

SENATE BILL No. 357

By Committee on Ways and Means

3-13

AN ACT concerning state moneys; relating to remittance to the state treasurer ending K.S.A. 20-156, as amended by section 68 of 2001 Senate Bill No. 15, 20-1a01, as amended by section 70 of 2001 Senate Bill No. 15, 20-1a02, as amended by section 71 of 2001 Senate Bill No. 15, 20-1a03, as amended by section 72 of 2001 Senate Bill No. 15, 20-213, as amended by section 75 of 2001 Senate Bill No. 15, 20-2801, as amended by section 79 of 2001 Senate bill No. 15, 21-4610a, as amended by section 81 of 2001 Senate Bill No. 15, 22-4526, as amended by section 83 of 2001 Senate Bill No. 15 and K.S.A. 2000 Supp. 19-4707, as amended by section 67 of 2001 Senate Bill No. 15, 20-166, as amended by section 69 of 2001 Senate Bill No. 15, 20-1a04, as amended by section 73 of 2001 Senate Bill No. 15, 20-1a11, as amended by section 74 of 2001 Senate Bill No. 15, 20-350, as amended by section 76 of 2001 Senate Bill No. 15, 20-362, as amended by section 77 of 2001 Senate Bill No. 15, 20-367, as amended by section 78 of 2001 Senate Bill No. 15, 21-3851, as amended by section 80 of 2001 Senate Bill No. 15, 22-4504, as amended by section 82 of Senate Bill No. 15, 22-4529, as amended by section 84 of 2001 Senate Bill No. 15, and 23-108a, as amended by section 85 of 2001 Senate Bill No. 15, and repealing the existing sections.

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

Section 1. K.S.A. 2000 Supp. 19-4707, as amended by section 67 of 2001 Senate Bill No. 15, is hereby amended to read as follows: 19-4707.

(a) Except as provided in subsection (b), no person shall be assessed costs for enforcement and prosecution of violations of county codes and resolutions pursuant to this code, except for witness fees and mileage as set forth in K.S.A. 19-4726, and amendments thereto.

(b) The court shall assess as a cost in each case filed for violations of county codes and resolutions, a \$1 assessment. The judge or clerk of the court shall remit *at least monthly to the state treasurer* all such assessments received to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount of the remittance in the state treasury and credit 50% to the protection from

1 abuse fund established pursuant to K.S.A. 74-7325, and amendments
2 thereto, and 50% to the crime victims assistance fund established pur-
3 suant to K.S.A. 74-7334, and amendments thereto.

4 Sec. 2. K.S.A. 20-156 as amended by section 68 of 2001 Senate Bill
5 No. 15 is hereby amended to read as follows: 20-156. The state law li-
6 brarian shall be responsible for the operation and management of the
7 supreme court law library and shall have custody of all books, pamphlets
8 and documents belonging thereto. He shall cause each book, pamphlet
9 or document received by such library to be stamped with the words "Kan-
10 sas supreme court law library" and to be classified and catalogued in
11 accordance with approved library methods. The state law librarian shall
12 provide for the procurement of the acts, journals and other publications
13 of a legal nature of the congress and the legislatures of the several states
14 and territories, together with the judicial decisions of the courts of the
15 United States and of the several states and territories. For such purpose,
16 the state law librarian may exchange the laws, judicial decisions and books,
17 documents and publications of a legal nature of the state of Kansas and
18 agencies thereof. The law librarian may exchange, sell or loan indefinitely,
19 duplicate books, sets of works or other duplicate or temporary material,
20 and the proceeds from any such sales shall be remitted *at least monthly*
21 by the state law librarian to the state treasurer ~~in accordance with the~~
22 ~~provisions of K.S.A. 75-4215, and amendments thereto.~~ Upon receipt of
23 each such remittance, the state treasurer shall deposit the entire amount
24 in the state treasury to the credit of the "duplicate law book fund," which
25 fund is hereby created. All expenditures from such fund shall be for mis-
26 cellaneous law library purposes and shall be made in accordance with
27 appropriation acts upon warrants of the director of accounts and reports
28 issued pursuant to vouchers approved by the state law librarian or by a
29 person or persons designated by him. Any exchange, sale or loan made
30 hereunder shall be exempt from the provisions of K.S.A. 75-3739 to 75-
31 3744, and amendments thereto.

