

Patton 19

Session of 2019

As Amended by Senate Committee

SENATE BILL No. 20

By Committee on Judiciary

1-17

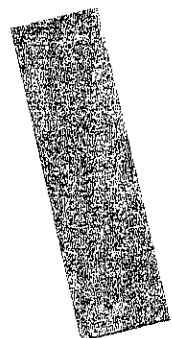
AN ACT concerning courts; relating to court fees and costs; judicial branch surcharge fund; amending K.S.A. 65-409 and K.S.A. 2018 Supp. 8-2107, 8-2110, 20-3021, 21-6614, 22-2410, 23-2510, 28-170, 28-172a, 28-177, 28-178, 28-179, 32-1049a, 38-2215, 38-2312, 38-2314, 59-104, 60-729, 60-2001, 60-2203a, 61-2704 and 61-4001 and repealing the existing sections.

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

Section 1. K.S.A. 2018 Supp. 8-2107 is hereby amended to read as follows: 8-2107. (a) (1) Notwithstanding any other provisions of the uniform act regulating traffic on highways, when a person is stopped by a police officer for any of the offenses described in subsection (d) and such person is not immediately taken before a judge of the district court, the police officer may require the person stopped, subject to the provisions of subsection (c), to deposit with the officer a valid Kansas driver's license in exchange for a receipt therefor issued by such police officer, the form of which shall be approved by the division of vehicles. Such receipt shall be recognized as a valid temporary Kansas driver's license authorizing the operation of a motor vehicle by the person stopped until the date of the hearing stated on the receipt. The driver's license and a written copy of the notice to appear shall be delivered by the police officer to the court having jurisdiction of the offense charged as soon as reasonably possible. If the hearing on such charge is continued for any reason, the judge may note on the receipt the date to which such hearing has been continued and such receipt shall be recognized as a valid temporary Kansas driver's license until such date, but in no event shall such receipt be recognized as a valid Kansas driver's license for a period longer than 30 days from the date set for the original hearing. Any person who has deposited a driver's license with a police officer under this subsection-(f) shall have such license returned upon final determination of the charge against such person.

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

Proposed Amendments to SB 20 - Patton
House Judiciary Committee
Prepared by: Natalie Scott, Assistant Revisor
March 13, 2019



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

7 (j) Except as provided further, the docket fee established in this
8 section shall be the only fee collected or moneys in the nature of a fee
9 collected for the docket fee. Such fee shall only be established by an act of
10 the legislature and no other authority is established by law or otherwise to
11 collect a fee. ~~On and after July 1, 2017 through June 30, 2019 2021,~~
12 The supreme court may impose an additional charge, not to exceed \$22 per
13 docket fee, to fund the costs of non-judicial personnel.

14 Sec. 2. K.S.A. 2018 Supp. 8-2110 is hereby amended to read as
15 follows: 8-2110. (a) Failure to comply with a traffic citation means failure
16 either to: (1) Appear before any district or municipal court in response to a
17 traffic citation and pay in full any fine and court costs imposed; or (2)
18 otherwise comply with a traffic citation as provided in K.S.A. 8-2118, and
19 amendments thereto. Failure to comply with a traffic citation is a
20 misdemeanor, regardless of the disposition of the charge for which such
21 citation was originally issued.

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

43 (2) (A) In lieu of suspension under paragraph (1), the driver may

On and after July 1, 2019 through June 30, 2023,

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1 (d) The district court or municipal court shall waive the reinstatement
 2 fee provided for in subsection (c), if the failure to comply with a traffic
 3 citation was the result of such person enlisting in or being drafted into the
 4 armed services of the United States, being called into service as a member
 5 of a reserve component of the military service of the United States, or
 6 volunteering for such active duty, or being called into service as a member
 7 of the state of Kansas national guard, or volunteering for such active duty,
 8 and being absent from Kansas because of such military service.

9 (e) Except as provided further, the reinstatement fee established in
 10 this section shall be the only fee collected or moneys in the nature of a fee
 11 collected for such reinstatement. Such fee shall only be established by an
 12 act of the legislature and no other authority is established by law or
 13 otherwise to collect a fee. ~~On and after July 1, 2017, through June~~
 14 ~~30, 2019, 2021;~~ The supreme court may impose an additional charge, not to
 15 exceed \$22 per reinstatement fee, to fund the costs of non-judicial
 16 personnel.

17 Sec. 3. K.S.A. 2018 Supp. 20-3021 is hereby amended to read as
 18 follows: 20-3021. (a) (1) On and after July 1, 2014, any party filing an
 19 appeal with the court of appeals shall pay a fee in the amount of \$145 to
 20 the clerk of the supreme court.

21 (2) On and after July 1, 2014, any party filing an appeal with the
 22 supreme court shall pay a fee in the amount of \$145 to the clerk of the
 23 supreme court.

