

SENATE BILL No. 322

By Committee on Judiciary

1-24

1 AN ACT concerning courts; relating to court fees and costs; relating to the
2 judicial branch surcharge fund; amending K.S.A. 65-409 and K.S.A.
3 2011 Supp. 8-2107, 8-2110, 21-6614, 22-2410, 23-2510, 28-170, 28-
4 172a, 28-177, 28-178, 28-179, 38-2215, 38-2312, 38-2314, 59-104, 60-
5 2001, 60-2203a, 61-2704 and 61-4001 and repealing the existing
6 sections; also repealing K.S.A. 2011 Supp. 21-6614a, 21-6614b, 21-
7 6614c, 22-2410a, 28-177a, 38-2312a and 38-2312b.

8

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

10 Section 1. K.S.A. 2011 Supp. 8-2107 is hereby amended to read as
11 follows: 8-2107. (a) (1) Notwithstanding any other provisions of the
12 uniform act regulating traffic on highways, when a person is stopped by a
13 police officer for any of the offenses described in subsection (d) and such
14 person is not immediately taken before a judge of the district court, the
15 police officer may require the person stopped, subject to the provisions of
16 subsection (c), to deposit with the officer a valid Kansas driver's license in
17 exchange for a receipt therefor issued by such police officer, the form of
18 which shall be approved by the division of vehicles. Such receipt shall be
19 recognized as a valid temporary Kansas driver's license authorizing the
20 operation of a motor vehicle by the person stopped until the date of the
21 hearing stated on the receipt. The driver's license and a written copy of the
22 notice to appear shall be delivered by the police officer to the court having
23 jurisdiction of the offense charged as soon as reasonably possible. If the
24 hearing on such charge is continued for any reason, the judge may note on
25 the receipt the date to which such hearing has been continued and such
26 receipt shall be recognized as a valid temporary Kansas driver's license
27 until such date, but in no event shall such receipt be recognized as a valid
28 Kansas driver's license for a period longer than 30 days from the date set
29 for the original hearing. Any person who has deposited a driver's license
30 with a police officer under this subsection (a) shall have such license
31 returned upon final determination of the charge against such person.

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

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

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

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

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

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

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

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

17 On and after July 1, 1996:

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

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

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

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

42 (h) When a person is stopped by a police officer for failure to provide
 43 proof of financial security pursuant to K.S.A. 40-3104, and amendments

1 thereto, and the person is a resident of another state or the person is
2 licensed to drive under the laws of a foreign country, the police officer
3 may require a bond as provided for under subsection (c). The bond shall be
4 in the amount of \$75, plus \$75 which shall be regarded as a docket fee in
5 any court having jurisdiction over the violation of state law.

6 (i) Except as provided further, the docket fee established in this
7 section shall be the only fee collected or moneys in the nature of a fee
8 collected for the docket fee. Such fee shall only be established by an act of
9 the legislature and no other authority is established by law or otherwise to
10 collect a fee. On and after the effective date of this act through June 30,
11 ~~2012~~ 2013, the supreme court may impose an additional charge, not to
12 exceed \$22 per docket fee, to fund the costs of non-judicial personnel.

13 Sec. 2. K.S.A. 2011 Supp. 8-2110 is hereby amended to read as
14 follows: 8-2110. (a) Failure to comply with a traffic citation means failure
15 either to: (1) Appear before any district or municipal court in response to a
16 traffic citation and pay in full any fine and court costs imposed; or (2)
17 otherwise comply with a traffic citation as provided in K.S.A. 8-2118, and
18 amendments thereto. Failure to comply with a traffic citation is a
19 misdemeanor, regardless of the disposition of the charge for which such
20 citation was originally issued.

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

42 (2) (A) In lieu of suspension under paragraph (1), the driver may
43 submit to the division of vehicles a written request for restricted driving

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

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

27 (c) Except as provided in subsection (d), when the district or
28 municipal court notifies the division of vehicles of a failure to comply with
29 a traffic citation pursuant to subsection (b), the court shall assess a
30 reinstatement fee of \$59 for each charge on which the person failed to
31 make satisfaction regardless of the disposition of the charge for which
32 such citation was originally issued and regardless of any application for
33 restricted driving privileges. Such reinstatement fee shall be in addition to
34 any fine, restricted driving privilege application fee, district or municipal
35 court costs and other penalties. The court shall remit all reinstatement fees
36 to the state treasurer in accordance with the provisions of K.S.A. 75-4215,
37 and amendments thereto. Upon receipt of each such remittance, the state
38 treasurer shall deposit the entire amount in the state treasury and shall
39 credit 42.37% of such moneys to the division of vehicles operating fund,
40 31.78% to the community alcoholism and intoxication programs fund
41 created by K.S.A. 41-1126, and amendments thereto, 10.59% to the
42 juvenile detention facilities fund created by K.S.A. 79-4803, and
43 amendments thereto, and 15.26% to the judicial branch nonjudicial salary

1 adjustment fund created by K.S.A. 2011 Supp. 20-1a15, and amendments
2 thereto.

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

21 (e) Except as provided further, the reinstatement fee established in
22 this section shall be the only fee collected or moneys in the nature of a fee
23 collected for such reinstatement. Such fee shall only be established by an
24 act of the legislature and no other authority is established by law or
25 otherwise to collect a fee. On and after the effective date of this act
26 through June 30, ~~2012~~ 2013, the supreme court may impose an additional
27 charge, not to exceed \$22 per reinstatement fee, to fund the costs of non-
28 judicial personnel.

29 Sec. 3. K.S.A. 2011 Supp. 21-6614 is hereby amended to read as
30 follows: 21-6614. (a) (1) Except as provided in subsections (b), (c) ~~and~~ ,
31 (d) *and* (e), any person convicted in this state of a traffic infraction,
32 cigarette or tobacco infraction, misdemeanor or a class D or E felony, or
33 for crimes committed on or after July 1, 1993, nondrug crimes ranked in
34 severity levels 6 through 10 or any felony ranked in severity level 4 of the
35 drug grid, may petition the convicting court for the expungement of such
36 conviction or related arrest records if three or more years have elapsed
37 since the person: (A) Satisfied the sentence imposed; or (B) was
38 discharged from probation, a community correctional services program,
39 parole, postrelease supervision, conditional release or a suspended
40 sentence.

41 (2) Except as provided in subsections (b), (c) ~~and~~ , (d) *and* (e), any
42 person who has fulfilled the terms of a diversion agreement may petition
43 the district court for the expungement of such diversion agreement and

1 related arrest records if three or more years have elapsed since the terms of
2 the diversion agreement were fulfilled.