32 Sec. 3. K.S.A. 2000 Supp. 20-166 as amended by section 69 of 2001
33 Senate Bill No. 15 is hereby amended to read as follows: 20-166. (a) There
34 is hereby created in the state treasury the access to justice fund. Money
35 credited to the fund pursuant to K.S.A. 20-362, and amendments thereto,
36 shall be used solely for the purpose of making grants for operating ex-
37 penses to programs, including dispute resolution programs, which provide
38 access to the Kansas civil justice system for persons who would otherwise
39 be unable to gain access to civil justice. Such programs may provide legal
40 assistance to pro se litigants, legal counsel for civil and domestic matters
41 or other legal or dispute resolution services provided the recipient of the
42 assistance or counsel meets financial qualifications under guidelines es-
43 tablished by the program in accordance with grant guidelines promul-

1 gated by the supreme court of Kansas.

2 (b) All expenditures from the access to justice fund shall be made in
3 accordance with appropriations acts upon warrants of the director of ac-
4 counts and reports issued pursuant to vouchers approved by the chief
5 justice of the Kansas supreme court or by a person or persons designated
6 by the chief justice.

7 (c) The chief justice may apply for, receive and accept money from
8 any source for the purposes for which money in the access to justice fund
9 may be expended. Upon receipt of each such remittance, the chief justice
10 shall remit the entire amount *at least monthly* to the state treasurer ~~in~~
11 ~~accordance with the provisions of K.S.A. 75-4215, and amendments~~
12 ~~thereto~~. Upon receipt of each such remittance, the state treasurer shall
13 deposit the entire amount in the state treasury to the credit of the access
14 to justice fund.

15 (d) Grants made to programs pursuant to this section shall be based
16 on the number of persons to be served and such other requirements as
17 may be established by the Kansas supreme court in guidelines established
18 and promulgated to regulate grants made under authority of this section.
19 The guidelines may include requirements for grant applications, organi-
20 zational characteristics, reporting and auditing criteria and such other
21 standards for eligibility and accountability as are deemed advisable by the
22 supreme court.

23 Sec. 4. K.S.A. 20-1a01 as amended by section 70 of 2001 Senate Bill
24 No. 15 is hereby amended to read as follows: 20-1a01. The clerk of the
25 supreme court shall remit *at least monthly* all moneys received by or for
26 such clerk from fees, costs, other charges or penalties of the state board
27 of law examiners from bar discipline program administration and activities
28 to the state treasurer ~~in accordance with the provisions of K.S.A. 75-4215,~~
29 ~~and amendments thereto~~. Upon receipt of each such remittance, the state
30 treasurer shall deposit the entire amount in the state treasury to the credit
31 of the bar discipline fee fund, which shall not be a part of the state treas-
32 ury. All expenditures from such fund shall be made upon warrants of the
33 director of accounts and reports issued pursuant to vouchers approved
34 by the chief justice of the supreme court or by a person or persons des-
35 ignated by the chief justice. Amounts deposited under this section shall
36 not be subject to any limitation imposed by any appropriation act by the
37 legislature. All receipts, accounts, expenditures and other disbursements
38 from the fee fund established by this section shall be subject to post audit
39 in accordance with article 11 of chapter 46 of Kansas Statutes Annotated,
40 and amendments thereto.

41 Sec. 5. K.S.A. 20-1a02 as amended by section 71 of 2001 Senate Bill
42 No. 15 is hereby amended to read as follows: 20-1a02. The clerk of the
43 supreme court shall remit *at least monthly* all moneys received by or for

1 such clerk from applicants for examination for certified shorthand re-
2 porter to the state treasurer ~~in accordance with the provisions of K.S.A.~~
3 ~~75-4215, and amendments thereto.~~ Upon receipt of each such remittance,
4 the state treasurer shall deposit the entire amount in the state treasury.
5 Twenty percent of each such deposit shall be credited to the state general
6 fund, and the balance shall be credited to the court reporters fee fund.
7 All expenditures from such fund shall be made in accordance with ap-
8 propriation acts upon warrants of the director of accounts and reports
9 issued pursuant to vouchers approved by the chief justice of the supreme
10 court or by a person or persons designated by the chief justice. Compensa-
11 tion of members and other actual and necessary expenses of the state
12 board of examiners of court reporters shall be paid from such fund as
13 authorized by the rules of the supreme court.