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

26 (c) The fee shall be the only costs assessed in each case to services of
 27 the clerk of the supreme court. The clerk of the supreme court shall remit
 28 all revenues received from this section to the state treasurer, in accordance
 29 with the provisions of K.S.A. 75-4215, and amendments thereto, for
 30 deposit in the state treasury. The fee shall be disbursed in accordance with
 31 K.S.A. 20-362, and amendments thereto.

32 (d) Except as provided further, the fee established in this section shall
 33 be the only fee collected or moneys in the nature of a fee collected for the
 34 docket fee. Such fee shall only be established by an act of the legislature
 35 and no other authority is established by law or otherwise to collect a fee
 36 ~~On and after July 1, 2017, 2019, through June 30, 2019, 2021;~~ The supreme
 37 court may impose an additional charge, not to exceed \$10 per fee, to fund
 38 the costs of non-judicial personnel.

39 (e) The state of Kansas and all municipalities in this state, as defined
 40 in K.S.A. 12-105a, and amendments thereto, shall be exempt from paying
 41 such fee.

42 Sec. 4. K.S.A. 2018 Supp. 21-6614 is hereby amended to read as
 43 follows: 21-6614. (a) (1) Except as provided in subsections (b), (c), (d),

On and after July 1, 2019 through June 30, 2023,

On and after July 1, 2019 through June 30, 2023,

1 its repeal, or K.S.A. 2018 Supp. 21-5505, and amendments thereto;

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

4 (19) any conviction for any offense in effect at any time prior to July
5 1, 2011, that is comparable to any offense as provided in this subsection.

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

12 (g) (1) When a petition for expungement is filed, the court shall set a
13 date for a hearing of such petition and shall cause notice of such hearing to
14 be given to the prosecutor and the arresting law enforcement agency. The
15 petition shall state the:

16 (A) Defendant's full name;

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

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

20 (D) crime for which the defendant was arrested, convicted or
21 diverted;

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

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

25 (2) Except as otherwise provided by law, a petition for expungement
26 shall be accompanied by a docket fee in the amount of \$176. ~~On and after~~
27 ~~July 1, 2017, through June 30, 2019, 2021.~~ The supreme court may
28 impose a charge, not to exceed \$19 per case, to fund the costs of non-
29 judicial personnel. The charge established in this section shall be the only
30 fee collected or moneys in the nature of a fee collected for the case. Such
31 charge shall only be established by an act of the legislature and no other
32 authority is established by law or otherwise to collect a fee.

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

39 (h) At the hearing on the petition, the court shall order the petitioner's
40 arrest record, conviction or diversion expunged if the court finds that:

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

On and after July 1, 2019 through June 30, 2023,

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1 fee established in this section shall be the only fee collected or moneys in
 2 the nature of a fee collected for the docket fee. Such fee shall only be
 3 established by an act of the legislature and no other authority is established
 4 by law or otherwise to collect a fee. ~~On and after July 1, 2017, 2019,~~
 5 ~~through June 30, 2019, 2021, The supreme court may impose an additional~~
 6 charge, not to exceed \$19 per docket fee, to fund the costs of non-judicial
 7 personnel.

8 (B) No surcharge or fee shall be imposed to any person filing a
 9 petition pursuant to subsection (a)(1), who was arrested as a result of being
 10 a victim of identity theft under K.S.A. 21-4018, prior to its repeal, or
 11 K.S.A. 2018 Supp. 21-6107(a), and amendments thereto, or who has had
 12 criminal charges dismissed because a court has found that there was no
 13 probable cause for the arrest, the petitioner was found not guilty in court
 14 proceedings or the charges have been dismissed.

15 (4) The petition filed pursuant to subsection (a)(1) or (a)(2) shall
 16 state:

17 (A) The petitioner's full name;

18 (B) the full name of the petitioner at the time of arrest, if different
 19 than the petitioner's current name;

20 (C) the petitioner's sex, race and date of birth;

21 (D) the crime for which the petitioner was arrested;

22 (E) the date of the petitioner's arrest; and

23 (F) the identity of the arresting law enforcement agency.

24 (c) At the hearing on a petition for expungement pursuant to
 25 subsection (a)(1), the court shall order the arrest record and subsequent
 26 court proceedings, if any, expunged upon finding: (1) The arrest occurred
 27 because of mistaken identity;

28 (2) a court has found that there was no probable cause for the arrest;

29 (3) the petitioner was found not guilty in court proceedings; or

30 (4) the expungement would be in the best interests of justice and: (A)
 31 Charges have been dismissed; or (B) no charges have been or are likely to
 32 be filed.

