

SENATE BILL No. 442

By Committee on Judiciary

1-25

9 AN ACT concerning courts; relating to court fees and costs; relating to
10 the judicial branch surcharge fund; docket fees for expungement of
11 records; amending K.S.A. 2009 Supp. 8-2107, 8-2110, 21-4619, 22-
12 2410, 23-108a, 28-170, 28-172a, 28-177, 28-178, 38-2215, 38-2312, 38-
13 2314, 59-104, 60-1621, 60-2001, 60-2203a, 61-2704 and 61-4001 and
14 repealing the existing sections.
15

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

17 Section 1. K.S.A. 2009 Supp. 8-2107 is hereby amended to read as
18 follows: 8-2107. (a) (1) Notwithstanding any other provisions of the uni-
19 form act regulating traffic on highways, when a person is stopped by a
20 police officer for any of the offenses described in subsection (d) and such
21 person is not immediately taken before a judge of the district court, the
22 police officer may require the person stopped, subject to the provisions
23 of subsection (c), to deposit with the officer a valid Kansas driver's license
24 in exchange for a receipt therefor issued by such police officer, the form
25 of which shall be approved by the division of vehicles. Such receipt shall
26 be recognized as a valid temporary Kansas driver's license authorizing the
27 operation of a motor vehicle by the person stopped until the date of the
28 hearing stated on the receipt. The driver's license and a written copy of
29 the notice to appear shall be delivered by the police officer to the court
30 having jurisdiction of the offense charged as soon as reasonably possible.
31 If the hearing on such charge is continued for any reason, the judge may
32 note on the receipt the date to which such hearing has been continued
33 and such receipt shall be recognized as a valid temporary Kansas driver's
34 license until such date, but in no event shall such receipt be recognized
35 as a valid Kansas driver's license for a period longer than 30 days from
36 the date set for the original hearing. Any person who has deposited a
37 driver's license with a police officer under this subsection (a) shall have
38 such license returned upon final determination of the charge against such
39 person.

40 (2) In the event the person stopped deposits a valid Kansas driver's
41 license with the police officer and fails to appear in the district court on
42 the date set for appearance, or any continuance thereof, and in any event
43 within 30 days from the date set for the original hearing, the court shall

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

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

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

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

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

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

19 On and after July 1, 1996:

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

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

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

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

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

8 (i) Except as provided further, the docket fee established in this sec-
9 tion shall be the only fee collected or moneys in the nature of a fee
10 collected for the docket fee. Such fee shall only be established by an act
11 of the legislature and no other authority is established by law or otherwise
12 to collect a fee. On and after ~~July 1, 2009~~ *the effective date of this act*
13 through June 30, ~~2010~~ 2011, the supreme court may impose an additional
14 charge, not to exceed ~~\$10~~ \$15 per docket fee, to fund the costs of non-
15 judicial personnel.

16 Sec. 2. K.S.A. 2009 Supp. 8-2110 is hereby amended to read as fol-
17 lows: 8-2110. (a) Failure to comply with a traffic citation means failure
18 either to (1) appear before any district or municipal court in response to
19 a traffic citation and pay in full any fine and court costs imposed or (2)
20 otherwise comply with a traffic citation as provided in K.S.A. 8-2118, and
21 amendments thereto. Failure to comply with a traffic citation is a mis-
22 demeanor, regardless of the disposition of the charge for which such
23 citation was originally issued.

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

1 or suspension action.

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

12 (B) Upon review and approval of the driver's eligibility, the driving
13 privileges will be restricted by the division of vehicles for a period up to
14 one year or until the terms of the traffic citation have been complied with
15 and the court shall immediately electronically notify the division of ve-
16 hicles of such compliance. If the driver fails to comply with the traffic
17 citation within the one year restricted period, the driving privileges will
18 be suspended by the division of vehicles until the court determines the
19 person has complied with the terms of the traffic citation and the court
20 shall immediately electronically notify the division of vehicles of such
21 compliance. Upon receipt of notification of such compliance from the
22 informing court, the division of vehicles shall terminate the suspension
23 action. When restricted driving privileges are approved pursuant to this
24 section, the person's driving privileges shall be restricted to driving only
25 under the following circumstances: (i) In going to or returning from the
26 person's place of employment or schooling; (ii) in the course of the per-
27 son's employment; (iii) during a medical emergency; (iv) in going to and
28 returning from probation or parole meetings, drug or alcohol counseling
29 or any place the person is required to go by a court. The provisions of
30 this paragraph shall expire on January 1, 2012.

31 (c) Except as provided in subsection (d), when the district or munic-
32 ipal court notifies the division of vehicles of a failure to comply with a
33 traffic citation pursuant to subsection (b), the court shall assess a rein-
34 statement fee of \$59 for each charge on which the person failed to make
35 satisfaction regardless of the disposition of the charge for which such
36 citation was originally issued and regardless of any application for re-
37 stricted driving privileges. Such reinstatement fee shall be in addition to
38 any fine, restricted driving privilege application fee, district or municipal
39 court costs and other penalties. The court shall remit all reinstatement
40 fees to the state treasurer in accordance with the provisions of K.S.A. 75-
41 4215, and amendments thereto. Upon receipt of each such remittance,
42 the state treasurer shall deposit the entire amount in the state treasury
43 and shall credit 42.37% of such moneys to the division of vehicles oper-

1 ating fund, 31.78% to the community alcoholism and intoxication pro-
2 grams fund created by K.S.A. 41-1126, and amendments thereto, 10.59%
3 to the juvenile detention facilities fund created by K.S.A. 79-4803, and
4 amendments thereto, and 15.26% to the judicial branch nonjudicial salary
5 adjustment fund created by K.S.A. 2009 Supp. 20-1a15, and amendments
6 thereto.

7 (d) The district court or municipal court shall waive the reinstatement
8 fee provided for in subsection (c), if the failure to comply with a traffic
9 citation was the result of such person enlisting in or being drafted into
10 the armed services of the United States, being called into service as a
11 member of a reserve component of the military service of the United
12 States, or volunteering for such active duty, or being called into service
13 as a member of the state of Kansas national guard, or volunteering for
14 such active duty, and being absent from Kansas because of such military
15 service. In any case of a failure to comply with a traffic citation which
16 occurred on or after August 1, 1990, and prior to the effective date of
17 this act, in which a person was assessed and paid a reinstatement fee and
18 the person failed to comply with a traffic citation because the person was
19 absent from Kansas because of any such military service, the reinstatement
20 fee shall be reimbursed to such person upon application therefor.
21 The state treasurer and the director of accounts and reports shall pre-
22 scribe procedures for all such reimbursement payments and shall create
23 appropriate accounts, make appropriate accounting entries and issue such
24 appropriate vouchers and warrants as may be required to make such re-
25 imbursement payments.

26 (e) Except as provided further, the reinstatement fee established in
27 this section shall be the only fee collected or moneys in the nature of a
28 fee collected for such reinstatement. Such fee shall only be established
29 by an act of the legislature and no other authority is established by law
30 or otherwise to collect a fee. On and after ~~July 1, 2009~~ *the effective date*
31 *of this act* through June 30, ~~2010~~ 2011, the supreme court may impose
32 an additional charge, not to exceed ~~\$10~~ \$15 per reinstatement fee, to
33 fund the costs of non-judicial personnel.