14 Sec. 6. K.S.A. 20-1a03 as amended by section 72 of 2001 Senate Bill
15 No. 15 is hereby amended to read as follows: 20-1a03. The clerk of the
16 supreme court shall remit *at least monthly* all moneys received by or for
17 such clerk from applicants for admission to the practice of law in Kansas,
18 except amounts received for immediate remittance to carry out contrac-
19 tual investigation and report of bar applicants to the state treasurer ~~in~~
20 ~~accordance with the provisions of K.S.A. 75-4215, and amendments~~
21 ~~thereto.~~ Upon receipt of each such remittance, the state treasurer shall
22 deposit the entire amount in the state treasury. Twenty percent of each
23 such deposit shall be credited to the state general fund and the balance
24 shall be credited to the bar admission fee fund. All expenditures from
25 such fund shall be made in accordance with appropriation acts upon war-
26 rants of the director of accounts and reports issued pursuant to vouchers
27 approved by the chief justice of the supreme court or by a person or
28 persons designated by the chief justice. Compensation of members and
29 other actual and necessary expenses of the state board of law examiners
30 may be paid from such fund.

31 Sec. 7. K.S.A. 2000 Supp. 20-1a04 as amended by section 73 of 2001
32 Senate Bill No. 15 is hereby amended to read as follows: 20-1a04. The
33 clerk of the supreme court shall remit *at least monthly* all moneys re-
34 ceived by or for such clerk for docket fees, and all amounts received for
35 other purposes than those specified in K.S.A. 20-1a01, 20-1a02 or 20-
36 1a03, and amendments thereto, unless by order of the supreme court
37 such clerk is directed to make other disposition thereof to the state trea-
38 surer ~~in accordance with the provisions of K.S.A. 75-4215, and amend-~~
39 ~~ments thereto.~~ Upon receipt of each such remittance, the state treasurer
40 shall deposit the entire amount in the state treasury to the credit of the
41 judicial branch nonjudicial salary initiative fund, a sum equal to 56% of
42 the remittances of docket fees and to the state general fund, a sum equal
43 to 44% of the remittance of docket fees.

1 Sec. 8. K.S.A. 2000 Supp. 20-1a11 as amended by section 74 of 2001
2 Senate Bill No. 15 is hereby amended to read as follows: 20-1a11. (a)
3 There is hereby created in the state treasury a judicial branch education
4 fund.

5 (b) All money credited to the fund shall be used for the purpose of
6 educating and training judicial branch officers and employees; for admin-
7 istering the training, testing and education of municipal judges as pro-
8 vided in K.S.A. 12-4114, and amendments thereto; for educating and
9 training municipal judges and municipal court support staff; and for the
10 planning and implementation of a family court system as provided by law.
11 Expenditures from the judicial branch education fund shall be made in
12 accordance with appropriation acts upon warrants of the director of ac-
13 counts and reports issued pursuant to vouchers approved by the chief
14 justice of the supreme court or by a person or persons designated by the
15 chief justice.

16 (c) The chief justice may apply for, receive and accept money from
17 any source for the purposes for which money in the judicial branch ed-
18 ucation fund may be expended. Upon receiving any such money, the chief
19 justice shall remit the entire amount *at least monthly* to the state treasurer
20 ~~in accordance with the provisions of K.S.A. 75-4215, and amendments~~
21 ~~thereto~~. Upon receipt of each such remittance, the state treasurer shall
22 deposit the entire amount in the state treasury to the credit of the judicial
23 branch education fund.

24 (d) Upon the effective date of this act, the director of accounts and
25 reports is directed to transfer all moneys in the municipal judge training
26 fund to the judicial branch education fund. Upon the effective date of
27 this act, all liabilities of the municipal judge training fund existing prior
28 to such date are hereby imposed on the judicial branch education fund.
29 Whenever the municipal judge training fund, or words of like effect, is
30 referred to or designated by any statute, contract, or other document,
31 such reference or designation shall be deemed to apply to the judicial
32 branch education fund. The municipal judge training fund is hereby
33 abolished.

34 Sec. 9. K.S.A. 20-213 as amended by section 75 of 2001 Senate Bill
35 No. 15 is hereby amended to read as follows: 20-213. The state law li-
36 brarian shall remit all moneys received by or for such librarian from the
37 sale of reports of the supreme court and from the sale of court of appeals
38 reports to the state treasurer ~~in accordance with the provisions of K.S.A.~~
39 ~~75-4215, and amendments thereto~~ *at least monthly*. Upon receipt of each
40 such remittance, the state treasurer shall deposit the entire amount in the
41 state treasury to the credit of the library report fee fund. All expenditures
42 from such fund shall be made in accordance with appropriation acts upon
43 warrants of the director of accounts and reports issued pursuant to vouch-

1 ers approved by the state law librarian or by a person or persons desig-
2 nated by such state librarian. The state law librarian may make expendi-
3 tures from such fund for the purpose of paying the cost of transportation,
4 handling and storage charges incurred by the state librarian in the sale,
5 delivery and storage of such reports, including the cost of providing shelv-
6 ing for their storage, and for the purchase of library materials related to
7 the subject of law and the rebinding of same, and for the purpose of
8 reprinting volumes of such reports.