33 (d) (1) When the court has ordered expungement of an arrest record
 34 and subsequent court proceedings, if any, on a petition for expungement
 35 pursuant to subsection (a)(1), the order shall state the information required
 36 to be stated in the petition and shall state the grounds for expungement
 37 under subsection (c). The clerk of the court shall send a certified copy of
 38 the order to the Kansas bureau of investigation which shall notify the
 39 federal bureau of investigation, the secretary of corrections and any other
 40 criminal justice agency which may have a record of the arrest. If the case
 41 was appealed from municipal court, the clerk of the district court shall
 42 send a certified copy of the order of expungement to the municipal court.
 43 The municipal court shall order the case expunged once the certified copy

On and after July 1, 2019 through June 30, 2023,

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On and after July 1, 2019 through June 30, 2023,

1 act of the legislature and no other authority is established by law or
2 otherwise to collect a fee. ~~On and after July 1, 2017 through June~~
3 ~~30, 2019-2021. The supreme court may impose an additional charge, not to~~
4 ~~exceed \$26.50 per marriage license fee, to fund the costs of non-judicial~~
5 ~~personnel.~~

6 Sec. 7. K.S.A. 2018 Supp. 28-170 is hereby amended to read as
7 follows: 28-170. (a) The docket fee prescribed by K.S.A. 60-2001, and
8 amendments thereto, and the fees for service of process, shall be the only
9 costs assessed for services of the clerk of the district court and the sheriff
10 in any case filed under chapter 60 or chapter 61 of the Kansas Statutes
11 Annotated, and amendments thereto, except that no fee shall be charged
12 for an action filed under K.S.A. 60-3101 et seq., and under K.S.A. 60-
13 31a01 et seq., and amendments thereto. For services in other matters in
14 which no other fee is prescribed by statute, the following fees shall be
15 charged and collected by the clerk. Only one fee shall be charged for each
16 bond, lien or judgment:

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

24 (b) The fees for entries, certificates and other papers required in
25 naturalization cases shall be those prescribed by the federal government
26 and, when collected, shall be disbursed as prescribed by the federal
27 government. The clerk of the court shall remit to the state treasurer at least
28 monthly all moneys received from fees prescribed by subsection (a) or (b)
29 or received for any services performed which may be required by law. The
30 state treasurer shall deposit the remittance in the state treasury and credit
31 the entire amount to the state general fund.

32 (c) In actions pursuant to the revised Kansas code for care of
33 children, K.S.A. 2018 Supp. 38-2201 et seq., and amendments thereto, the
34 revised Kansas juvenile justice code, K.S.A. 2018 Supp. 38-2301 et seq.,
35 and amendments thereto, the act for treatment of alcoholism, K.S.A. 65-
36 4001 et seq., and amendments thereto, the act for treatment of drug abuse,
37 K.S.A. 65-5201 et seq., and amendments thereto, the care and treatment
38 act for mentally ill persons, K.S.A. 59-2945 et seq., and amendments
39 thereto, the clerk shall charge an additional fee of \$1 which shall be
40 deducted from the docket fee and credited to the prosecuting attorneys'
41 training fund as provided in K.S.A. 28-170a, and amendments thereto.

42 (d) Except as provided further, the bond, lien or judgment fee
43 established in subsection (a) shall be the only fee collected or moneys in

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1 the nature of a fee collected for such bond, lien or judgment. 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 July 1, 2017~~
 4 ~~2019, through June 30, 2019-2023.~~ The supreme court may impose an
 5 additional charge, not to exceed \$22 per bond, lien or judgment fee, to
 6 fund the costs of non-judicial personnel.

7 Sec. 8. K.S.A. 2018 Supp. 28-172a is hereby amended to read as
 8 follows: 28-172a. (a) Except as otherwise provided in this section,
 9 whenever the prosecuting witness or defendant is adjudged to pay the costs
 10 in a criminal proceeding in any county, a docket fee shall be taxed as
 11 follows: ~~on and after July 1, 2013:~~

12 Murder or manslaughter.....	\$180.50
13 Other felony.....	171.00
14 Misdemeanor.....	136.00
15 Forfeited recognizance.....	72.50
16 Appeals from other courts.....	72.50

17 (b) (1) Except as provided in paragraph (2), in actions involving the
 18 violation of any of the laws of this state regulating traffic on highways,
 19 including those listed in K.S.A. 8-2118(c), and amendments thereto, a
 20 cigarette or tobacco infraction, any act declared a crime pursuant to the
 21 statutes contained in chapter 32 of the Kansas Statutes Annotated, and
 22 amendments thereto, or any act declared a crime pursuant to the statutes
 23 contained in article 8 of chapter 82a of the Kansas Statutes Annotated, and
 24 amendments thereto, whenever the prosecuting witness or defendant is
 25 adjudged to pay the costs in the action, ~~on and after July 1, 2014,~~ a docket
 26 fee of \$86 shall be charged. When an action is disposed of under K.S.A. 8-
 27 2118(a) and (b), or K.S.A. 79-3393(f), and amendments thereto, ~~on and~~
 28 ~~after July 1, 2014,~~ the docket fee to be paid as court costs shall be \$86.

