K.S.A. 2016 Supp. 60-2001 is hereby amended to read as
36 follows: 60-2001. (a) *Docket fee.* Except as otherwise provided by law, no
37 case shall be filed or docketed in the district court, whether original or
38 appealed, without payment of a docket fee in the amount of \$173 on and
39 after July 1, 2014, to the clerk of the district court. Except as provided
40 further, the docket fee established in this subsection shall be the only fee
41 collected or moneys in the nature of a fee collected for the docket fee.
42 Such fee shall only be established by an act of the legislature and no other
43 authority is established by law or otherwise to collect a fee. On and after

1 July 1, ~~2015~~ 2017, through June 30, ~~2017~~ 2019, the supreme court may
2 impose an additional charge, not to exceed \$22 per docket fee, to fund the
3 costs of non-judicial personnel.

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

24 (2) *Form of affidavit.* The affidavit provided for in this subsection
25 shall set forth a factual basis upon which the plaintiff alleges by reason of
26 poverty an inability to pay a docket fee, including, but not limited to, the
27 source and amount of the plaintiff's weekly income. Such affidavit shall be
28 signed and sworn to by the plaintiff under oath, before one who has
29 authority to administer the oath, under penalty of perjury, K.S.A. 2016
30 Supp. 21-5903, and amendments thereto. The form of the affidavit shall be
31 deemed sufficient if in substantial compliance with the form set forth by
32 the judicial council.

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

40 (c) *Disposition of fees.* The docket fees and the fees for service of
41 process shall be the only costs assessed in each case for services of the
42 clerk of the district court and the sheriff. For every person to be served by
43 the sheriff, the persons requesting service of process shall provide proper

1 payment to the clerk and the clerk of the district court shall forward the
2 service of process fee to the sheriff in accordance with K.S.A. 28-110, and
3 amendments thereto. The service of process fee, if paid by check or money
4 order, shall be made payable to the sheriff. Such service of process fee
5 shall be submitted by the sheriff at least monthly to the county treasurer
6 for deposit in the county treasury and credited to the county general fund.
7 The docket fee shall be disbursed in accordance with K.S.A. 20-362, and
8 amendments thereto.

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

18 ~~Sec. 19.~~ **20.** K.S.A. 2016 Supp. 60-2203a is hereby amended to read
19 as follows: 60-2203a. (a) After the commencement of any action in any
20 district court of this state, or the courts of the United States in the state of
21 Kansas or in any action now pending heretofore commenced in such
22 courts, which does not involve title to real estate, any party to such action
23 may give notice in any other county of the state of the pendency of the
24 action by filing for record with the clerk of the district court of such other
25 county a verified statement setting forth the parties to the action, the nature
26 of the action, the court in which it is pending, and the relief sought, which
27 shall impart notice of the pendency of the action and shall result in the
28 same lien rights as if the action were pending in that county. The lien shall
29 be effective from the time the statement is filed, but not to exceed four
30 months prior to the entry of judgment except as provided in subsection (c).
31 The party filing such notice shall within 30 days after any satisfaction of
32 the judgment entered in such action, or any other final disposition thereof,
33 cause to be filed with such clerk of the district court a notice that all claims
34 in such action are released. If the party filing fails or neglects to do so after
35 reasonable demand by any party in interest, such party shall be liable in
36 damages in the same amounts and manner as is provided by law for failure
37 of a mortgagee to enter satisfaction of a mortgage. Upon the filing of such
38 a notice of the pendency of an action the clerk shall charge a fee of \$14
39 and shall enter and index the action in the same manner as for the filing of
40 an original action. Upon the filing of a notice of release, the notice shall
41 likewise be entered on the docket. Except as provided further, the fee
42 established in this subsection shall be the only fee collected or moneys in
43 the nature of a fee collected for the court procedure. Such fee shall only be

1 established by an act of the legislature and no other authority is established
2 by law or otherwise to collect a fee. On and after July 1, ~~2015~~ 2017,
3 through June 30, ~~2017~~ 2019, the supreme court may impose an additional
4 charge, not to exceed \$22 per fee, to fund the costs of non-judicial
5 personnel.

