

SENATE BILL No. 85

By Committee on Ways and Means

1-22

AN ACT concerning docket fees; relating to compensation for certain nonjudicial employees in the judicial branch; amending K.S.A. 21-4610a, 28-170 and 60-2419 and K.S.A. 2000 Supp. 21-4619, 22-2410, 59-104, 60-1621 and 61-3504 and repealing the existing sections.

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

Section 1. K.S.A. 21-4610a is hereby amended to read as follows: 21-4610a. (a) Each person placed under the probation supervision of a court services officer or other officer or employee of the judicial branch by a judge of the district court under K.S.A. 21-4610 and amendments thereto and each person assigned to a community correctional services program shall pay a probation or community correctional services fee. If the person was convicted of a misdemeanor, the amount of the probation services fee ~~is \$25~~ shall be \$10 per month for the term of probation to which the probationer was originally sentenced, and if the person was convicted of a felony, the amount of the probation or community correctional services fee ~~is \$50~~, shall be \$20 per month for the term of probation to which the probationer was originally sentenced, except that in any case the amount of the probation or community correctional services fee specified by this section may be reduced or waived by the judge if the person is unable to pay that amount.

(b) The probation or community correctional services fee imposed by this section shall be charged and collected by the district court. The clerk of the district court shall remit at least monthly all revenues received under this section from probation or community correctional services fees to the state treasurer. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount thereof in the state treasury to the credit of the state general fund.

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

Sec. 2. K.S.A. 2000 Supp. 21-4619 is hereby amended to read as follows: 21-4619. (a) (1) Except as provided in subsections (b) and (c), any person convicted in this state of a traffic infraction, cigarette or tobacco infraction, misdemeanor or a class D or E felony, or for crimes

1 committed on or after July 1, 1993, nondrug crimes ranked in severity
2 levels 6 through 10 or any felony ranked in severity level 4 of the drug
3 grid, may petition the convicting court for the expungement of such con-
4 viction or related arrest records if three or more years have elapsed since
5 the person: (A) Satisfied the sentence imposed; or (B) was discharged
6 from probation, a community correctional services program, parole, post-
7 release supervision, conditional release or a suspended sentence.

8 (2) Except as provided in subsections (b) and (c), any person who has
9 fulfilled the terms of a diversion agreement may petition the district court
10 for the expungement of such diversion agreement and related arrest re-
11 cords if three or more years have elapsed since the terms of the diversion
12 agreement were fulfilled.

13 (b) Except as provided in subsection (c), no person may petition for
14 expungement until five or more years have elapsed since the person sat-
15 isfied the sentence imposed, the terms of a diversion agreement or was
16 discharged from probation, a community correctional services program,
17 parole, postrelease supervision, conditional release or a suspended sen-
18 tence, if such person was convicted of a class A, B or C felony, or for
19 crimes committed on or after July 1, 1993, if convicted of an off-grid
20 felony or any nondrug crime ranked in severity levels 1 through 5 or any
21 felony ranked in severity levels 1 through 3 of the drug grid, or:

22 (1) Vehicular homicide, as defined by K.S.A. 21-3405 and amend-
23 ments thereto or as prohibited by any law of another state which is in
24 substantial conformity with that statute;

25 (2) a violation of K.S.A. 8-1567 and amendments thereto, or a viola-
26 tion of any law of another state, which declares to be unlawful the acts
27 prohibited by that statute;

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

32 (4) perjury resulting from a violation of K.S.A. 8-261a and amend-
33 ments thereto or resulting from the violation of a law of another state
34 which is in substantial conformity with that statute;

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

39 (6) any crime punishable as a felony wherein a motor vehicle was
40 used in the perpetration of such crime;

41 (7) failing to stop at the scene of an accident and perform the duties
42 required by K.S.A. 8-1602, 8-1603 or 8-1604, and amendments thereto,
43 or required by a law of another state which is in substantial conformity

1 with those statutes;