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

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

41 (d) Statutory charges made pursuant to the provisions of K.S.A. 20-
 42 362, and amendments thereto, shall be paid from the docket fee; the family
 43 violence and child abuse and neglect assistance and prevention fund fee

On and after July 1, 2019 through June 30, 2023,

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1 shall be paid from criminal proceedings docket fees. All other fees and
 2 expenses to be assessed as additional court costs shall be approved by the
 3 court, unless specifically fixed by statute. Additional fees shall include, but
 4 are not limited to, fees for Kansas bureau of investigation forensic or
 5 laboratory analyses, fees for detention facility processing pursuant to
 6 K.S.A. 12-16,119, and amendments thereto, fees for the sexual assault
 7 evidence collection kit, fees for conducting an examination of a sexual
 8 assault victim, fees for service of process outside the state, witness fees,
 9 fees for transcripts and depositions, costs from other courts, doctors' fees
 10 and examination and evaluation fees. No sheriff in this state shall charge
 11 any district court of this state a fee or mileage for serving any paper or
 12 process.

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

24 (f) Except as provided further, the docket fee established in this
 25 section shall be the only fee collected or moneys in the nature of a fee
 26 collected for the docket fee. Such fee shall only be established by an act of
 27 the legislature and no other authority is established by law or otherwise to
 28 collect a fee. ~~On and after July 1, 2017 through June 30, 2019 through~~
 29 ~~The supreme court may impose an additional charge, not to exceed \$22 per~~
 30 ~~docket fee, to fund the costs of non-judicial personnel.~~

31 Sec. 9. K.S.A. 2018 Supp. 28-177 is hereby amended to read as
 32 follows: 28-177. (a) Except as provided in this section and K.S.A. 2018
 33 Supp. 28-178, and amendments thereto, the fees established by legislative
 34 enactment shall be the only fee collected or moneys in the nature of a fee
 35 collected for court procedures. Such fee shall only be established by an act
 36 of the legislature and no other authority is established by law or otherwise
 37 to collect a fee. Court procedures shall include docket fees, filing fees or
 38 other fees related to access to court procedures. ~~On and after July 1, 2017~~
 39 ~~through June 30, 2019 through~~ The supreme court may impose an
 40 additional charge, not to exceed \$26.50 per fee or the amount established
 41 by the applicable statute, whichever amount is less, to fund the costs of
 42 non-judicial personnel.

43 (b) Such additional charge imposed by the court pursuant to K.S.A. 8-

On and after July 1, 2019 through June 30, 2023,

On and after July 1, 2019 through June 30, 2023,

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1 2107, 8-2110, 22-2410, 28-170, 28-172a, 59-104, 60-2001, 60-2203a, 61-
2 2704, 61-4001 and 65-409 and K.S.A. 2018 Supp. 21-6614, 23-2510, 28-
3 178, 28-179, 32-1049a, 38-2215, 38-2312 and 38-2314, and amendments
4 thereto, shall be remitted 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 judicial branch docket fee fund, which
8 is hereby created in the state treasury.

9 (c) Moneys credited to the judicial branch docket fee fund shall not
10 be expended for compensation of judges or justices of the judicial branch.

11 (d) All expenditures from the judicial branch docket fee fund shall be
12 made in accordance with appropriation acts and upon warrants of the
13 director of accounts and reports issued pursuant to vouchers approved by
14 the chief justice of the Kansas supreme court or by a person or persons
15 designated by the chief justice.

16 (e) Expenditures may be made from the judicial branch docket fee
17 fund to provide services and programs for the purpose of educating and
18 training judicial branch officers and employees, administering the training,
19 testing and education of municipal judges as provided in K.S.A. 12-4114,
20 and amendments thereto, and for educating and training municipal judges
21 and municipal court and support staff, including official hospitality. The
22 judicial administrator is hereby authorized to fix, charge and collect fees
23 for such services and programs. Such fees may be fixed to cover all or part
24 of the operating expenditures incurred in providing such services and
25 programs, including official hospitality. All fees received for such
26 purposes and programs, including official hospitality, shall be deposited in
27 the state treasury in accordance with the provisions of K.S.A. 75-4215, and
28 amendments thereto, and shall be credited to the judicial branch docket fee
29 fund.

30 (f) On the effective date of this act:

31 (1) The director of accounts and reports shall transfer all moneys in
32 the judicial branch surcharge fund to the judicial branch docket fee fund;

33 (2) all liabilities of the judicial branch surcharge fund existing prior to
34 that date are hereby imposed on the judicial branch docket fee fund; and
35 (3) the judicial branch surcharge fund is hereby abolished.

