

28-172a. Docket fee in criminal proceedings; fees and charges in other actions involving violations of state laws; authorized only by legislative enactment. (a) Except as otherwise provided in this section, whenever the prosecuting witness or defendant is adjudged to pay the costs in a criminal proceeding in any county, a docket fee shall be taxed as follows, on and after July 1, 2013:

Murder or manslaughter \$180.50

Other felony 171.00

Misdemeanor 136.00

Forfeited recognizance 72.50

Appeals from other courts 72.50

(b) (1) Except as provided in paragraph (2), in actions involving the violation of any of the laws of this state regulating traffic on highways, including those listed in K.S.A. 8-2118(c), and amendments thereto, a cigarette or tobacco infraction, any act declared a crime pursuant to the statutes contained in chapter 32 of the Kansas Statutes Annotated, and amendments thereto, or any act declared a crime pursuant to the statutes contained in article 8 of chapter 82a of the Kansas Statutes Annotated, and amendments thereto, whenever the prosecuting witness or defendant is adjudged to pay the costs in the action, on and after July 1, 2014, a docket fee of \$86 shall be charged. When an action is disposed of under K.S.A. 8-2118(a) and (b), or K.S.A. 79-3393(f), and amendments thereto, on and after July 1, 2014, the docket fee to be paid as court costs shall be \$86.

(2) In actions involving the violation of a moving traffic violation under K.S.A. 8-2118, and amendments thereto, as defined by rules and regulations adopted under K.S.A. 8-249, and amendments thereto, whenever the prosecuting witness or defendant is adjudged to pay the costs in the action, on and after July 1, 2014, a docket fee of \$86 shall be charged. When an action is disposed of under K.S.A. 8-2118(a) and (b), and amendments thereto, on and after July 1, 2014, the docket fee to be paid as court costs shall be \$86.

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

(d) Statutory charges made pursuant to the provisions of K.S.A. 20-362, and amendments thereto, shall be paid from the docket fee; the family violence and child abuse and neglect assistance and prevention fund fee shall be paid from criminal proceedings docket fees. All other fees and expenses to be assessed as additional court costs shall be approved by the court, unless specifically fixed by statute. Additional fees shall include, but are not limited to, fees for Kansas bureau of investigation forensic or laboratory analyses, fees for detention facility processing pursuant to K.S.A. 12-16,119, and amendments thereto, fees for the sexual assault evidence collection kit, fees for conducting an examination of a sexual assault victim, fees for service of process outside the state, witness fees, fees for transcripts and depositions, costs from other courts, doctors' fees and examination and evaluation fees. No sheriff in this state shall charge any district court of this state a fee or mileage for serving any paper or process.

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

(f) Except as provided further, the docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. On and after July 1, 2015, through June 30, 2017, the supreme court may impose an additional charge, not to exceed \$22 per docket fee, to fund the costs of non-judicial personnel.

History: L. 1974, ch. 168, § 9; L. 1975, ch. 218, § 2; L. 1976, ch. 163, § 28; L. 1977, ch. 145, § 2; L. 1982, ch. 167, § 2; L. 1982, ch. 116, § 7; L. 1984, ch. 148, § 2; L. 1984, ch. 39, § 45; L. 1985, ch. 106, § 2; L. 1986, ch. 146, § 3; L. 1987, ch. 134, § 5; L. 1989, ch. 239, § 6; L. 1990, ch. 134, § 1; L. 1992, ch. 315, § 8; L. 1993, ch. 291, § 217; L. 1994, ch. 335, § 5; L. 1996, ch. 214, § 37; L. 1998, ch. 155, § 4; L. 1999, ch. 127, § 11; L. 2000, ch. 177, § 5; L. 2003, ch. 101, § 9; L. 2004, ch. 95, § 2; L. 2006, ch. 195, § 14; L. 2006, ch. 218, § 2; L. 2007, ch. 195, § 17; L. 2008, ch. 95, § 8; L. 2009, ch. 116, § 15; L. 2009, ch. 143, § 14; L. 2010, ch. 62, § 7; L. 2010, ch. 155, § 11; L. 2011, ch. 87, § 7; L. 2012, ch. 66, § 7; L. 2013, ch. 125, § 7; L. 2014, ch. 82, § 27; L. 2015, ch. 81, § 13; July 1.

Revisor's Note:

Section was amended three times in the 2006 session, see also 28-172e. Version amended by L. 2006, ch. 170, § 3 was repealed by L. 2006, ch. 218, § 3.

Section was also amended by L. 2009, ch. 82, § 3, but that version was repealed by L. 2009, ch. 143, § 37.

Section was also amended by L. 2010, ch. 70, § 6, but that version was repealed by L. 2010, ch. 155, § 26.

L. 2014, ch. 82, was held to be an invalid enactment, see *Solomon v. State*, 303 K. 512, 364 P.3d 536 (2015).