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

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

5 (c) There shall be no expungement of convictions for the following
6 offenses or of convictions for an attempt to commit any of the following
7 offenses: (1) Rape as defined in subsection (a)(2) of K.S.A. 21-3502 and
8 amendments thereto; (2) indecent liberties with a child as defined in
9 K.S.A. 21-3503 and amendments thereto; (3) aggravated indecent liber-
10 ties with a child as defined in K.S.A. 21-3504 and amendments thereto;
11 (4) criminal sodomy as defined in subsection (a)(2) or (a)(3) of K.S.A. 21-
12 3505 and amendments thereto; (5) aggravated criminal sodomy as defined
13 in K.S.A. 21-3506 and amendments thereto; (6) indecent solicitation of a
14 child as defined in K.S.A. 21-3510 and amendments thereto; (7) aggra-
15 vated indecent solicitation of a child as defined in K.S.A. 21-3511 and
16 amendments thereto; (8) sexual exploitation of a child as defined in K.S.A.
17 21-3516 and amendments thereto; (9) aggravated incest as defined in
18 K.S.A. 21-3603 and amendments thereto; (10) endangering a child as
19 defined in K.S.A. 21-3608 and amendments thereto; (11) abuse of a child
20 as defined in K.S.A. 21-3609 and amendments thereto; (12) capital mur-
21 der as defined in K.S.A. 21-3439 and amendments thereto; (13) murder
22 in the first degree as defined in K.S.A. 21-3401 and amendments thereto;
23 (14) murder in the second degree as defined in K.S.A. 21-3402 and
24 amendments thereto; (15) voluntary manslaughter as defined in K.S.A.
25 21-3403 and amendments thereto; (16) involuntary manslaughter as de-
26 fined in K.S.A. 21-3404 and amendments thereto; (17) involuntary man-
27 slaughter while driving under the influence of alcohol or drugs as defined
28 in K.S.A. 2000 Supp. 21-3442 and amendments thereto; or (18) any con-
29 viction for any offense in effect at any time prior to the effective date of
30 this act, that is comparable to any offense as provided in this subsection.

31 (d) When a petition for expungement is filed, the court shall set a
32 date for a hearing of such petition and shall cause notice of such hearing
33 to be given to the prosecuting attorney and the arresting law enforcement
34 agency. *Except as otherwise provided by law, a petition for expungement*
35 *shall be accompanied by payment of a docket fee in the amount of \$101.*
36 The petition shall state: (1) The defendant's full name;

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

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

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

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

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

1 authority or diverting authority. ~~There shall be no docket fee for filing a~~
2 ~~petition pursuant to this section.~~ All petitions for expungement shall be
3 docketed in the original criminal action. Any person who may have rel-
4 evant information about the petitioner may testify at the hearing. The
5 court may inquire into the background of the petitioner and shall have
6 access to any reports or records relating to the petitioner that are on file
7 with the secretary of corrections or the Kansas parole board.

8 (e) At the hearing on the petition, the court shall order the peti-
9 tioner's arrest record, conviction or diversion expunged if the court finds
10 that:

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

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

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

17 (f) When the court has ordered an arrest record, conviction or diver-
18 sion expunged, the order of expungement shall state the information re-
19 quired to be contained in the petition. The clerk of the court shall send
20 a certified copy of the order of expungement to the Kansas bureau of
21 investigation which shall notify the federal bureau of investigation, the
22 secretary of corrections and any other criminal justice agency which may
23 have a record of the arrest, conviction or diversion. After the order of
24 expungement is entered, the petitioner shall be treated as not having been
25 arrested, convicted or diverted of the crime, except that:

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

29 (2) the petitioner shall disclose that the arrest, conviction or diversion
30 occurred if asked about previous arrests, convictions or diversions: (A) In
31 any application for employment as a detective with a private detective
32 agency, as defined by K.S.A. 75-7b01 and amendments thereto; as secu-
33 rity personnel with a private patrol operator, as defined by K.S.A. 75-
34 7b01 and amendments thereto; or with an institution, as defined in K.S.A.
35 76-12a01 and amendments thereto, of the department of social and re-
36 habilitation services;

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

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

43 (D) to aid in determining the petitioner's qualifications for executive

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

6 (E) upon application for a commercial driver's license under K.S.A.
7 8-2,125 through 8-2,142, and amendments thereto;

8 (F) to aid in determining the petitioner's qualifications to be an em-
9 ployee of the state gaming agency;

10 (G) to aid in determining the petitioner's qualifications to be an em-
11 ployee of a tribal gaming commission or to hold a license issued pursuant
12 to a tribal-state gaming compact; or

13 (H) in any application for registration as a broker-dealer, agent, in-
14 vestment adviser or investment adviser representative all as defined in
15 K.S.A. 17-1252 and amendments thereto;

16 (3) the court, in the order of expungement, may specify other cir-
17 cumstances under which the conviction is to be disclosed;

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

21 (5) upon commitment to the custody of the secretary of corrections,
22 any previously expunged record in the possession of the secretary of cor-
23 rections may be reinstated and the expungement disregarded, and the
24 record continued for the purpose of the new commitment.

