

HOUSE BILL No. 2491

By Committee on Appropriations

2-21

9 AN ACT concerning docket fees; relating to compensation for certain
10 judicial personnel; amending K.S.A. 75-3120f and 75-3120h and K.S.A.
11 2004 Supp. 20-367, 21-4619, 22-2410, 28-172a, 60-2001, 61-2704, 61-
12 4001, 75-3120g and 75-3120k and repealing the existing sections; also
13 repealing K.S.A. 2003 Supp. 21-4619 as amended by section 59 of the
14 2004 session laws of Kansas.

15

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

17 Section 1. K.S.A. 2004 Supp. 20-367 is hereby amended to read as
18 follows: 20-367. Of the remittance of the balance of docket fees received
19 by the state treasurer from clerks of the district court pursuant to sub-
20 section (f) of K.S.A. 20-362, and amendments thereto, the state treasurer
21 shall deposit and credit to the access to justice fund, a sum equal to ~~5.90%~~
22 5.05% of the remittances of docket fees; to the juvenile detention facilities
23 fund, a sum equal to ~~3.27%~~ 2.80% of the remittances of docket fees; to
24 the judicial branch education fund, the state treasurer shall deposit and
25 credit a sum equal to ~~2.52%~~ 2.16% of the remittances of docket fees; to
26 the crime victims assistance fund, the state treasurer shall deposit and
27 credit a sum equal to ~~.67%~~ .57% of the remittances of the docket fees;
28 to the protection from abuse fund, the state treasurer shall deposit and
29 credit a sum equal to ~~3.22%~~ 2.76% of the remittances of the docket fees;
30 to the judiciary technology fund, the state treasurer shall deposit and
31 credit a sum equal to ~~5.10%~~ 4.37% of the remittances of docket fees; to
32 the dispute resolution fund, the state treasurer shall deposit and credit a
33 sum equal to ~~.41%~~ .35% of the remittances of docket fees; to the Kansas
34 juvenile delinquency prevention trust fund, the state treasurer shall de-
35 posit and credit a sum equal to ~~1.49%~~ 1.28% of the remittances of docket
36 fees; to the permanent families account in the family and children in-
37 vestment fund, the state treasurer shall deposit and credit a sum equal to
38 ~~.25%~~ .21% of the remittances of docket fees; to the trauma fund, a sum
39 equal to ~~1.77%~~ 1.52% of the remittance of docket fees; to the judicial
40 council fund, a sum equal to ~~1.33%~~ 1.14% of the remittance of docket
41 fees; and to the judicial branch nonjudicial salary initiative fund, the state
42 treasurer shall deposit and credit a sum equal to ~~21.41%~~ 18.33% of the
43 remittance of docket fees. The balance remaining of the remittances of

1 docket fees shall be deposited and credited to the state general fund.

2 Sec. 2. K.S.A. 2004 Supp. 21-4619 is hereby amended to read as
3 follows: 21-4619. (a) (1) Except as provided in subsections (b) and (c),
4 any person convicted in this state of a traffic infraction, cigarette or to-
5 bacco infraction, misdemeanor or a class D or E felony, or for crimes
6 committed on or after July 1, 1993, nondrug crimes ranked in severity
7 levels 6 through 10 or any felony ranked in severity level 4 of the drug
8 grid, may petition the convicting court for the expungement of such con-
9 viction or related arrest records if three or more years have elapsed since
10 the person: (A) Satisfied the sentence imposed; or (B) was discharged
11 from probation, a community correctional services program, parole, post-
12 release supervision, conditional release or a suspended sentence.