36 Sec. 10. K.S.A. 2018 Supp. 28-178 is hereby amended to read as
37 follows: 28-178. (a) In addition to any other fees specifically prescribed by
38 law ~~on and after July 1, 2017-2019, through June 30, 2019-2024,~~ the
39 supreme court may impose a charge, not to exceed \$12.50 per fee, to fund
40 the costs of non-judicial personnel, on the following:

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

43 (2) Persons who request a hearing in aid of execution pursuant to

On and after July 1, 2019 through June 30, 2023,

1 K.S.A. 60-2419, and amendments thereto.

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

6 (4) Persons who request a writ or order of sale pursuant to K.S.A. 60-
7 2401 or 61-3602, and amendments thereto.

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

10 (6) A person who requests an attachment against the property of a
11 defendant or any one or more of several defendants pursuant to K.S.A. 60-
12 701 or 61-3501, and amendments thereto.

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

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

23 Sec. 11. K.S.A. 2018 Supp. 28-179 is hereby amended to read as
24 follows: 28-179. (a) No post-decree motion petitioning for a modification
25 or termination of separate maintenance, for a change in legal custody,
26 residency, visitation rights or parenting time or for a modification of child
27 support shall be filed or docketed in the district court without payment of a
28 docket fee in the amount of \$40 ~~or after July 1, 2017,~~ to the clerk of
29 the district court.

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

32 (c) The docket fee shall be the only costs assessed in each case for
33 services of the clerk of the district court and the sheriff. The docket fee
34 shall be disbursed in accordance with K.S.A. 20-362, and amendments
35 thereto.

36 (d) Except as provided further, the docket fee established in this
37 section shall be the only fee collected or moneys in the nature of a fee
38 collected for the docket fee. Such fee shall only be established by an act of
39 the legislature and no other authority is established by law or otherwise to
40 collect a fee. ~~On and after July 1, 2017-2021, through June 30, 2019-2021,~~
41 The supreme court may impose an additional charge, not to exceed \$22 per
42 docket fee, to fund the costs of non-judicial personnel.
43 Sec. 12. K.S.A. 2018 Supp. 32-1049a is hereby amended to read as

On and after July 1, 2019 through June 30, 2023,

1 Such reinstatement fee shall be in addition to any fine, court costs and
 2 other assessments, fees or penalties. The court shall remit all reinstatement
 3 fees to the state treasurer in accordance with the provisions of K.S.A. 75-
 4 4215, and amendments thereto. Upon receipt of each remittance, the state
 5 treasurer shall deposit the entire amount in the state treasury and shall
 6 credit such moneys to the state general fund.

7 (e) The district court shall waive the reinstatement fee provided for in
 8 subsection (d), if the failure to comply with a wildlife, parks and tourism
 9 citation was the result of such person enlisting in or being drafted into the
 10 armed services of the United States of America, being called into service
 11 as a member of a reserve component of the military service of the United
 12 States of America, or volunteering for such active duty or being called into
 13 service as a member of the Kansas national guard or volunteering for such
 14 active duty and being absent from Kansas because of such military service.
 15 The state treasurer and the director of accounts and reports shall prescribe
 16 procedures for all such reimbursement payments and shall create
 17 appropriate accounts, make appropriate accounting entries and issue such
 18 appropriate vouchers and warrants as may be required to make such
 19 reimbursement payments.

20 (f) Except as provided further, the reinstatement fee established in
 21 subsection (d) shall be the only fee collected or moneys in the nature of a
 22 fee collected for such reinstatement. Such fee shall only be established by
 23 an act of the legislature and no other authority is established by law or
 24 otherwise to collect a fee. ~~On and after July 1, 2017, through June~~
 25 ~~30, 2019, 2021, The supreme court may impose an additional charge, not to~~
 26 ~~exceed \$22 per reinstatement fee, to fund the costs of non-judicial~~
 27 ~~personnel.~~

28 Sec. 13. K.S.A. 2018 Supp. 38-2215 is hereby amended to read as
 29 follows: 38-2215. (a) *Docket fee.* The docket fee for proceedings under
 30 this code, if one is assessed as provided in this section, shall be \$34. Only
 31 one docket fee shall be assessed in each case. Except as provided further,
 32 the docket fee established in this section shall be the only fee collected or
 33 moneys in the nature of a fee collected for the docket fee. Such fee shall
 34 only be established by an act of the legislature and no other authority is
 35 established by law or otherwise to collect a fee. ~~On and after July 1, 2017~~
 36 ~~through June 30, 2019, 2021, The supreme court may impose an~~
 37 ~~additional charge, not to exceed \$22 per docket fee, to fund the costs of~~
 38 ~~non-judicial personnel.~~