34 Sec. 3. K.S.A. 2009 Supp. 21-4619 is hereby amended to read as
35 follows: 21-4619. (a) (1) Except as provided in subsections (b) and (c),
36 any person convicted in this state of a traffic infraction, cigarette or to-
37 bacco infraction, misdemeanor or a class D or E felony, or for crimes
38 committed on or after July 1, 1993, nondrug crimes ranked in severity
39 levels 6 through 10 or any felony ranked in severity level 4 of the drug
40 grid, may petition the convicting court for the expungement of such con-
41 viction or related arrest records if three or more years have elapsed since
42 the person: (A) Satisfied the sentence imposed; or (B) was discharged
43 from probation, a community correctional services program, parole, post-

1 release supervision, conditional release or a suspended sentence.

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

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

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

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

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

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

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

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

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

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

40 (c) There shall be no expungement of convictions for the following
41 offenses or of convictions for an attempt to commit any of the following
42 offenses: (1) Rape as defined in K.S.A. 21-3502, and amendments thereto;
43 (2) indecent liberties with a child as defined in K.S.A. 21-3503, and

1 amendments thereto; (3) aggravated indecent liberties with a child as
 2 defined in K.S.A. 21-3504, and amendments thereto; (4) criminal sodomy
 3 as defined in subsection (a)(2) or (a)(3) of K.S.A. 21-3505, and amend-
 4 ments thereto; (5) aggravated criminal sodomy as defined in K.S.A. 21-
 5 3506, and amendments thereto; (6) indecent solicitation of a child as
 6 defined in K.S.A. 21-3510, and amendments thereto; (7) aggravated in-
 7 decent solicitation of a child as defined in K.S.A. 21-3511, and amend-
 8 ments thereto; (8) sexual exploitation of a child as defined in K.S.A. 21-
 9 3516, and amendments thereto; (9) aggravated incest as defined in K.S.A.
 10 21-3603, and amendments thereto; (10) endangering a child as defined
 11 in K.S.A. 21-3608, and amendments thereto; (11) aggravated endangering
 12 a child as defined in K.S.A. 21-3608a, and amendments thereto; (12)
 13 abuse of a child as defined in K.S.A. 21-3609, and amendments thereto;
 14 (13) capital murder as defined in K.S.A. 21-3439, and amendments
 15 thereto; (14) murder in the first degree as defined in K.S.A. 21-3401, and
 16 amendments thereto; (15) murder in the second degree as defined in
 17 K.S.A. 21-3402, and amendments thereto; (16) voluntary manslaughter
 18 as defined in K.S.A. 21-3403, and amendments thereto; (17) involuntary
 19 manslaughter as defined in K.S.A. 21-3404, and amendments thereto;
 20 (18) involuntary manslaughter while driving under the influence of al-
 21 cohol or drugs as defined in K.S.A. 21-3442, and amendments thereto;
 22 (19) sexual battery as defined in K.S.A. 21-3517, and amendments
 23 thereto, when the victim was less than 18 years of age at the time the
 24 crime was committed; (20) aggravated sexual battery as defined in K.S.A.
 25 21-3518, and amendments thereto; (21) a violation of K.S.A. 8-1567, and
 26 amendments thereto, including any diversion for such violation; (22) a
 27 violation of K.S.A. 8-2,144, and amendments thereto, including any di-
 28 version for such violation; or (23) any conviction for any offense in effect
 29 at any time prior to the effective date of this act, that is comparable to
 30 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. The petition shall state: (1) The defendant's full name;

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

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

38 (4) the crime for which the defendant was arrested, convicted or di-
 39 verted;

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

41 (6) the identity of the convicting court, arresting law enforcement
 42 authority or diverting authority. Except as *otherwise* provided ~~further,~~
 43 ~~there shall be no docket fee for filing a petition pursuant to this section~~

1 *by law, a petition for expungement shall be accompanied by a docket fee*
2 *in the amount of \$100. On and after July 1, 2009 the effective date of this*
3 *act through June 30, 2010 2011, the supreme court may impose a charge,*
4 *not to exceed \$10 \$50 per case, to fund the costs of non-judicial person-*
5 *nel. The charge established in this section shall be the only fee collected*
6 *or moneys in the nature of a fee collected for the case. Such charge shall*
7 *only be established by an act of the legislature and no other authority is*
8 *established by law or otherwise to collect a fee. All petitions for expunge-*
9 *ment shall be docketed in the original criminal action. Any person who*
10 *may have relevant information about the petitioner may testify at the*
11 *hearing. The court may inquire into the background of the petitioner and*
12 *shall have access to any reports or records relating to the petitioner that*
13 *are on file with the secretary of corrections or the Kansas parole board.*

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

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

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

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

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

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

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

37 (A) In any application for licensure as a private detective, private
38 detective agency, certification as a firearms trainer pursuant to K.S.A.
39 2009 Supp. 75-7b21, and amendments thereto, or employment as a de-
40 tective with a private detective agency, as defined by K.S.A. 75-7b01, and
41 amendments thereto; as security personnel with a private patrol operator,
42 as defined by K.S.A. 75-7b01, and amendments thereto; or with an insti-
43 tution, as defined in K.S.A. 76-12a01, and amendments thereto, of the

- 1 department of social and rehabilitation services;
- 2 (B) in any application for admission, or for an order of reinstatement,
- 3 to the practice of law in this state;
- 4 (C) to aid in determining the petitioner's qualifications for employ-
- 5 ment with the Kansas lottery or for work in sensitive areas within the
- 6 Kansas lottery as deemed appropriate by the executive director of the
- 7 Kansas lottery;
- 8 (D) to aid in determining the petitioner's qualifications for executive
- 9 director of the Kansas racing and gaming commission, for employment
- 10 with the commission or for work in sensitive areas in parimutuel racing
- 11 as deemed appropriate by the executive director of the commission, or
- 12 to aid in determining qualifications for licensure or renewal of licensure
- 13 by the commission;
- 14 (E) to aid in determining the petitioner's qualifications for the fol-
- 15 lowing under the Kansas expanded lottery act: (i) Lottery gaming facility
- 16 manager or prospective manager, racetrack gaming facility manager or
- 17 prospective manager, licensee or certificate holder; or (ii) an officer, di-
- 18 rector, employee, owner, agent or contractor thereof;
- 19 (F) upon application for a commercial driver's license under K.S.A.
- 20 8-2,125 through 8-2,142, and amendments thereto;
- 21 (G) to aid in determining the petitioner's qualifications to be an em-
- 22 ployee of the state gaming agency;
- 23 (H) to aid in determining the petitioner's qualifications to be an em-
- 24 ployee of a tribal gaming commission or to hold a license issued pursuant
- 25 to a tribal-state gaming compact;
- 26 (I) in any application for registration as a broker-dealer, agent, in-
- 27 vestment adviser or investment adviser representative all as defined in
- 28 K.S.A. 17-12a102, and amendments thereto;
- 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; or
- 31 (K) for applications received on and after July 1, 2006, to aid in de-
- 32 termining the petitioner's qualifications for a license to carry a concealed
- 33 weapon pursuant to the personal and family protection act, K.S.A. 2009
- 34 Supp. 75-7c01 et seq., and amendments thereto;
- 35 (3) the court, in the order of expungement, may specify other cir-
- 36 cumstances under which the conviction is to be disclosed;
- 37 (4) the conviction may be disclosed in a subsequent prosecution for
- 38 an offense which requires as an element of such offense a prior conviction
- 39 of the type expunged; and
- 40 (5) upon commitment to the custody of the secretary of corrections,
- 41 any previously expunged record in the possession of the secretary of cor-
- 42 rections may be reinstated and the expungement disregarded, and the
- 43 record continued for the purpose of the new commitment.