9 Sec. 10. K.S.A. 2000 Supp. 20-350 as amended by section 76 of 2001
10 Senate Bill No. 15 is hereby amended to read as follows: 20-350. (a)
11 Except for fines and penalties authorized to be paid to counties pursuant
12 to K.S.A. 19-101e, and amendments thereto, and subsection (b), and
13 amendments thereto, all moneys received by the clerk of the district court
14 from the payment of fines, penalties and forfeitures shall be remitted to
15 the state treasurer in ~~accordance with the provisions of K.S.A. 75-4215,~~
16 ~~and amendments thereto~~ *the manner provided by K.S.A. 20-2801, and*
17 *amendments thereto.* Upon receipt of each such remittance, the state
18 treasurer shall deposit the entire amount in the state treasury to the credit
19 of the state general fund, except as provided in K.S.A. 74-7336, and
20 amendments thereto.

21 (b) Except as provided by K.S.A. 2000 Supp. 20-368, and amend-
22 ments thereto, all moneys received by the clerk of the district court from
23 the payment of bail forfeitures shall be remitted to the state treasurer ~~in~~
24 ~~accordance with the provisions of K.S.A. 75-4215, and amendments~~
25 ~~thereto~~ *at least monthly.* Upon receipt of each such remittance, the state
26 treasurer shall deposit the entire amount in the state treasury and shall
27 credit equal portions of such remittance to the indigents' defense services
28 fund and the state general fund.

29 (c) The chief judge may invest any moneys on deposit in the district
30 court account if the moneys are not immediately required for the pur-
31 poses for which they were collected or received. Such moneys may be
32 invested in: (1) Time deposits, open account or certificates of deposit, for
33 periods not to exceed six months, or savings deposits, in commercial banks
34 located in the county, except that amounts invested which are not insured
35 by the United States government shall be secured in the manner and
36 amounts provided by K.S.A. 9-1402, and amendments thereto; (2) United
37 States treasury bills or notes with maturities not to exceed six months; or
38 (3) savings and loan associations located in the county. No investment of
39 more than the amount insured by the federal deposit insurance corpo-
40 ration shall be made in any one savings and loan association. Interest
41 received from the investment of moneys pursuant to this subsection shall
42 be remitted to the state treasurer in ~~accordance with the provisions of~~
43 ~~K.S.A. 75-4215, and amendments thereto~~ *the manner provided by K.S.A.*

1 20-2801, and amendments thereto. Upon receipt of each such remittance,
2 the state treasurer shall deposit the entire amount in the state treasury
3 to the credit of the state general fund.

4 (d) Upon application of a party to an action in which such party claims
5 ownership of moneys held by the district court, the chief judge may invest
6 such moneys in the same manner as provided by subsection (c). Interest
7 received from the investment of moneys pursuant to this subsection shall
8 become the property of the person found to be the owner of the moneys.

9 Sec. 11. K.S.A. 2000 Supp. 20-362 as amended by section 77 of 2001
10 Senate Bill No. 15 is hereby amended to read as follows: 20-362. The
11 clerk of the district court shall remit all revenues received from docket
12 fees as follows:

13 (a) At least monthly to the county treasurer, for deposit in the county
14 treasury and credit to the county general fund:

15 (1) A sum equal to \$10 for each docket fee paid pursuant to K.S.A.
16 60-2001 and 60-3005, and amendments thereto, during the preceding
17 calendar month;

18 (2) a sum equal to \$10 for each \$36.50 or \$61.50 docket fee paid
19 pursuant to K.S.A. 2000 Supp. 61-4001, or K.S.A. 61-2704 or 61-2709,
20 and amendments thereto; and

21 (3) a sum equal to \$5 for each \$19.50 docket fee paid pursuant to
22 K.S.A. 2000 Supp. 61-4001 or K.S.A. 61-2704, and amendments thereto,
23 during the preceding calendar month.

24 (b) At least monthly to the board of trustees of the county law library
25 fund, for deposit in the fund, a sum equal to the library fees paid during
26 the preceding calendar month for cases filed in the county.