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

12 (1) Vehicular homicide, as defined in K.S.A. 21-3405, prior to its
13 repeal, or K.S.A. 2011 Supp. 21-5406, and amendments thereto, or as
14 prohibited by any law of another state which is in substantial conformity
15 with that statute;

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

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

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

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

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

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

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

37 (c) No person may petition for expungement until 10 or more years
38 have elapsed since the person satisfied the sentence imposed, the terms of
39 a diversion agreement or was discharged from probation, a community
40 correctional services program, parole, postrelease supervision, conditional
41 release or a suspended sentence, if such person was convicted of a
42 violation of K.S.A. 8-1567, and amendments thereto, including any
43 diversion for such violation.

1 (d) There shall be no expungement of convictions for the following
2 offenses or of convictions for an attempt to commit any of the following
3 offenses:

4 (1) Rape as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.
5 2011 Supp. 21-5503, and amendments thereto;

6 (2) indecent liberties with a child or aggravated indecent liberties
7 with a child as defined in K.S.A. 21-3503 or 21-3504, prior to their repeal,
8 or K.S.A. 2011 Supp. 21-5506, and amendments thereto;

9 (3) criminal sodomy as defined in subsection (a)(2) or (a)(3) of
10 K.S.A. 21-3505, prior to its repeal, or subsection (a)(3) or (a)(4) of K.S.A.
11 2011 Supp. 21-5504, and amendments thereto;

12 (4) aggravated criminal sodomy as defined in K.S.A. 21-3506, prior
13 to its repeal, or K.S.A. 2011 Supp. 21-5504, and amendments thereto;

14 (5) indecent solicitation of a child or aggravated indecent solicitation
15 of a child as defined in K.S.A. 21-3510 or 21-3511, prior to their repeal, or
16 K.S.A. 2011 Supp. 21-5508, and amendments thereto;

17 (6) sexual exploitation of a child as defined in K.S.A. 21-3516, prior
18 to its repeal, or K.S.A. 2011 Supp. 21-5510, and amendments thereto;

19 (7) aggravated incest as defined in K.S.A. 21-3603, prior to its repeal,
20 or K.S.A. 2011 Supp. 21-5604, and amendments thereto;

21 (8) endangering a child or aggravated endangering a child as defined
22 in K.S.A. 21-3608 or 21-3608a, prior to their repeal, or K.S.A. 2011 Supp.
23 21-5601, and amendments thereto;

24 (9) abuse of a child as defined in K.S.A. 21-3609, prior to its repeal,
25 or K.S.A. 2011 Supp. 21-5602, and amendments thereto;

26 (10) capital murder as defined in K.S.A. 21-3439, prior to its repeal,
27 or K.S.A. 2011 Supp. 21-5401, and amendments thereto;

28 (11) murder in the first degree as defined in K.S.A. 21-3401, prior to
29 its repeal, or K.S.A. 2011 Supp. 21-5402, and amendments thereto;

30 (12) murder in the second degree as defined in K.S.A. 21-3402, prior
31 to its repeal, or K.S.A. 2011 Supp. 21-5403, and amendments thereto;

32 (13) voluntary manslaughter as defined in K.S.A. 21-3403, prior to its
33 repeal, or K.S.A. 2011 Supp. 21-5404, and amendments thereto;

34 (14) involuntary manslaughter as defined in K.S.A. 21-3404, prior to
35 its repeal, or K.S.A. 2011 Supp. 21-5405, and amendments thereto;

36 (15) sexual battery as defined in K.S.A. 21-3517, prior to its repeal,
37 or K.S.A. 2011 Supp. 21-5505, and amendments thereto, when the victim
38 was less than 18 years of age at the time the crime was committed;

39 (16) aggravated sexual battery as defined in K.S.A. 21-3518, prior to
40 its repeal, or K.S.A. 2011 Supp. 21-5505, and amendments thereto;

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

43 (18) any conviction for any offense in effect at any time prior to July

1 1, 2011, that is comparable to any offense as provided in this subsection.

2 (e) *Notwithstanding any other law to the contrary, for any offender*
3 *who is required to register as provided in the Kansas offender registration*
4 *act, K.S.A. 22-4901 et seq., and amendments thereto, there shall be no*
5 *expungement of any conviction or any part of the offender's criminal*
6 *record while the offender is required to register as provided in the Kansas*
7 *offender registration act.*

8 (f) (1) When a petition for expungement is filed, the court shall set
9 a date for a hearing of such petition and shall cause notice of such hearing
10 to be given to the prosecutor and the arresting law enforcement agency.
11 The petition shall state the:

12 (A) Defendant's full name;

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

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

16 (D) crime for which the defendant was arrested, convicted or
17 diverted;

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

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

21 (2) Except as otherwise provided by law, a petition for expungement
22 shall be accompanied by a docket fee in the amount of \$100. On and after
23 ~~April 15, 2010 through June 30, 2011~~ *the effective date of this act through*
24 *June 30, 2013*, the supreme court may impose a charge, not to exceed ~~\$15~~
25 *\$19* per case, to fund the costs of non-judicial personnel. The charge
26 established in this section shall be the only fee collected or moneys in the
27 nature of a fee collected for the case. Such charge shall only be established
28 by an act of the legislature and no other authority is established by law or
29 otherwise to collect a fee.

30 (3) All petitions for expungement shall be docketed in the original
31 criminal action. Any person who may have relevant information about the
32 petitioner may testify at the hearing. The court may inquire into the
33 background of the petitioner and shall have access to any reports or
34 records relating to the petitioner that are on file with the secretary of
35 corrections or the Kansas parole board.