1 (g) Whenever a person is convicted of a crime, pleads guilty and pays
2 a fine for a crime, is placed on parole, postrelease supervision or proba-
3 tion, is assigned to a community correctional services program, is granted
4 a suspended sentence or is released on conditional release, the person
5 shall be informed of the ability to expunge the arrest records or convic-
6 tion. Whenever a person enters into a diversion agreement, the person
7 shall be informed of the ability to expunge the diversion.

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

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

- 22 (1) The person whose record was expunged;
- 23 (2) a private detective agency or a private patrol operator, and the
24 request is accompanied by a statement that the request is being made in
25 conjunction with an application for employment with such agency or op-
26 erator by the person whose record has been expunged;
- 27 (3) a court, upon a showing of a subsequent conviction of the person
28 whose record has been expunged;
- 29 (4) the secretary of social and rehabilitation services, or a designee of
30 the secretary, for the purpose of obtaining information relating to em-
31 ployment in an institution, as defined in K.S.A. 76-12a01, and amend-
32 ments thereto, of the department of social and rehabilitation services of
33 any person whose record has been expunged;
- 34 (5) a person entitled to such information pursuant to the terms of the
35 expungement order;
- 36 (6) a prosecuting attorney, and such request is accompanied by a
37 statement that the request is being made in conjunction with a prosecu-
38 tion of an offense that requires a prior conviction as one of the elements
39 of such offense;
- 40 (7) the supreme court, the clerk or disciplinary administrator thereof,
41 the state board for admission of attorneys or the state board for discipline
42 of attorneys, and the request is accompanied by a statement that the
43 request is being made in conjunction with an application for admission,

- 1 or for an order of reinstatement, to the practice of law in this state by the
2 person whose record has been expunged;
- 3 (8) the Kansas lottery, and the request is accompanied by a statement
4 that the request is being made to aid in determining qualifications for
5 employment with the Kansas lottery or for work in sensitive areas within
6 the Kansas lottery as deemed appropriate by the executive director of the
7 Kansas lottery;
- 8 (9) the governor or the Kansas racing and gaming commission, or a
9 designee of the commission, and the request is accompanied by a state-
10 ment that the request is being made to aid in determining qualifications
11 for executive director of the commission, for employment with the com-
12 mission, for work in sensitive areas in parimutuel racing as deemed ap-
13 propriate by the executive director of the commission or for licensure,
14 renewal of licensure or continued licensure by the commission;
- 15 (10) the Kansas racing and gaming commission, or a designee of the
16 commission, and the request is accompanied by a statement that the re-
17 quest is being made to aid in determining qualifications of the following
18 under the Kansas expanded lottery act: (A) Lottery gaming facility man-
19 agers and prospective managers, racetrack gaming facility managers and
20 prospective managers, licensees and certificate holders; and (B) their of-
21 ficers, directors, employees, owners, agents and contractors;
- 22 (11) the Kansas sentencing commission;
- 23 (12) the state gaming agency, and the request is accompanied by a
24 statement that the request is being made to aid in determining qualifi-
25 cations: (A) To be an employee of the state gaming agency; or (B) to be
26 an employee of a tribal gaming commission or to hold a license issued
27 pursuant to a tribal-gaming compact;
- 28 (13) the Kansas securities commissioner or a designee of the com-
29 missioner, and the request is accompanied by a statement that the request
30 is being made in conjunction with an application for registration as a
31 broker-dealer, agent, investment adviser or investment adviser represen-
32 tative by such agency and the application was submitted by the person
33 whose record has been expunged;
- 34 (14) the Kansas commission on peace officers' standards and training
35 and the request is accompanied by a statement that the request is being
36 made to aid in determining certification eligibility as a law enforcement
37 officer pursuant to K.S.A. 74-5601 et seq., and amendments thereto;
- 38 (15) a law enforcement agency and the request is accompanied by a
39 statement that the request is being made to aid in determining eligibility
40 for employment as a law enforcement officer as defined by K.S.A. 22-
41 2202, and amendments thereto; or
- 42 (16) the attorney general and the request is accompanied by a state-
43 ment that the request is being made to aid in determining qualifications

1 for a license to carry a concealed weapon pursuant to the personal and
2 family protection act.

3 Sec. 4. K.S.A. 2009 Supp. 22-2410 is hereby amended to read as
4 follows: 22-2410. (a) Any person who has been arrested in this state may
5 petition the district court for the expungement of such arrest record.

6 (b) When a petition for expungement is filed, the court shall set a
7 date for hearing on such petition and shall cause notice of such hearing
8 to be given to the prosecuting attorney and the arresting law enforcement
9 agency. When a petition for expungement is filed, the official court file
10 shall be separated from the other records of the court, and shall be dis-
11 closed only to a judge of the court and members of the staff of the court
12 designated by a judge of the district court, the prosecuting attorney, the
13 arresting law enforcement agency, or any other person when authorized
14 by a court order, subject to any conditions imposed by the order. Except
15 as otherwise provided by law, a petition for expungement shall be accom-
16 panied by a docket fee in the amount of \$100. Except as provided further,
17 the docket fee established in this section shall be the only fee collected
18 or moneys in the nature of a fee collected for the docket fee. Such fee
19 shall only be established by an act of the legislature and no other authority
20 is established by law or otherwise to collect a fee. On and after ~~July 1,~~
21 ~~2009~~ *the effective date of this act* through June 30, ~~2010~~ 2011, the su-
22 preme court may impose an additional charge, not to exceed ~~\$10~~ \$50 per
23 docket fee, to fund the costs of non-judicial personnel. The petition shall
24 state:

- 25 (1) The petitioner's full name;
- 26 (2) the full name of the petitioner at the time of arrest, if different
27 than the petitioner's current name;
- 28 (3) the petitioner's sex, race and date of birth;
- 29 (4) the crime for which the petitioner was arrested;
- 30 (5) the date of the petitioner's arrest; and
- 31 (6) the identity of the arresting law enforcement agency.

32 No surcharge or fee shall be imposed to any person filing a petition
33 pursuant to this section, who was arrested as a result of being a victim of
34 identity theft under K.S.A. 21-4018, and amendments thereto. Any per-
35 son who may have relevant information about the petitioner may testify
36 at the hearing. The court may inquire into the background of the peti-
37 tioner.

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

- 41 (2) a court has found that there was no probable cause for the arrest;
- 42 (3) the petitioner was found not guilty in court proceedings; or
- 43 (4) the expungement would be in the best interests of justice and (A)

1 charges have been dismissed; or (B) no charges have been or are likely
2 to be filed.

3 (d) When the court has ordered expungement of an arrest record and
4 subsequent court proceedings, if any, the order shall state the information
5 required to be stated in the petition and shall state the grounds for
6 expungement under subsection (c). The clerk of the court shall send a
7 certified copy of the order to the Kansas bureau of investigation which
8 shall notify the federal bureau of investigation, the secretary of corrections
9 and any other criminal justice agency which may have a record of the
10 arrest. If an order of expungement is entered, the petitioner shall be
11 treated as not having been arrested.