27 (c) At least monthly to the county treasurer, for deposit in the county
28 treasury and credit to the prosecuting attorneys' training fund, a sum
29 equal to \$1 for each docket fee paid pursuant to K.S.A. 28-172a, and
30 amendments thereto, during the preceding calendar month for cases filed
31 in the county and for each fee paid pursuant to subsection (c) of K.S.A.
32 28-170, and amendments thereto, during the preceding calendar month
33 for cases filed in the county.

34 (d) To the state treasurer, ~~in accordance with the provisions of K.S.A.~~
35 ~~75-4215, and amendments thereto, at least monthly,~~ for deposit in the
36 state treasury and credit to the indigents' defense services fund, a sum
37 equal to \$.50 for each docket fee paid pursuant to K.S.A. 28-172a and
38 subsection (d) of K.S.A. 28-170, and amendments thereto, during the
39 preceding calendar month.

40 (e) To the state treasurer, ~~in accordance with the provisions of K.S.A.~~
41 ~~75-4215, and amendments thereto, at least monthly,~~ for deposit in the
42 state treasury and credit to the law enforcement training center fund,
43 during the period commencing July 1, 1998, and ending June 30, 2002,

1 a sum equal to \$9, and on and after July 1, 2002, a sum equal to \$8 for
2 each docket fee paid pursuant to K.S.A. 28-172a, and amendments
3 thereto, during the preceding calendar month.

4 (f) To the state treasurer, ~~in accordance with the provisions of K.S.A.~~
5 ~~75-4215, and amendments thereto, at least monthly,~~ for deposit in the
6 state treasury and distribution according to K.S.A. 20-367, and amend-
7 ments thereto, a sum equal to the balance which remains from all docket
8 fees paid during the preceding calendar month after deduction of the
9 amounts specified in subsections (a), (b), (c), (d) and (e).

10 Sec. 12. K.S.A. 2000 Supp. 20-367 as amended by section 78 of 2001
11 Senate Bill No. 15 is hereby amended to read as follows: 20-367. Of the
12 remittance of the balance of docket fees received *monthly* by the state
13 treasurer from clerks of the district court pursuant to subsection (f) of
14 K.S.A. 20-362, and amendments thereto, the state treasurer shall deposit
15 and credit to the access to justice fund, a sum equal to 6.05% of the
16 remittances of docket fees; to the juvenile detention facilities fund, a sum
17 equal to 3.36% of the remittances of docket fees; to the judicial branch
18 education fund, the state treasurer shall deposit and credit a sum equal
19 to 2.58% of the remittances of docket fees; to the crime victims assistance
20 fund, the state treasurer shall deposit and credit a sum equal to .69% of
21 the remittances of the docket fees; to the protection from abuse fund,
22 the state treasurer shall deposit and credit a sum equal to 2.07% of the
23 remittances of the docket fees; to the judiciary technology fund, the state
24 treasurer shall deposit and credit a sum equal to 5.23% of the remittances
25 of docket fees; to the dispute resolution fund, the state treasurer shall
26 deposit and credit a sum equal to .43% of the remittances of docket fees;
27 to the Kansas juvenile delinquency prevention trust fund, the state trea-
28 surer shall deposit and credit a sum equal to 1.53% of the remittances of
29 docket fees; to the permanent families account in the family and children
30 investment fund, the state treasurer shall deposit and credit a sum equal
31 to .25% of the remittances of docket fees; to the trauma fund, a sum
32 equal to 1.81% of the remittance of docket fees; and to the judicial branch
33 nonjudicial salary initiative fund, the state treasurer shall deposit and
34 credit a sum equal to 21.97% of the remittance of docket fees. The bal-
35 ance remaining of the remittances of docket fees shall be deposited and
36 credited to the state general fund.

37 Sec. 13. K.S.A. 20-2801 as amended by section 79 of 2001 Senate
38 Bill No. 15 is hereby amended to read as follows: 20-2801. (a) *At least*
39 *monthly* the clerk of the district court shall remit all moneys payable to
40 the state treasurer from fines, penalties and forfeitures to the state trea-
41 surer ~~in accordance with the provisions of K.S.A. 75-4215, and amend-~~
42 ~~ments thereto.~~ Upon receipt of each such remittance, the state treasurer
43 shall deposit the entire amount in the state treasury to the credit of the

1 state general fund, except as provided in K.S.A. 74-7336, and amend-
2 ments thereto.