25 (g) Whenever a person is convicted of a crime, pleads guilty and pays
26 a fine for a crime, is placed on parole, postrelease supervision or proba-
27 tion, is assigned to a community correctional services program, is granted
28 a suspended sentence or is released on conditional release, the person
29 shall be informed of the ability to expunge the arrest records or convic-
30 tion. Whenever a person enters into a diversion agreement, the person
31 shall be informed of the ability to expunge the diversion.

32 (h) Subject to the disclosures required pursuant to subsection (f), in
33 any application for employment, license or other civil right or privilege,
34 or any appearance as a witness, a person whose arrest records, conviction
35 or diversion of a crime has been expunged under this statute may state
36 that such person has never been arrested, convicted or diverted of such
37 crime, but the expungement of a felony conviction does not relieve an
38 individual of complying with any state or federal law relating to the use
39 or possession of firearms by persons convicted of a felony.

40 (i) Whenever the record of any arrest, conviction or diversion has
41 been expunged under the provisions of this section or under the provi-
42 sions of any other existing or former statute, the custodian of the records
43 of arrest, conviction, diversion and incarceration relating to that crime

1 shall not disclose the existence of such records, except when requested
2 by:

- 3 (1) The person whose record was expunged;
- 4 (2) a private detective agency or a private patrol operator, and the
5 request is accompanied by a statement that the request is being made in
6 conjunction with an application for employment with such agency or op-
7 erator by the person whose record has been expunged;
- 8 (3) a court, upon a showing of a subsequent conviction of the person
9 whose record has been expunged;
- 10 (4) the secretary of social and rehabilitation services, or a designee of
11 the secretary, for the purpose of obtaining information relating to em-
12 ployment in an institution, as defined in K.S.A. 76-12a01 and amend-
13 ments thereto, of the department of social and rehabilitation services of
14 any person whose record has been expunged;
- 15 (5) a person entitled to such information pursuant to the terms of the
16 expungement order;
- 17 (6) a prosecuting attorney, and such request is accompanied by a
18 statement that the request is being made in conjunction with a prosecu-
19 tion of an offense that requires a prior conviction as one of the elements
20 of such offense;
- 21 (7) the supreme court, the clerk or disciplinary administrator thereof,
22 the state board for admission of attorneys or the state board for discipline
23 of attorneys, and the request is accompanied by a statement that the
24 request is being made in conjunction with an application for admission,
25 or for an order of reinstatement, to the practice of law in this state by the
26 person whose record has been expunged;
- 27 (8) the Kansas lottery, and the request is accompanied by a statement
28 that the request is being made to aid in determining qualifications for
29 employment with the Kansas lottery or for work in sensitive areas within
30 the Kansas lottery as deemed appropriate by the executive director of the
31 Kansas lottery;
- 32 (9) the governor or the Kansas racing commission, or a designee of
33 the commission, and the request is accompanied by a statement that the
34 request is being made to aid in determining qualifications for executive
35 director of the commission, for employment with the commission, for
36 work in sensitive areas in parimutuel racing as deemed appropriate by
37 the executive director of the commission or for licensure, renewal of
38 licensure or continued licensure by the commission;
- 39 (10) the Kansas sentencing commission;
- 40 (11) the state gaming agency, and the request is accompanied by a
41 statement that the request is being made to aid in determining qualifi-
42 cations: (A) To be an employee of the state gaming agency; or (B) to be
43 an employee of a tribal gaming commission or to hold a license issued

1 pursuant to a tribal-gaming compact; or

2 (12) the Kansas securities commissioner or a designee of the com-
3 missioner, and the request is accompanied by a statement that the request
4 is being made in conjunction with an application for registration as a
5 broker-dealer, agent, investment adviser or investment adviser represen-
6 tative by such agency and the application was submitted by the person
7 whose record has been expunged.

8 *(j) The docket fee collected at the time the petition for expungement*
9 *is filed shall be disbursed in accordance with K.S.A. 20-362, and amend-*
10 *ments thereto.*

11 Sec. 3. K.S.A. 2000 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
15 date for hearing on such petition and shall cause notice of such hearing
16 to be given to the prosecuting attorney and the arresting law enforcement
17 agency. *Except as otherwise provided by law, a petition for expungement*
18 *shall be accompanied by payment of a docket fee in the amount of \$101.*

19 The petition shall state: (1) The petitioner's full name;

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

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

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

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

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

26 ~~There shall be no docket fee for filing a petition pursuant to this sec-~~
27 ~~tion.~~ Any person who may have relevant information about the petitioner
28 may testify at the hearing. The court may inquire into the background of
29 the petitioner.