12 (e) If the ground for expungement is as provided in subsection (c)(4),
13 the court shall determine whether, in the interests of public welfare, the
14 records should be available for any of the following purposes: (1) In any
15 application for employment as a detective with a private detective agency,
16 as defined in K.S.A. 75-7b01, and amendments thereto; as security per-
17 sonnel with a private patrol operator, as defined by K.S.A. 75-7b01, and
18 amendments thereto; or with an institution, as defined in K.S.A. 76-
19 12a01, and amendments thereto, of the department of social and reha-
20 bilitation services;

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

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

27 (4) to aid in determining the petitioner's qualifications for executive
28 director of the Kansas racing commission, for employment with the com-
29 mission or for work in sensitive areas in parimutuel racing as deemed
30 appropriate by the executive director of the commission, or to aid in
31 determining qualifications for licensure or renewal of licensure by the
32 commission;

33 (5) in any application for a commercial driver's license under K.S.A.
34 8-2,125 through 8-2,142, and amendments thereto;

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

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

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

41 (f) Subject to any disclosures required under subsection (e), in any
42 application for employment, license or other civil right or privilege, or
43 any appearance as a witness, a person whose arrest records have been

1 expunged as provided in this section may state that such person has never
2 been arrested.

3 (g) Whenever a petitioner's arrest records have been expunged as
4 provided in this section, the custodian of the records of arrest, incarceration
5 due to arrest or court proceedings related to the arrest, shall not
6 disclose the arrest or any information related to the arrest, except as
7 directed by the order of expungement or when requested by the person
8 whose arrest record was expunged.

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

12 Sec. 5. K.S.A. 2009 Supp. 23-108a is hereby amended to read as
13 follows: 23-108a. (a) The judge or clerk of the district court shall collect
14 from the applicant for a marriage license a fee of \$59.

15 (b) The clerk of the court shall remit all fees prescribed by this section
16 to the state treasurer in accordance with the provisions of K.S.A. 75-4215,
17 and amendments thereto. Upon receipt of each such remittance, the state
18 treasurer shall deposit the entire amount in the state treasury. Of each
19 remittance, the state treasurer shall credit 38.98% to the protection from
20 abuse fund, 15.19% to the family and children trust account of the family
21 and children investment fund created by K.S.A. 38-1808, and amend-
22 ments thereto, 16.95% to the crime victims assistance fund created by
23 K.S.A. 74-7334, and amendments thereto, 15.25% to the judicial branch
24 nonjudicial salary adjustment fund created by K.S.A. 2009 Supp. 20-1a15,
25 and amendments thereto, and the remainder to the state general fund.

26 (c) Except as provided further, the marriage license fee established
27 in this section shall be the only fee collected or moneys in the nature of
28 a fee collected for a marriage license. Such fee shall only be established
29 by an act of the legislature and no other authority is established by law
30 or otherwise to collect a fee. On and after ~~July 1, 2009~~ *the effective date*
31 *of this act* through June 30, ~~2010~~ 2011, the supreme court may impose
32 an additional charge, not to exceed ~~\$10~~ \$41 per marriage license fee, to
33 fund the costs of non-judicial personnel.

34 Sec. 6. K.S.A. 2009 Supp. 28-170 is hereby amended to read as fol-
35 lows: 28-170. (a) The docket fee prescribed by K.S.A. 60-2001 and
36 amendments thereto and the fees for service of process, shall be the only
37 costs assessed for services of the clerk of the district court and the sheriff
38 in any case filed under chapter 60 or chapter 61 of the Kansas Statutes
39 Annotated, and amendments thereto, except that no fee shall be charged
40 for an action filed under K.S.A. 60-3101 et seq., and under K.S.A. 60-
41 31a01 et seq., and amendments thereto. For services in other matters in
42 which no other fee is prescribed by statute, the following fees shall be
43 charged and collected by the clerk. Only one fee shall be charged for each

1 bond, lien or judgment:

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

9 (b) The fees for entries, certificates and other papers required in
 10 naturalization cases shall be those prescribed by the federal government
 11 and, when collected, shall be disbursed as prescribed by the federal gov-
 12 ernment. The clerk of the court shall remit to the state treasurer at least
 13 monthly all moneys received from fees prescribed by subsection (a) or
 14 (b) or received for any services performed which may be required by law.
 15 The state treasurer shall deposit the remittance in the state treasury and
 16 credit the entire amount to the state general fund.

17 (c) In actions pursuant to the revised Kansas code for care of children
 18 (K.S.A. 2009 Supp. 38-2201 et seq. and amendments thereto), the revised
 19 Kansas juvenile justice code (K.S.A. 2009 Supp. 38-2301 et seq. and
 20 amendments thereto), the act for treatment of alcoholism (K.S.A. 65-4001
 21 et seq. and amendments thereto), the act for treatment of drug abuse
 22 (K.S.A. 65-5201 et seq. and amendments thereto) or the care and treat-
 23 ment act for mentally ill persons (K.S.A. 59-2945 et seq. and amendments
 24 thereto), the clerk shall charge an additional fee of \$1 which shall be
 25 deducted from the docket fee and credited to the prosecuting attorneys’
 26 training fund as provided in K.S.A. 28-170a and amendments thereto.

27 (d) In actions pursuant to the revised Kansas code for care of children
 28 (K.S.A. 2009 Supp. 38-2201 et seq. and amendments thereto), the revised
 29 Kansas juvenile justice code (K.S.A. 2009 Supp. 38-2301 et seq. and
 30 amendments thereto), the act for treatment of alcoholism (K.S.A. 65-4001
 31 et seq. and amendments thereto), the act for treatment of drug abuse
 32 (K.S.A. 65-5201 et seq. and amendments thereto) or the care and treat-
 33 ment act for mentally ill persons (K.S.A. 59-2945 et seq. and amendments
 34 thereto), the clerk shall charge an additional fee of \$.50 which shall be
 35 deducted from the docket fee and credited to the indigents’ defense serv-
 36 ices fund as provided in K.S.A. 28-172b and amendments thereto.

37 e) Except as provided further, the bond, lien or judgment fee estab-
 38 lished in subsection (a) shall be the only fee collected or moneys in the
 39 nature of a fee collected for such bond, lien or judgment. Such fee shall
 40 only be established by an act of the legislature and no other authority is
 41 established by law or otherwise to collect a fee. On and after ~~July 1, 2009~~
 42 *the effective date of this act* through June 30, ~~2010~~ 2011, the supreme
 43 court may impose an additional charge, not to exceed ~~\$10~~ \$15 per bond,