36 (g) At the hearing on the petition, the court shall order the
37 petitioner's arrest record, conviction or diversion expunged if the court
38 finds that:

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

42 (2) the circumstances and behavior of the petitioner warrant the
43 expungement;

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

2 ~~(g)~~ (h) When the court has ordered an arrest record, conviction or
3 diversion expunged, the order of expungement shall state the information
4 required to be contained in the petition. The clerk of the court shall send a
5 certified copy of the order of expungement to the Kansas bureau of
6 investigation which shall notify the federal bureau of investigation, the
7 secretary of corrections and any other criminal justice agency which may
8 have a record of the arrest, conviction or diversion. After the order of
9 expungement is entered, the petitioner shall be treated as not having been
10 arrested, convicted or diverted of the crime, except that:

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

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

16 (A) In any application for licensure as a private detective, private
17 detective agency, certification as a firearms trainer pursuant to K.S.A.
18 2011 Supp. 75-7b21, and amendments thereto, or employment as a
19 detective with a private detective agency, as defined by K.S.A. 75-7b01,
20 and amendments thereto; as security personnel with a private patrol
21 operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with
22 an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of
23 the department of social and rehabilitation services;

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

26 (C) to aid in determining the petitioner's qualifications for
27 employment with the Kansas lottery or for work in sensitive areas within
28 the Kansas lottery as deemed appropriate by the executive director of the
29 Kansas lottery;

30 (D) to aid in determining the petitioner's qualifications for executive
31 director of the Kansas racing and gaming commission, for employment
32 with the commission or for work in sensitive areas in parimutuel racing as
33 deemed appropriate by the executive director of the commission, or to aid
34 in determining qualifications for licensure or renewal of licensure by the
35 commission;

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

41 (F) upon application for a commercial driver's license under K.S.A.
42 8-2,125 through 8-2,142, and amendments thereto;

43 (G) to aid in determining the petitioner's qualifications to be an

1 employee of the state gaming agency;

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

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

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

10 (K) for applications received on and after July 1, 2006, to aid in
11 determining the petitioner's qualifications for a license to carry a concealed
12 weapon pursuant to the personal and family protection act, K.S.A. 2011
13 Supp. 75-7c01 *et seq.*, and amendments thereto;

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

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

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

23 ~~(h)~~ (i) Whenever a person is convicted of a crime, pleads guilty and
24 pays a fine for a crime, is placed on parole, postrelease supervision or
25 probation, is assigned to a community correctional services program, is
26 granted a suspended sentence or is released on conditional release, the
27 person shall be informed of the ability to expunge the arrest records or
28 conviction. Whenever a person enters into a diversion agreement, the
29 person shall be informed of the ability to expunge the diversion.

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

38 ~~(j)~~ (k) Whenever the record of any arrest, conviction or diversion has
39 been expunged under the provisions of this section or under the provisions
40 of any other existing or former statute, the custodian of the records of
41 arrest, conviction, diversion and incarceration relating to that crime shall
42 not disclose the existence of such records, except when requested by:

43 (1) The person whose record was expunged;

- 1 (2) a private detective agency or a private patrol operator, and the
2 request is accompanied by a statement that the request is being made in
3 conjunction with an application for employment with such agency or
4 operator by the person whose record has been expunged;
- 5 (3) a court, upon a showing of a subsequent conviction of the person
6 whose record has been expunged;
- 7 (4) the secretary of social and rehabilitation services, or a designee of
8 the secretary, for the purpose of obtaining information relating to
9 employment in an institution, as defined in K.S.A. 76-12a01, and
10 amendments thereto, of the department of social and rehabilitation services
11 of any person whose record has been expunged;
- 12 (5) a person entitled to such information pursuant to the terms of the
13 expungement order;
- 14 (6) a prosecutor, and such request is accompanied by a statement that
15 the request is being made in conjunction with a prosecution of an offense
16 that requires a prior conviction as one of the elements of such offense;
- 17 (7) the supreme court, the clerk or disciplinary administrator thereof,
18 the state board for admission of attorneys or the state board for discipline
19 of attorneys, and the request is accompanied by a statement that the
20 request is being made in conjunction with an application for admission, or
21 for an order of reinstatement, to the practice of law in this state by the
22 person whose record has been expunged;
- 23 (8) the Kansas lottery, and the request is accompanied by a statement
24 that the request is being made to aid in determining qualifications for
25 employment with the Kansas lottery or for work in sensitive areas within
26 the Kansas lottery as deemed appropriate by the executive director of the
27 Kansas lottery;
- 28 (9) the governor or the Kansas racing and gaming commission, or a
29 designee of the commission, and the request is accompanied by a
30 statement that the request is being made to aid in determining
31 qualifications for executive director of the commission, for employment
32 with the commission, for work in sensitive areas in parimutuel racing as
33 deemed appropriate by the executive director of the commission or for
34 licensure, renewal of licensure or continued licensure by the commission;
- 35 (10) the Kansas racing and gaming commission, or a designee of the
36 commission, and the request is accompanied by a statement that the
37 request is being made to aid in determining qualifications of the following
38 under the Kansas expanded lottery act: (A) Lottery gaming facility
39 managers and prospective managers, racetrack gaming facility managers
40 and prospective managers, licensees and certificate holders; and (B) their
41 officers, directors, employees, owners, agents and contractors;
- 42 (11) the Kansas sentencing commission;
- 43 (12) the state gaming agency, and the request is accompanied by a

1 statement that the request is being made to aid in determining
2 qualifications: (A) To be an employee of the state gaming agency; or (B)
3 to be an employee of a tribal gaming commission or to hold a license
4 issued pursuant to a tribal-gaming compact;

5 (13) the Kansas securities commissioner or a designee of the
6 commissioner, and the request is accompanied by a statement that the
7 request is being made in conjunction with an application for registration as
8 a broker-dealer, agent, investment adviser or investment adviser
9 representative by such agency and the application was submitted by the
10 person whose record has been expunged;

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

15 (15) a law enforcement agency and the request is accompanied by a
16 statement that the request is being made to aid in determining eligibility
17 for employment as a law enforcement officer as defined by K.S.A. 22-
18 2202, and amendments thereto; ~~or~~

19 (16) the attorney general and the request is accompanied by a
20 statement that the request is being made to aid in determining
21 qualifications for a license to carry a concealed weapon pursuant to the
22 personal and family protection act; ; *or*

23 (17) *the Kansas bureau of investigation for the purposes of:*

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

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

30 (l) *The provisions of subsection (k)(17) shall apply to records created*
31 *prior to, on and after July 1, 2011.*

32 Sec. 4. K.S.A. 2011 Supp. 22-2410 is hereby amended to read as
33 follows: 22-2410. (a) Any person who has been arrested in this state may
34 petition the district court for the expungement of such arrest record.