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

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

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

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

38 (d) When the court has ordered expungement of an arrest record and
39 subsequent court proceedings, if any, the order shall state the information
40 required to be stated in the petition and shall state the grounds for
41 expungement under subsection (c). The clerk of the court shall send a
42 certified copy of the order to the federal bureau of investigation, the
43 Kansas bureau of investigation, the secretary of corrections and any other

1 criminal justice agency which may have a record of the arrest. If an order
2 of expungement is entered, the petitioner shall be treated as not having
3 been arrested.

4 (e) If the ground for expungement is as provided in subsection (c)(4),
5 the court shall determine whether, in the interests of public welfare, the
6 records should be available for any of the following purposes: (1) In any
7 application for employment as a detective with a private detective agency,
8 as defined in K.S.A. 75-7b01 and amendments thereto; as security per-
9 sonnel with a private patrol operator, as defined by K.S.A. 75-7b01 and
10 amendments thereto; or with an institution, as defined in K.S.A. 76-12a01
11 and amendments thereto, of the department of social and rehabilitation
12 services;

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

15 (3) to aid in determining the petitioner's qualifications for employ-
16 ment with the Kansas lottery or for work in sensitive areas within the
17 Kansas lottery as deemed appropriate by the executive director of the
18 Kansas lottery;

19 (4) to aid in determining the petitioner's qualifications for executive
20 director of the Kansas racing commission, for employment with the com-
21 mission or for work in sensitive areas in parimutuel racing as deemed
22 appropriate by the executive director of the commission, or to aid in
23 determining qualifications for licensure or renewal of licensure by the
24 commission;

25 (5) in any application for a commercial driver's license under K.S.A.
26 8-2,125 through 8-2,142 and amendments thereto;

27 (6) to aid in determining the petitioner's qualifications to be an em-
28 ployee of the state gaming agency;

29 (7) to aid in determining the petitioner's qualifications to be an em-
30 ployee of a tribal gaming commission or to hold a license issued pursuant
31 to a tribal-state gaming compact; or

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

33 (f) Subject to any disclosures required under subsection (e), in any
34 application for employment, license or other civil right or privilege, or
35 any appearance as a witness, a person whose arrest records have been
36 expunged as provided in this section may state that such person has never
37 been arrested.

38 (g) Whenever a petitioner's arrest records have been expunged as
39 provided in this section, the custodian of the records of arrest, incarcer-
40 ation due to arrest or court proceedings related to the arrest, shall not
41 disclose the arrest or any information related to the arrest, except as
42 directed by the order of expungement or when requested by the person
43 whose arrest record was expunged.

1 (h) The docket fee collected at the time the petition for expungement
2 is filed shall be disbursed in accordance with K.S.A. 20-362, and amend-
3 ments thereto.

4 Sec. 4. K.S.A. 28-170 is hereby amended to read as follows: 28-170.

5 (a) The docket fee prescribed by K.S.A. 60-2001 and amendments thereto
6 shall be the only costs assessed for services of the clerk of the district
7 court and the sheriff in any case filed under chapter 60 of the Kansas
8 Statutes Annotated. For services in other matters in which no other fee
9 is prescribed by statute, the following fees shall be charged and collected
10 by the clerk. Only one fee shall be charged for each bond, lien or
11 judgment:

- 12 1. For filing, entering and releasing a bond, mechanic's
13 lien, notice of intent to perform, personal property tax
14 judgment or any judgment on which execution process
15 cannot be issued..... \$5 \$20
- 16 2. For filing, entering and releasing a judgment of a court
17 of this state on which execution or other process can
18 be issued 15 20
- 19 3. For a certificate, or for copying or certifying any paper
20 or writ, such fee as shall be prescribed by the district
21 court.

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

30 (c) In actions pursuant to the Kansas code for care of children (K.S.A.
31 38-1501 *et seq.* and amendments thereto), the Kansas juvenile justice
32 code (K.S.A. 38-1601 *et seq.* and amendments thereto), the act for treat-
33 ment of alcoholism (K.S.A. 65-4001 *et seq.* and amendments thereto), the
34 act for treatment of drug abuse (K.S.A. 65-5201 *et seq.* and amendments
35 thereto) or the care and treatment act for mentally ill persons (K.S.A.
36 2000 Supp. 59-2945 *et seq.* and amendments thereto), the clerk shall
37 charge an additional fee of \$1 which shall be deducted from the docket
38 fee and credited to the prosecuting attorneys' training fund as provided
39 in K.S.A. 28-170a and amendments thereto.