1 lien or judgment fee, to fund the costs of non-judicial personnel.
2 Sec. 7. K.S.A. 2009 Supp. 28-172a is hereby amended to read as
3 follows: 28-172a. (a) Except as otherwise provided in this section, when-
4 ever the prosecuting witness or defendant is adjudged to pay the costs in
5 a criminal proceeding in any county, a docket fee shall be taxed as follows:
6 (1) On and after July 1, 2009 through June 30, 2013:
7 Murder or manslaughter..... \$182.50
8 Other felony..... 173.00
9 Misdemeanor..... 138.00
10 Forfeited recognizance 74.50
11 Appeals from other courts..... 74.50
12 (2) On and after July 1, 2013:
13 Murder or manslaughter..... \$180.50
14 Other felony..... 171.00
15 Misdemeanor..... 136.00
16 Forfeited recognizance 72.50
17 Appeals from other courts..... 72.50
18 (b) (1) Except as provided in paragraph (2), in actions involving the
19 violation of any of the laws of this state regulating traffic on highways
20 (including those listed in subsection (c) of K.S.A. 8-2118, and amend-
21 ments thereto), a cigarette or tobacco infraction, any act declared a crime
22 pursuant to the statutes contained in chapter 32 of Kansas Statutes An-
23 notated and amendments thereto or any act declared a crime pursuant
24 to the statutes contained in article 8 of chapter 82a of the Kansas Statutes
25 Annotated, and amendments thereto, whenever the prosecuting witness
26 or defendant is adjudged to pay the costs in the action, on and after July
27 1, 2009 through June 30, 2013, a docket fee of \$76 shall be charged, and
28 on and after July 1, 2013, a docket fee of \$74 shall be charged. When an
29 action is disposed of under subsections (a) and (b) of K.S.A. 8-2118 or
30 subsection (f) of K.S.A. 79-3393, and amendments thereto, whether by
31 mail or in person, on and after July 1, 2009 through June 30, 2013, the
32 docket fee to be paid as court costs shall be \$76, and on and after July 1,
33 2013, the docket fee to be paid as court costs shall be \$74.
34 (2) In actions involving the violation of a moving traffic violation un-
35 der K.S.A. 8-2118, and amendments thereto, as defined by rules and
36 regulations adopted under K.S.A. 8-249, and amendments thereto, when-
37 ever the prosecuting witness or defendant is adjudged to pay the costs in
38 the action, on and after July 1, 2009 through June 30, 2013, a docket fee
39 of \$76 shall be charged, and on and after July 1, 2013, a docket fee of
40 \$74 shall be charged. When an action is disposed of under subsection (a)
41 and (b) of K.S.A. 8-2118, and amendments thereto, whether by mail or
42 in person, on and after July 1, 2009 through June 30, 2013, the docket
43 fee to be paid as court costs shall be \$76, and on and after July 1, 2013,

1 the docket fee to be paid as court costs shall be \$74.

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

6 (d) Statutory charges for law library funds, the law enforcement train-
7 ing center fund, the prosecuting attorneys' training fund, the juvenile
8 detention facilities fund, the judicial branch education fund, the emer-
9 gency medical services operating fund and the judiciary technology fund
10 shall be paid from the docket fee; the family violence and child abuse and
11 neglect assistance and prevention fund fee shall be paid from criminal
12 proceedings docket fees. All other fees and expenses to be assessed as
13 additional court costs shall be approved by the court, unless specifically
14 fixed by statute. Additional fees shall include, but are not limited to, fees
15 for Kansas bureau of investigation forensic or laboratory analyses, fees for
16 detention facility processing pursuant to K.S.A. 12-16,119, and amend-
17 ments thereto, fees for the sexual assault evidence collection kit, fees for
18 conducting an examination of a sexual assault victim, fees for service of
19 process outside the state, witness fees, fees for transcripts and deposi-
20 tions, costs from other courts, doctors' fees and examination and evalu-
21 ation fees. No sheriff in this state shall charge any district court of this
22 state a fee or mileage for serving any paper or process.

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

34 (f) Except as provided further, the docket fee established in this sec-
35 tion shall be the only fee collected or moneys in the nature of a fee
36 collected for the docket fee. Such fee shall only be established by an act
37 of the legislature and no other authority is established by law or otherwise
38 to collect a fee. On and after ~~July 1, 2009~~ *the effective date of this act*
39 through June 30, ~~2010~~ 2011, the supreme court may impose an additional
40 charge, not to exceed ~~\$10~~ \$15 per docket fee, to fund the costs of non-
41 judicial personnel.

42 Sec. 8. K.S.A. 2009 Supp. 28-177 is hereby amended to read as fol-
43 lows: 28-177. (a) Except as provided further, the fees established by leg-

1 islative enactment shall be the only fee collected or moneys in the nature
 2 of a fee collected for court procedures. Such fee shall only be established
 3 by an act of the legislature and no other authority is established by law
 4 or otherwise to collect a fee. Court procedures shall include docket fees,
 5 filing fees or other fees related to access to court procedures. On and
 6 after ~~July 1, 2009~~ *the effective date of this act* through June 30, ~~2010~~ 2011,
 7 the supreme court may impose an additional charge, not to exceed ~~\$10~~
 8 ~~per fee~~ \$50 per fee or the amount established by the applicable statute,
 9 *whichever amount is less*, to fund the costs of non-judicial personnel.

10 (b) Any additional charge imposed by the court pursuant to K.S.A. 8-
 11 2107, 8-2110, 21-4619, 22-2410, 23-108a, 28-170, 28-172a, 59-104, 60-
 12 1621, 60-2001, 60-2203a, 61-2704 and 61-4001 and K.S.A. 2009 Supp.
 13 28-178, 38-2215 and 38-2314, and amendments thereto, shall be remitted
 14 to the state treasurer in accordance with the provisions of K.S.A. 75-4215,
 15 and amendments thereto. Upon receipt of each such remittance, the state
 16 treasurer shall deposit the entire amount in the state treasury to the credit
 17 of the judicial branch surcharge fund, which is hereby created in the state
 18 treasury.

19 (c) All moneys credited to the judicial branch surcharge fund shall
 20 be used for compensation of non-judicial personnel and shall not be ex-
 21 pended for compensation of judges or justices of the judicial branch.

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

27 Sec. 9. K.S.A. 2009 Supp. 28-178 is hereby amended to read as fol-
 28 lows: 28-178. (a) In addition to any other fees specifically prescribed by
 29 law, on and after ~~July 1, 2009~~ *the effective date of this act* through June
 30 30, ~~2010~~ 2011, the supreme court may impose a charge, not to exceed
 31 \$10 per fee, to fund the costs of non-judicial personnel, on the following:

32 (1) A person who requests an order or writ of execution *or an alias*
 33 *order or writ of execution*, pursuant to K.S.A. 60-2401 *or 61-3602*, and
 34 amendments thereto.

35 (2) Persons who request a hearing in aid of execution or an alias order
 36 for hearing pursuant to K.S.A. 60-2419, and amendments thereto.

37 (3) A person requesting an order for garnishment *or an alias order*
 38 *for garnishment*, pursuant to article 7 of chapter 60 of the Kansas Statutes
 39 Annotated, and amendments thereto, or article 35 of chapter 61 of the
 40 Kansas Statutes Annotated, and amendments thereto.

41 (4) Persons who request a writ or order of sale *or an alias writ or*
 42 *order of sale*, pursuant to K.S.A. 60-2401 *or 61-3602*, and amendments
 43 thereto.

1 (5) A person who requests a hearing in aid of execution or an alias
2 order for hearing in aid of execution, pursuant to K.S.A. 61-3604, and
3 amendments thereto.

4 (6) A person who requests an attachment or an alias order of attach-
5 ment against the property of a defendant or any one or more of several
6 defendants, pursuant to K.S.A. 60-701 or 61-3501, and amendments
7 thereto.