35 (b) When a petition for expungement is filed, the court shall set a date
36 for hearing on such petition and shall cause notice of such hearing to be
37 given to the prosecuting attorney and the arresting law enforcement
38 agency. When a petition for expungement is filed, the official court file
39 shall be separated from the other records of the court, and shall be
40 disclosed only to a judge of the court and members of the staff of the court
41 designated by a judge of the district court, the prosecuting attorney, the
42 arresting law enforcement agency, or any other person when authorized by
43 a court order, subject to any conditions imposed by the order. Except as

1 otherwise provided by law, a petition for expungement shall be
2 accompanied by a docket fee in the amount of \$100. Except as provided
3 further, the docket fee established in this section shall be the only fee
4 collected or moneys in the nature of a fee collected for the docket fee.
5 Such fee shall only be established by an act of the legislature and no other
6 authority is established by law or otherwise to collect a fee. On and after
7 the effective date of this act through June 30, ~~2012~~ 2013, the supreme
8 court may impose an additional charge, not to exceed \$19 per docket fee,
9 to fund the costs of non-judicial personnel. The petition shall state:

- 10 (1) The petitioner's full name;
- 11 (2) the full name of the petitioner at the time of arrest, if different
12 than the petitioner's current name;
- 13 (3) the petitioner's sex, race and date of birth;
- 14 (4) the crime for which the petitioner was arrested;
- 15 (5) the date of the petitioner's arrest; and
- 16 (6) the identity of the arresting law enforcement agency.

17 No surcharge or fee shall be imposed to any person filing a petition
18 pursuant to this section, who was arrested as a result of being a victim of
19 identity theft under K.S.A. 21-4018, prior to its repeal, or subsection (a) of
20 K.S.A. 2011 Supp. 21-6107, and amendments thereto, *or who has had*
21 *criminal charges dismissed because a court has found that there was no*
22 *probable cause for the arrest, the petitioner was found not guilty in court*
23 *proceedings or the charges have been dismissed.* Any person who may
24 have relevant information about the petitioner may testify at the hearing.
25 The court may inquire into the background of the petitioner.

26 (c) At the hearing on a petition for expungement, the court shall order
27 the arrest record and subsequent court proceedings, if any, expunged upon
28 finding: (1) The arrest occurred because of mistaken identity;
29 (2) a court has found that there was no probable cause for the arrest;
30 (3) the petitioner was found not guilty in court proceedings; or
31 (4) the expungement would be in the best interests of justice and: (A)
32 Charges have been dismissed; or (B) no charges have been or are likely to
33 be filed.

34 (d) When the court has ordered expungement of an arrest record and
35 subsequent court proceedings, if any, the order shall state the information
36 required to be stated in the petition and shall state the grounds for
37 expungement under subsection (c). The clerk of the court shall send a
38 certified copy of the order to the Kansas bureau of investigation which
39 shall notify the federal bureau of investigation, the secretary of corrections
40 and any other criminal justice agency which may have a record of the
41 arrest. If an order of expungement is entered, the petitioner shall be treated
42 as not having been arrested.

- 43 (e) If the ground for expungement is as provided in subsection (c)(4),

1 the court shall determine whether, in the interests of public welfare, the
2 records should be available for any of the following purposes: (1) In any
3 application for employment as a detective with a private detective agency,
4 as defined in K.S.A. 75-7b01, and amendments thereto; as security
5 personnel with a private patrol operator, as defined by K.S.A. 75-7b01,
6 and amendments thereto; or with an institution, as defined in K.S.A. 76-
7 12a01, and amendments thereto, of the department of social and
8 rehabilitation services;

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

11 (3) to aid in determining the petitioner's qualifications for
12 employment with the Kansas lottery or for work in sensitive areas within
13 the Kansas lottery as deemed appropriate by the executive director of the
14 Kansas lottery;

15 (4) to aid in determining the petitioner's qualifications for executive
16 director of the Kansas racing commission, for employment with the
17 commission or for work in sensitive areas in parimutuel racing as deemed
18 appropriate by the executive director of the commission, or to aid in
19 determining qualifications for licensure or renewal of licensure by the
20 commission;

21 (5) in any application for a commercial driver's license under K.S.A.
22 8-2,125 through 8-2,142, and amendments thereto;

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

25 (7) to aid in determining the petitioner's qualifications to be an
26 employee of a tribal gaming commission or to hold a license issued
27 pursuant to a tribal-state gaming compact; or

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

29 (f) *The court shall make all expunged records and related*
30 *information in such court's possession, created prior to, on and after July*
31 *1, 2011, available to the Kansas bureau of investigation for the purposes*
32 *of:*

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

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

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

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

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

10 Sec. 5. K.S.A. 2011 Supp. 23-2510 is hereby amended to read as
11 follows: 23-2510. (a) The judge or clerk of the district court shall collect
12 from the applicant for a marriage license a fee of \$59.

13 (b) The clerk of the court shall remit all fees prescribed by this
14 section to the state treasurer in accordance with the provisions of K.S.A.
15 75-4215, and amendments thereto. Upon receipt of each such remittance,
16 the state treasurer shall deposit the entire amount in the state treasury. Of
17 each remittance, the state treasurer shall credit 38.98% to the protection
18 from abuse fund, 15.19% to the family and children trust account of the
19 family and children investment fund created by K.S.A. 38-1808, and
20 amendments thereto, 16.95% to the crime victims assistance fund created
21 by K.S.A. 74-7334, and amendments thereto, 15.25% to the judicial
22 branch nonjudicial salary adjustment fund created by K.S.A. 2011 Supp.
23 20-1a15, and amendments thereto, and the remainder to the state general
24 fund.

25 (c) Except as provided further, the marriage license fee established in
26 this section shall be the only fee collected or moneys in the nature of a fee
27 collected for a marriage license. Such fee shall only be established by an
28 act of the legislature and no other authority is established by law or
29 otherwise to collect a fee. On and after the effective date of this act
30 through June 30, ~~2012~~ 2013, the supreme court may impose an additional
31 charge, not to exceed \$26.50 per marriage license fee, to fund the costs of
32 non-judicial personnel.

33 Sec. 6. K.S.A. 2011 Supp. 28-170 is hereby amended to read as
34 follows: 28-170. (a) The docket fee prescribed by K.S.A. 60-2001, and
35 amendments thereto, and the fees for service of process, shall be the only
36 costs assessed for services of the clerk of the district court and the sheriff
37 in any case filed under chapter 60 or chapter 61 of the Kansas Statutes
38 Annotated, and amendments thereto, except that no fee shall be charged
39 for an action filed under K.S.A. 60-3101 *et seq.*, and under K.S.A. 60-
40 31a01 *et seq.*, and amendments thereto. For services in other matters in
41 which no other fee is prescribed by statute, the following fees shall be
42 charged and collected by the clerk. Only one fee shall be charged for each
43 bond, lien or judgment:

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

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

19 (c) In actions pursuant to the revised Kansas code for care of children
 20 (K.S.A. 2011 Supp. 38-2201 *et seq.*, and amendments thereto), the revised
 21 Kansas juvenile justice code (K.S.A. 2011 Supp. 38-2301 *et seq.*, and
 22 amendments thereto), the act for treatment of alcoholism (K.S.A. 65-4001
 23 *et seq.*, and amendments thereto), the act for treatment of drug abuse
 24 (K.S.A. 65-5201 *et seq.*, and amendments thereto), or the care and
 25 treatment act for mentally ill persons (K.S.A. 59-2945 *et seq.*, and
 26 amendments thereto), the clerk shall charge an additional fee of \$1 which
 27 shall be deducted from the docket fee and credited to the prosecuting
 28 attorneys' training fund as provided in K.S.A. 28-170a, and amendments
 29 thereto.