40 (d) In actions pursuant to the Kansas code for care of children (K.S.A.
41 38-1501 *et seq.* and amendments thereto), the Kansas juvenile justice
42 code (K.S.A. 38-1601 *et seq.* and amendments thereto), the act for treat-
43 ment of alcoholism (K.S.A. 65-4001 *et seq.* and amendments thereto), the

1 act for treatment of drug abuse (K.S.A. 65-5201 *et seq.* and amendments
 2 thereto) or the care and treatment act for mentally ill persons (K.S.A.
 3 2000 Supp. 59-2945 *et seq.* and amendments thereto), the clerk shall
 4 charge an additional fee of \$.50 which shall be deducted from the docket
 5 fee and credited to the indigents' defense services fund as provided in
 6 K.S.A. 28-172b and amendments thereto.

7 Sec. 5. K.S.A. 2000 Supp. 59-104 is hereby amended to read as fol-
 8 lows: 59-104. (a) *Docket fee.* Except as otherwise provided by law, no case
 9 shall be filed or docketed in the district court under the provisions of
 10 chapter 59 of the Kansas Statutes Annotated or of articles 40 and 52 of
 11 chapter 65 of the Kansas Statutes Annotated without payment of an ap-
 12 propriate docket fee as follows:

13	Treatment of mentally ill.....	24.50	\$30.00
14	Treatment of alcoholism or drug abuse	24.50	30.00
15	Determination of descent of property	39.50	150.00
16	Termination of life estate	39.50	50.00
17	Termination of joint tenancy.....	39.50	50.00
18	Refusal to grant letters of administration	39.50	50.00
19	Adoption.....		39.50
20	<i>Step-parent adoption</i>		50.00
21	<i>Adult adoption</i>		50.00
22	<i>SRS adoption</i>		50.00
23	<i>Agency adoption</i>		250.00
24	<i>Independent adoption</i>		250.00
25	<i>International adoption (K.S.A. 59-2144 and amend-</i> 26 <i>ments thereto)</i>		250.00
27	Filing a will and affidavit under K.S.A. 59-618a <i>and</i> 28 <i>amendments thereto</i>	39.50	50.00
29	Guardianship.....	59.50	75.00
30	Conservatorship.....	59.50	75.00
31	Trusteeship	59.50	100.00
32	Combined guardianship and conservatorship.....	59.50	150.00
33	Certified probate proceedings under K.S.A. 59-213, and 34 amendments thereto	14.50	15.00
35	<i>Annual accounting of conservatorship under \$10,000...</i>		10.00
36	<i>Annual accounting of conservatorship over \$10,000</i>		50.00
37	<i>Closing conservatorship under \$10,000</i>		10.00
38	<i>Closing conservatorship over \$10,000.....</i>		50.00
39	Decrees in probate from another state		99.50
40	Probate of an estate or of a will.....		99.50
41	Civil commitment under K.S.A. 2000 Supp. 59-29a01 <i>et</i> 42 <i>seq. and amendments thereto</i>		24.50
43	(b) <i>Poverty affidavit in lieu of docket fee and exemptions.</i> The pro-		

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

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

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

18 Sec. 6. K.S.A. 2000 Supp. 60-1621 is hereby amended to read as
19 follows: 60-1621. (a) No post-decree motion petitioning for a change in
20 legal custody, residency, visitation rights or parenting time, *any modifi-*
21 *cation of an agreed order* or for a modification of child support shall be
22 filed or docketed in the district court without payment of a docket fee in
23 the amount of ~~§20~~ *§40* to the clerk of the district court.

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

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

30 Sec. 7. K.S.A. 60-2419 is hereby amended to read as follows: 60-
31 2419. (a) When an execution against the judgment debtor or one of sev-
32 eral debtors in the same judgment issued to the sheriff of the county
33 where the debtor resides or, if the debtor does not reside in the state, to
34 the sheriff of the county where judgment was rendered or a transcript of
35 the judgment has been filed, is returned unsatisfied in whole or in part,
36 the judgment creditor is entitled to have an order for a hearing in aid of
37 execution by the district court of the county to which the execution was
38 issued *upon filing of a request with the clerk of the district court and*
39 *payment of a fee of \$10.* If a judgment creditor, without having attempted
40 execution, alleges that the judgment creditor is without sufficient knowl-
41 edge of the debtor's assets to advise the sheriff where and on what to levy
42 execution, the judgment creditor shall be entitled to have an order for a
43 hearing in aid of execution by the district court of the county where the