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

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

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

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

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

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

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

- 1 (6) any crime punishable as a felony wherein a motor vehicle was
2 used in the perpetration of such crime;
- 3 (7) failing to stop at the scene of an accident and perform the duties
4 required by K.S.A. 8-1602, 8-1603 or 8-1604, and amendments thereto,
5 or required by a law of another state which is in substantial conformity
6 with those statutes;
- 7 (8) violating the provisions of K.S.A. 40-3104 and amendments
8 thereto, relating to motor vehicle liability insurance coverage; or
- 9 (9) a violation of K.S.A. 21-3405b, prior to its repeal.
- 10 (c) There shall be no expungement of convictions for the following
11 offenses or of convictions for an attempt to commit any of the following
12 offenses: (1) Rape as defined in subsection (a)(2) of K.S.A. 21-3502 and
13 amendments thereto; (2) indecent liberties with a child as defined in
14 K.S.A. 21-3503 and amendments thereto; (3) aggravated indecent liber-
15 ties with a child as defined in K.S.A. 21-3504 and amendments thereto;
16 (4) criminal sodomy as defined in subsection (a)(2) or (a)(3) of K.S.A. 21-
17 3505 and amendments thereto; (5) aggravated criminal sodomy as defined
18 in K.S.A. 21-3506 and amendments thereto; (6) indecent solicitation of a
19 child as defined in K.S.A. 21-3510 and amendments thereto; (7) aggra-
20 vated indecent solicitation of a child as defined in K.S.A. 21-3511 and
21 amendments thereto; (8) sexual exploitation of a child as defined in K.S.A.
22 21-3516 and amendments thereto; (9) aggravated incest as defined in
23 K.S.A. 21-3603 and amendments thereto; (10) endangering a child as
24 defined in K.S.A. 21-3608 and amendments thereto; (11) abuse of a child
25 as defined in K.S.A. 21-3609 and amendments thereto; (12) capital mur-
26 der as defined in K.S.A. 21-3439 and amendments thereto; (13) murder
27 in the first degree as defined in K.S.A. 21-3401 and amendments thereto;
28 (14) murder in the second degree as defined in K.S.A. 21-3402 and
29 amendments thereto; (15) voluntary manslaughter as defined in K.S.A.
30 21-3403 and amendments thereto; (16) involuntary manslaughter as de-
31 fined in K.S.A. 21-3404 and amendments thereto; (17) involuntary man-
32 slaughter while driving under the influence of alcohol or drugs as defined
33 in K.S.A. 2004 Supp. 21-3442 and amendments thereto; (18) sexual bat-
34 tery as defined in K.S.A. 21-3517 and amendments thereto; (19) aggra-
35 vated sexual battery as defined in K.S.A. 21-3518 and amendments
36 thereto; or (20) any conviction for any offense in effect at any time prior
37 to the effective date of this act, that is comparable to any offense as
38 provided in this subsection.
- 39 (d) When a petition for expungement is filed, the court shall set a
40 date for a hearing of such petition and shall cause notice of such hearing
41 to be given to the prosecuting attorney and the arresting law enforcement
42 agency. *Except as otherwise provided by law, a petition for expungement*
43 *shall be accompanied by payment of a docket fee in the amount of \$100.*

1 The petition shall state: (1) The defendant's full name;
2 (2) the full name of the defendant at the time of arrest, conviction or
3 diversion, if different than the defendant's current name;
4 (3) the defendant's sex, race and date of birth;
5 (4) the crime for which the defendant was arrested, convicted or
6 diverted;
7 (5) the date of the defendant's arrest, conviction or diversion; and
8 (6) the identity of the convicting court, arresting law enforcement
9 authority or diverting authority. ~~There shall be no docket fee for filing a~~
10 ~~petition pursuant to this section.~~ All petitions for expungement shall be
11 docketed in the original criminal action. Any person who may have rel-
12 evant information about the petitioner may testify at the hearing. The
13 court may inquire into the background of the petitioner and shall have
14 access to any reports or records relating to the petitioner that are on file
15 with the secretary of corrections or the Kansas parole board.
16 (e) At the hearing on the petition, the court shall order the peti-
17 tioner's arrest record, conviction or diversion expunged if the court finds
18 that:
19 (1) The petitioner has not been convicted of a felony in the past two
20 years and no proceeding involving any such crime is presently pending
21 or being instituted against the petitioner;
22 (2) the circumstances and behavior of the petitioner warrant the
23 expungement; and
24 (3) the expungement is consistent with the public welfare.
25 (f) When the court has ordered an arrest record, conviction or diver-
26 sion expunged, the order of expungement shall state the information re-
27 quired to be contained in the petition. The clerk of the court shall send
28 a certified copy of the order of expungement to the Kansas bureau of
29 investigation which shall notify the federal bureau of investigation, the
30 secretary of corrections and any other criminal justice agency which may
31 have a record of the arrest, conviction or diversion. After the order of
32 expungement is entered, the petitioner shall be treated as not having been
33 arrested, convicted or diverted of the crime, except that:
34 (1) Upon conviction for any subsequent crime, the conviction that
35 was expunged may be considered as a prior conviction in determining the
36 sentence to be imposed;
37 (2) the petitioner shall disclose that the arrest, conviction or diversion
38 occurred if asked about previous arrests, convictions or diversions:
39 (A) In any application for licensure as a private detective, private
40 detective agency, certification as a firearms trainer pursuant to K.S.A.
41 2004 Supp. 75-7b21, and amendments thereto, or employment as a de-
42 tective with a private detective agency, as defined by K.S.A. 75-7b01 and
43 amendments thereto; as security personnel with a private patrol operator,