30 (d) In actions pursuant to the revised Kansas code for care of children
 31 (K.S.A. 2011 Supp. 38-2201 *et seq.*, and amendments thereto), the revised
 32 Kansas juvenile justice code (K.S.A. 2011 Supp. 38-2301 *et seq.*, and
 33 amendments thereto), the act for treatment of alcoholism (K.S.A. 65-4001
 34 *et seq.*, and amendments thereto), the act for treatment of drug abuse
 35 (K.S.A. 65-5201 *et seq.*, and amendments thereto), or the care and
 36 treatment act for mentally ill persons (K.S.A. 59-2945 *et seq.*, and
 37 amendments thereto), the clerk shall charge an additional fee of \$.50
 38 which shall be deducted from the docket fee and credited to the indigents'
 39 defense services fund as provided in K.S.A. 28-172b, and amendments
 40 thereto.

41 (e) Except as provided further, the bond, lien or judgment fee
 42 established in subsection (a) shall be the only fee collected or moneys in
 43 the nature of a fee collected for such bond, lien or judgment. Such fee shall

1 only be established by an act of the legislature and no other authority is
 2 established by law or otherwise to collect a fee. On and after the effective
 3 date of this act through June 30, ~~2012~~ 2013, the supreme court may impose
 4 an additional charge, not to exceed \$22 per bond, lien or judgment fee, to
 5 fund the costs of non-judicial personnel.

6 Sec. 7. K.S.A. 2011 Supp. 28-172a is hereby amended to read as
 7 follows: 28-172a. (a) Except as otherwise provided in this section,
 8 whenever the prosecuting witness or defendant is adjudged to pay the costs
 9 in a criminal proceeding in any county, a docket fee shall be taxed as
 10 follows:

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

12	Murder or manslaughter.....	\$182.50
13	Other felony.....	173.00
14	Misdemeanor.....	138.00
15	Forfeited recognizance.....	74.50
16	Appeals from other courts.....	74.50

17 (2) On and after July 1, 2013:

18	Murder or manslaughter.....	\$180.50
19	Other felony.....	171.00
20	Misdemeanor.....	136.00
21	Forfeited recognizance.....	72.50
22	Appeals from other courts.....	72.50

23 (b) (1) Except as provided in paragraph (2), in actions involving the
 24 violation of any of the laws of this state regulating traffic on highways
 25 (including those listed in subsection (c) of K.S.A. 8-2118, and
 26 amendments thereto), a cigarette or tobacco infraction, any act declared a
 27 crime pursuant to the statutes contained in chapter 32 of the Kansas
 28 Statutes Annotated, and amendments thereto, or any act declared a crime
 29 pursuant to the statutes contained in article 8 of chapter 82a of the Kansas
 30 Statutes Annotated, and amendments thereto, whenever the prosecuting
 31 witness or defendant is adjudged to pay the costs in the action, on and after
 32 July 1, 2009 through June 30, 2013, a docket fee of \$76 shall be charged,
 33 and on and after July 1, 2013, a docket fee of \$74 shall be charged. When
 34 an action is disposed of under subsections (a) and (b) of K.S.A. 8-2118 or
 35 subsection (f) of K.S.A. 79-3393, and amendments thereto, on and after
 36 July 1, 2009 through June 30, 2013, the docket fee to be paid as court costs
 37 shall be \$76, and on and after July 1, 2013, the docket fee to be paid as
 38 court costs shall be \$74.

39 (2) In actions involving the violation of a moving traffic violation
 40 under K.S.A. 8-2118, and amendments thereto, as defined by rules and
 41 regulations adopted under K.S.A. 8-249, and amendments thereto,
 42 whenever the prosecuting witness or defendant is adjudged to pay the costs
 43 in the action, on and after July 1, 2009 through June 30, 2013, a docket fee

1 of \$76 shall be charged, and on and after July 1, 2013, a docket fee of \$74
2 shall be charged. When an action is disposed of under subsection (a) and
3 (b) of K.S.A. 8-2118, and amendments thereto, on and after July 1, 2009
4 through June 30, 2013, the docket fee to be paid as court costs shall be
5 \$76, and on and after July 1, 2013, the docket fee to be paid as court costs
6 shall be \$74.

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

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

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

39 (f) Except as provided further, the docket fee established in this
40 section shall be the only fee collected or moneys in the nature of a fee
41 collected for the docket fee. Such fee shall only be established by an act of
42 the legislature and no other authority is established by law or otherwise to
43 collect a fee. On and after the effective date of this act through June 30,

1 2012 2013, the supreme court may impose an additional charge, not to
2 exceed \$22 per docket fee, to fund the costs of non-judicial personnel.

3 Sec. 8. K.S.A. 2011 Supp. 28-177 is hereby amended to read as
4 follows: 28-177. (a) Except as provided further, the fees established by
5 legislative enactment shall be the only fee collected or moneys in the
6 nature of a fee collected for court procedures. Such fee shall only be
7 established by an act of the legislature and no other authority is established
8 by law or otherwise to collect a fee. Court procedures shall include docket
9 fees, filing fees or other fees related to access to court procedures. On and
10 after the effective date of this act through June 30, 2012 2013, the supreme
11 court may impose an additional charge, not to exceed \$26.50 per fee or the
12 amount established by the applicable statute, whichever amount is less, to
13 fund the costs of non-judicial personnel.

14 (b) Any additional charge imposed by the court pursuant to K.S.A. 8-
15 2107, 8-2110, 21-4619, prior to its repeal, 22-2410, 23-108a, 28-170, 28-
16 172a, 59-104, 60-1621, *prior to its transfer*, 60-2001, 60-2203a, 61-2704
17 ~~and~~, 61-4001 *and 65-409* and K.S.A. 2011 Supp. 21-6614, 28-178, 28-
18 179, 38-2215, 38-2312 and 38-2314 ~~and K.S.A. 2011 Supp. 21-6614~~, and
19 amendments thereto, shall be remitted to the state treasurer in accordance
20 with the provisions of K.S.A. 75-4215, and amendments thereto. Upon
21 receipt of each such remittance, the state treasurer shall deposit the entire
22 amount in the state treasury to the credit of the judicial branch surcharge
23 fund, which is hereby created in the state treasury.