1 debtor resides and a transcript of the judgment has been filed or, if the
2 debtor does not reside in the state, where judgment was rendered or a
3 transcript of the judgment has been filed. An order for a hearing in aid
4 of execution shall require the judgment debtor to appear and answer
5 concerning the debtor's property and income, before the judge, or a ref-
6 erree appointed by the judge, at a time and place specified in the order,
7 within the county where the court is located. Witnesses may also be sub-
8 poenaed to testify at the hearing. If, on proper application by the judg-
9 ment creditor, the court finds that it will not cause undue hardship on
10 the judgment debtor, the court may order a debtor residing in another
11 county in this state to appear before the court for such a hearing.

12 If any person fails, neglects or refuses to appear and answer concerning
13 the person's property and income at the time and place specified in an
14 order for a hearing in aid of execution or, if any person subpoenaed to
15 appear as a witness at the hearing fails, neglects or refuses to appear or
16 to testify concerning anything about which the person can lawfully be
17 interrogated, the person shall be guilty of contempt of court, and the
18 court shall issue a citation requiring the person, at an early date specified
19 in the citation, to appear before the court and show cause, if any, why
20 the person should not be punished for contempt. If, after proper service
21 of the citation by any officer or other person, the person does not appear
22 before the court on the specified day or if it appears to the court that the
23 person is hiding to avoid the process of the court or is about to leave the
24 county for that purpose, the court may issue an attachment or bench
25 warrant commanding the officer to whom it is directed to bring the person
26 before the court to answer for contempt. If the court determines that any
27 such person is guilty of contempt, the person shall be punished as the
28 court directs.

29 At a hearing in aid of execution, when the existence of any nonexempt
30 property of the judgment debtor is disclosed, the court shall order the
31 debtor to deliver the property to the sheriff and shall also order the sheriff
32 to accept its delivery. Upon receipt of the property, the sheriff shall give
33 a receipt for it. If the property is other than currency, the sheriff shall
34 sell the property, in the same manner as other property taken under
35 execution is sold and the proceeds from the sale shall be applied to the
36 judgment and costs.

37 If upon the hearing, it appears that the debtor may have income or
38 property which the debtor will have in the future or refuses to disclose
39 or apply to the judgment, the debtor may be ordered to return to the
40 court from time to time, to appear before the court as the judge directs.
41 Any debtor who fails to appear before the court as so ordered is guilty of
42 contempt. The same procedure as provided above may be invoked at any
43 time nonexempt property of the debtor is disclosed.

1 **(b)** *The docket prescribed by this section shall be disbursed in ac-*
2 *cordance with subsection (f) of K.S.A. 20-362, and amendments thereto.*

3 Sec. 8. K.S.A. 2000 Supp. 61-3504 is hereby amended to read as
4 follows: 61-3504. (a) As an aid to the collection of a judgment, an order
5 of garnishment may be obtained at any time after 10 days following judg-
6 ment. There is no requirement that an execution first be issued and re-
7 turned unsatisfied.

8 (b) The party requesting a garnishment shall file a request in an in-
9 dividual case or by a master request covering more than one case asking
10 the court to issue an order of garnishment. The request shall designate
11 whether the order of garnishment is to be issued to attach earnings or to
12 attach other property of the judgment debtor. If such party seeks to attach
13 earnings of the judgment debtor to enforce:

- 14 (1) An order of any court for the support of any person;
15 (2) an order of any court of bankruptcy under chapter 13 of the
16 United States bankruptcy code; or
17 (3) a debt due for any state or federal tax, the direction of the party
18 shall so indicate.

19 No bond is required for an order of garnishment issued after judgment.

20 **(c)** *Except as otherwise provided by law, no case shall be filed or*
21 *docketed in the district court, whether an original action or an appeal,*
22 *without payment of a docket fee of \$10 for each nonearnings garnishment*
23 *request, and \$25 for each continuing earnings garnishment request to the*
24 *clerk of the district court.*

25 Sec. 9. K.S.A. 21-4610a, 28-170 and 60-2419 and K.S.A. 2000 Supp.
26 21-4619, 22-2410, 59-104, 60-1621 and 61-3504 are hereby repealed.

27 Sec. 10. This act shall take effect and be in force from and after its
28 publication in the statute book.

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