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

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

29 Sec. 20. 21. K.S.A. 2016 Supp. 61-2704 is hereby amended to read as
30 follows: 61-2704. (a) An action seeking the recovery of a small claim shall
31 be considered to have been commenced at the time a person files a written
32 statement of the person's small claim with the clerk of the court if, within
33 90 days after the small claim is filed, service of process is obtained or the
34 first publication is made for service by publication. Otherwise, the action
35 is deemed commenced at the time of service of process or first publication.
36 An entry of appearance shall have the same effect as service.

37 (b) Upon the filing of a plaintiff's small claim, the clerk of the court
38 shall require from the plaintiff a docket fee of \$35 on and after July 1,
39 2014, if the claim does not exceed \$500; or \$55 on and after July 1, 2014,
40 if the claim exceeds \$500; unless for good cause shown the judge waives
41 the fee. The docket fee shall be the only costs required in an action seeking
42 recovery of a small claim. No person may file more than 20 small claims
43 under this act in the same court during any calendar year.

1 (c) Except as provided further, the docket fee established in this
2 section shall be the only fee collected or moneys in the nature of a fee
3 collected for the docket fee. Such fee shall only be established by an act of
4 the legislature and no other authority is established by law or otherwise to
5 collect a fee. On and after July 1, ~~2015~~ 2017, through June 30, ~~2017~~ 2019,
6 the supreme court may impose an additional charge, not to exceed \$12.50
7 per docket fee, to fund the costs of non-judicial personnel.

8 Sec. ~~21~~ 22. K.S.A. 2016 Supp. 61-4001 is hereby amended to read as
9 follows: 61-4001. (a) *Docket fee.* (1) No case shall be filed or docketed
10 pursuant to the code of civil procedure for limited actions without the
11 payment of a docket fee in the amount of \$35 on and after July 1, 2013, if
12 the amount in controversy or claimed does not exceed \$500; \$55 on and
13 after July 1, 2013, if the amount in controversy or claimed exceeds \$500
14 but does not exceed \$5,000; or \$101 on and after July 1, 2013, if the
15 amount in controversy or claimed exceeds \$5,000. If judgment is rendered
16 for the plaintiff, the court also may enter judgment for the plaintiff for the
17 amount of the docket fee paid by the plaintiff.

18 (2) Except as provided further, the docket fee established in this
19 section shall be the only fee collected or moneys in the nature of a fee
20 collected for the docket fee. Such fee shall only be established by an act of
21 the legislature and no other authority is established by law or otherwise to
22 collect a fee. On and after July 1, ~~2015~~ 2017, through June 30, ~~2017~~ 2019,
23 the supreme court may impose an additional charge, not to exceed \$19 per
24 docket fee, to fund the costs of non-judicial personnel.

25 (b) *Poverty affidavit; additional court costs; exemptions for the state*
26 *and municipalities.* The provisions of K.S.A. 60-2001(b), (c) and (d) and
27 60-2005, and amendments thereto, shall be applicable to lawsuits brought
28 under the code of civil procedure for limited actions.

29 Sec. ~~22~~ 23. K.S.A. 2016 Supp. 65-409 is hereby amended to read as
30 follows: 65-409. (a) The clerk of the district court shall charge a fee of \$14
31 for entering and filing a lien statement under this act.

32 (b) Except as provided further, the lien fee established in subsection
33 (a) shall be the only fee collected or moneys in the nature of a fee collected
34 for such lien. 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, ~~2015~~ 2017, through June 30, ~~2017~~ 2019, the supreme
37 court may impose an additional charge, not to exceed \$22 per lien fee, to
38 fund the costs of non-judicial personnel.

39 Sec. ~~23~~ 24. K.S.A. 2016 Supp. 8-2107, 8-2110, ~~20-169~~, 20-3021, 21-
40 6614, 21-6614g, 21-6614h, 22-2410, 23-2510, 28-170, 28-172a, 28-177,
41 28-178, 28-179, 32-1049a, 38-2215, 38-2312, 38-2314, 59-104, 60-729,
42 60-2001, 60-2203a, 61-2704, 61-4001 and 65-409 are hereby repealed.

43 Sec. ~~24~~ 25. This act shall take effect and be in force from and after

- 1 its publication in the statute book.