24 (c) All moneys credited to the judicial branch surcharge fund shall be
25 used for compensation of non-judicial personnel and shall not be expended
26 for compensation of judges or justices of the judicial branch.

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

32 Sec. 9. K.S.A. 2011 Supp. 28-178 is hereby amended to read as
33 follows: 28-178. (a) In addition to any other fees specifically prescribed by
34 law, on and after the effective date of this act through June 30, 2012 2013,
35 the supreme court may impose a charge, not to exceed \$12.50 per fee, to
36 fund the costs of non-judicial personnel, on the following:

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

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

41 (3) A person requesting an order for garnishment pursuant to article 7
42 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto,
43 or article 35 of chapter 61 of the Kansas Statutes Annotated, and

1 amendments thereto.

2 (4) Persons who request a writ or order of sale pursuant to K.S.A. 60-
3 2401 or 61-3602, and amendments thereto.

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

6 (6) A person who requests an attachment against the property of a
7 defendant or any one or more of several defendants pursuant to K.S.A. 60-
8 701 or 61-3501, and amendments thereto.

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

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

19 Sec. 10. K.S.A. 2011 Supp. 28-179 is hereby amended to read as
20 follows: 28-179. (a) No post-decree motion petitioning for a modification
21 or termination of separate maintenance, for a change in legal custody,
22 residency, visitation rights or parenting time or for a modification of child
23 support shall be filed or docketed in the district court without payment of a
24 docket fee in the amount of \$42 on and after July 1, 2009 through June 30,
25 2013, and \$40 on and after July 1, 2013, to the clerk of the district court.

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

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

32 (d) Except as provided further, the docket fee established in this
33 section shall be the only fee collected or moneys in the nature of a fee
34 collected for the docket fee. Such fee shall only be established by an act of
35 the legislature and no other authority is established by law or otherwise to
36 collect a fee. On and after the effective date of this act through June 30,
37 ~~2012~~ 2013, the supreme court may impose an additional charge, not to
38 exceed \$22 per docket fee, to fund the costs of non-judicial personnel.

39 Sec. 11. K.S.A. 2011 Supp. 38-2215 is hereby amended to read as
40 follows: 38-2215. (a) *Docket fee.* The docket fee for proceedings under
41 this code, if one is assessed as provided in this section, shall be \$34. Only
42 one docket fee shall be assessed in each case. Except as provided further,
43 the docket fee established in this section shall be the only fee collected or

1 moneys in the nature of a fee collected for the docket fee. Such fee shall
2 only be established by an act of the legislature and no other authority is
3 established by law or otherwise to collect a fee. On and after the effective
4 date of this act through June 30, ~~2012~~ 2013, the supreme court may impose
5 an additional charge, not to exceed \$22 per docket fee, to fund the costs of
6 non-judicial personnel.

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

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

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

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

41 Sec. 12. K.S.A. 2011 Supp. 38-2312 is hereby amended to read as
42 follows: 38-2312. (a) Except as provided in subsection (b) and (c), any
43 records or files specified in this code concerning a juvenile may be

1 expunged upon application to a judge of the court of the county in which
2 the records or files are maintained. The application for expungement may
3 be made by the juvenile, if 18 years of age or older or, if the juvenile is
4 less than 18 years of age, by the juvenile's parent or next friend.

5 (b) There shall be no expungement of records or files concerning acts
6 committed by a juvenile which, if committed by an adult, would constitute
7 a violation of K.S.A. 21-3401, prior to its repeal, or K.S.A. 2011 Supp. 21-
8 5402, and amendments thereto, murder in the first degree; K.S.A. 21-3402,
9 prior to its repeal, or K.S.A. 2011 Supp. 21-5403, and amendments thereto,
10 murder in the second degree; K.S.A. 21-3403, prior to its repeal, or K.S.A.
11 2011 Supp. 21-5404, and amendments thereto, voluntary manslaughter;
12 K.S.A. 21-3404, prior to its repeal, or K.S.A. 2011 Supp. 21-5405, and
13 amendments thereto, involuntary manslaughter; K.S.A. 21-3439, prior to
14 its repeal, or K.S.A. 2011 Supp. 21-5401, and amendments thereto, capital
15 murder; K.S.A. 21-3442, prior to its repeal, or subsection (a)(3) of K.S.A.
16 2011 Supp. 21-5405, and amendments thereto, involuntary manslaughter
17 while driving under the influence of alcohol or drugs; K.S.A. 21-3502,
18 prior to its repeal, or K.S.A. 2011 Supp. 21-5503, and amendments thereto,
19 rape; K.S.A. 21-3503, prior to its repeal, or subsection (a) of K.S.A. 2011
20 Supp. 21-5506, and amendments thereto, indecent liberties with a child;
21 K.S.A. 21-3504, prior to its repeal, or subsection (b) of K.S.A. 2011 Supp.
22 21-5506, and amendments thereto, aggravated indecent liberties with a
23 child; K.S.A. 21-3506, prior to its repeal, or subsection (b) of K.S.A. 2011
24 Supp. 21-5504, and amendments thereto, aggravated criminal sodomy;
25 K.S.A. 21-3510, prior to its repeal, or subsection (a) of K.S.A. 2011 Supp.
26 21-5508, and amendments thereto, indecent solicitation of a child; K.S.A.
27 21-3511, prior to its repeal, or subsection (b) of K.S.A. 2011 Supp. 21-
28 5508, and amendments thereto, aggravated indecent solicitation of a child;
29 K.S.A. 21-3516, prior to its repeal, or K.S.A. 2011 Supp. 21-5510, and
30 amendments thereto, sexual exploitation; K.S.A. 21-3603, prior to its
31 repeal, or subsection (b) of K.S.A. 2011 Supp. 21-5604, and amendments
32 thereto, aggravated incest; K.S.A. 21-3608, prior to its repeal, or
33 subsection (a) of K.S.A. 2011 Supp. 21-5601, and amendments thereto,
34 endangering a child; K.S.A. 21-3609, prior to its repeal, or K.S.A. 2011
35 Supp. 21-5602, and amendments thereto, abuse of a child; or which would
36 constitute an attempt to commit a violation of any of the offenses specified
37 in this subsection.