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

43 (c) *Assessment of docket fee and expenses.* (1) *Docket fee.* The docket

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1 manslaughter; K.S.A. 21-3404, prior to its repeal, or K.S.A. 2018 Supp.
2 21-5405, and amendments thereto, involuntary manslaughter; K.S.A. 21-
3 3439, prior to its repeal, or K.S.A. 2018 Supp. 21-5401, and amendments
4 thereto, capital murder; K.S.A. 21-3442, prior to its repeal, or K.S.A. 2018
5 Supp. 21-5405(a)(3) or (a)(5), and amendments thereto, involuntary
6 manslaughter while driving under the influence of alcohol or drugs; K.S.A.
7 21-3502, prior to its repeal, or K.S.A. 2018 Supp. 21-5503, and
8 amendments thereto, rape; K.S.A. 21-3503, prior to its repeal, or K.S.A.
9 2018 Supp. 21-5506(a), and amendments thereto, indecent liberties with a
10 child; K.S.A. 21-3504, prior to its repeal, or K.S.A. 2018 Supp. 21-
11 5506(b), and amendments thereto, aggravated indecent liberties with a
12 child; K.S.A. 21-3506, prior to its repeal, or K.S.A. 2018 Supp. 21-
13 5504(b), and amendments thereto, aggravated criminal sodomy; K.S.A.
14 21-3510, prior to its repeal, or K.S.A. 2018 Supp. 21-5508(a), and
15 amendments thereto, indecent solicitation of a child; K.S.A. 21-3511, prior
16 to its repeal, or K.S.A. 2018 Supp. 21-5508(b), and amendments thereto,
17 aggravated indecent solicitation of a child; K.S.A. 21-3516, prior to its
18 repeal, or K.S.A. 2018 Supp. 21-5510, and amendments thereto, sexual
19 exploitation of a child; K.S.A. 2018 Supp. 21-5514(a), and amendments
20 thereto, internet trading in child pornography; K.S.A. 2018 Supp. 21-
21 5514(b), and amendments thereto, aggravated internet trading in child
22 pornography; K.S.A. 21-3603, prior to its repeal, or K.S.A. 2018 Supp. 21-
23 5604(b), and amendments thereto, aggravated incest; K.S.A. 21-3608,
24 prior to its repeal, or K.S.A. 2018 Supp. 21-5601(a), and amendments
25 thereto, endangering a child; K.S.A. 21-3609, prior to its repeal, or K.S.A.
26 2018 Supp. 21-5602, and amendments thereto, abuse of a child; or which
27 would constitute an attempt to commit a violation of any of the offenses
28 specified in this subsection.

29 (c) Notwithstanding any other law to the contrary, for any offender
30 who is required to register as provided in the Kansas offender registration
31 act, K.S.A. 22-4901 et seq, and amendments thereto, there shall be no
32 expungement of any conviction or any part of the offender's criminal
33 record while the offender is required to register as provided in the Kansas
34 offender registration act.

35 (d) When a petition for expungement is filed, the court shall set a date
36 for a hearing on the petition and shall give notice thereof to the county or
37 district attorney. The petition shall state: (1) The juvenile's full name; (2)
38 the full name of the juvenile as reflected in the court record, if different
39 than (1); (3) the juvenile's sex and date of birth; (4) the offense for which
40 the juvenile was adjudicated; (5) the date of the trial; and (6) the identity
41 of the trial court. Except as otherwise provided by law, a petition for
42 expungement shall be accompanied by a docket fee in the amount of \$176.
43 ~~On and after July 1, 2017-2019, through June 30, 2019-2021, The supreme~~

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1 or continued licensure by the commission;

2 (8) the Kansas sentencing commission; or

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

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

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

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

12 Sec. 15. K.S.A. 2018 Supp. 38-2314 is hereby amended to read as
13 follows: 38-2314. (a) *Docket fee.* The docket fee for proceedings under
14 this code, if one is assessed as provided by this section, shall be \$34. Only
15 one docket fee shall be assessed in each case. Except as provided further,
16 the docket fee established in this section shall be the only fee collected or
17 moneys in the nature of a fee collected for the docket fee. Such fee shall
18 only be established by an act of the legislature and no other authority is
19 established by law or otherwise to collect a fee. ~~On and after July 1, 2017~~
20 ~~2019, through June 30, 2019, 2022.~~ The supreme court may impose an
21 additional charge, not to exceed \$22 per docket fee, to fund the costs of
22 non-judicial personnel.