- 1 as defined by K.S.A. 75-7b01 and amendments thereto; or with an insti-
2 tution, as defined in K.S.A. 76-12a01 and amendments thereto, of the
3 department of social and rehabilitation services;
- 4 (B) in any application for admission, or for an order of reinstatement,
5 to the practice of law in this state;
- 6 (C) to aid in determining the petitioner's qualifications for employ-
7 ment with the Kansas lottery or for work in sensitive areas within the
8 Kansas lottery as deemed appropriate by the executive director of the
9 Kansas lottery;
- 10 (D) to aid in determining the petitioner's qualifications for executive
11 director of the Kansas racing commission, for employment with the com-
12 mission or for work in sensitive areas in parimutuel racing as deemed
13 appropriate by the executive director of the commission, or to aid in
14 determining qualifications for licensure or renewal of licensure by the
15 commission;
- 16 (E) upon application for a commercial driver's license under K.S.A.
17 8-2,125 through 8-2,142, and amendments thereto;
- 18 (F) to aid in determining the petitioner's qualifications to be an em-
19 ployee of the state gaming agency;
- 20 (G) to aid in determining the petitioner's qualifications to be an em-
21 ployee of a tribal gaming commission or to hold a license issued pursuant
22 to a tribal-state gaming compact;
- 23 (H) in any application for registration as a broker-dealer, agent, in-
24 vestment adviser or investment adviser representative all as defined in
25 ~~K.S.A. 17-1252~~ *section 2 of chapter 154 of the 2004 session laws of Kansas*
26 and amendments thereto; or
- 27 (I) in any application for a commercial guide permit or associate
28 guide permit under K.S.A. 32-964, and amendments thereto; or
- 29 (J) in any application for employment as a law enforcement officer as
30 defined in K.S.A. 22-2202 or 74-5602, and amendments thereto;
- 31 (3) the court, in the order of expungement, may specify other cir-
32 cumstances under which the conviction is to be disclosed;
- 33 (4) the conviction may be disclosed in a subsequent prosecution for
34 an offense which requires as an element of such offense a prior conviction
35 of the type expunged; and
- 36 (5) upon commitment to the custody of the secretary of corrections,
37 any previously expunged record in the possession of the secretary of cor-
38 rections may be reinstated and the expungement disregarded, and the
39 record continued for the purpose of the new commitment.
- 40 (g) Whenever a person is convicted of a crime, pleads guilty and pays
41 a fine for a crime, is placed on parole, postrelease supervision or proba-
42 tion, is assigned to a community correctional services program, is granted
43 a suspended sentence or is released on conditional release, the person

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

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

12 (i) Whenever the record of any arrest, conviction or diversion has
13 been expunged under the provisions of this section or under the provisions
14 of any other existing or former statute, the custodian of the records
15 of arrest, conviction, diversion and incarceration relating to that crime
16 shall not disclose the existence of such records, except when requested
17 by:

- 18 (1) The person whose record was expunged;
- 19 (2) a private detective agency or a private patrol operator, and the
20 request is accompanied by a statement that the request is being made in
21 conjunction with an application for employment with such agency or operator
22 by the person whose record has been expunged;
- 23 (3) a court, upon a showing of a subsequent conviction of the person
24 whose record has been expunged;
- 25 (4) the secretary of social and rehabilitation services, or a designee of
26 the secretary, for the purpose of obtaining information relating to employment
27 in an institution, as defined in K.S.A. 76-12a01 and amendments thereto, of the
28 department of social and rehabilitation services of any person whose record
29 has been expunged;
- 30 (5) a person entitled to such information pursuant to the terms of the
31 expungement order;
- 32 (6) a prosecuting attorney, and such request is accompanied by a
33 statement that the request is being made in conjunction with a prosecution
34 of an offense that requires a prior conviction as one of the elements
35 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,
40 or 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 commission, or a designee of
5 the commission, and the request is accompanied by a statement that the
6 request is being made to aid in determining qualifications for executive
7 director of the commission, for employment with the commission, for
8 work in sensitive areas in parimutuel racing as deemed appropriate by
9 the executive director of the commission or for licensure, renewal of
10 licensure or continued licensure by the commission;

11 (10) the Kansas sentencing commission;

12 (11) the state gaming agency, and the request is accompanied by a
13 statement that the request is being made to aid in determining qualifi-
14 cations: (A) To be an employee of the state gaming agency; or (B) to be
15 an employee of a tribal gaming commission or to hold a license issued
16 pursuant to a tribal-gaming compact;

17 (12) the Kansas securities commissioner or a designee of the com-
18 missioner, and the request is accompanied by a statement that the request
19 is being made in conjunction with an application for registration as a
20 broker-dealer, agent, investment adviser or investment adviser represen-
21 tative by such agency and the application was submitted by the person
22 whose record has been expunged;

23 (13) the department of wildlife and parks and the request is accom-
24 panied by a statement that the request is being made to aid in determining
25 qualifications for a permit as a commercial guide or associate guide under
26 K.S.A. 32-964, and amendments thereto;

27 (14) the Kansas law enforcement training commission and the re-
28 quest is accompanied by a statement that the request is being made to
29 aid in determining certification eligibility as a law enforcement officer
30 pursuant to K.S.A. 74-5601 et seq., and amendments thereto; or

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

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

38 Sec. 3. K.S.A. 2004 Supp. 22-2410 is hereby amended to read as
39 follows: 22-2410. (a) Any person who has been arrested in this state may
40 petition the district court for the expungement of such arrest record.

41 (b) When a petition for expungement is filed, the court shall set a
42 date for hearing on such petition and shall cause notice of such hearing
43 to be given to the prosecuting attorney and the arresting law enforcement

1 agency. When a petition for expungement is filed, the official court file
2 shall be separated from the other records of the court, and shall be dis-
3 closed only to a judge of the court and members of the staff of the court
4 designated by a judge of the district court, the prosecuting attorney, the
5 arresting law enforcement agency, or any other person when authorized
6 by a court order, subject to any conditions imposed by the order. *Except*
7 *as otherwise provided by law, a petition for expungement shall be accom-*
8 *panied by a docket fee in the amount of \$100.* The petition shall state: (1)
9 The petitioner's full name;
10 (2) the full name of the petitioner at the time of arrest, if different
11 than the petitioner's current name;
12 (3) the petitioner's sex, race and date of birth;
13 (4) the crime for which the petitioner was arrested;
14 (5) the date of the petitioner's arrest; and
15 (6) the identity of the arresting law enforcement agency.
16 ~~There shall be no docket fee for filing a petition pursuant to this sec-~~
17 ~~tion.~~ Any person who may have relevant information about the petitioner
18 may testify at the hearing. The court may inquire into the background of
19 the petitioner.
20 (c) At the hearing on a petition for expungement, the court shall order
21 the arrest record and subsequent court proceedings, if any, expunged
22 upon finding: (1) The arrest occurred because of mistaken identity;
23 (2) a court has found that there was no probable cause for the arrest;
24 (3) the petitioner was found not guilty in court proceedings; or
25 (4) the expungement would be in the best interests of justice and (A)
26 Charges have been dismissed; or (B) no charges have been or are likely
27 to be filed.
28 (d) When the court has ordered expungement of an arrest record and
29 subsequent court proceedings, if any, the order shall state the information
30 required to be stated in the petition and shall state the grounds for
31 expungement under subsection (c). The clerk of the court shall send a
32 certified copy of the order to the Kansas bureau of investigation which
33 shall notify the federal bureau of investigation, the secretary of corrections
34 and any other criminal justice agency which may have a record of the
35 arrest. If an order of expungement is entered, the petitioner shall be
36 treated as not having been arrested.
37 (e) If the ground for expungement is as provided in subsection (c)(4),
38 the court shall determine whether, in the interests of public welfare, the
39 records should be available for any of the following purposes: (1) In any
40 application for employment as a detective with a private detective agency,
41 as defined in K.S.A. 75-7b01 and amendments thereto; as security per-
42 sonnel with a private patrol operator, as defined by K.S.A. 75-7b01 and
43 amendments thereto; or with an institution, as defined in K.S.A. 76-12a01