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

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

18 Sec. 10. K.S.A. 2009 Supp. 38-2215 is hereby amended to read as
19 follows: 38-2215. (a) *Docket fee.* The docket fee for proceedings under
20 this code, if one is assessed as provided in this section, shall be \$34. Only
21 one docket fee shall be assessed in each case. Except as provided further,
22 the docket fee established in this section shall be the only fee collected
23 or moneys in the nature of a fee collected for the docket fee. Such fee
24 shall only be established by an act of the legislature and no other authority
25 is established by law or otherwise to collect a fee. On and after ~~July 1,~~
26 ~~2009~~ the effective date of this act through June 30, ~~2010~~ 2011, the su-
27 preme court may impose an additional charge, not to exceed ~~\$10~~ \$15 per
28 docket fee, to fund the costs of non-judicial personnel.

29 (b) *Expenses.* The expenses for proceedings under this code, includ-
30 ing fees and mileage allowed witnesses and fees and expenses approved
31 by the court for appointed attorneys, shall be paid by the board of county
32 commissioners from the general fund of the county.

33 (c) *Assessment of docket fee and expenses.* (1) *Docket fee.* The docket
34 fee may be assessed or waived by the court conducting the initial dispos-
35 itional hearing and the docket fee may be assessed against the complain-
36 ing witness or person initiating the proceedings or a party or interested
37 party other than the state, a political subdivision of the state, an agency
38 of the state or of a political subdivision of the state, or a person acting in
39 the capacity of an employee of the state or of a political subdivision of
40 the state. Any docket fee received shall be remitted to the state treasurer
41 pursuant to K.S.A. 20-362, and amendments thereto.

42 (2) *Expenses.* Expenses may be assessed against the complaining wit-
43 ness, a person initiating the proceedings, a party or an interested party,

1 other than the state, a political subdivision of the state, an agency of the
2 state or of a political subdivision of the state or a person acting in the
3 capacity of an employee of the state or of a political subdivision of the
4 state. When expenses are recovered from a person against whom they
5 have been assessed the general fund of the county shall be reimbursed
6 in the amount of the recovery. If it appears to the court in any proceedings
7 under this code that expenses were unreasonably incurred at the request
8 of any party the court may assess that portion of the expenses against the
9 party.

10 (d) *Cases in which venue is transferred.* If venue is transferred from
11 one county to another, the court from which the case is transferred shall
12 send to the receiving court a statement of expenses paid from the general
13 fund of the sending county. If the receiving court collects any of the
14 expenses owed in the case, the receiving court shall pay to the sending
15 court an amount proportional to the sending court's share of the total
16 expenses owed to both counties. The expenses of the sending county shall
17 not be an obligation of the receiving county except to the extent that the
18 sending county's proportion of the expenses is collected by the receiving
19 court. All amounts collected shall first be applied toward payment of the
20 docket fee.

21 Sec. 11. K.S.A. 2009 Supp. 38-2312 is hereby amended to read as
22 follows: 38-2312. (a) Except as provided in subsection (b), any records or
23 files specified in this code concerning a juvenile may be expunged upon
24 application to a judge of the court of the county in which the records or
25 files are maintained. The application for expungement may be made by
26 the juvenile, if 18 years of age or older or, if the juvenile is less than 18
27 years of age, by the juvenile's parent or next friend.

28 (b) There shall be no expungement of records or files concerning acts
29 committed by a juvenile which, if committed by an adult, would constitute
30 a violation of K.S.A. 21-3401, and amendments thereto, murder in the
31 first degree, K.S.A. 21-3402, and amendments thereto, murder in the
32 second degree, K.S.A. 21-3403, and amendments thereto, voluntary man-
33 slaughter, K.S.A. 21-3404, and amendments thereto, involuntary man-
34 slaughter, K.S.A. 21-3439, and amendments thereto, capital murder,
35 K.S.A. 21-3442, and amendments thereto, involuntary manslaughter
36 while driving under the influence of alcohol or drugs, K.S.A. 21-3502,
37 and amendments thereto, rape, K.S.A. 21-3503, and amendments
38 thereto, indecent liberties with a child, K.S.A. 21-3504, and amendments
39 thereto, aggravated indecent liberties with a child, K.S.A. 21-3506, and
40 amendments thereto, aggravated criminal sodomy, K.S.A. 21-3510, and
41 amendments thereto, indecent solicitation of a child, K.S.A. 21-3511, and
42 amendments thereto, aggravated indecent solicitation of a child, K.S.A.
43 21-3516, and amendments thereto, sexual exploitation, K.S.A. 21-3603,

1 and amendments thereto, aggravated incest, K.S.A. 21-3608, and amend-
2 ments thereto, endangering a child, K.S.A. 21-3609, and amendments
3 thereto, abuse of a child, or which would constitute an attempt to commit
4 a violation of any of the offenses specified in this subsection.

5 (c) When a petition for expungement is filed, the court shall set a
6 date for a hearing on the petition and shall give notice thereof to the
7 county or district attorney. The petition shall state: (1) The juvenile's full
8 name; (2) the full name of the juvenile as reflected in the court record,
9 if different than (1); (3) the juvenile's sex and date of birth; (4) the offense
10 for which the juvenile was adjudicated; (5) the date of the trial; and (6)
11 the identity of the trial court. ~~There shall be no docket fee for filing a~~
12 ~~petition pursuant to this section.~~ *Except as otherwise provided by law, a*
13 *petition for expungement shall be accompanied by a docket fee in the*
14 *amount of \$100. On and after the effective date of this act through June*
15 *30, 2011, the supreme court may impose a charge, not to exceed \$50 per*
16 *case, to fund the costs of non-judicial personnel.* All petitions for expunge-
17 ment shall be docketed in the original action. Any person who may have
18 relevant information about the petitioner may testify at the hearing. The
19 court may inquire into the background of the petitioner.

20 (d) (1) After hearing, the court shall order the expungement of the
21 records and files if the court finds that:

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

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

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

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

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

- 1 (f) Copies of any order made pursuant to subsection (a) or (c) shall
2 be sent to each public officer and agency in the county having possession
3 of any records or files ordered to be expunged. If the officer or agency
4 fails to comply with the order within a reasonable time after its receipt,
5 the officer or agency may be adjudged in contempt of court and punished
6 accordingly.
- 7 (g) The court shall inform any juvenile who has been adjudicated a
8 juvenile offender of the provisions of this section.
- 9 (h) Nothing in this section shall be construed to prohibit the main-
10 tenance of information relating to an offense after records or files con-
11 cerning the offense have been expunged if the information is kept in a
12 manner that does not enable identification of the juvenile.
- 13 (i) Nothing in this section shall be construed to permit or require
14 expungement of files or records related to a child support order registered
15 pursuant to the revised Kansas juvenile justice code.
- 16 (j) Whenever the records or files of any adjudication have been ex-
17 punged under the provisions of this section, the custodian of the records
18 or files of adjudication relating to that offense shall not disclose the ex-
19 istence of such records or files, except when requested by:
- 20 (1) The person whose record was expunged;
- 21 (2) a private detective agency or a private patrol operator, and the
22 request is accompanied by a statement that the request is being made in
23 conjunction with an application for employment with such agency or op-
24 erator by the person whose record has been expunged;
- 25 (3) a court, upon a showing of a subsequent conviction of the person
26 whose record has been expunged;
- 27 (4) the secretary of social and rehabilitation services, or a designee of
28 the secretary, for the purpose of obtaining information relating to em-
29 ployment in an institution, as defined in K.S.A. 76-12a01, and amend-
30 ments thereto, of the department of social and rehabilitation services of
31 any person whose record has been expunged;
- 32 (5) a person entitled to such information pursuant to the terms of the
33 expungement order;
- 34 (6) the Kansas lottery, and the request is accompanied by a statement
35 that the request is being made to aid in determining qualifications for
36 employment with the Kansas lottery or for work in sensitive areas within
37 the Kansas lottery as deemed appropriate by the executive director of the
38 Kansas lottery;
- 39 (7) the governor or the Kansas racing commission, or a designee of
40 the commission, and the request is accompanied by a statement that the
41 request is being made to aid in determining qualifications for executive
42 director of the commission, for employment with the commission, for
43 work in sensitive areas in parimutuel racing as deemed appropriate by

1 the executive director of the commission or for licensure, renewal of
2 licensure or continued licensure by the commission; or

3 (8) the Kansas sentencing commission.

