

## HOUSE BILL No. 2117

By Committee on Judiciary

1-28

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1 AN ACT concerning courts; relating to court fees and costs; judiciary and  
2 technology fund; amending K.S.A. 20-1a12, 20-371 and 60-2101 and  
3 K.S.A. 2012 Supp. 8-2107, 8-2110, 20-362, 21-6614, 22-2410, 23-  
4 2510, 28-170, 28-172a, 28-177, 28-178, 28-179, 32-1049a, 38-2215,  
5 38-2312, 38-2314, 59-104, 60-2001, 60-2203a, 61-2704, 61-4001 and  
6 65-409 and repealing the existing sections.

7  
8 *Be it enacted by the Legislature of the State of Kansas:*

9 New Section 1. (a) Except as provided in this section, K.S.A. 28-177  
10 and 28-178, and amendments thereto, the fees established by legislative  
11 enactment shall be the only fee collected or moneys in the nature of a fee  
12 collected for court procedures. Such fee shall only be established by an act  
13 of the legislature and no other authority is established by law or otherwise  
14 to collect a fee. Court procedures shall include docket fees, filing fees or  
15 other fees related to access to court procedures. On and after July 1, 2013,  
16 the court may impose an additional charge to fund the cost of establishing,  
17 operating and maintaining electronic document filing, storage and  
18 management for the Kansas court system. Such fee may be charged for  
19 electronic case filing, motion filing, record access and document access.

20 (b) Such additional charge imposed by the court pursuant to K.S.A. 8-  
21 2107, 8-2110, 22-2410, 28-170, 28-172a, 59-104, 60-2001, 60-2101, 60-  
22 2203a, 61-2704, 61-4001 and 65-409 and K.S.A. 2012 Supp. 21-6614, 23-  
23 2510, 28-179, 32-1049a, 38-2215, 38-2312 and 38-2314, and amendments  
24 thereto, shall be remitted to the state treasurer in accordance with the  
25 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of  
26 each such remittance, the state treasurer shall deposit the entire amount in  
27 the state treasury to the credit of the judiciary technology fund established  
28 in K.S.A. 20-1a12, and amendments thereto.

29 (c) All moneys credited to the judiciary technology fund shall be used  
30 for the purposes identified in K.S.A. 20-1a12, and amendments thereto,  
31 and shall not be expended for compensation of judges or justices of the  
32 judicial branch.

33 Sec. 2. K.S.A. 2012 Supp. 8-2107 is hereby amended to read as  
34 follows: 8-2107. (a) (1) Notwithstanding any other provisions of the  
35 uniform act regulating traffic on highways, when a person is stopped by a  
36 police officer for any of the offenses described in subsection (d) and such

1 person is not immediately taken before a judge of the district court, the  
2 police officer may require the person stopped, subject to the provisions of  
3 subsection (c), to deposit with the officer a valid Kansas driver's license in  
4 exchange for a receipt therefor issued by such police officer, the form of  
5 which shall be approved by the division of vehicles. Such receipt shall be  
6 recognized as a valid temporary Kansas driver's license authorizing the  
7 operation of a motor vehicle by the person stopped until the date of the  
8 hearing stated on the receipt. The driver's license and a written copy of the  
9 notice to appear shall be delivered by the police officer to the court having  
10 jurisdiction of the offense charged as soon as reasonably possible. If the  
11 hearing on such charge is continued for any reason, the judge may note on  
12 the receipt the date to which such hearing has been continued and such  
13 receipt shall be recognized as a valid temporary Kansas driver's license  
14 until such date, but in no event shall such receipt be recognized as a valid  
15 Kansas driver's license for a period longer than 30 days from the date set  
16 for the original hearing. Any person who has deposited a driver's license  
17 with a police officer under this subsection (a) shall have such license  
18 returned upon final determination of the charge against such person.

19 (2) In the event the person stopped deposits a valid Kansas driver's  
20 license with the police officer and fails to appear in the district court on the  
21 date set for appearance, or any continuance thereof, and in any event  
22 within 30 days from the date set for the original hearing, the court shall  
23 forward such person's driver's license to the division of vehicles with an  
24 appropriate explanation attached thereto. Upon receipt of such person's  
25 driver's license, the division shall suspend such person's privilege to  
26 operate a motor vehicle in this state until such person appears before the  
27 court having jurisdiction of the offense charged, the court makes a final  
28 disposition thereof and notice of such disposition is given by the court to  
29 the division. No new or replacement license shall be issued to any such  
30 person until such notice of disposition has been received by the division.  
31 The provisions of K.S.A. 8-256, and amendments thereto, limiting the  
32 suspension of a license to one year, shall not apply to suspensions for  
33 failure to appear as provided in this subsection (a).

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

41 (c) (1) In lieu of depositing a valid Kansas driver's license with the  
42 stopping police officer as provided in subsection (a), the person stopped  
43 may elect to give bond in the amount specified in subsection (d) for the

1 offense for which the person was stopped. When such person does not  
 2 have a valid Kansas driver's license, such person shall give such bond.  
 3 Such bond shall be subject to forfeiture if the person stopped does not  
 4 appear at the court and at the time specified in the written notice provided  
 5 for in K.S.A. 8-2106, and amendments thereto.

6 (2) Such bond may be a cash bond, a bank card draft from any valid  
 7 and unexpired credit card approved by the division of vehicles or  
 8 superintendent of the Kansas highway patrol or a guaranteed arrest bond  
 9 certificate issued by either a surety company authorized to transact such  
 10 business in this state or an automobile club authorized to transact business  
 11 in this state by the commissioner of insurance. If any of the approved bank  
 12 card issuers redeem the bank card draft at a discounted rate, such discount  
 13 shall be charged against the amount designated as the fine for the offense.  
 14 If such bond is not forfeited, the amount of the bond less the discount rate  
 15 shall be reimbursed to the person providing the bond by the use of a bank  
 16 card draft. Any such guaranteed arrest bond certificate shall be signed by  
 17 the person to whom it is issued and shall contain a printed statement that  
 18 such surety company or automobile club guarantees the appearance of  
 19 such person and will, in the event of failure of such person to appear in  
 20 court at the time of trial, pay any fine or forfeiture imposed on such person  
 21 not to exceed an amount to be stated on such certificate.

22 (3) Such cash bond shall be taken in the following manner: The  
 23 police officer shall furnish the person stopped a stamped envelope  
 24 addressed to the judge or clerk of the court named in the written notice to  
 25 appear and the person shall place in such envelope the amount of the bond,  
 26 and in the presence of the police officer shall deposit the same in the  
 27 United States mail. After such cash payment, the person stopped need not  
 28 sign the written notice to appear, but the police officer shall note the  
 29 amount of the bond mailed on the notice to appear form and shall give a  
 30 copy of such form to the person. If the person stopped furnishes the police  
 31 officer with a guaranteed arrest bond certificate or bank card draft, the  
 32 police officer shall give such person a receipt therefor and shall note the  
 33 amount of the bond on the notice to appear form and give a copy of such  
 34 form to the person stopped. Such person need not sign the written notice to  
 35 appear, and the police officer shall present the notice to appear and the  
 36 guaranteed arrest bond certificate or bank card draft to the court having  
 37 jurisdiction of the offense charged as soon as reasonably possible.

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

40 On and after July 1, 1996:

|  |      |
|--|------|
| 41 Reckless driving.....   | \$82 |
| 42 Driving when privilege is canceled, suspended or revoked..... | 82   |
| 43 Failure to comply with lawful order of officer.....           | 57   |

1 Registration violation (registered for 12,000 pounds  
 2 or less)..... 52  
 3 Registration violation (registered for more than 12,000  
 4 pounds)..... 92  
 5 No driver's license for the class of vehicle operated or  
 6 violation of restrictions..... 52  
 7 Spilling load on highway..... 52  
 8 Transporting open container of alcoholic liquor or cereal malt  
 9 beverage accessible while vehicle in motion..... 223

10

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

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

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

25 (h) When a person is stopped by a police officer for failure to provide  
 26 proof of financial security pursuant to K.S.A. 40-3104, and amendments  
 27 thereto, and the person is a resident of another state or the person is  
 28 licensed to drive under the laws of a foreign country, the police officer  
 29 may require a bond as provided for under subsection (c). The bond shall be  
 30 in the amount of \$75, plus \$75 which shall be regarded as a docket fee in  
 31 any court having jurisdiction over the violation of state law.

32 (i) 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~~ *April 12, 2012*,  
 37 through June 30, 2013, the supreme court may impose an additional  
 38 charge, not to exceed \$22 per docket fee, to fund the costs of non-judicial  
 39 personnel. *On and after July 1, 2013, the court may impose an additional*  
 40 *charge to fund the cost of establishing, operating and maintaining*  
 41 *electronic document filing, storage and management for the Kansas court*  
 42 *system.*

43 Sec. 3. K.S.A. 2012 Supp. 8-2110 is hereby amended to read as

1 follows: 8-2110. (a) Failure to comply with a traffic citation means failure  
2 either to: (1) Appear before any district or municipal court in response to a  
3 traffic citation and pay in full any fine and court costs imposed; or (2)  
4 otherwise comply with a traffic citation as provided in K.S.A. 8-2118, and  
5 amendments thereto. Failure to comply with a traffic citation is a  
6 misdemeanor, regardless of the disposition of the charge for which such  
7 citation was originally issued.