1 and amendments thereto, of the department of social and rehabilitation
2 services;

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

5 (3) to aid in determining the petitioner’s qualifications for employ-
6 ment with the Kansas lottery or for work in sensitive areas within the
7 Kansas lottery as deemed appropriate by the executive director of the
8 Kansas lottery;

9 (4) to aid in determining the petitioner’s qualifications for executive
10 director of the Kansas racing commission, for employment with the com-
11 mission or for work in sensitive areas in parimutuel racing as deemed
12 appropriate by the executive director of the commission, or to aid in
13 determining qualifications for licensure or renewal of licensure by the
14 commission;

15 (5) in any application for a commercial driver’s license under K.S.A.
16 8-2,125 through 8-2,142 and amendments thereto;

17 (6) to aid in determining the petitioner’s qualifications to be an em-
18 ployee of the state gaming agency;

19 (7) to aid in determining the petitioner’s qualifications to be an em-
20 ployee of a tribal gaming commission or to hold a license issued pursuant
21 to a tribal-state gaming compact; or

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

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

28 (g) Whenever a petitioner’s arrest records have been expunged as
29 provided in this section, the custodian of the records of arrest, incarcer-
30 ation due to arrest or court proceedings related to the arrest, shall not
31 disclose the arrest or any information related to the arrest, except as
32 directed by the order of expungement or when requested by the person
33 whose arrest record was expunged.

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

37 Sec. 4. K.S.A. 2004 Supp. 28-172a is hereby amended to read as
38 follows: 28-172a. (a) Except as otherwise provided in this section, when-
39 ever the prosecuting witness or defendant is adjudged to pay the costs in
40 a criminal proceeding in any county, a docket fee shall be taxed as follows:

41	Murder or manslaughter.....	\$164.50
42	Other felony.....	147.00 155.00
43	Misdemeanor.....	112.00 120.00

1 Forfeited recognizance 62.50
2 Appeals from other courts 62.50
3 (b) (1) Except as provided in paragraph (2), in actions involving the
4 violation of any of the laws of this state regulating traffic on highways
5 (including those listed in subsection (c) of K.S.A. 8-2118, and amend-
6 ments thereto), a cigarette or tobacco infraction, any act declared a crime
7 pursuant to the statutes contained in chapter 32 of Kansas Statutes An-
8 notated and amendments thereto or any act declared a crime pursuant
9 to the statutes contained in article 8 of chapter 82a of the Kansas Statutes
10 Annotated, and amendments thereto, whenever the prosecuting witness
11 or defendant is adjudged to pay the costs in the action, a docket fee of
12 ~~\$55~~ \$59 shall be charged. When an action is disposed of under subsections
13 (a) and (b) of K.S.A. 8-2118 or subsection (f) of K.S.A. 79-3393, and
14 amendments thereto, whether by mail or in person, the docket fee to be
15 paid as court costs shall be \$55.
16 (2) In actions involving the violation of a moving traffic violation un-
17 der K.S.A. 8-2118, and amendments thereto, as defined by rules and
18 regulations adopted under K.S.A. 8-249, and amendments thereto, when-
19 ever the prosecuting witness or defendant is adjudged to pay the costs in
20 the action, a docket fee of ~~\$55~~ \$59 shall be charged. When an action is
21 disposed of under subsection (a) and (b) of K.S.A. 8-2118, and amend-
22 ments thereto, whether by mail or in person, the docket fee to be paid
23 as court costs shall be ~~\$55~~ \$59.
24 (c) If a conviction is on more than one count, the docket fee shall be
25 the highest one applicable to any one of the counts. The prosecuting
26 witness or defendant, if assessed the costs, shall pay only one fee. Multiple
27 defendants shall each pay one fee.
28 (d) Statutory charges for law library funds, the law enforcement train-
29 ing center fund, the prosecuting attorneys' training fund, the juvenile
30 detention facilities fund, the judicial branch education fund, the emer-
31 gency medical services operating fund and the judiciary technology fund
32 shall be paid from the docket fee; the family violence and child abuse and
33 neglect assistance and prevention fund fee shall be paid from criminal
34 proceedings docket fees. All other fees and expenses to be assessed as
35 additional court costs shall be approved by the court, unless specifically
36 fixed by statute. Additional fees shall include, but are not limited to, fees
37 for Kansas bureau of investigation forensic or laboratory analyses, fees for
38 detention facility processing pursuant to K.S.A. 12-16,119, and amend-
39 ments thereto, fees for the sexual assault evidence collection kit, fees for
40 conducting an examination of a sexual assault victim, fees for service of
41 process outside the state, witness fees, fees for transcripts and depositions,
42 costs from other courts, doctors' fees and examination and evaluation
43 fees. No sheriff in this state shall charge any district court of this

1 state a fee or mileage for serving any paper or process.

2 (e) In each case charging a violation of the laws relating to parking
3 of motor vehicles on the statehouse grounds or other state-owned or
4 operated property in Shawnee county, Kansas, as specified in K.S.A. 75-
5 4510a, and amendments thereto, or as specified in K.S.A. 75-4508, and
6 amendments thereto, the clerk shall tax a fee of \$2 which shall constitute
7 the entire costs in the case, except that witness fees, mileage and expenses
8 incurred in serving a warrant shall be in addition to the fee. Appearance
9 bond for a parking violation of K.S.A. 75-4508 or 75-4510a, and amend-
10 ments thereto, shall be \$3, unless a warrant is issued. The judge may
11 order the bond forfeited upon the defendant's failure to appear, and \$2
12 of any bond so forfeited shall be regarded as court costs.

13 Sec. 5. K.S.A. 2004 Supp. 60-2001 is hereby amended to read as
14 follows: 60-2001. (a) *Docket fee*. Except as otherwise provided by law, no
15 case shall be filed or docketed in the district court, whether original or
16 appealed, without payment of a docket fee in the amount of ~~\$106~~ \$145
17 to the clerk of the district court.

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

38 (2) *Form of affidavit*. The affidavit provided for in this subsection
39 shall be in the following form and attached to the petition:

40 State of Kansas, _____ County.

41 In the district court of the county: I do solemnly swear that the claim set forth in the
42 petition herein is just, and I do further swear that, by reason of my poverty, I am unable to
43 pay a docket fee.

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

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

22 Sec. 6. K.S.A. 2004 Supp. 61-2704 is hereby amended to read as
23 follows: 61-2704. (a) An action seeking the recovery of a small claim shall
24 be considered to have been commenced at the time a person files a writ-
25 ten statement of the person's small claim with the clerk of the court if,
26 within 90 days after the small claim is filed, service of process is obtained
27 or the first publication is made for service by publication. Otherwise, the
28 action is deemed commenced at the time of service of process or first
29 publication. An entry of appearance shall have the same effect as service.

30 (b) Upon the filing of a plaintiff's small claim, the clerk of the court
31 shall require from the plaintiff a docket fee of ~~\$26~~ \$28, if the claim does
32 not exceed \$500; or ~~\$46~~ \$48, if the claim exceeds \$500; unless for good
33 cause shown the judge waives the fee. The docket fee shall be the only
34 costs required in an action seeking recovery of a small claim. No person
35 may file more than 10 small claims under this act in the same court during
36 any calendar year.