4 Sec. 12. K.S.A. 2009 Supp. 38-2314 is hereby amended to read as
5 follows: 38-2314. (a) *Docket fee*. The docket fee for proceedings under
6 this code, if one is assessed as provided by this section, shall be \$34. Only
7 one docket fee shall be assessed in each case. Except as provided further,
8 the docket fee established in this section shall be the only fee collected
9 or moneys in the nature of a fee collected for the docket fee. Such fee
10 shall only be established by an act of the legislature and no other authority
11 is established by law or otherwise to collect a fee. On and after ~~July 1,~~
12 ~~2009~~ *the effective date of this act* through June 30, ~~2010~~ 2011, the su-
13 preme court may impose an additional charge, not to exceed ~~\$10~~ \$15 per
14 docket fee, to fund the costs of non-judicial personnel.

15 (b) *Expenses*. The expenses for proceedings under this code, includ-
16 ing fees and mileage allowed witnesses and fees and expenses approved
17 by the court for appointed attorneys, shall be paid by the board of county
18 commissioners from the general fund of the county.

19 (c) *Assessment of docket fee and expenses*. (1) *Docket fee*. The docket
20 fee may be assessed or waived by the court conducting the initial sen-
21 tencing hearing and may be assessed against the juvenile or the parent of
22 the juvenile. Any docket fee received shall be remitted to the state trea-
23 surer pursuant to K.S.A. 20-362, and amendments thereto.

24 (2) *Expenses*. Expenses may be waived or assessed against the juve-
25 nile or a parent of the juvenile. When expenses are recovered from a
26 party against whom they have been assessed the general fund of the
27 county shall be reimbursed in the amount of the recovery.

28 (3) *Prohibited assessment*. Docket fees or expenses shall not be as-
29 sessed against the state, a political subdivision of the state, an agency of
30 the state or of a political subdivision of the state or a person acting in the
31 capacity of an employee of the state or of a political subdivision of the
32 state.

33 (d) *Cases in which venue is transferred*. If venue is transferred from
34 one county to another, the court from which the case is transferred shall
35 send to the receiving court a statement of expenses paid from the general
36 fund of the sending county. If the receiving court collects any of the
37 expenses owed in the case, the receiving court shall pay to the sending
38 court an amount proportional to the sending court's share of the total
39 expenses owed to both counties. The expenses of the sending county shall
40 not be an obligation of the receiving county except to the extent that the
41 sending county's proportionate share of the expenses is collected by the
42 receiving court. Unless otherwise ordered by the court, all amounts col-
43 lected shall first be applied toward payment of restitution, then toward

1 the payment of the docket fee.

2 Sec. 13. K.S.A. 2009 Supp. 59-104 is hereby amended to read as

3 follows: 59-104. (a) *Docket fee.* (1) Except as otherwise provided by law,

4 no case shall be filed or docketed in the district court under the provisions

5 of chapter 59 of the Kansas Statutes Annotated or of articles 40 and 52

6 of chapter 65 of the Kansas Statutes Annotated without payment of an

7 appropriate docket fee as follows:

8 (A) On and after July 1, 2009 through June 30, 2013:

9 Treatment of mentally ill	\$59.00
10 Treatment of alcoholism or drug abuse.....	36.50
11 Determination of descent of property	51.50
12 Termination of life estate.....	50.50
13 Termination of joint tenancy	50.50
14 Refusal to grant letters of administration.....	50.50
15 Adoption.....	50.50
16 Filing a will and affidavit under K.S.A. 59-618a.....	50.50
17 Guardianship	71.50
18 Conservatorship.....	71.50
19 Trusteeship	71.50
20 Combined guardianship and conservatorship.....	71.50
21 Certified probate proceedings under K.S.A. 59-213, and amendments	
22 thereto	25.50
23 Decrees in probate from another state	110.50
24 Probate of an estate or of a will.....	111.50
25 Civil commitment under K.S.A. 59-29a01 et seq.....	35.50

26 (B) On and after July 1, 2013:

27 Treatment of mentally ill	34.50
28 Treatment of alcoholism or drug abuse.....	34.50
29 Determination of descent of property	49.50
30 Termination of life estate.....	48.50
31 Termination of joint tenancy	48.50
32 Refusal to grant letters of administration.....	48.50
33 Adoption.....	48.50
34 Filing a will and affidavit under K.S.A. 59-618a.....	48.50
35 Guardianship	69.50
36 Conservatorship.....	69.50
37 Trusteeship	69.50
38 Combined guardianship and conservatorship.....	69.50
39 Certified probate proceedings under K.S.A. 59-213, and amendments	
40 thereto	23.50
41 Decrees in probate from another state	108.50
42 Probate of an estate or of a will.....	109.50
43 Civil commitment under K.S.A. 59-29a01 et seq.....	33.50

1 (2) Except as provided further, the docket fee established in this sec-
2 tion shall be the only fee collected or moneys in the nature of a fee
3 collected for the docket fee. Such fee shall only be established by an act
4 of the legislature and no other authority is established by law or otherwise
5 to collect a fee. On and after ~~July 1, 2009~~ *the effective date of this act*
6 through June 30, ~~2010~~ 2011, the supreme court may impose an additional
7 charge, not to exceed ~~\$10~~ \$15 per docket fee, to fund the costs of non-
8 judicial personnel.

9 (b) *Poverty affidavit in lieu of docket fee and exemptions.* The pro-
10 visions of subsection (b) of K.S.A. 60-2001 and K.S.A. 60-2005, and
11 amendments thereto, shall apply to probate docket fees prescribed by
12 this section.

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

17 (d) *Additional court costs.* Other fees and expenses to be assessed as
18 additional court costs shall be approved by the court, unless specifically
19 fixed by statute. Other fees shall include, but not be limited to, witness
20 fees, appraiser fees, fees for service of process outside the state, fees for
21 depositions, transcripts and publication of legal notice, executor or ad-
22 ministrator fees, attorney fees, court costs from other courts and any other
23 fees and expenses required by statute. All additional court costs shall be
24 taxed and billed against the parties or estate as directed by the court. No
25 sheriff in this state shall charge any district court in this state a fee or
26 mileage for serving any paper or process.

27 Sec. 14. K.S.A. 2009 Supp. 60-1621 is hereby amended to read as
28 follows: 60-1621. (a) No post-decree motion petitioning for a modification
29 or termination of separate maintenance, for a change in legal custody,
30 residency, visitation rights or parenting time or for a modification of child
31 support shall be filed or docketed in the district court without payment
32 of a docket fee in the amount of \$42 on and after July 1, 2009 through
33 June 30, 2013, and \$40 on and after July 1, 2013, to the clerk of the
34 district court.