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

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

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

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

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

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

10 Sec. 16. K.S.A. 2018 Supp. 59-104 is hereby amended to read as
 11 follows: 59-104. (a) *Docket fee.* (1) Except as otherwise provided by law,
 12 no case shall be filed or docketed in the district court under the provisions
 13 of chapter 59 of the Kansas Statutes Annotated, and amendments thereto,
 14 or of articles 40 and 52 of chapter 65 of the Kansas Statutes Annotated,
 15 and amendments thereto, without payment of an appropriate docket fee as
 16 follows: ~~on and after July 1, 2014.~~

17 Treatment of mentally ill..... \$34.50
 18 Treatment of alcoholism or drug abuse..... 34.50
 19 Determination of descent of property..... 49.50
 20 Termination of life estate..... 48.50
 21 Termination of joint tenancy..... 48.50
 22 Refusal to grant letters of administration..... 48.50
 23 Adoption..... 48.50
 24 Filing a will and affidavit under K.S.A. 59-618a, and
 25 *amendments thereto*..... 48.50

26 Guardianship..... 69.50
 27 Conservatorship..... 69.50
 28 Trusteeship..... 69.50
 29 Combined guardianship and conservatorship..... 69.50
 30 Certified probate proceedings under K.S.A. 59-213, and amendments
 31 thereto..... 23.50
 32 Decrees in probate from another state..... 173.00
 33 Probate of an estate or of a will..... 109.50
 34 Civil commitment under K.S.A. 59-29a01 et seq. and
 35 *amendments thereto*..... 33.50

36 (2) Except as provided further, the docket fee established in this
 37 section shall be the only fee collected or moneys in the nature of a fee
 38 collected for the docket fee. Such fee shall only be established by an act of
 39 the legislature and no other authority is established by law or otherwise to
 40 collect a fee. ~~On and after July 1, 2017-2019, through June 30, 2019-2021,~~
 41 The supreme court may impose an additional charge, not to exceed \$22 per
 42 docket fee, to fund the costs of non-judicial personnel.
 43

(b) *Poverty affidavit in lieu of docket fee and exemptions.* The

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1 provisions of K.S.A. 60-2001(b) and K.S.A. 60-2005, and amendments
2 thereto, shall apply to probate docket fees prescribed by this section.

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

7 (d) *Additional court costs.* Other fees and expenses to be assessed as
8 additional court costs shall be approved by the court, unless specifically
9 fixed by statute. Other fees shall include, but not be limited to, witness
10 fees, appraiser fees, fees for service of process outside the state, fees for
11 depositions, transcripts and publication of legal notice, executor or
12 administrator fees, attorney fees, court costs from other courts and any
13 other fees and expenses required by statute. All additional court costs shall
14 be taxed and billed against the parties or estate as directed by the court. No
15 sheriff in this state shall charge any district court in this state a fee or
16 mileage for serving any paper or process.

17 Sec. 17. K.S.A. 2018 Supp. 60-729 is hereby amended to read as
18 follows: 60-729. (a) Garnishment is a procedure whereby the wages,
19 money or intangible property of a person can be seized or attached
20 pursuant to an order of garnishment issued by the court under the
21 conditions set forth in the order.

22 (b) ~~On and after July 1, 2014,~~ Any party requesting an order of
23 garnishment shall pay a fee in the amount of \$7.50 to the clerk of the
24 district court.

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

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

30 (e) Except as provided further, the fee established in this section shall
31 be the only fee collected or moneys in the nature of a fee collected for the
32 docket fee. Such fee shall only be established by an act of the legislature
33 and no other authority is established by law or otherwise to collect a fee.
34 ~~On and after July 1, 2017-2019, through June 30, 2019-2024,~~ The supreme
35 court may impose an additional charge, not to exceed \$12.50 per fee, to
36 fund the costs of non-judicial personnel.

37 (f) The state of Kansas and all municipalities in this state, as defined
38 in K.S.A. 12-105a, and amendments thereto, shall be exempt from paying
39 such fee.

40 Sec. 18. K.S.A. 2018 Supp. 60-2001 is hereby amended to read as
41 follows: 60-2001. (a) *Docket fee.* Except as otherwise provided by law, no
42 case shall be filed or docketed in the district court, whether original or
43 appealed, without payment of a docket fee in the amount of \$173-~~on and~~

On and after July 1, 2019 through June 30, 2023,

1 ~~after July 1, 2014~~, to the clerk of the district court. Except as provided
2 further, the docket fee established in this subsection shall be the only fee
3 collected or moneys in the nature of a fee collected for the docket fee.
4 Such fee shall only be established by an act of the legislature and no other
5 authority is established by law or otherwise to collect a fee. ~~On and after~~
6 ~~July 1, 2017-2019, through June 30, 2019-2021~~. The supreme court may
7 impose an additional charge, not to exceed \$22 per docket fee, to fund the
8 costs of non-judicial personnel.

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

29 (2) *Form of affidavit.* The affidavit provided for in this subsection
30 shall set forth a factual basis upon which the plaintiff alleges by reason of
31 poverty an inability to pay a docket fee, including, but not limited to, the
32 source and amount of the plaintiff's weekly income. Such affidavit shall be
33 signed and sworn to by the plaintiff under oath, before one who has
34 authority to administer the oath, under penalty of perjury, K.S.A. 2018
35 Supp. 21-5903, and amendments thereto. The form of the affidavit shall be
36 deemed sufficient if in substantial compliance with the form set forth by
37 the judicial council.

