

**SENATE BILL No. 184**

By Committee on Judiciary

2-10

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1 AN ACT concerning the code of civil procedure; relating to judgments;  
2 dormancy; amending K.S.A. 2014 Supp. 60-2403 and repealing the  
3 existing section.  
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5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2014 Supp. 60-2403 is hereby amended to read as  
7 follows: 60-2403. (a) (1) Except as provided in subsection (b) ~~or (d)~~, if a  
8 renewal affidavit is not filed or if execution, including any garnishment  
9 proceeding, support enforcement proceeding or proceeding in aid of  
10 execution, is not issued, within five years from the date of the entry of any  
11 judgment in any court of record in this state, including judgments in favor  
12 of the state or any municipality in the state, or within five years from the  
13 date of any order reviving the judgment or, if five years have intervened  
14 between the date of the last renewal affidavit filed or execution  
15 proceedings undertaken on the judgment and the time of filing another  
16 renewal affidavit or undertaking execution proceedings on it, the  
17 judgment, including court costs and fees therein shall become dormant,  
18 and shall cease to operate as a lien on the real estate of the judgment  
19 debtor. When a judgment becomes and remains dormant for a period of  
20 two years, it shall be the duty of the judge to release the judgment of  
21 record when requested to do so.

22 (2) A "renewal affidavit" is a statement under oath, signed by the  
23 judgment creditor or the judgment creditor's attorney, filed in the  
24 proceedings in which the judgment was entered and stating the remaining  
25 balance due and unpaid on the judgment.

26 (3) A "support enforcement proceeding" means any civil proceeding  
27 to enforce any judgment for payment of child support or maintenance and  
28 includes, but is not limited to, any income withholding proceeding under  
29 the income withholding act, K.S.A. 2014 Supp. 23-3101 et seq., and  
30 amendments thereto, any contempt proceeding and any civil proceeding  
31 under the uniform interstate family support act, K.S.A. 2014 Supp. 23-  
32 36,101 et seq., and amendments thereto.

33 (b) Except for those judgments which have become void as of July 1,  
34 2007, no judgment for the support of a child shall be or become dormant  
35 for any purpose except as provided in this subsection. *Except for those*  
36 *judgments which have become void as of July 1, 2015, no judgment for*

1 *court costs, fees, fines or restitution shall be or become dormant for any*  
2 *purpose except as provided in this subsection.* If a judgment would have  
3 become dormant under the conditions set forth in subsection (a), the  
4 judgment shall cease to operate as a lien on the real estate of the judgment  
5 debtor as of the date the judgment would have become dormant, but the  
6 judgment shall not be released of record pursuant to subsection (a).

7 (c) The time within which action must be taken to prevent a judgment  
8 from becoming dormant does not run during any period in which the  
9 enforcement of the judgment by legal process is stayed or prohibited.

10 ~~(d) If a renewal affidavit is not filed or if execution is not issued,~~  
11 ~~within 10 years from the date of the entry of any judgment of restitution in~~  
12 ~~any court of record in this state, the judgment, including court costs and~~  
13 ~~fees therein shall become dormant, and shall cease to operate as a lien on~~  
14 ~~the real estate of the judgment debtor. Except as provided in subsection~~  
15 ~~(b), when a judgment becomes and remains dormant for a period of two~~  
16 ~~years, it shall be the duty of the judge to release the judgment of record~~  
17 ~~when requested to do so.~~

18 Sec. 2. K.S.A. 2014 Supp. 60-2403 is hereby repealed.

19 Sec. 3. This act shall take effect and be in force from and after its  
20 publication in the statute book.