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

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

41 (d) Except as provided further, the docket fee established in this sec-
42 tion shall be the only fee collected or moneys in the nature of a fee
43 collected for the docket fee. Such fee shall only be established by an act

1 of the legislature and no other authority is established by law or otherwise
2 to collect a fee. On and after ~~July 1, 2009~~ *the effective date of this act*
3 through June 30, ~~2010~~ 2011, the supreme court may impose an additional
4 charge, not to exceed ~~\$10~~ \$20 per docket fee, to fund the costs of non-
5 judicial personnel.

6 Sec. 15. K.S.A. 2009 Supp. 60-2001 is hereby amended to read as
7 follows: 60-2001. (a) *Docket fee*. Except as otherwise provided by law, no
8 case shall be filed or docketed in the district court, whether original or
9 appealed, without payment of a docket fee in the amount of \$156 on and
10 after July 1, 2009 through June 30, 2013, and \$154 on and after July 1,
11 2013, to the clerk of the district court. Except as provided further, the
12 docket fee established in this subsection shall be the only fee collected
13 or moneys in the nature of a fee collected for the docket fee. Such fee
14 shall only be established by an act of the legislature and no other authority
15 is established by law or otherwise to collect a fee. On and after ~~July 1,~~
16 ~~2009~~ *the effective date of this act* through June 30, ~~2010~~ 2011, the su-
17 preme court may impose an additional charge, not to exceed ~~\$10~~ \$15 per
18 docket fee, to fund the costs of non-judicial personnel.

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

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

41 State of Kansas, _____ County.

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

1 pay a docket fee.

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

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

23 Sec. 16. K.S.A. 2009 Supp. 60-2203a is hereby amended to read as
24 follows: 60-2203a. (a) After the commencement of any action in any dis-
25 trict court of this state, or the courts of the United States in the state of
26 Kansas or in any action now pending heretofore commenced in such
27 courts, which does not involve title to real estate, any party to such action
28 may give notice in any other county of the state of the pendency of the
29 action by filing for record with the clerk of the district court of such other
30 county a verified statement setting forth the parties to the action, the
31 nature of the action, the court in which it is pending, and the relief sought,
32 which shall impart notice of the pendency of the action and shall result
33 in the same lien rights as if the action were pending in that county. The
34 lien shall be effective from the time the statement is filed, but not to
35 exceed four months prior to the entry of judgment except as provided in
36 subsection (c). The party filing such notice shall within 30 days after any
37 satisfaction of the judgment entered in such action, or any other final
38 disposition thereof, cause to be filed with such clerk of the district court
39 a notice that all claims in such action are released. If the party filing fails
40 or neglects to do so after reasonable demand by any party in interest,
41 such party shall be liable in damages in the same amounts and manner
42 as is provided by law for failure of a mortgagee to enter satisfaction of a
43 mortgage. Upon the filing of such a notice of the pendency of an action

1 the clerk shall charge a fee of \$14 and shall enter and index the action in
2 the same manner as for the filing of an original action. Upon the filing of
3 a notice of release, the notice shall likewise be entered on the docket.
4 Except as provided further, the fee established in this subsection shall be
5 the only fee collected or moneys in the nature of a fee collected for the
6 court procedure. Such fee shall only be established by an act of the leg-
7 islature and no other authority is established by law or otherwise to collect
8 a fee. On and after ~~July 1, 2009~~ *the effective date of this act* through June
9 30, ~~2010~~ 2011, the supreme court may impose an additional charge, not
10 to exceed ~~\$10~~ \$15 per fee, to fund the costs of non-judicial personnel.

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

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

34 Sec. 17. K.S.A. 2009 Supp. 61-2704 is hereby amended to read as
35 follows: 61-2704. (a) An action seeking the recovery of a small claim shall
36 be considered to have been commenced at the time a person files a writ-
37 ten statement of the person's small claim with the clerk of the court if,
38 within 90 days after the small claim is filed, service of process is obtained
39 or the first publication is made for service by publication. Otherwise, the
40 action is deemed commenced at the time of service of process or first
41 publication. An entry of appearance shall have the same effect as service.

42 (b) Upon the filing of a plaintiff's small claim, the clerk of the court
43 shall require from the plaintiff a docket fee of \$39 on and after July 1,

1 2009 through June 30, 2013, and \$37 on and after July 1, 2013, if the
2 claim does not exceed \$500; or \$59 on and after July 1, 2009 through
3 June 30, 2013, and \$57 on and after July 1, 2013, if the claim exceeds
4 \$500; unless for good cause shown the judge waives the fee. The docket
5 fee shall be the only costs required in an action seeking recovery of a
6 small claim. No person may file more than 20 small claims under this act
7 in the same court during any calendar year.

8 (c) Except as provided further, the docket fee established in this sec-
9 tion shall be the only fee collected or moneys in the nature of a fee
10 collected for the docket fee. Such fee shall only be established by an act
11 of the legislature and no other authority is established by law or otherwise
12 to collect a fee. On and after ~~July 1, 2009~~ *the effective date of this act*
13 through June 30, ~~2010~~ 2011, the supreme court may impose an additional
14 charge, not to exceed \$10 per docket fee, to fund the costs of non-judicial
15 personnel.

16 Sec. 18. K.S.A. 2009 Supp. 61-4001 is hereby amended to read as
17 follows: 61-4001. (a) Docket fee. No case shall be filed or docketed pur-
18 suant to the code of civil procedure for limited actions without the pay-
19 ment of a docket fee in the amount of \$37 on and after July 1, 2009
20 through June 30, 2013, and \$35 on and after July 1, 2013, if the amount
21 in controversy or claimed does not exceed \$500; \$57 on and after July 1,
22 2009 through June 30, 2013, and \$55 on and after July 1, 2013, if the
23 amount in controversy or claimed exceeds \$500 but does not exceed
24 \$5,000; or \$103 on and after July 1, 2009 through June 30, 2013, and
25 \$101 on and after July 1, 2013, if the amount in controversy or claimed
26 exceeds \$5,000. If judgment is rendered for the plaintiff, the court also
27 may enter judgment for the plaintiff for the amount of the docket fee
28 paid by the plaintiff.

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

33 (c) Except as provided further, the docket fee established in this sec-
34 tion shall be the only fee collected or moneys in the nature of a fee
35 collected for the docket fee. Such fee shall only be established by an act
36 of the legislature and no other authority is established by law or otherwise
37 to collect a fee. On and after ~~July 1, 2009~~ *the effective date of this act*
38 through June 30, ~~2010~~ 2011, the supreme court may impose an additional
39 charge, not to exceed \$10 per docket fee, to fund the costs of non-judicial
40 personnel.

41 Sec. 19. K.S.A. 2009 Supp. 8-2107, 8-2110, 21-4619, 22-2410, 23-
42 108a, 28-170, 28-172a, 28-177, 28-178, 38-2215, 38-2312, 38-2314, 59-
43 104, 60-1621, 60-2001, 60-2203a, 61-2704 and 61-4001 are hereby re-

1 pealed.
2 Sec. 20. This act shall take effect and be in force from and after its
3 publication in the Kansas register.