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

29 ~~(2) (A) In lieu of suspension under paragraph (1), the driver may~~  
30 ~~submit to the division of vehicles a written request for restricted driving~~  
31 ~~privileges, with a non-refundable \$25 application fee, to be applied by the~~  
32 ~~division of vehicles for additional administrative costs to implement~~  
33 ~~restricted driving privileges. The division shall remit all restricted driving~~  
34 ~~privilege application fees to the state treasurer in accordance with the~~  
35 ~~provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of~~  
36 ~~each such remittance, the state treasurer shall deposit the entire amount in~~  
37 ~~the state treasury to the credit of the division of vehicles operating fund.~~

38 ~~(B) Upon review and approval of the driver's eligibility, the driving~~  
39 ~~privileges will be restricted by the division of vehicles for a period up to~~  
40 ~~one year or until the terms of the traffic citation have been complied with~~  
41 ~~and the court shall immediately electronically notify the division of~~  
42 ~~vehicles of such compliance. If the driver fails to comply with the traffic~~  
43 ~~citation within the one year restricted period, the driving privileges will be~~

1 suspended by the division of vehicles until the court determines the person  
2 has complied with the terms of the traffic citation and the court shall  
3 immediately electronically notify the division of vehicles of such  
4 compliance. Upon receipt of notification of such compliance from the  
5 informing court, the division of vehicles shall terminate the suspension  
6 action. When restricted driving privileges are approved pursuant to this  
7 section, the person's driving privileges shall be restricted to driving only  
8 under the following circumstances: (i) In going to or returning from the  
9 person's place of employment or schooling; (ii) in the course of the  
10 person's employment; (iii) during a medical emergency; and (iv) in going  
11 to and returning from probation or parole meetings, drug or alcohol  
12 counseling or any place the person is required to go by a court. The  
13 provisions of this paragraph shall expire on January 1, 2012.

14 (c) Except as provided in subsection (d), when the district or  
15 municipal court notifies the division of vehicles of a failure to comply with  
16 a traffic citation pursuant to subsection (b), the court shall assess a  
17 reinstatement fee of \$59 for each charge on which the person failed to  
18 make satisfaction regardless of the disposition of the charge for which  
19 such citation was originally issued and regardless of any application for  
20 restricted driving privileges. Such reinstatement fee shall be in addition to  
21 any fine, restricted driving privilege application fee, district or municipal  
22 court costs and other penalties. The court shall remit all reinstatement fees  
23 to the state treasurer in accordance with the provisions of K.S.A. 75-4215,  
24 and amendments thereto. Upon receipt of each such remittance, the state  
25 treasurer shall deposit the entire amount in the state treasury and shall  
26 credit 42.37% of such moneys to the division of vehicles operating fund,  
27 31.78% to the community alcoholism and intoxication programs fund  
28 created by K.S.A. 41-1126, and amendments thereto, 10.59% to the  
29 juvenile detention facilities fund created by K.S.A. 79-4803, and  
30 amendments thereto, and 15.26% to the judicial branch nonjudicial salary  
31 adjustment fund created by K.S.A. 2012 Supp. 20-1a15, and amendments  
32 thereto.

33 (d) The district court or municipal court shall waive the reinstatement  
34 fee provided for in subsection (c), if the failure to comply with a traffic  
35 citation was the result of such person enlisting in or being drafted into the  
36 armed services of the United States, being called into service as a member  
37 of a reserve component of the military service of the United States, or  
38 volunteering for such active duty, or being called into service as a member  
39 of the state of Kansas national guard, or volunteering for such active duty,  
40 and being absent from Kansas because of such military service. In any  
41 case of a failure to comply with a traffic citation which occurred on or  
42 after August 1, 1990, and prior to the effective date of this act, in which a  
43 person was assessed and paid a reinstatement fee and the person failed to

1 comply with a traffic citation because the person was absent from Kansas  
 2 because of any such military service, the reinstatement fee shall be  
 3 reimbursed to such person upon application therefor. The state treasurer  
 4 and the director of accounts and reports shall prescribe procedures for all  
 5 such reimbursement payments and shall create appropriate accounts, make  
 6 appropriate accounting entries and issue such appropriate vouchers and  
 7 warrants as may be required to make such reimbursement payments.

8 (e) Except as provided further, the reinstatement fee established in  
 9 this section shall be the only fee collected or moneys in the nature of a fee  
 10 collected for such reinstatement. Such fee shall only be established by an  
 11 act of the legislature and no other authority is established by law or  
 12 otherwise to collect a fee. On and after ~~the effective date of this act~~ *April*  
 13 *12, 2012*, through June 30, 2013, the supreme court may impose an  
 14 additional charge, not to exceed \$22 per reinstatement fee, to fund the  
 15 costs of non-judicial personnel. *On and after July 1, 2013, the court may*  
 16 *impose an additional charge to fund the cost of establishing, operating*  
 17 *and maintaining electronic document filing, storage and management for*  
 18 *the Kansas court system.*

19 Sec. 4. K.S.A. 20-1a12 is hereby amended to read as follows: 20-  
 20 1a12. (a) There is hereby established in the state treasury a judiciary  
 21 technology fund.

22 (b) Moneys in the judiciary technology fund shall be used to:

23 (1) Establish, operate and maintain a state-wide system of electronic  
 24 remote access, ~~at no cost to users,~~ to court records ~~that are otherwise~~  
 25 ~~publicly available;~~

26 (2) *establish, operate and maintain a statewide system of electronic*  
 27 *case filing, motion filing, record access and document access;*

28 ~~(3)~~ (3) implement technological improvements in the Kansas court  
 29 system; and

30 ~~(4)~~ (4) fund meetings of the judicial council technology advisory  
 31 committee at the judicial council reimbursement rate pursuant to K.S.A.  
 32 20-2206, and amendments thereto.

33 (c) Expenditures from such fund shall be made in accordance with  
 34 appropriation acts upon warrants of the director of accounts and reports  
 35 issued pursuant to vouchers approved by the chief justice of the Kansas  
 36 supreme court or a person designated by the chief justice.

37 Sec. 5. K.S.A. 2012 Supp. 20-362 is hereby amended to read as  
 38 follows: 20-362. The clerk of the district court shall remit all revenues  
 39 received from docket fees *and additional charges authorized by section 1,*  
 40 *and amendments thereto,* as follows:

41 (a) At least monthly to the county treasurer, for deposit in the county  
 42 treasury and credit to the county general fund:

43 (1) A sum equal to \$10 for each docket fee paid pursuant to K.S.A.

1 60-2001 and 60-3005, and amendments thereto, during the preceding  
2 calendar month;

3 (2) a sum equal to \$10 for each \$46 or \$76 docket fee paid pursuant  
4 to K.S.A. 61-4001, or K.S.A. 61-2704 or 61-2709, and amendments  
5 thereto; and

6 (3) a sum equal to \$5 for each \$26 docket fee paid pursuant to K.S.A.  
7 61-4001 or K.S.A. 61-2704, and amendments thereto, during the preceding  
8 calendar month.

9 (b) At least monthly to the board of trustees of the county law library  
10 fund, for deposit in the fund, a sum equal to the library fees paid during the  
11 preceding calendar month for cases filed in the county.

12 (c) At least monthly to the county treasurer, for deposit in the county  
13 treasury and credit to the prosecuting attorneys' training fund, a sum equal  
14 to \$2 for each docket fee paid pursuant to K.S.A. 28-172a, and  
15 amendments thereto, during the preceding calendar month for cases filed  
16 in the county and a sum equal to \$1 for each fee paid pursuant to  
17 subsection (c) of K.S.A. 28-170, and amendments thereto, during the  
18 preceding calendar month for cases filed in the county.

19 (d) To the state treasurer, in accordance with the provisions of K.S.A.  
20 75-4215, and amendments thereto, for deposit in the state treasury and  
21 credit to the indigents' defense services fund, a sum equal to \$.50 for each  
22 docket fee paid pursuant to K.S.A. 28-172a and subsection (d) of K.S.A.  
23 28-170, and amendments thereto, during the preceding calendar month.

24 (e) To the state treasurer, in accordance with the provisions of K.S.A.  
25 75-4215, and amendments thereto, for deposit in the state treasury and  
26 credit to the law enforcement training center fund a sum equal to \$15 for  
27 each docket fee paid pursuant to K.S.A. 28-172a, and amendments thereto,  
28 during the preceding calendar month.

29 (f) To the state treasurer, in accordance with the provisions of K.S.A.  
30 75-4215, and amendments thereto, for deposit in the state treasury and  
31 credit to the judicial branch surcharge fund a sum equal to the amount  
32 collected for credit to that fund, as provided by supreme court rule.

33 (g) *To the state treasurer, in accordance with the provisions of K.S.A.*  
34 *75-4215, and amendments thereto, for deposit in the state treasury and*  
35 *credit to the judiciary technology fund a sum equal to the amount*  
36 *collected for the additional charges authorized by section 1, and*  
37 *amendments thereto, credited to that fund, as provided by supreme court*  
38 *rule.*

39 ~~(g)~~ (h) To the state treasurer, in accordance with the provisions of  
40 K.S.A. 75-4215, and amendments thereto, for deposit in the state treasury  
41 and distribution according to K.S.A. 20-367, and amendments thereto, a  
42 sum equal to the balance which remains from all docket fees paid during  
43 the preceding calendar month after deduction of the amounts specified in



1 subsections (a), (b), (c), (d), (e) ~~and~~, (f) and (g).

2 Sec. 6. K.S.A. 20-371 is hereby amended to read as follows: 20-371.  
3 Notwithstanding any statute, law, rule, regulation or supreme court rule to  
4 the contrary, any county may provide electronic access to district court  
5 records that are otherwise publicly available. A county may charge  
6 reasonable fees, not to exceed those authorized by law, for providing  
7 electronic access to such records. ~~No statute, law, rule, regulation or~~  
8 ~~supreme court rule shall authorize the charging of a fee in addition to a~~  
9 ~~county fee, if any, for providing electronic access to district court records.~~

10 Sec. 7. K.S.A. 2012 Supp. 21-6614 is hereby amended to read as  
11 follows: 21-6614. (a) (1) Except as provided in subsections (b), (c), (d) and  
12 (e), any person convicted in this state of a traffic infraction, cigarette or  
13 tobacco infraction, misdemeanor or a class D or E felony, or for crimes  
14 committed on or after July 1, 1993, nondrug crimes ranked in severity  
15 levels 6 through 10, or for crimes committed on or after July 1, 1993, but  
16 prior to July 1, 2012, any felony ranked in severity level 4 of the drug grid,  
17 or for crimes committed on or after July 1, 2012, any felony ranked in  
18 severity level 5 of the drug grid may petition the convicting court for the  
19 expungement of such conviction or related arrest records if three or more  
20 years have elapsed since the person: (A) Satisfied the sentence imposed; or  
21 (B) was discharged from probation, a community correctional services  
22 program, parole, postrelease supervision, conditional release or a  
23 suspended sentence.