3 (b) In order to determine the amount of moneys available pursuant
4 to this section, the director of accounts and reports or the state treasurer,
5 whenever it is deemed necessary by either of such officers, may request
6 the clerk of the district court to provide such information as provided in
7 this section. Within 10 days of the receipt of any such request, such clerk
8 shall certify the amount of moneys collected pursuant to this section to
9 the director of accounts and reports and the state treasurer.

10 (c) This section shall not apply to municipal courts.

11 Sec. 14. K.S.A. 2000 Supp. 21-3851 as amended by section 80 of
12 2001 Senate Bill No. 15 is hereby amended to read as follows: 21-3851.

13 (a) Any person convicted of a violation of this act, may be liable, in ad-
14 dition to any other criminal penalties provided by law, for all of the
15 following:

16 (1) Payment of full restitution of the amount of the excess payments;

17 (2) payment of interest on the amount of any excess payments at the
18 maximum legal rate in effect on the date the payment was made to the
19 person for the period from the date upon which payment was made, to
20 the date upon which repayment is made;

21 (3) payment of all reasonable expenses that have been necessarily
22 incurred in the enforcement of this act, including, but not limited to, the
23 costs of the investigation, litigation and attorney fees.

24 (b) All moneys recovered pursuant to subsection (a)(1) and (2), shall
25 be ~~remitted to the state treasurer in accordance with the provisions of~~
26 ~~K.S.A. 75-4215, and amendments thereto~~ *paid and deposited to the state*
27 *treasurer*. Upon receipt of each such remittance, the state treasurer shall
28 deposit the entire amount in the state treasury to the credit of the med-
29 icaid fraud reimbursement fund, which is hereby established in the state
30 treasury. Moneys in the medicaid fraud reimbursement fund shall be
31 divided and payments made from such fund to the federal government
32 and affected state agencies for the refund of moneys falsely obtained from
33 the federal and state governments.

34 (c) All moneys recovered pursuant to subsection (a)(3) shall be re-
35 mitted to the state treasurer ~~in accordance with the provisions of K.S.A.~~
36 ~~75-4215, and amendments thereto~~. Upon receipt of each such remittance,
37 the state treasurer shall deposit the entire amount in the state treasury
38 to the credit of the medicaid fraud prosecution revolving fund, which is
39 hereby established in the state treasury. Moneys in the medicaid fraud
40 prosecution revolving fund may be appropriated to the attorney general,
41 or to any county or district attorney who has successfully prosecuted an
42 action for a violation of this act and been awarded such costs of prose-
43 cution, in order to defray the costs of the attorney general and any such

1 county or district attorney in connection with their duties provided by
2 this act. No moneys shall be paid into the medicaid fraud prosecution
3 revolving fund pursuant to this section unless the attorney general or
4 appropriate county or district attorney has commenced a prosecution pur-
5 suant to this section, and the court finds in its discretion that payment of
6 attorney fees and investigative costs is appropriate under all the circum-
7 stances, and the attorney general, or county or district attorney has proven
8 to the court that the expenses were reasonable and necessary to the in-
9 vestigation and prosecution of such case, and the court approves such
10 expenses as being reasonable and necessary.

11 Sec. 15. K.S.A. 21-4610a as amended by section 81 of 2001 Senate
12 Bill No. 15 is hereby amended to read as follows: 21-4610a. (a) Each
13 person placed under the probation supervision of a court services officer
14 or other officer or employee of the judicial branch by a judge of the
15 district court under K.S.A. 21-4610, and amendments thereto, and each
16 person assigned to a community correctional services program shall pay
17 a probation or community correctional services fee. If the person was
18 convicted of a misdemeanor, the amount of the probation services fee is
19 \$25 and if the person was convicted of a felony, the amount of the pro-
20 bation or community correctional services fee is \$50, except that in any
21 case the amount of the probation or community correctional services fee
22 specified by this section may be reduced or waived by the judge if the
23 person is unable to pay that amount.

24 (b) The probation or community correctional services fee imposed
25 by this section shall be charged and collected by the district court. The
26 clerk of the district court shall remit *at least monthly* all revenues received
27 under this section from probation or community correctional services fees
28 to the state treasurer ~~in accordance with the provisions of K.S.A. 75-4215,~~
29 ~~and amendments thereto.~~ Upon receipt of each such remittance, the state
30 treasurer shall deposit the entire amount in the state treasury to the credit
31 of the state general fund.

32 (c) This section shall not apply to persons placed on probation or
33 released on parole to reside in Kansas under the uniform act for out-of-
34 state parolee supervision.