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

1 (ⓔ) (d) When a petition for expungement is filed, the court shall set a
2 date for a hearing on the petition and shall give notice thereof to the
3 county or district attorney. The petition shall state: (1) The juvenile's full
4 name; (2) the full name of the juvenile as reflected in the court record, if
5 different than (1); (3) the juvenile's sex and date of birth; (4) the offense
6 for which the juvenile was adjudicated; (5) the date of the trial; and (6) the
7 identity of the trial court. Except as otherwise provided by law, a petition
8 for expungement shall be accompanied by a docket fee in the amount of
9 \$100. On and after the effective date of this act through June 30, ~~2012-~~
10 ~~2013~~, the supreme court may impose a charge, not to exceed \$19 per case,
11 to fund the costs of non-judicial personnel. All petitions for expungement
12 shall be docketed in the original action. Any person who may have
13 relevant information about the petitioner may testify at the hearing. The
14 court may inquire into the background of the petitioner.

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

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

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

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

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

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

39 (ⓕ) (g) ~~Copies~~ *A certified copy* of any order made pursuant to
40 subsection (a) or (ⓔ) (d) shall be sent to ~~each public officer and agency in~~
41 ~~the county having possession of any~~ *the Kansas bureau of investigation,*
42 *which shall notify every juvenile or criminal justice agency which may*
43 *possess records or files ordered to be expunged. If the officer or agency*

1 fails to comply with the order within a reasonable time after its receipt, the
 2 ~~officer or~~ *such* agency may be adjudged in contempt of court and punished
 3 accordingly.

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

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

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

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

17 (1) The person whose record was expunged;

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

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

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

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

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

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

43 (8) the Kansas sentencing commission; *or*

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

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

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

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

10 Sec. 13. K.S.A. 2011 Supp. 38-2314 is hereby amended to read as
11 follows: 38-2314. (a) *Docket fee.* The docket fee for proceedings under
12 this code, if one is assessed as provided by this section, shall be \$34. Only
13 one docket fee shall be assessed in each case. Except as provided further,
14 the docket fee established in this section shall be the only fee collected or
15 moneys in the nature of a fee collected for the docket fee. Such fee shall
16 only be established by an act of the legislature and no other authority is
17 established by law or otherwise to collect a fee. On and after the effective
18 date of this act through June 30, ~~2012~~ 2013, the supreme court may impose
19 an additional charge, not to exceed \$22 per docket fee, to fund the costs of
20 non-judicial personnel.

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

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

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

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

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

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

8 Sec. 14. K.S.A. 2011 Supp. 59-104 is hereby amended to read as
 9 follows: 59-104. (a) *Docket fee.* (1) Except as otherwise provided by law,
 10 no case shall be filed or docketed in the district court under the provisions
 11 of chapter 59 of the Kansas Statutes Annotated, and amendments thereto,
 12 or of articles 40 and 52 of chapter 65 of the Kansas Statutes Annotated,
 13 and amendments thereto, without payment of an appropriate docket fee as
 14 follows:

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

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

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

34 Treatment of mentally ill	34.50
35 Treatment of alcoholism or drug abuse	34.50
36 Determination of descent of property	49.50
37 Termination of life estate	48.50
38 Termination of joint tenancy	48.50
39 Refusal to grant letters of administration	48.50
40 Adoption	48.50
41 Filing a will and affidavit under K.S.A. 59-618a	48.50
42 Guardianship	69.50
43 Conservatorship	69.50

1 Trusteeship69.50
 2 Combined guardianship and conservatorship69.50
 3 Certified probate proceedings under K.S.A. 59-213,
 4 and amendments thereto23.50
 5 Decrees in probate from another state108.50
 6 Probate of an estate or of a will109.50
 7 Civil commitment under K.S.A. 59-29a01 et seq.33.50

8 (2) Except as provided further, the docket fee established in this
 9 section shall be the only fee collected or moneys in the nature of a fee
 10 collected for the docket fee. Such fee shall only be established by an act of
 11 the legislature and no other authority is established by law or otherwise to
 12 collect a fee. On and after the effective date of this act through June 30,
 13 ~~2012~~ 2013, the supreme court may impose an additional charge, not to
 14 exceed \$22 per docket fee, to fund the costs of non-judicial personnel.

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

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

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

33 Sec. 15. K.S.A. 2011 Supp. 60-2001 is hereby amended to read as
 34 follows: 60-2001. (a) *Docket fee.* Except as otherwise provided by law, no
 35 case shall be filed or docketed in the district court, whether original or
 36 appealed, without payment of a docket fee in the amount of \$156 on and
 37 after July 1, 2009 through June 30, 2013, and \$154 on and after July 1,
 38 2013, to the clerk of the district court. Except as provided further, the
 39 docket fee established in this subsection shall be the only fee collected or
 40 moneys in the nature of a fee collected for the docket fee. Such fee shall
 41 only be established by an act of the legislature and no other authority is
 42 established by law or otherwise to collect a fee. On and after the effective
 43 date of this act through June 30, ~~2012~~ 2013, the supreme court may impose

1 an additional charge, not to exceed \$22 per docket fee, to fund the costs of
2 non-judicial personnel.

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

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

25 State of Kansas, _____ County.

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

29 (c) *Disposition of fees.* The docket fees and the fees for service of
30 process shall be the only costs assessed in each case for services of the
31 clerk of the district court and the sheriff. For every person to be served by
32 the sheriff, the persons requesting service of process shall provide proper
33 payment to the clerk and the clerk of the district court shall forward the
34 service of process fee to the sheriff in accordance with K.S.A. 28-110, and
35 amendments thereto. The service of process fee, if paid by check or money
36 order, shall be made payable to the sheriff. Such service of process fee
37 shall be submitted by the sheriff at least monthly to the county treasurer
38 for deposit in the county treasury and credited to the county general fund.
39 The docket fee shall be disbursed in accordance with K.S.A. 20-362, and
40 amendments thereto.

41 (d) *Additional court costs.* Other fees and expenses to be assessed as
42 additional court costs shall be approved by the court, unless specifically
43 fixed by statute. Other fees shall include, but not be limited to, witness

1 fees, appraiser fees, fees for service of process, fees for depositions,
2 alternative dispute resolution fees, transcripts and publication, attorney
3 fees, court costs from other courts and any other fees and expenses
4 required by statute. All additional court costs shall be taxed and billed
5 against the parties as directed by the court. No sheriff in this state shall
6 charge any mileage for serving any papers or process.