24 (2) Except as provided in subsections (b), (c), (d) and (e), any person  
25 who has fulfilled the terms of a diversion agreement may petition the  
26 district court for the expungement of such diversion agreement and related  
27 arrest records if three or more years have elapsed since the terms of the  
28 diversion agreement were fulfilled.

29 (b) Except as provided in subsections (c), (d) and (e), no person may  
30 petition for expungement until five or more years have elapsed since the  
31 person satisfied the sentence imposed, the terms of a diversion agreement  
32 or was discharged from probation, a community correctional services  
33 program, parole, postrelease supervision, conditional release or a  
34 suspended sentence, if such person was convicted of a class A, B or C  
35 felony, or for crimes committed on or after July 1, 1993, if convicted of an  
36 off-grid felony or any nondrug crime ranked in severity levels 1 through 5,  
37 or for crimes committed on or after July 1, 1993, but prior to July 1, 2012,  
38 any felony ranked in severity levels 1 through 3 of the drug grid, or for  
39 crimes committed on or after July 1, 2012, any felony ranked in severity  
40 levels 1 through 4 of the drug grid, or:

41 (1) Vehicular homicide, as defined in K.S.A. 21-3405, prior to its  
42 repeal, or K.S.A. 2012 Supp. 21-5406, and amendments thereto, or as  
43 prohibited by any law of another state which is in substantial conformity

1 with that statute;

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

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

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

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

16 (6) failing to stop at the scene of an accident and perform the duties  
17 required by K.S.A. 8-1602, 8-1603, prior to its repeal, or 8-1604, and  
18 amendments thereto, or required by a law of another state which is in  
19 substantial conformity with those statutes;

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

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

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

30 (d) There shall be no expungement of convictions for the following  
31 offenses or of convictions for an attempt to commit any of the following  
32 offenses:

33 (1) Rape as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.  
34 2012 Supp. 21-5503, and amendments thereto;

35 (2) indecent liberties with a child or aggravated indecent liberties  
36 with a child as defined in K.S.A. 21-3503 or 21-3504, prior to their repeal,  
37 or K.S.A. 2012 Supp. 21-5506, and amendments thereto;

38 (3) criminal sodomy as defined in subsection (a)(2) or (a)(3) of  
39 K.S.A. 21-3505, prior to its repeal, or subsection (a)(3) or (a)(4) of K.S.A.  
40 2012 Supp. 21-5504, and amendments thereto;

41 (4) aggravated criminal sodomy as defined in K.S.A. 21-3506, prior  
42 to its repeal, or K.S.A. 2012 Supp. 21-5504, and amendments thereto;

43 (5) indecent solicitation of a child or aggravated indecent solicitation

1 of a child as defined in K.S.A. 21-3510 or 21-3511, prior to their repeal, or  
2 K.S.A. 2012 Supp. 21-5508, and amendments thereto;

3 (6) sexual exploitation of a child as defined in K.S.A. 21-3516, prior  
4 to its repeal, or K.S.A. 2012 Supp. 21-5510, and amendments thereto;

5 (7) aggravated incest as defined in K.S.A. 21-3603, prior to its repeal,  
6 or K.S.A. 2012 Supp. 21-5604, and amendments thereto;

7 (8) endangering a child or aggravated endangering a child as defined  
8 in K.S.A. 21-3608 or 21-3608a, prior to their repeal, or K.S.A. 2012 Supp.  
9 21-5601, and amendments thereto;

10 (9) abuse of a child as defined in K.S.A. 21-3609, prior to its repeal,  
11 or K.S.A. 2012 Supp. 21-5602, and amendments thereto;

12 (10) capital murder as defined in K.S.A. 21-3439, prior to its repeal,  
13 or K.S.A. 2012 Supp. 21-5401, and amendments thereto;

14 (11) murder in the first degree as defined in K.S.A. 21-3401, prior to  
15 its repeal, or K.S.A. 2012 Supp. 21-5402, and amendments thereto;

16 (12) murder in the second degree as defined in K.S.A. 21-3402, prior  
17 to its repeal, or K.S.A. 2012 Supp. 21-5403, and amendments thereto;

18 (13) voluntary manslaughter as defined in K.S.A. 21-3403, prior to its  
19 repeal, or K.S.A. 2012 Supp. 21-5404, and amendments thereto;

20 (14) involuntary manslaughter as defined in K.S.A. 21-3404, prior to  
21 its repeal, or K.S.A. 2012 Supp. 21-5405, and amendments thereto;

22 (15) sexual battery as defined in K.S.A. 21-3517, prior to its repeal,  
23 or K.S.A. 2012 Supp. 21-5505, and amendments thereto, when the victim  
24 was less than 18 years of age at the time the crime was committed;

25 (16) aggravated sexual battery as defined in K.S.A. 21-3518, prior to  
26 its repeal, or K.S.A. 2012 Supp. 21-5505, and amendments thereto;

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

29 (18) any conviction for any offense in effect at any time prior to July  
30 1, 2011, that is comparable to any offense as provided in this subsection.

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

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

41 (A) Defendant's full name;

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

- 1 (C) defendant's sex, race and date of birth;  
2 (D) crime for which the defendant was arrested, convicted or  
3 diverted;  
4 (E) date of the defendant's arrest, conviction or diversion; and  
5 (F) identity of the convicting court, arresting law enforcement  
6 authority or diverting authority.

7 (2) Except as otherwise provided by law, a petition for expungement  
8 shall be accompanied by a docket fee in the amount of \$100. On and after  
9 April 12, 2012, through June 30, 2013, the supreme court may impose a  
10 charge, not to exceed \$19 per case, to fund the costs of non-judicial  
11 personnel. *On and after July 1, 2013, the court may impose an additional*  
12 *charge to fund the cost of establishing, operating and maintaining*  
13 *electronic document filing, storage and management for the Kansas court*  
14 *system.* The charge established in this section shall be the only fee  
15 collected or moneys in the nature of a fee collected for the case. Such  
16 charge shall only be established by an act of the legislature and no other  
17 authority is established by law or otherwise to collect a fee.

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

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

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

29 (2) the circumstances and behavior of the petitioner warrant the  
30 expungement; and

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

32 (h) When the court has ordered an arrest record, conviction or  
33 diversion expunged, the order of expungement shall state the information  
34 required to be contained in the petition. The clerk of the court shall send a  
35 certified copy of the order of expungement to the Kansas bureau of  
36 investigation which shall notify the federal bureau of investigation, the  
37 secretary of corrections and any other criminal justice agency which may  
38 have a record of the arrest, conviction or diversion. After the order of  
39 expungement is entered, the petitioner shall be treated as not having been  
40 arrested, convicted or diverted of the crime, except that:

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

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

3 (A) In any application for licensure as a private detective, private  
4 detective agency, certification as a firearms trainer pursuant to K.S.A.  
5 2012 Supp. 75-7b21, and amendments thereto, or employment as a  
6 detective with a private detective agency, as defined by K.S.A. 75-7b01,  
7 and amendments thereto; as security personnel with a private patrol  
8 operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with  
9 an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of  
10 the department of social and rehabilitation services;

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

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

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

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

28 (F) upon application for a commercial driver's license under K.S.A.  
29 8-2,125 through 8-2,142, and amendments thereto;

30 (G) to aid in determining the petitioner's qualifications to be an  
31 employee of the state gaming agency;

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

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

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

40 (K) for applications received on and after July 1, 2006, to aid in  
41 determining the petitioner's qualifications for a license to carry a concealed  
42 weapon pursuant to the personal and family protection act, K.S.A. 2012  
43 Supp. 75-7c01 et seq., and amendments thereto;

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

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

6 (5) upon commitment to the custody of the secretary of corrections,  
7 any previously expunged record in the possession of the secretary of  
8 corrections may be reinstated and the expungement disregarded, and the  
9 record continued for the purpose of the new commitment.

10 (i) Whenever a person is convicted of a crime, pleads guilty and pays  
11 a fine for a crime, is placed on parole, postrelease supervision or  
12 probation, is assigned to a community correctional services program, is  
13 granted a suspended sentence or is released on conditional release, the  
14 person shall be informed of the ability to expunge the arrest records or  
15 conviction. Whenever a person enters into a diversion agreement, the  
16 person shall be informed of the ability to expunge the diversion.

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

25 (k) Whenever the record of any arrest, conviction or diversion has  
26 been expunged under the provisions of this section or under the provisions  
27 of any other existing or former statute, the custodian of the records of  
28 arrest, conviction, diversion and incarceration relating to that crime shall  
29 not disclose the existence of such records, except when requested by:

30 (1) The person whose record was expunged;

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

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

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

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

1 (6) a prosecutor, and such request is accompanied by a statement that  
2 the request is being made in conjunction with a prosecution of an offense  
3 that requires a prior conviction as one of the elements of such offense;

4 (7) the supreme court, the clerk or disciplinary administrator thereof,  
5 the state board for admission of attorneys or the state board for discipline  
6 of attorneys, and the request is accompanied by a statement that the  
7 request is being made in conjunction with an application for admission, or  
8 for an order of reinstatement, to the practice of law in this state by the  
9 person whose record has been expunged;

10 (8) the Kansas lottery, and the request is accompanied by a statement  
11 that the request is being made to aid in determining 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 (9) the governor or the Kansas racing and gaming commission, or a  
16 designee of the commission, and the request is accompanied by a  
17 statement that the request is being made to aid in determining  
18 qualifications for executive director of the commission, for employment  
19 with the commission, for work in sensitive areas in parimutuel racing as  
20 deemed appropriate by the executive director of the commission or for  
21 licensure, renewal of licensure or continued licensure by the commission;

22 (10) the Kansas racing and gaming commission, or a designee of the  
23 commission, and the request is accompanied by a statement that the  
24 request is being made to aid in determining qualifications of the following  
25 under the Kansas expanded lottery act: (A) Lottery gaming facility  
26 managers and prospective managers, racetrack gaming facility managers  
27 and prospective managers, licensees and certificate holders; and (B) their  
28 officers, directors, employees, owners, agents and contractors;

29 (11) the Kansas sentencing commission;

30 (12) the state gaming agency, and the request is accompanied by a  
31 statement that the request is being made to aid in determining  
32 qualifications: (A) To be an employee of the state gaming agency; or (B)  
33 to be an employee of a tribal gaming commission or to hold a license  
34 issued pursuant to a tribal-gaming compact;

35 (13) the Kansas securities commissioner or a designee of the  
36 commissioner, and the request is accompanied by a statement that the  
37 request is being made in conjunction with an application for registration as  
38 a broker-dealer, agent, investment adviser or investment adviser  
39 representative by such agency and the application was submitted by the  
40 person whose record has been expunged;

41 (14) the Kansas commission on peace officers' standards and training  
42 and the request is accompanied by a statement that the request is being  
43 made to aid in determining certification eligibility as a law enforcement

1 officer pursuant to K.S.A. 74-5601 et seq., and amendments thereto;

2 (15) a law enforcement agency and the request is accompanied by a  
3 statement that the request is being made to aid in determining eligibility  
4 for employment as a law enforcement officer as defined by K.S.A. 22-  
5 2202, and amendments thereto;

6 (16) the attorney general and the request is accompanied by a  
7 statement that the request is being made to aid in determining  
8 qualifications for a license to carry a concealed weapon pursuant to the  
9 personal and family protection act; or

10 (17) the Kansas bureau of investigation for the purposes of:

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

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

17 (I) The provisions of subsection (k)(17) shall apply to records created  
18 prior to, on and after July 1, 2011.