35 Sec. 16. K.S.A. 2000 Supp. 22-4504 as amended by section 82 of
36 2001 Senate Bill No. 15 is hereby amended to read as follows: 22-4504.
37 (a) When any defendant who is entitled to have the assistance of counsel,
38 under the provisions of K.S.A. 22-4503, and amendments thereto, claims
39 to be financially unable to employ counsel, the court shall require that
40 the defendant file an affidavit containing such information and in the form
41 as prescribed by rules and regulations adopted by the state board of in-
42 digents' defense services. The affidavit filed by the defendant shall be-
43 come a part of the permanent file of the case. The court may interrogate

1 the defendant under oath concerning the contents of the affidavit and
2 may direct the county or district attorney, sheriff, marshal or other officer
3 of the county to investigate and report upon the financial condition of
4 the defendant and may also require the production of evidence upon the
5 issue of the defendant's financial inability to employ counsel.

6 (b) Upon the basis of the defendant's affidavit, the defendant's state-
7 ments under oath, and such other competent evidence as may be brought
8 to the attention of the court, which shall be made part of the record in
9 the case, the court shall determine whether the defendant is financially
10 unable to employ counsel. In making such determination the court shall
11 consider the defendant's assets and income; the amount needed for the
12 payment of reasonable and necessary expenses incurred, or which must
13 be incurred to support the defendant and the defendant's immediate
14 family; the anticipated cost of effective representation by employed coun-
15 sel; and any property which may have been transferred or conveyed by
16 the defendant to any person without adequate monetary consideration
17 after the commission of the alleged crime. If the defendant's assets and
18 income are not sufficient to cover the anticipated cost of effective rep-
19 resentation by employed counsel when the length and complexity of the
20 anticipated proceedings are taken fully into account, the defendant shall
21 be determined indigent in full or in part and the court shall appoint an
22 attorney as provided in K.S.A. 22-4503, and amendments thereto. If the
23 court determines that the defendant is financially able to employ counsel,
24 the court shall so advise the defendant and shall give the defendant a
25 reasonable opportunity to employ an attorney of the defendant's own
26 choosing. All determinations by a court as to whether a defendant is
27 financially unable to employ counsel shall be subject to and in accordance
28 with rules and regulations adopted by the state board of indigents' defense
29 services under this act.

30 (c) The court shall inform the defendant for whom counsel is ap-
31 pointed that the amount expended by the state in providing counsel and
32 other defense services may be entered as a judgment against the defend-
33 ant if the defendant is convicted and found to be financially able to pay
34 the amount, and that an action to recover such amount may be brought
35 against any person to whom the defendant may have transferred or con-
36 veyed any of the defendant's property without adequate monetary con-
37 sideration after the date of the commission of the alleged crime. A de-
38 termination by the court that the defendant is financially unable to employ
39 counsel or pay other costs of the defendant's defense may preclude a
40 recovery from the defendant but may not preclude recovery from any
41 person to whom the defendant may have transferred or conveyed any
42 property without adequate monetary consideration after the date of the
43 commission of the alleged crime.

1 (d) If found to be indigent in part, the defendant shall be promptly
2 informed of the terms under which the defendant may be expected to
3 pay for counsel. Any payments pursuant to such terms shall apply upon
4 any judgment entered pursuant to K.S.A. 22-4513, and amendments
5 thereto. Payments made for services of appointed counsel provided under
6 K.S.A. 22-4503, and amendments thereto, shall be paid to the clerk of
7 the district court. The clerk of the district court shall remit all moneys
8 received as payment for services of appointed counsel under this section
9 to the state board of indigents' defense services at least monthly and the
10 board shall remit all moneys received under this section to the state trea-
11 surer ~~in accordance with the provisions of K.S.A. 75-4215, and amend-~~
12 ~~ments thereto at least monthly.~~ Upon receipt of each such remittance,
13 the state treasurer shall deposit the entire amount in the state treasury
14 to the credit of the state general fund.

15 (e) The determination that a defendant is indigent or partially indi-
16 gent shall be subject to review at any time by any court before whom the
17 cause is then pending.

18 (f) The state board of indigents' defense services shall adopt rules
19 and regulations in accordance with K.S.A. 77-415 *et seq.*, and amend-
20 ments thereto, relating to the income, assets and anticipated costs of
21 representation for the purpose of determining whether a defendant is
22 financially able to employ counsel and the ability of a defendant to con-
23 tribute to the cost of the defendant's legal defense services.