7 Sec. 16. K.S.A. 2011 Supp. 60-2203a is hereby amended to read as
8 follows: 60-2203a. (a) After the commencement of any action in any
9 district court of this state, or the courts of the United States in the state of
10 Kansas or in any action now pending heretofore commenced in such
11 courts, which does not involve title to real estate, any party to such action
12 may give notice in any other county of the state of the pendency of the
13 action by filing for record with the clerk of the district court of such other
14 county a verified statement setting forth the parties to the action, the nature
15 of the action, the court in which it is pending, and the relief sought, which
16 shall impart notice of the pendency of the action and shall result in the
17 same lien rights as if the action were pending in that county. The lien shall
18 be effective from the time the statement is filed, but not to exceed four
19 months prior to the entry of judgment except as provided in subsection (c).
20 The party filing such notice shall within 30 days after any satisfaction of
21 the judgment entered in such action, or any other final disposition thereof,
22 cause to be filed with such clerk of the district court a notice that all claims
23 in such action are released. If the party filing fails or neglects to do so after
24 reasonable demand by any party in interest, such party shall be liable in
25 damages in the same amounts and manner as is provided by law for failure
26 of a mortgagee to enter satisfaction of a mortgage. Upon the filing of such
27 a notice of the pendency of an action the clerk shall charge a fee of \$14
28 and shall enter and index the action in the same manner as for the filing of
29 an original action. Upon the filing of a notice of release, the notice shall
30 likewise be entered on the docket. Except as provided further, the fee
31 established in this subsection shall be the only fee collected or moneys in
32 the nature of a fee collected for the court procedure. Such fee shall only be
33 established by an act of the legislature and no other authority is established
34 by law or otherwise to collect a fee. On and after the effective date of this
35 act through June 30, ~~2012~~ 2013, the supreme court may impose an
36 additional charge, not to exceed \$22 per fee, to fund the costs of non-
37 judicial personnel.

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

43 (c) Notwithstanding the foregoing provisions of this section, the

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

18 Sec. 17. K.S.A. 2011 Supp. 61-2704 is hereby amended to read as
19 follows: 61-2704. (a) An action seeking the recovery of a small claim shall
20 be considered to have been commenced at the time a person files a written
21 statement of the person's small claim with the clerk of the court if, within
22 90 days after the small claim is filed, service of process is obtained or
23 the first publication is made for service by publication. Otherwise, the action
24 is deemed commenced at the time of service of process or first publication.
25 An entry of appearance shall have the same effect as service.

26 (b) Upon the filing of a plaintiff's small claim, the clerk of the court
27 shall require from the plaintiff a docket fee of \$39 on and after July 1,
28 2009 through June 30, 2013, and \$37 on and after July 1, 2013, if the
29 claim does not exceed \$500; or \$59 on and after July 1, 2009 through June
30 30, 2013, and \$57 on and after July 1, 2013, if the claim exceeds \$500;
31 unless for good cause shown the judge waives the fee. The docket fee shall
32 be the only costs required in an action seeking recovery of a small claim.
33 No person may file more than 20 small claims under this act in the same
34 court during any calendar year.

35 (c) Except as provided further, the docket fee established in this
36 section shall be the only fee collected or moneys in the nature of a fee
37 collected for the docket fee. Such fee shall only be established by an act of
38 the legislature and no other authority is established by law or otherwise to
39 collect a fee. On and after the effective date of this act through June 30,
40 ~~2012~~ 2013, the supreme court may impose an additional charge, not to
41 exceed \$12.50 per docket fee, to fund the costs of non-judicial personnel.

42 Sec. 18. K.S.A. 2011 Supp. 61-4001 is hereby amended to read as
43 follows: 61-4001. (a) *Docket fee.* (1) No case shall be filed or docketed

1 pursuant to the code of civil procedure for limited actions without the
 2 payment of a docket fee in the amount of \$37 on and after July 1, 2009,
 3 through June 30, 2013, and \$35 on and after July 1, 2013, if the amount in
 4 controversy or claimed does not exceed \$500; \$57 on and after July 1,
 5 2009, through June 30, 2013, and \$55 on and after July 1, 2013, if the
 6 amount in controversy or claimed exceeds \$500 but does not exceed
 7 \$5,000; or \$103 on and after July 1, 2009, through June 30, 2013, and
 8 \$101 on and after July 1, 2013, if the amount in controversy or claimed
 9 exceeds \$5,000. If judgment is rendered for the plaintiff, the court also
 10 may enter judgment for the plaintiff for the amount of the docket fee paid
 11 by the plaintiff.

12 ~~(b) Poverty affidavit; additional court costs; exemptions for the state
 13 and municipalities. The provisions of subsections (b), (c) and (d) of K.S.A.
 14 60-2001 and 60-2005, and amendments thereto, shall be applicable to
 15 lawsuits brought under the code of civil procedure for limited actions.~~

16 ~~(e) (2) Except as provided further, the docket fee established in this
 17 section shall be the only fee collected or moneys in the nature of a fee
 18 collected for the docket fee. Such fee shall only be established by an act of
 19 the legislature and no other authority is established by law or otherwise to
 20 collect a fee. On and after the effective date of this act through June 30,
 21 2012 2013, the supreme court may impose an additional charge, not to
 22 exceed \$19 per docket fee, to fund the costs of non-judicial personnel.~~

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

27 Sec. 19. K.S.A. 65-409 is hereby amended to read as follows: 65-409.
 28 (a) The clerk of the district court shall charge a fee of \$5 \$14 for entering
 29 and filing a lien statement under this act.

30 (b) ~~Except as provided further, the lien fee established in subsection
 31 (a) shall be the only fee collected or moneys in the nature of a fee
 32 collected for such lien. Such fee shall only be established by an act of the
 33 legislature and no other authority is established by law or otherwise to
 34 collect a fee. On and after the effective date of this act through June 30,
 35 2013, the supreme court may impose an additional charge, not to exceed
 36 \$22 per lien fee, to fund the costs of non-judicial personnel.~~

37 Sec. 20. K.S.A. 65-409 and K.S.A. 2011 Supp. 8-2107, 8-2110, 21-
 38 6614, 21-6614a, 21-6614b, 21-6614c, 22-2410, 22-2410a, 23-2510, 28-
 39 170, 28-172a, 28-177, 28-177a, 28-178, 28-179, 38-2215, 38-2312, 38-
 40 2312a, 38-2312b, 38-2314, 59-104, 60-2001, 60-2203a, 61-2704 and 61-
 41 4001 are hereby repealed.

42 Sec. 21. This act shall take effect and be in force from and after its
 43 publication in the Kansas register.