19 Sec. 8. K.S.A. 2012 Supp. 22-2410 is hereby amended to read as  
20 follows: 22-2410. (a) Any person who has been arrested in this state may  
21 petition the district court for the expungement of such arrest record.

22 (b) When a petition for expungement is filed, the court shall set a date  
23 for hearing on such petition and shall cause notice of such hearing to be  
24 given to the prosecuting attorney and the arresting law enforcement  
25 agency. When a petition for expungement is filed, the official court file  
26 shall be separated from the other records of the court, and shall be  
27 disclosed only to a judge of the court and members of the staff of the court  
28 designated by a judge of the district court, the prosecuting attorney, the  
29 arresting law enforcement agency, or any other person when authorized by  
30 a court order, subject to any conditions imposed by the order. Except as  
31 otherwise provided by law, a petition for expungement shall be  
32 accompanied by a docket fee in the amount of \$100. Except as provided  
33 further, the docket fee established in this section shall be the only fee  
34 collected or moneys in the nature of a fee collected for the docket fee.  
35 Such fee shall only be established by an act of the legislature and no other  
36 authority is established by law or otherwise to collect a fee. On and after  
37 ~~the effective date of this act~~ *April 12, 2012*, through June 30, 2013, the  
38 supreme court may impose an additional charge, not to exceed \$19 per  
39 docket fee, to fund the costs of non-judicial personnel. *On and after July*  
40 *1, 2013, the court may impose an additional charge to fund the cost of*  
41 *establishing, operating and maintaining electronic document filing,*  
42 *storage and management for the Kansas court system.* The petition shall  
43 state:



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

8 No surcharge or fee shall be imposed to any person filing a petition  
9 pursuant to this section, who was arrested as a result of being a victim of  
10 identity theft under K.S.A. 21-4018, prior to its repeal, or subsection (a) of  
11 K.S.A. 2012 Supp. 21-6107, 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. Any person who may  
15 have relevant information about the petitioner may testify at the hearing.  
16 The court may inquire into the background of the petitioner.

17 (c) At the hearing on a petition for expungement, the court shall order  
18 the arrest record and subsequent court proceedings, if any, expunged upon  
19 finding: (1) The arrest occurred because of mistaken identity;

20 (2) a court has found that there was no probable cause for the arrest;  
21 (3) the petitioner was found not guilty in court proceedings; or  
22 (4) the expungement would be in the best interests of justice and: (A)  
23 Charges have been dismissed; or (B) no charges have been or are likely to  
24 be filed.

25 (d) When the court has ordered expungement of an arrest record and  
26 subsequent court proceedings, if any, the order shall state the information  
27 required to be stated in the petition and shall state the grounds for  
28 expungement under subsection (c). The clerk of the court shall send a  
29 certified copy of the order to the Kansas bureau of investigation which  
30 shall notify the federal bureau of investigation, the secretary of corrections  
31 and any other criminal justice agency which may have a record of the  
32 arrest. If an order of expungement is entered, the petitioner shall be treated  
33 as not having been arrested.

34 (e) If the ground for expungement is as provided in subsection (c)(4),  
35 the court shall determine whether, in the interests of public welfare, the  
36 records should be available for any of the following purposes: (1) In any  
37 application for employment as a detective with a private detective agency,  
38 as defined in K.S.A. 75-7b01, and amendments thereto; as security  
39 personnel with a private patrol operator, as defined by K.S.A. 75-7b01,  
40 and amendments thereto; or with an institution, as defined in K.S.A. 76-  
41 12a01, and amendments thereto, of the department of social and  
42 rehabilitation services;

43 (2) in any application for admission, or for an order of reinstatement,

1 to the practice of law in this state;

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

6 (4) to aid in determining the petitioner's qualifications for executive  
7 director of the Kansas racing commission, for employment with the  
8 commission or for work in sensitive areas in parimutuel racing as deemed  
9 appropriate by the executive director of the commission, or to aid in  
10 determining qualifications for licensure or renewal of licensure by the  
11 commission;

12 (5) in any application for a commercial driver's license under K.S.A.  
13 8-2,125 through 8-2,142, and amendments thereto;

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

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

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

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

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

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

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

34 (h) Whenever a petitioner's arrest records have been expunged as  
35 provided in this section, the custodian of the records of arrest,  
36 incarceration due to arrest or court proceedings related to the arrest, shall  
37 not disclose the arrest or any information related to the arrest, except as  
38 directed by the order of expungement or when requested by the person  
39 whose arrest record was expunged.

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

43 Sec. 9. K.S.A. 2012 Supp. 23-2510 is hereby amended to read as

1 follows: 23-2510. (a) The judge or clerk of the district court shall collect  
2 from the applicant for a marriage license a fee of \$59.

3 (b) The clerk of the court shall remit all fees prescribed by this  
4 section to the state treasurer in accordance with the provisions of K.S.A.  
5 75-4215, and amendments thereto. Upon receipt of each such remittance,  
6 the state treasurer shall deposit the entire amount in the state treasury. Of  
7 each remittance, the state treasurer shall credit 38.98% to the protection  
8 from abuse fund, 15.19% to the family and children trust account of the  
9 family and children investment fund created by K.S.A. 38-1808, and  
10 amendments thereto, 16.95% to the crime victims assistance fund created  
11 by K.S.A. 74-7334, and amendments thereto, 15.25% to the judicial  
12 branch nonjudicial salary adjustment fund created by K.S.A. 2012 Supp.  
13 20-1a15, and amendments thereto, and the remainder to the state general  
14 fund.

15 (c) Except as provided further, the marriage license fee established in  
16 this section shall be the only fee collected or moneys in the nature of a fee  
17 collected for a marriage license. Such fee shall only be established by an  
18 act of the legislature and no other authority is established by law or  
19 otherwise to collect a fee. ~~On and after the effective date of this act~~ *April*  
20 *12, 2012*, through June 30, 2013, the supreme court may impose an  
21 additional charge, not to exceed \$26.50 per marriage license fee, to fund  
22 the costs of non-judicial personnel. *On and after July 1, 2013, the court*  
23 *may impose an additional charge to fund the cost of establishing,*  
24 *operating and maintaining electronic document filing, storage and*  
25 *management for the Kansas court system.*

26 Sec. 10. K.S.A. 2012 Supp. 28-170 is hereby amended to read as  
27 follows: 28-170. (a) The docket fee prescribed by K.S.A. 60-2001, and  
28 amendments thereto, and the fees for service of process, shall be the only  
29 costs assessed for services of the clerk of the district court and the sheriff  
30 in any case filed under chapter 60 or chapter 61 of the Kansas Statutes  
31 Annotated, and amendments thereto, except that no fee shall be charged  
32 for an action filed under K.S.A. 60-3101 et seq., and under K.S.A. 60-  
33 31a01 et seq., and amendments thereto. For services in other matters in  
34 which no other fee is prescribed by statute, the following fees shall be  
35 charged and collected by the clerk. Only one fee shall be charged for each  
36 bond, lien or judgment:

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

1

2 (b) The fees for entries, certificates and other papers required in  
3 naturalization cases shall be those prescribed by the federal government  
4 and, when collected, shall be disbursed as prescribed by the federal  
5 government. The clerk of the court shall remit to the state treasurer at least  
6 monthly all moneys received from fees prescribed by subsection (a) or (b)  
7 or received for any services performed which may be required by law. The  
8 state treasurer shall deposit the remittance in the state treasury and credit  
9 the entire amount to the state general fund.

10 (c) In actions pursuant to the revised Kansas code for care of  
11 children, K.S.A. 2012 Supp. 38-2201 et seq., and amendments thereto, the  
12 revised Kansas juvenile justice code, K.S.A. 2012 Supp. 38-2301 et seq.,  
13 and amendments thereto, the act for treatment of alcoholism, K.S.A. 65-  
14 4001 et seq., and amendments thereto, the act for treatment of drug abuse,  
15 K.S.A. 65-5201 et seq., and amendments thereto, or the care and treatment  
16 act for mentally ill persons, K.S.A. 59-2945 et seq., and amendments  
17 thereto, the clerk shall charge an additional fee of \$1 which shall be  
18 deducted from the docket fee and credited to the prosecuting attorneys'  
19 training fund as provided in K.S.A. 28-170a, and amendments thereto.

20 (d) In actions pursuant to the revised Kansas code for care of  
21 children, K.S.A. 2012 Supp. 38-2201 et seq., and amendments thereto, the  
22 revised Kansas juvenile justice code, K.S.A. 2012 Supp. 38-2301 et seq.,  
23 and amendments thereto, the act for treatment of alcoholism, K.S.A. 65-  
24 4001 et seq., and amendments thereto, the act for treatment of drug abuse,  
25 K.S.A. 65-5201 et seq., and amendments thereto, or the care and treatment  
26 act for mentally ill persons, K.S.A. 59-2945 et seq., and amendments  
27 thereto, the clerk shall charge an additional fee of \$.50 which shall be  
28 deducted from the docket fee and credited to the indigents' defense  
29 services fund as provided in K.S.A. 28-172b, and amendments thereto.

