

Courts—District Magistrate Judge Jurisdiction, County Law Libraries, Items Allowable as Costs, Judgment Dormancy, and Debts Owed to Courts; HB 2111

HB 2111 amends the law governing courts, including district magistrate judge jurisdiction, county law libraries, items allowable as costs, judgment dormancy, and debts owed to courts.

District Magistrate Judge Jurisdiction

The bill clarifies the jurisdiction of district magistrate judges, by:

- Adding jurisdiction over wildlife, parks, and tourism violations;
- Reorganizing provisions within the statute related to jurisdiction in uncontested actions for divorce and jurisdiction in other civil cases and rewording to clarify these provisions;
- Rewording language related to reassignment of a petition or motion requesting termination of parental rights to match language in the Revised Kansas Code for Care of Children; and
- Adding a list of specific actions over which district magistrate judges will not have jurisdiction without consent of the parties, including:
 - Actions in which the amount in controversy exceeds \$10,000, with some exceptions;
 - Actions for official misconduct;
 - Actions for specific performance for real estate;
 - Certain actions involving real estate;
 - Actions to foreclose real estate mortgages or to establish and foreclose liens on real estate;
 - Contested actions for divorce, separate maintenance, or custody of minor children; and
 - *Habeas corpus*, receiverships, declaratory judgments, *mandamus* and *quo warranto*, injunctions, class actions, and actions for commitment of sexually violent predators.

County Law Libraries

The bill also allows the Board of Trustees of a county law library to authorize the chief judge of the judicial district to use fees collected pursuant to the statute governing the establishment of county law libraries for the purpose of facilitating and enhancing functions of the district court of the county. Johnson and Sedgwick counties are not included in these provisions, however. Further, judges are prohibited from participating in any such decision to authorize the use of fees.

Items Allowable as Costs

The bill amends the statute governing which items may be included in the taxation of court costs to include convenience fees and other administrative fees levied for the privilege of paying assessments, fees, costs, fines, or forfeitures by credit card or other means, including, but not limited to, fees for electronic filing of documents or pleadings with the court.

Dormancy of Judgments for Court Costs

The bill amends the law relating to dormant judgments to specify any judgments for court costs, fees, fines, or restitution not void as of July 1, 2015, are not and will not become dormant for any purpose. If the judgment would have become dormant under certain conditions, it ceases to operate as a lien on the real estate of the judgment debtor as of the date the judgment would have become dormant, but is not released.

Debts Owed to Courts

The bill amends the statute governing the collection of restitution or debts owed to courts to add court costs, fines, fees, or other charges arising from failure to comply with a traffic citation within 30 days from the mailing of the notice to the definition of “debts owed to courts.” It also adds a provision requiring, when a contracting agent uses the state debt setoff procedures to recover a debt owed to the courts, that the agent’s cost of collection for debt recovered through that program be the contracted amount minus the collection assistance fee imposed by the Director of Accounts and Reports of the Department of Administration (Director). In this section, the bill replaces references to the Attorney General with references to the Judicial Administrator and replaces authorization for the Attorney General to adopt rules and regulations with authorization for the Supreme Court to adopt rules.

State Debt Setoff Program

The bill amends statutes governing the state debt setoff program. The bill adds the following to the definition of “debt”: assessment of court costs, fines, fees, moneys expended by the state in providing counsel and other defense services to indigent defendants, or other unpaid charges ordered by a district court judgment be paid to the court, including any interest or penalties and the cost of collection when the collection services of a contracting agent are used. The definition of “refund” is amended to remove the term “Kansas.” The definition of “state agency” is amended to include a contracting agent contracted by a district court to collect debts owed to the court, who could directly establish a debt setoff account with the Director for the sole purpose of collecting such debts.

The bill amends a provision related to the Director’s assessment of a reasonable collection assistance fee to require the Director to add the collection assistance fee to the debt after the debt is submitted to the Director. Other debt setoff provisions are amended to require the Director to add the cost of collection and the debt for a total amount subject to setoff against a debtor and to allow the reasonable collection assistance fee to be recovered as part of the setoff. Debts being enforced by the Department for Children and Families (DCF) under Title IV-D of the federal Social Security Act do not have the cost of collection added to the debt owed and subject to setoff, and the cost will instead be paid by DCF.