24 Sec. 17. K.S.A. 22-4526 as amended by section 83 of 2001 Senate
25 Bill No. 15 is hereby amended to read as follows: 22-4526. All moneys
26 received by the state board of indigents' defense services under contracts
27 entered into with one or more cities or counties under subsection (f) of
28 K.S.A. 22-4523, and amendments thereto, shall be remitted by the board
29 to the state treasurer ~~in accordance with the provisions of K.S.A. 75-4215,~~
30 ~~and amendments thereto at least monthly.~~ Upon receipt of each such
31 remittance, the state treasurer shall deposit the entire amount in the state
32 treasury to the credit of the indigents defense services fund.

33 Sec. 18. K.S.A. 2000 Supp. 22-4529 as amended by section 84 of
34 2001 Senate Bill No. 15 is hereby amended to read as follows: 22-4529.
35 The court may impose an administrative fee in the amount of \$35 against
36 any defendant entitled to counsel pursuant to K.S.A. 22-4503, and amend-
37 ments thereto. If it appears to the satisfaction of the court that payment
38 of the administrative fee will impose manifest hardship on the defendant,
39 the court may waive payment of all or part of the administrative fee. All
40 moneys received pursuant to this section shall be remitted to the state
41 treasurer ~~in accordance with the provisions of K.S.A. 75-4215, and~~
42 ~~amendments thereto at least monthly.~~ Upon receipt of each such remit-
43 tance, the state treasurer shall deposit the *entire amount* in the state

1 treasury to the credit of the indigents' defense services fund. If the de-
2 fendant is acquitted or the case is dismissed, any administrative fee paid
3 pursuant to this section shall be remitted to the defendant. The provisions
4 of this section shall take effect on and after July 1, 1997.

5 Sec. 19. K.S.A. 2000 Supp. 23-108a as amended by section 85 of
6 2001 Senate Bill No. 15 is hereby amended to read as follows: 23-108a.

7 (a) The judge or clerk of the district court shall collect from the applicant
8 for a marriage license a fee of \$50.

9 (b) The clerk of the court shall remit *to the state treasurer at least*
10 *monthly* all fees prescribed by this section ~~to the state treasurer in ac-~~
11 ~~cordance with the provisions of K.S.A. 75-4215, and amendments thereto.~~
12 Upon receipt of each such remittance, the state treasurer shall deposit
13 the entire amount in the state treasury. Of each remittance, the state
14 treasurer shall credit 46% to the protection from abuse fund, 17.92% to
15 the family and children trust account of the family and children invest-
16 ment fund created by K.S.A. 38-1808, and amendments thereto, 20% to
17 the crime victims assistance fund created by K.S.A. 74-7334, and amend-
18 ments thereto, and the remainder to the state general fund.

19 Sec. 20. K.S.A. 20-156, as amended by section 68 of 2001 Senate Bill
20 No. 15, 20-1a01, as amended by section 70 of 2001 Senate Bill No. 15,
21 20-1a02, as amended by section 71 of 2001 Senate Bill No. 15, 20-1a03,
22 as amended by section 72 of 2001 Senate Bill No. 15, 20-213, as amended
23 by section 75 of 2001 Senate Bill No. 15, 20-2801, as amended by section
24 79 of 2001 Senate bill No. 15, 21-4610a, as amended by section 81 of
25 2001 Senate Bill No. 15, 22-4526, as amended by section 83 of 2001
26 Senate Bill No. 15 and K.S.A. 2000 Supp. 19-4707, as amended by section
27 67 of 2001 Senate Bill No. 15, 20-166, as amended by section 69 of 2001
28 Senate Bill No. 15, 20-1a04, as amended by section 73 of 2001 Senate
29 Bill No. 15, 20-1a11, as amended by section 74 of 2001 Senate Bill No.
30 15, 20-350, as amended by section 76 of 2001 Senate Bill No. 15, 20-362,
31 as amended by section 77 of 2001 Senate Bill No. 15, 20-367, as amended
32 by section 78 of 2001 Senate Bill No. 15, 21-3851, as amended by section
33 80 of 2001 Senate Bill No. 15, 22-4504, as amended by section 82 of
34 Senate Bill No. 15, 22-4529, as amended by section 84 of 2001 Senate
35 Bill No. 15, and 23-108a, as amended by section 85 of 2001 Senate Bill
36 No. 15, are hereby repealed.

37 Sec. 21. This act shall take effect and be in force from and after its
38 publication in the statute book.

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