30 (e) Except as provided further, the bond, lien or judgment fee  
31 established in subsection (a) shall be the only fee collected or moneys in  
32 the nature of a fee collected for such bond, lien or judgment. Such fee shall  
33 only be established by an act of the legislature and no other authority is  
34 established by law or otherwise to collect a fee. On and after ~~the effective~~  
35 ~~date of this act~~ *April 12, 2012*, through June 30, 2013, the supreme court  
36 may impose an additional charge, not to exceed \$22 per bond, lien or  
37 judgment fee, to fund the costs of non-judicial personnel. *On and after*  
38 *July 1, 2013, the court may impose an additional charge to fund the cost*  
39 *of establishing, operating and maintaining electronic document filing,*  
40 *storage and management for the Kansas court system.*

41 Sec. 11. K.S.A. 2012 Supp. 28-172a is hereby amended to read as  
42 follows: 28-172a. (a) Except as otherwise provided in this section,  
43 whenever the prosecuting witness or defendant is adjudged to pay the costs

1 in a criminal proceeding in any county, a docket fee shall be taxed as  
2 follows:

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

|                                  |          |
|----------------------------------|----------|
| 4 Murder or manslaughter.....    | \$182.50 |
| 5 Other felony.....              | 173.00   |
| 6 Misdemeanor.....               | 138.00   |
| 7 Forfeited recognizance.....    | 74.50    |
| 8 Appeals from other courts..... | 74.50    |

9

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

|                                   |          |
|-----------------------------------|----------|
| 11 Murder or manslaughter.....    | \$180.50 |
| 12 Other felony.....              | 171.00   |
| 13 Misdemeanor.....               | 136.00   |
| 14 Forfeited recognizance.....    | 72.50    |
| 15 Appeals from other courts..... | 72.50    |

16

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 subsection (c) of K.S.A. 8-2118, and amendments  
20 thereto, a cigarette or tobacco infraction, any act declared a crime pursuant  
21 to the statutes contained in chapter 32 of the Kansas Statutes Annotated,  
22 and amendments thereto, or any act declared a crime pursuant to the  
23 statutes contained in article 8 of chapter 82a of the Kansas Statutes  
24 Annotated, and amendments thereto, whenever the prosecuting witness or  
25 defendant is adjudged to pay the costs in the action, on and after July 1,  
26 2009 through June 30, 2013, a docket fee of \$76 shall be charged, and on  
27 and after July 1, 2013, a docket fee of \$74 shall be charged. When an  
28 action is disposed of under subsections (a) and (b) of K.S.A. 8-2118 or  
29 subsection (f) of K.S.A. 79-3393, and amendments thereto, on and after  
30 July 1, 2009 through June 30, 2013, the docket fee to be paid as court costs  
31 shall be \$76, and on and after July 1, 2013, the docket fee to be paid as  
32 court costs shall be \$74.

33 (2) In actions involving the violation of a moving traffic violation  
34 under K.S.A. 8-2118, and amendments thereto, as defined by rules and  
35 regulations adopted under K.S.A. 8-249, and amendments thereto,  
36 whenever the prosecuting witness or defendant is adjudged to pay the costs  
37 in the action, on and after July 1, 2009 through June 30, 2013, a docket fee  
38 of \$76 shall be charged, and on and after July 1, 2013, a docket fee of \$74  
39 shall be charged. When an action is disposed of under subsection (a) and  
40 (b) of K.S.A. 8-2118, and amendments thereto, on and after July 1, 2009  
41 through June 30, 2013, the docket fee to be paid as court costs shall be  
42 \$76, and on and after July 1, 2013, the docket fee to be paid as court costs  
43 shall be \$74.

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

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

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

33 (f) Except as provided further, the docket fee established in this  
34 section shall be the only fee collected or moneys in the nature of a fee  
35 collected for the docket fee. Such fee shall only be established by an act of  
36 the legislature and no other authority is established by law or otherwise to  
37 collect a fee. On and after ~~the effective date of this act~~ *April 12, 2012*,  
38 through June 30, 2013, the supreme court may impose an additional  
39 charge, not to exceed \$22 per docket fee, to fund the costs of non-judicial  
40 personnel. *On and after July 1, 2013, the court may impose an additional*  
41 *charge to fund the cost of establishing, operating and maintaining*  
42 *electronic document filing, storage and management for the Kansas court*  
43 *system.*

1       Sec. 12. K.S.A. 2012 Supp. 28-177 is hereby amended to read as  
2 follows: 28-177. (a) Except as provided in this section and K.S.A. 2012  
3 Supp. 28-178, and amendments thereto, the fees established by legislative  
4 enactment shall be the only fee collected or moneys in the nature of a fee  
5 collected for court procedures. Such fee shall only be established by an act  
6 of the legislature and no other authority is established by law or otherwise  
7 to collect a fee. Court procedures shall include docket fees, filing fees or  
8 other fees related to access to court procedures. On and after the effective  
9 date of this act through June 30, 2013, the supreme court may impose an  
10 additional charge, not to exceed \$26.50 per fee or the amount established  
11 by the applicable statute, whichever amount is less, to fund the costs of  
12 non-judicial personnel.

13       (b) Such additional charge imposed by the court pursuant to K.S.A. 8-  
14 2107, 8-2110, 22-2410, 23-108a, 28-170, 28-172a, 59-104, 60-2001, 60-  
15 2203a, 61-2704, 61-4001 and 65-409 and K.S.A. 2012 Supp. 21-6614, 28-  
16 178, 28-179, 32-1049a, 38-2215, 38-2312 and 38-2314, and amendments  
17 thereto, shall be remitted to the state treasurer in accordance with the  
18 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of  
19 each such remittance, the state treasurer shall deposit the entire amount in  
20 the state treasury to the credit of the judicial branch surcharge fund, which  
21 is hereby created in the state treasury.

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

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

30       Sec. 13. K.S.A. 2012 Supp. 28-178 is hereby amended to read as  
31 follows: 28-178. (a) In addition to any other fees specifically prescribed by  
32 law, on and after ~~the effective date of this act~~ *April 12, 2012*, through June  
33 30, 2013, the supreme court may impose a charge, not to exceed \$12.50  
34 per fee, to fund the costs of non-judicial personnel, on the following:

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

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

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

43       (4) Persons who request a writ or order of sale pursuant to K.S.A. 60-

1 2401 or 61-3602, and amendments thereto.

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

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

7 (b) *In addition to any other fees specifically prescribed by law, on*  
8 *and after July 1, 2013, the court may impose an additional charge to fund*  
9 *the cost of establishing, operating and maintaining electronic document*  
10 *filing, storage and management for the Kansas court system.*

11 ~~(b)~~ (c) (1) The clerk of the district court shall remit all revenues  
12 received from the fees imposed pursuant to subsection (a) to the state  
13 treasurer, in accordance with the provisions of K.S.A. 75-4215, and  
14 amendments thereto. Upon receipt of each such remittance, the state  
15 treasurer shall deposit the entire amount in the state treasury to the credit  
16 of the judicial branch surcharge fund *established by K.S.A. 28-177, and*  
17 *amendments thereto.*

18 (2) *The clerk of the district court shall remit all revenues received*  
19 *from the fees imposed pursuant to subsection (b) to the state treasurer, in*  
20 *accordance with the provisions of K.S.A. 75-4215, and amendments*  
21 *thereto. Upon receipt of each such remittance, the state treasurer shall*  
22 *deposit the entire amount in the state treasury to the credit of the judiciary*  
23 *technology fund established by K.S.A. 20-1a12, and amendments thereto.*

24 ~~(e)~~ (d) The fees established in this section shall be the only fee  
25 collected or moneys in the nature of a fee collected for such court  
26 procedures. Such fee shall only be established by an act of the legislature  
27 and no other authority is established by law or otherwise to collect a fee.

28 Sec. 14. K.S.A. 2012 Supp. 28-179 is hereby amended to read as  
29 follows: 28-179. (a) No post-decree motion petitioning for a modification  
30 or termination of separate maintenance, for a change in legal custody,  
31 residency, visitation rights or parenting time or for a modification of child  
32 support shall be filed or docketed in the district court without payment of a  
33 docket fee in the amount of \$42 on and after July 1, 2009 through June 30,  
34 2013, and \$40 on and after July 1, 2013, to the clerk of the district court.

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

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

41 (d) Except as provided further, the docket fee established in this  
42 section shall be the only fee collected or moneys in the nature of a fee  
43 collected for the docket fee. Such fee shall only be established by an act of



1 the legislature and no other authority is established by law or otherwise to  
2 collect a fee. On and after ~~the effective date of this act~~ *April 12, 2012*,  
3 through June 30, 2013, the supreme court may impose an additional  
4 charge, not to exceed \$22 per docket fee, to fund the costs of non-judicial  
5 personnel. *On and after July 1, 2013, the court may impose an additional*  
6 *charge to fund the cost of establishing, operating and maintaining*  
7 *electronic document filing, storage and management for the Kansas court*  
8 *system.*

9 Sec. 15. K.S.A. 2012 Supp. 32-1049a is hereby amended to read as  
10 follows: 32-1049a. (a) Failure to comply with a wildlife, parks and tourism  
11 citation means failure to:

12 (1) Appear before any district court in response to a wildlife, parks  
13 and tourism citation and pay in full any fine, court costs, assessments or  
14 fees imposed;

15 (2) fully pay or satisfy all fines, court costs, assessments or fees  
16 imposed as a part of the sentence of any district court for violation of the  
17 wildlife, parks and tourism laws of this state; or

18 (3) otherwise comply with a wildlife, parks and tourism citation as  
19 provided in K.S.A. 32-1049, and amendments thereto.

20 Failure to comply with a wildlife, parks and tourism citation is a class  
21 C misdemeanor, regardless of the disposition of the charge for which such  
22 citation, complaint or charge was originally issued.