38 (3) *Court review; grounds for dismissal; service of process.* The court
39 shall review any petition authorized for filing under this subsection. Upon
40 such review, if the court finds that the plaintiff's allegation of poverty is
41 untrue, the court shall direct the plaintiff to pay the docket fee or dismiss
42 the petition without prejudice. Notwithstanding K.S.A. 60-301, and
43 amendments thereto, service of process shall not issue unless the court

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1 and shall enter and index the action in the same manner as for the filing of
 2 an original action. Upon the filing of a notice of release, the notice shall
 3 likewise be entered on the docket. Except as provided further, the fee
 4 established in this subsection shall be the only fee collected or moneys in
 5 the nature of a fee collected for the court procedure. Such fee shall only be
 6 established by an act of the legislature and no other authority is established
 7 by law or otherwise to collect a fee. ~~On and after July 1, 2017, 2019,~~
 8 ~~through June 30, 2019, 2021, The supreme court may impose an additional~~
 9 ~~charge, not to exceed \$22 per fee, to fund the costs of non-judicial~~
 10 ~~personnel.~~

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

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

34 Sec. 20. K.S.A. 2018 Supp. 61-2704 is hereby amended to read as
 35 follows: 61-2704. (a) An action seeking the recovery of a small claim shall
 36 be considered to have been commenced at the time a person files a written
 37 statement of the person's small claim with the clerk of the court if, within
 38 90 days after the small claim is filed, service of process is obtained or the
 39 first publication is made for service by publication. Otherwise, the action
 40 is deemed commenced at the time of service of process or first publication.
 41 An entry of appearance shall have the same effect as service.

42 (b) Upon the filing of a plaintiff's small claim, the clerk of the court
 43 shall require from the plaintiff a docket fee of \$35 ~~on and after July 1,~~

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1 ~~2014~~; if the claim does not exceed \$500; or \$55 ~~on and after July 1, 2014~~,
 2 if the claim exceeds \$500; unless for good cause shown the judge waives
 3 the fee. The docket fee shall be the only costs required in an action seeking
 4 recovery of a small claim. No person may file more than 20 small claims
 5 under this act in the same court during any calendar year.

6 (c) 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 July 1, 2017 through June 30, 2019, 2021,~~
 11 The supreme court may impose an additional charge, not to exceed \$12.50
 12 per docket fee, to fund the costs of non-judicial personnel.

13 Sec. 21. K.S.A. 2018 Supp. 61-4001 is hereby amended to read as
 14 follows: 61-4001. (a) *Docket fee.* (1) No case shall be filed or docketed
 15 pursuant to the code of civil procedure for limited actions without the
 16 payment of a docket fee in the amount of \$35 ~~on and after July 1, 2013~~, if
 17 the amount in controversy or claimed does not exceed \$500; \$55 ~~on and~~
 18 ~~after July 1, 2013~~, if the amount in controversy or claimed exceeds \$500
 19 but does not exceed \$5,000; or \$101 ~~on and after July 1, 2013~~, if the
 20 amount in controversy or claimed exceeds \$5,000. If judgment is rendered
 21 for the plaintiff, the court also may enter judgment for the plaintiff for the
 22 amount of the docket fee paid by the plaintiff.

23 (2) Except as provided further, the docket fee established in this
 24 section shall be the only fee collected or moneys in the nature of a fee
 25 collected for the docket fee. Such fee shall only be established by an act of
 26 the legislature and no other authority is established by law or otherwise to
 27 collect a fee. ~~On and after July 1, 2017 through June 30, 2019, 2021,~~
 28 The supreme court may impose an additional charge, not to exceed \$19 per
 29 docket fee, to fund the costs of non-judicial personnel.

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

34 Sec. 22. K.S.A. 65-409 is hereby amended to read as follows: 65-409.
 35 (a) The clerk of the district court shall charge a fee of \$14 for entering and
 36 filing a lien statement under this act.

37 (b) Except as provided further, the lien fee established in subsection
 38 (a) shall be the only fee collected or moneys in the nature of a fee collected
 39 for such lien. Such fee shall only be established by an act of the legislature
 40 and no other authority is established by law or otherwise to collect a fee.
 41 ~~On and after July 1, 2017 through June 30, 2019, 2021,~~ The supreme
 42 court may impose an additional charge, not to exceed \$22 per lien fee, to
 43 fund the costs of non-judicial personnel.

On and after July 1, 2019 through June 30, 2023,

On and after July 1, 2019 through June 30, 2023,

On and after July 1, 2019 through June 30, 2023,