37 Sec. 7. K.S.A. 2004 Supp. 61-4001 is hereby amended to read as
38 follows: 61-4001. (a) Docket fee. No case shall be filed or docketed pur-
39 suant to the code of civil procedure for limited actions without the pay-
40 ment of a docket fee in the amount of ~~\$26~~ \$28, if the amount in contro-
41 versy or claimed does not exceed \$500; ~~\$46~~ \$48, if the amount in
42 controversy or claimed exceeds \$500 but does not exceed \$5,000; or ~~\$76~~
43 \$92, if the amount in controversy or claimed exceeds \$5,000. If judgment

1 is rendered for the plaintiff, the court also may enter judgment for the
2 plaintiff for the amount of the docket fee paid by the plaintiff.

3 (b) Poverty affidavit; additional court costs. The provisions of subsec-
4 tions (b), (c) and (d) of K.S.A. 60-2001, and amendments thereto, shall
5 be applicable to lawsuits brought under the code of civil procedure for
6 limited actions.

7 Sec. 8. K.S.A. 75-3120f is hereby amended to read as follows: 75-
8 3120f. (a) The annual salary of the chief justice of the supreme court and
9 each of the other justices of the supreme court shall be paid in equal
10 installments each payroll period in accordance with this section.

11 (b) Except as otherwise provided in K.S.A. 75-3120l and amendments
12 thereto, the annual salary of the chief justice of the supreme court shall
13 be ~~\$84,278~~ \$133,528.

14 (c) Except as otherwise provided in K.S.A. 75-3120l and amendments
15 thereto, the annual salary of other justices of the supreme court shall be
16 ~~\$82,005~~ \$130,033.

17 Sec. 9. K.S.A. 2004 Supp. 75-3120g is hereby amended to read as
18 follows: 75-3120g. (a) The annual salary of district judges shall be paid in
19 equal installments each payroll period in accordance with this section.

20 (b) Except as otherwise provided in K.S.A. 75-3120l and amendments
21 thereto, the annual salary of district judges, other than district judges
22 designated as chief judges, shall be ~~\$71,201~~ \$117,005.

23 (c) Except as otherwise provided in K.S.A. 75-3120l and amendments
24 thereto, the annual salary of district judges designated as chief judges
25 shall be ~~\$72,105~~ \$113,555.

26 (d) No county may supplement the salary of, or pay any compensation
27 to, any district judge.

28 Sec. 10. K.S.A. 75-3120h is hereby amended to read as follows: 75-
29 3120h. (a) The annual salary of the chief judge of the court of appeals
30 and each of the other judges of the court of appeals shall be paid in equal
31 installments each payroll period in accordance with this section.

32 (b) Except as otherwise provided in K.S.A. 75-3120l and amendments
33 thereto, the annual salary of the chief judge of the court of appeals shall
34 be ~~\$81,235~~ \$128,847.

35 (c) Except as otherwise provided in K.S.A. 75-3120l and amendments
36 thereto, the annual salary of the other judges of the court of appeals shall
37 be ~~\$79,079~~ \$125,530.

38 Sec. 11. K.S.A. 2004 Supp. 75-3120k is hereby amended to read as
39 follows: 75-3120k. (a) The annual salary of district magistrate judges shall
40 be paid in equal installments each payroll period in accordance with this
41 section.

42 (b) Subject to the provisions of subsection (c) and except as otherwise
43 provided in K.S.A. 75-3120l and amendments thereto, the annual salary

1 of district magistrate judges shall be ~~\$47,416~~ \$53,722.
2 (c) Within the limits of the appropriations therefor, the county or
3 counties comprising the judicial district may supplement the salary of, or
4 pay any compensation to, any district magistrate judge.
5 Sec. 12. K.S.A. 2003 Supp. 21-4619 as amended by section 59 of
6 chapter 54 of the 2004 session laws of Kansas and K.S.A. 75-3120f and
7 75-3120h and K.S.A. 2004 Supp. 20-367, 21-4619, 22-2410, 28-172a, 60-
8 2001, 61-2704, 61-4001, 75-3120g and 75-3120k are hereby repealed.
9 Sec. 13. This act shall take effect and be in force from and after its
10 publication in the statute book.