23 (b) The term "citation" means any complaint, summons, notice to  
24 appear, ticket, warrant, penalty assessment or other official document  
25 issued for the prosecution of the wildlife, parks and tourism laws or rules  
26 and regulations of this state.

27 (c) In addition to penalties of law applicable under subsection (a)  
28 when a person fails to comply with a wildlife, parks and tourism citation  
29 or sentence for a violation of wildlife, parks and tourism laws or rules and  
30 regulations, the district court in which the person should have complied  
31 shall mail a notice to the person that if the person does not appear in the  
32 district court or pay all fines, court costs, assessments or fees, and any  
33 penalties imposed within 30 days from the date of mailing, the Kansas  
34 department of wildlife, parks and tourism shall be notified to forfeit or  
35 suspend any license, permit, stamp or other issue of the department. Upon  
36 receipt of a report of a failure to comply with a wildlife, parks and tourism  
37 citation under this section, and amendments thereto, the department shall  
38 notify the violator and suspend or forfeit the license, permit, stamp or  
39 other issue of the department held by the violator until satisfactory  
40 evidence of compliance with the wildlife, parks and tourism citation or  
41 sentence of the district court for violation of the wildlife, parks and  
42 tourism laws or rules and regulations of this state are furnished to the  
43 informing court. Upon receipt of notification of such compliance from the

1 informing court, the department shall terminate the suspension action,  
2 unless the violator is otherwise suspended.

3 (d) Except as provided in subsection (e), when the district court  
4 notifies the department of a failure to comply with a wildlife, parks and  
5 tourism citation or failure to comply with a sentence of the district court  
6 imposed on violation of a wildlife, parks and tourism law or rule and  
7 regulation, the court shall assess a reinstatement fee of \$50 for each charge  
8 or sentence on which the person failed to make satisfaction, regardless of  
9 the disposition of the charge for which such citation was originally issued.  
10 Such reinstatement fee shall be in addition to any fine, court costs and  
11 other assessments, fees or penalties. The court shall remit all reinstatement  
12 fees to the state treasurer in accordance with the provisions of K.S.A. 75-  
13 4215, and amendments thereto. Upon receipt of each remittance, the state  
14 treasurer shall deposit the entire amount in the state treasury and shall  
15 credit such moneys to the state general fund.

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

29 (f) Except as provided further, the reinstatement fee established in  
30 subsection (d) shall be the only fee collected or moneys in the nature of a  
31 fee collected for such reinstatement. Such fee shall only be established by  
32 an act of the legislature and no other authority is established by law or  
33 otherwise to collect a fee. On and after ~~the effective date of this act~~ *April*  
34 *12, 2012*, through June 30, 2013, the supreme court may impose an  
35 additional charge, not to exceed \$22 per reinstatement fee, to fund the  
36 costs of non-judicial personnel. *On and after July 1, 2013, the court may*  
37 *impose an additional charge to fund the cost of establishing, operating*  
38 *and maintaining electronic document filing, storage and management for*  
39 *the Kansas court system.*

40 Sec. 16. K.S.A. 2012 Supp. 38-2215 is hereby amended to read as  
41 follows: 38-2215. (a) *Docket fee.* The docket fee for proceedings under  
42 this code, if one is assessed as provided in this section, shall be \$34. Only  
43 one docket fee shall be assessed in each case. Except as provided further,

1 the docket fee established in this section shall be the only fee collected or  
2 moneys in the nature of a fee collected for the docket fee. Such fee shall  
3 only be established by an act of the legislature and no other authority is  
4 established by law or otherwise to collect a fee. On and after ~~the effective~~  
5 ~~date of this act~~ *April 12, 2012*, through June 30, 2013, the supreme court  
6 may impose an additional charge, not to exceed \$22 per docket fee, to fund  
7 the costs of non-judicial personnel. *On and after July 1, 2013, the court*  
8 *may impose an additional charge to fund the cost of establishing,*  
9 *operating and maintaining electronic document filing, storage and*  
10 *management for the Kansas court system.*

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

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

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

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

1 docket fee.

2 Sec. 17. K.S.A. 2012 Supp. 38-2312 is hereby amended to read as  
3 follows: 38-2312. (a) Except as provided in subsection (b) and (c), any  
4 records or files specified in this code concerning a juvenile may be  
5 expunged upon application to a judge of the court of the county in which  
6 the records or files are maintained. The application for expungement may  
7 be made by the juvenile, if 18 years of age or older or, if the juvenile is  
8 less than 18 years of age, by the juvenile's parent or next friend.

9 (b) There shall be no expungement of records or files concerning acts  
10 committed by a juvenile which, if committed by an adult, would constitute  
11 a violation of K.S.A. 21-3401, prior to its repeal, or K.S.A. 2012 Supp. 21-  
12 5402, and amendments thereto, murder in the first degree; K.S.A. 21-3402,  
13 prior to its repeal, or K.S.A. 2012 Supp. 21-5403, and amendments  
14 thereto, murder in the second degree; K.S.A. 21-3403, prior to its repeal,  
15 or K.S.A. 2012 Supp. 21-5404, and amendments thereto, voluntary  
16 manslaughter; K.S.A. 21-3404, prior to its repeal, or K.S.A. 2012 Supp.  
17 21-5405, and amendments thereto, involuntary manslaughter; K.S.A. 21-  
18 3439, prior to its repeal, or K.S.A. 2012 Supp. 21-5401, and amendments  
19 thereto, capital murder; K.S.A. 21-3442, prior to its repeal, or subsection  
20 (a)(3) of K.S.A. 2012 Supp. 21-5405, and amendments thereto,  
21 involuntary manslaughter while driving under the influence of alcohol or  
22 drugs; K.S.A. 21-3502, prior to its repeal, or K.S.A. 2012 Supp. 21-5503,  
23 and amendments thereto, rape; K.S.A. 21-3503, prior to its repeal, or  
24 subsection (a) of K.S.A. 2012 Supp. 21-5506, and amendments thereto,  
25 indecent liberties with a child; K.S.A. 21-3504, prior to its repeal, or  
26 subsection (b) of K.S.A. 2012 Supp. 21-5506, and amendments thereto,  
27 aggravated indecent liberties with a child; K.S.A. 21-3506, prior to its  
28 repeal, or subsection (b) of K.S.A. 2012 Supp. 21-5504, and amendments  
29 thereto, aggravated criminal sodomy; K.S.A. 21-3510, prior to its repeal,  
30 or subsection (a) of K.S.A. 2012 Supp. 21-5508, and amendments thereto,  
31 indecent solicitation of a child; K.S.A. 21-3511, prior to its repeal, or  
32 subsection (b) of K.S.A. 2012 Supp. 21-5508, and amendments thereto,  
33 aggravated indecent solicitation of a child; K.S.A. 21-3516, prior to its  
34 repeal, or K.S.A. 2012 Supp. 21-5510, and amendments thereto, sexual  
35 exploitation; K.S.A. 21-3603, prior to its repeal, or subsection (b) of  
36 K.S.A. 2012 Supp. 21-5604, and amendments thereto, aggravated incest;  
37 K.S.A. 21-3608, prior to its repeal, or subsection (a) of K.S.A. 2012 Supp.  
38 21-5601, and amendments thereto, endangering a child; K.S.A. 21-3609,  
39 prior to its repeal, or K.S.A. 2012 Supp. 21-5602, and amendments  
40 thereto, abuse of a child; or which would constitute an attempt to commit a  
41 violation of any of the offenses specified in this subsection.

42 (c) Notwithstanding any other law to the contrary, for any offender  
43 who is required to register as provided in the Kansas offender registration

1 act, K.S.A. 22-4901 et seq., and amendments thereto, there shall be no  
2 expungement of any conviction or any part of the offender's criminal  
3 record while the offender is required to register as provided in the Kansas  
4 offender registration act.

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

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

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

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

31 (C) the circumstances and behavior of the petitioner warrant  
32 expungement.

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

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

1 inspection shall be limited to inspection by the person who is the subject of  
2 the files or records and the person's designees.

3 (g) A certified copy of any order made pursuant to subsection (a) or  
4 (d) shall be sent to the Kansas bureau of investigation, which shall notify  
5 every juvenile or criminal justice agency which may possess records or  
6 files ordered to be expunged. If the agency fails to comply with the order  
7 within a reasonable time after its receipt, such agency may be adjudged in  
8 contempt of court and punished accordingly.

9 (h) The court shall inform any juvenile who has been adjudicated a  
10 juvenile offender of the provisions of this section.

11 (i) Nothing in this section shall be construed to prohibit the  
12 maintenance of information relating to an offense after records or files  
13 concerning the offense have been expunged if the information is kept in a  
14 manner that does not enable identification of the juvenile.

15 (j) Nothing in this section shall be construed to permit or require  
16 expungement of files or records related to a child support order registered  
17 pursuant to the revised Kansas juvenile justice code.

18 (k) Whenever the records or files of any adjudication have been  
19 expunged under the provisions of this section, the custodian of the records  
20 or files of adjudication relating to that offense shall not disclose the  
21 existence of such records or files, except when requested by:

22 (1) The person whose record was expunged;

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

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

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

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

36 (6) the Kansas lottery, and the request is accompanied by a statement  
37 that the request is being made to aid in determining qualifications for  
38 employment with the Kansas lottery or for work in sensitive areas within  
39 the Kansas lottery as deemed appropriate by the executive director of the  
40 Kansas lottery;

41 (7) the governor or the Kansas racing commission, or a designee of  
42 the commission, and the request is accompanied by a statement that the  
43 request is being made to aid in determining qualifications for executive

1 director of the commission, for employment with the commission, for  
2 work in sensitive areas in parimutuel racing as deemed appropriate by the  
3 executive director of the commission or for licensure, renewal of licensure  
4 or continued licensure by the commission;

5 (8) the Kansas sentencing commission; or

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

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

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

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

15 Sec. 18. K.S.A. 2012 Supp. 38-2314 is hereby amended to read as  
16 follows: 38-2314. (a) *Docket fee*. The docket fee for proceedings under  
17 this code, if one is assessed as provided by this section, shall be \$34. Only  
18 one docket fee shall be assessed in each case. Except as provided further,  
19 the docket fee established in this section shall be the only fee collected or  
20 moneys in the nature of a fee collected for the docket fee. Such fee shall  
21 only be established by an act of the legislature and no other authority is  
22 established by law or otherwise to collect a fee. On and after ~~the effective~~  
23 ~~date of this act~~ *April 12, 2012*, through June 30, 2013, the supreme court  
24 may impose an additional charge, not to exceed \$22 per docket fee, to fund  
25 the costs of non-judicial personnel. *On and after July 1, 2013, the court*  
26 *may impose an additional charge to fund the cost of establishing,*  
27 *operating and maintaining electronic document filing, storage and*  
28 *management for the Kansas court system.*

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

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

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

42 (3) *Prohibited assessment*. Docket fees or expenses shall not be  
43 assessed against the state, a political subdivision of the state, an agency of

1 the state or of a political subdivision of the state or a person acting in the  
 2 capacity of an employee of the state or of a political subdivision of the  
 3 state.

4 (d) *Cases in which venue is transferred.* If venue is transferred from  
 5 one county to another, the court from which the case is transferred shall  
 6 send to the receiving court a statement of expenses paid from the general  
 7 fund of the sending county. If the receiving court collects any of the  
 8 expenses owed in the case, the receiving court shall pay to the sending  
 9 court an amount proportional to the sending court's share of the total  
 10 expenses owed to both counties. The expenses of the sending county shall  
 11 not be an obligation of the receiving county except to the extent that the  
 12 sending county's proportionate share of the expenses is collected by the  
 13 receiving court. Unless otherwise ordered by the court, all amounts  
 14 collected shall first be applied toward payment of restitution, then toward  
 15 the payment of the docket fee.

16 Sec. 19. K.S.A. 2012 Supp. 59-104 is hereby amended to read as  
 17 follows: 59-104. (a) *Docket fee.* (1) Except as otherwise provided by law,  
 18 no case shall be filed or docketed in the district court under the provisions  
 19 of chapter 59 of the Kansas Statutes Annotated, and amendments thereto,  
 20 or of articles 40 and 52 of chapter 65 of the Kansas Statutes Annotated,  
 21 and amendments thereto, without payment of an appropriate docket fee as  
 22 follows:

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

|  |         |
|--|---------|
| 24 Treatment of mentally ill .....   | \$59.00 |
| 25 Treatment of alcoholism or drug abuse.....  | 36.50   |
| 26 Determination of descent of property .....  | 51.50   |
| 27 Termination of life estate .....  | 50.50   |
| 28 Termination of joint tenancy .....  | 50.50   |
| 29 Refusal to grant letters of administration .....                                      | 50.50   |
| 30 Adoption .....  | 50.50   |
| 31 Filing a will and affidavit under K.S.A. 59-618a.....                                 | 50.50   |
| 32 Guardianship.....   | 71.50   |
| 33 Conservatorship .....   | 71.50   |
| 34 Trusteeship .....   | 71.50   |
| 35 Combined guardianship and conservatorship .....                                       | 71.50   |
| 36 Certified probate proceedings under K.S.A. 59-213,<br>37 and amendments thereto ..... | 25.50   |
| 38 Decrees in probate from another state .....   | 110.50  |
| 39 Probate of an estate or of a will .....   | 111.50  |
| 40 Civil commitment under K.S.A. 59-29a01 et seq. ....                                   | 35.50   |

41  
 42 (B) On and after July 1, 2013:

|                                    |       |
|------------------------------------|-------|
| 43 Treatment of mentally ill ..... | 34.50 |
|------------------------------------|-------|



1 Treatment of alcoholism or drug abuse .....34.50  
 2 Determination of descent of property .....49.50  
 3 Termination of life estate .....48.50  
 4 Termination of joint tenancy .....48.50  
 5 Refusal to grant letters of administration .....48.50  
 6 Adoption .....48.50  
 7 Filing a will and affidavit under K.S.A. 59-618a .....48.50  
 8 Guardianship .....69.50  
 9 Conservatorship .....69.50  
 10 Trusteeship .....69.50  
 11 Combined guardianship and conservatorship .....69.50  
 12 Certified probate proceedings under K.S.A. 59-213,  
 13 and amendments thereto .....23.50  
 14 Decrees in probate from another state .....108.50  
 15 Probate of an estate or of a will .....109.50  
 16 Civil commitment under K.S.A. 59-29a01 et seq. ....33.50

17  
 18 (2) Except as provided further, the docket fee established in this  
 19 section shall be the only fee collected or moneys in the nature of a fee  
 20 collected for the docket fee. Such fee shall only be established by an act of  
 21 the legislature and no other authority is established by law or otherwise to  
 22 collect a fee. On and after ~~the effective date of this act April 12, 2012,~~  
 23 through June 30, 2013, the supreme court may impose an additional  
 24 charge, not to exceed \$22 per docket fee, to fund the costs of non-judicial  
 25 personnel. *On and after July 1, 2013, the court may impose an additional*  
 26 *charge to fund the cost of establishing, operating and maintaining*  
 27 *electronic document filing, storage and management for the Kansas court*  
 28 *system.*

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

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

37 (d) *Additional court costs.* Other fees and expenses to be assessed as  
 38 additional court costs shall be approved by the court, unless specifically  
 39 fixed by statute. Other fees shall include, but not be limited to, witness  
 40 fees, appraiser fees, fees for service of process outside the state, fees for  
 41 depositions, transcripts and publication of legal notice, executor or  
 42 administrator fees, attorney fees, court costs from other courts and any  
 43 other fees and expenses required by statute. All additional court costs shall

1 be taxed and billed against the parties or estate as directed by the court. No  
2 sheriff in this state shall charge any district court in this state a fee or  
3 mileage for serving any paper or process.

4 Sec. 20. K.S.A. 2012 Supp. 60-2001 is hereby amended to read as  
5 follows: 60-2001. (a) *Docket fee*. Except as otherwise provided by law, no  
6 case shall be filed or docketed in the district court, whether original or  
7 appealed, without payment of a docket fee in the amount of \$156 on and  
8 after July 1, 2009 through June 30, 2013, and \$154 on and after July 1,  
9 2013, to the clerk of the district court. Except as provided further, the  
10 docket fee established in this subsection shall be the only fee collected or  
11 moneys in the nature of a fee collected for the docket fee. Such fee shall  
12 only be established by an act of the legislature and no other authority is  
13 established by law or otherwise to collect a fee. On and after ~~the effective~~  
14 ~~date of this act~~ *April 12, 2012*, through June 30, 2013, the supreme court  
15 may impose an additional charge, not to exceed \$22 per docket fee, to fund  
16 the costs of non-judicial personnel. *On and after July 1, 2013, the court*  
17 *may impose an additional charge to fund the cost of establishing,*  
18 *operating and maintaining electronic document filing, storage and*  
19 *management for the Kansas court system.*

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

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

42 State of Kansas, \_\_\_\_\_ County.

43 In the district court of the county: I do solemnly swear that the claim

1 set forth in the petition herein is just, and I do further swear that, by reason  
2 of my poverty, I am unable to pay a docket fee.

3 (c) *Disposition of fees.* The docket fees and the fees for service of  
4 process shall be the only costs assessed in each case for services of the  
5 clerk of the district court and the sheriff. For every person to be served by  
6 the sheriff, the persons requesting service of process shall provide proper  
7 payment to the clerk and the clerk of the district court shall forward the  
8 service of process fee to the sheriff in accordance with K.S.A. 28-110, and  
9 amendments thereto. The service of process fee, if paid by check or money  
10 order, shall be made payable to the sheriff. Such service of process fee  
11 shall be submitted by the sheriff at least monthly to the county treasurer  
12 for deposit in the county treasury and credited to the county general fund.  
13 The docket fee shall be disbursed in accordance with K.S.A. 20-362, and  
14 amendments thereto.

15 (d) *Additional court costs.* Other fees and expenses to be assessed as  
16 additional court costs shall be approved by the court, unless specifically  
17 fixed by statute. Other fees shall include, but not be limited to, witness  
18 fees, appraiser fees, fees for service of process, fees for depositions,  
19 alternative dispute resolution fees, transcripts and publication, attorney  
20 fees, court costs from other courts and any other fees and expenses  
21 required by statute. All additional court costs shall be taxed and billed  
22 against the parties as directed by the court. No sheriff in this state shall  
23 charge any mileage for serving any papers or process.

24 Sec. 21. K.S.A. 60-2101 is hereby amended to read as follows: 60-  
25 2101. (a) The court of appeals shall have jurisdiction to hear appeals from  
26 district courts, except in those cases reviewable by law in the district court  
27 and in those cases where a direct appeal to the supreme court is required  
28 by law. The court of appeals also shall have jurisdiction to hear appeals  
29 from administrative decisions where a statute specifically authorizes an  
30 appeal directly to the court of appeals from an administrative body or  
31 office. In any case properly before it, the court of appeals shall have  
32 jurisdiction to correct, modify, vacate or reverse any act, order or judgment  
33 of a district court to assure that any such act, order or judgment is just,  
34 legal and free of abuse. Appeals from the district court to the court of  
35 appeals in criminal cases shall be subject to the provisions of K.S.A. 22-  
36 3601 and 22-3602, and amendments thereto, and appeals from the district  
37 court to the court of appeals in civil actions shall be subject to the  
38 provisions of K.S.A. 60-2102, and amendments thereto.

39 (b) The supreme court shall have jurisdiction to correct, modify,  
40 vacate or reverse any act, order or judgment of a district court or court of  
41 appeals in order to assure that any such act, order or judgment is just, legal  
42 and free of abuse. An appeal from a final judgment of a district court in  
43 any civil action in which a statute of this state or of the United States has

1 been held unconstitutional shall be taken directly to the supreme court.  
2 Direct appeals from the district court to the supreme court in criminal  
3 cases shall be as prescribed by K.S.A. 22-3601 and 22-3602, and  
4 amendments thereto. Cases appealed to the court of appeals may be  
5 transferred to the supreme court as provided in K.S.A. 20-3016 and 20-  
6 3017, and amendments thereto, and any decision of the court of appeals  
7 shall be subject to review by the supreme court as provided in subsection  
8 (b) of K.S.A. 20-3018, and amendments thereto, except that any party may  
9 appeal from a final decision of the court of appeals to the supreme court,  
10 as a matter of right, whenever a question under the constitution of either  
11 the United States or the state of Kansas arises for the first time as a result  
12 of such decision.

13 (c) As used in the code of civil procedure, the term "appellate court"  
14 means the supreme court or court of appeals, depending on the context in  
15 which such term is used and the respective jurisdiction of such courts over  
16 appeals in civil actions as provided in this section and K.S.A. 60-2102, and  
17 amendments thereto.

18 (d) A judgment rendered or final order made by a political or taxing  
19 subdivision, or any agency thereof, exercising judicial or quasi-judicial  
20 functions may be reversed, vacated or modified by the district court on  
21 appeal. If no other means for perfecting such appeal is provided by law, it  
22 shall be sufficient for an aggrieved party to file a notice that such party is  
23 appealing from such judgment or order with such subdivision or agency  
24 within 30 days of its entry, and then causing true copies of all pertinent  
25 proceedings before such subdivision or agency to be prepared and filed  
26 with the clerk of the district court in the county in which such judgment or  
27 order was entered. The clerk shall thereupon docket the same as an action  
28 in the district court, which court shall then proceed to review the same,  
29 either with or without additional pleadings and evidence, and enter such  
30 order or judgment as justice shall require. A docket fee shall be required  
31 by the clerk of the district court as in the filing of an original action. *On*  
32 *and after July 1, 2013, the court may impose an additional charge to fund*  
33 *the cost of establishing, operating and maintaining electronic document*  
34 *filing, storage and management for the Kansas court system.*

35 Sec. 22. K.S.A. 2012 Supp. 60-2203a is hereby amended to read as  
36 follows: 60-2203a. (a) After the commencement of any action in any  
37 district court of this state, or the courts of the United States in the state of  
38 Kansas or in any action now pending heretofore commenced in such  
39 courts, which does not involve title to real estate, any party to such action  
40 may give notice in any other county of the state of the pendency of the  
41 action by filing for record with the clerk of the district court of such other  
42 county a verified statement setting forth the parties to the action, the nature  
43 of the action, the court in which it is pending, and the relief sought, which

1 shall impart notice of the pendency of the action and shall result in the  
2 same lien rights as if the action were pending in that county. The lien shall  
3 be effective from the time the statement is filed, but not to exceed four  
4 months prior to the entry of judgment except as provided in subsection (c).  
5 The party filing such notice shall within 30 days after any satisfaction of  
6 the judgment entered in such action, or any other final disposition thereof,  
7 cause to be filed with such clerk of the district court a notice that all claims  
8 in such action are released. If the party filing fails or neglects to do so after  
9 reasonable demand by any party in interest, such party shall be liable in  
10 damages in the same amounts and manner as is provided by law for failure  
11 of a mortgagee to enter satisfaction of a mortgage. Upon the filing of such  
12 a notice of the pendency of an action the clerk shall charge a fee of \$14  
13 and shall enter and index the action in the same manner as for the filing of  
14 an original action. Upon the filing of a notice of release, the notice shall  
15 likewise be entered on the docket. Except as provided further, the fee  
16 established in this subsection shall be the only fee collected or moneys in  
17 the nature of a fee collected for the court procedure. Such fee shall only be  
18 established by an act of the legislature and no other authority is established  
19 by law or otherwise to collect a fee. ~~On and after the effective date of this~~  
20 ~~act~~ *April 12, 2012, through June 30, 2013, the supreme court may impose*  
21 *an additional charge, not to exceed \$22 per fee, to fund the costs of non-*  
22 *judicial personnel. On and after July 1, 2013, the court may impose an*  
23 *additional charge to fund the cost of establishing, operating and*  
24 *maintaining electronic document filing, storage and management for the*  
25 *Kansas court system.*

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

31 (c) Notwithstanding the foregoing provisions of this section, the  
32 filing of a notice of the pendency of an action pursuant to subsection (a)  
33 shall create no lien rights against the property of an employee of the state  
34 or a municipality prior to the date judgment is rendered if the pleadings in  
35 the pending action allege a negligent or wrongful act or omission of the  
36 employee while acting within the scope of such employee's employment,  
37 regardless of whether or not it is alleged in the alternative that the  
38 employee was acting outside of such employee's employment. A judgment  
39 against an employee shall become a lien upon such employee's property in  
40 the county where notice is filed pursuant to subsection (a) when the  
41 judgment is rendered only if it is found that: (1) The employee's negligent  
42 or wrongful act or omission occurred when the employee was acting  
43 outside the scope of such employee's employment; or (2) the employee's

1 conduct which gave rise to the judgment was because of actual fraud or  
2 actual malice of the employee. In such cases the lien shall not be effective  
3 prior to the date judgment was rendered. As used in this subsection (c),  
4 "employee" shall have the meaning ascribed to such term in K.S.A. 75-  
5 6102, and amendments thereto.

6 Sec. 23. K.S.A. 2012 Supp. 61-2704 is hereby amended to read as  
7 follows: 61-2704. (a) An action seeking the recovery of a small claim shall  
8 be considered to have been commenced at the time a person files a written  
9 statement of the person's small claim with the clerk of the court if, within  
10 90 days after the small claim is filed, service of process is obtained or the  
11 first publication is made for service by publication. Otherwise, the action  
12 is deemed commenced at the time of service of process or first publication.  
13 An entry of appearance shall have the same effect as service.

14 (b) Upon the filing of a plaintiff's small claim, the clerk of the court  
15 shall require from the plaintiff a docket fee of \$39 on and after July 1,  
16 2009 through June 30, 2013, and \$37 on and after July 1, 2013, if the  
17 claim does not exceed \$500; or \$59 on and after July 1, 2009 through June  
18 30, 2013, and \$57 on and after July 1, 2013, if the claim exceeds \$500;  
19 unless for good cause shown the judge waives the fee. The docket fee shall  
20 be the only costs required in an action seeking recovery of a small claim.  
21 No person may file more than 20 small claims under this act in the same  
22 court during any calendar year.

23 (c) 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 ~~the effective date of this act~~ *April 12, 2012*,  
28 through June 30, 2013, the supreme court may impose an additional  
29 charge, not to exceed \$12.50 per docket fee, to fund the costs of non-  
30 judicial personnel. *On and after July 1, 2013, the court may impose an*  
31 *additional charge to fund the cost of establishing, operating and*  
32 *maintaining electronic document filing, storage and management for the*  
33 *Kansas court system.*

34 Sec. 24. K.S.A. 2012 Supp. 61-4001 is hereby amended to read as  
35 follows: 61-4001. (a) Docket fee. (1) No case shall be filed or docketed  
36 pursuant to the code of civil procedure for limited actions without the  
37 payment of a docket fee in the amount of \$37 on and after July 1, 2009,  
38 through June 30, 2013, and \$35 on and after July 1, 2013, if the amount in  
39 controversy or claimed does not exceed \$500; \$57 on and after July 1,  
40 2009, through June 30, 2013, and \$55 on and after July 1, 2013, if the  
41 amount in controversy or claimed exceeds \$500 but does not exceed  
42 \$5,000; or \$103 on and after July 1, 2009, through June 30, 2013, and  
43 \$101 on and after July 1, 2013, if the amount in controversy or claimed

1 exceeds \$5,000. If judgment is rendered for the plaintiff, the court also  
2 may enter judgment for the plaintiff for the amount of the docket fee paid  
3 by the plaintiff.

4 (2) Except as provided further, the docket fee established in this  
5 section shall be the only fee collected or moneys in the nature of a fee  
6 collected for the docket fee. Such fee shall only be established by an act of  
7 the legislature and no other authority is established by law or otherwise to  
8 collect a fee. On and after ~~the effective date of this act~~ *April 12, 2012*,  
9 through June 30, 2013, the supreme court may impose an additional  
10 charge, not to exceed \$19 per docket fee, to fund the costs of non-judicial  
11 personnel. *On and after July 1, 2013, the court may impose an additional*  
12 *charge to fund the cost of establishing, operating and maintaining*  
13 *electronic document filing, storage and management for the Kansas court*  
14 *system.*

15 (b) Poverty affidavit; additional court costs; exemptions for the state  
16 and municipalities. The provisions of subsections (b), (c) and (d) of K.S.A.  
17 60-2001 and 60-2005, and amendments thereto, shall be applicable to  
18 lawsuits brought under the code of civil procedure for limited actions.

19 Sec. 25. K.S.A. 2012 Supp. 65-409 is hereby amended to read as  
20 follows: 65-409. (a) The clerk of the district court shall charge a fee of \$14  
21 for entering and filing a lien statement under ~~this act~~ *K.S.A. 65-406 et seq.*,  
22 *and amendments thereto.*

23 (b) Except as provided further, the lien fee established in subsection  
24 (a) shall be the only fee collected or moneys in the nature of a fee collected  
25 for such lien. Such fee shall only be established by an act of the legislature  
26 and no other authority is established by law or otherwise to collect a fee.  
27 On and after ~~the effective date of this act~~ *April 12, 2012*, through June 30,  
28 2013, the supreme court may impose an additional charge, not to exceed  
29 \$22 per lien fee, to fund the costs of non-judicial personnel. *On and after*  
30 *July 1, 2013, the court may impose an additional charge to fund the cost*  
31 *of establishing, operating and maintaining electronic document filing,*  
32 *storage and management for the Kansas court system.*

33 Sec. 26. K.S.A. 20-1a12, 20-371 and 60-2101 and K.S.A. 2012  
34 Supp. 8-2107, 8-2110, 20-362, 21-6614, 22-2410, 23-2510, 28-170, 28-  
35 172a, 28-177, 28-178, 28-179, 32-1049a, 38-2215, 38-2312, 38-2314, 59-  
36 104, 60-2001, 60-2203a, 61-2704, 61-4001 and 65-409 are hereby  
37 repealed.

38 Sec. 27. This act shall take effect and be in force from and after its  
39 publication in the statute book.