

SENATE BILL No. 454

By Committee on Ways and Means

2-11

1 AN ACT concerning court fees and funds; amending K.S.A. 2015 Supp. 8-
2 2107, 20-362, 20-3021, 21-6614, 22-2410, 23-2510, 28-170, 28-170a,
3 28-172a, 28-177, 32-1049a, 38-2215, 38-2312, 38-2314, 59-104, 60-
4 729, 60-2001, 60-2008, 60-2203a, 61-2704, 61-4001 and 65-409 and
5 repealing the existing sections; reviving and amending K.S.A. 5-517
6 and 20-166 and K.S.A. 2013 Supp. 20-1a04, 28-172b, 74-7325, 74-
7 7334 and 75-7021 and repealing the revived sections; also repealing
8 K.S.A. 5-517, as amended by section 5 of chapter 82 of the 2014
9 Session Laws of Kansas, and 20-166, as amended by section 8 of
10 chapter 82 of the 2014 Session Laws of Kansas; K.S.A. 2013 Supp. 20-
11 1a04, as amended by section 6 of chapter 82 of the 2014 Session Laws
12 of Kansas, 20-367, 21-6614d, 28-172b, as amended by section 28 of
13 chapter 82 of the 2014 Session Laws of Kansas, 38-2312c, 60-2001b,
14 74-7325, as amended by section 38 of chapter 82 of the 2014 Session
15 Laws of Kansas, 74-7334, as amended by section 39 of chapter 82 of
16 the 2014 Session Laws of Kansas, and 75-7021, as amended by section
17 42 of chapter 82 of the 2014 Session Laws of Kansas; and K.S.A. 2015
18 Supp. 20-1a16, 20-1a17, 21-6614f, 28-178 and 28-179.

19

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

21 New Section 1. The supreme court shall determine the amount of any
22 docket fees to be charged and collected by the court system. The supreme
23 court may prescribe additional fees and costs to be charged. Such fees and
24 costs shall be reasonable and uniform throughout the state.

25 New Sec. 2. There is hereby created in the state treasury the
26 electronic filing and management fund. All expenditures from the
27 electronic filing and management fund shall be for purposes of creating,
28 implementing and managing an electronic filing and centralized case
29 management system for the state court system and shall be made in
30 accordance with appropriation acts upon warrants of the director of
31 accounts and reports issued pursuant to vouchers approved by the chief
32 justice of the supreme court or by a person designated by the chief justice.

33 Sec. 3. K.S.A. 5-517 is hereby revived and amended to read as
34 follows: 5-517. There is hereby created the dispute resolution fund in the
35 state treasury which shall be administered by the judicial administrator. All
36 expenditures from the dispute resolution fund shall be for the purpose of

1 carrying out the dispute resolution act. ~~In addition to funds generated by~~
2 ~~remittances under K.S.A. 20-367, and amendments thereto,~~ Funds
3 acquired through grants, training fees, registration and approval fees, and
4 other public or private sources and designated for dispute resolution, shall
5 be remitted to the dispute resolution fund for carrying out the dispute
6 resolution act. All expenditures from the dispute resolution fund shall be
7 made in accordance with appropriation acts upon warrants of the director
8 of accounts and reports issued pursuant to vouchers approved by the
9 judicial administrator or by the judicial administrator's designee.

10 Sec. 4. K.S.A. 2015 Supp. 8-2107 is hereby amended to read as
11 follows: 8-2107. (a) (1) Notwithstanding any other provisions of the
12 uniform act regulating traffic on highways, when a person is stopped by a
13 police officer for any of the offenses described in subsection (d) and such
14 person is not immediately taken before a judge of the district court, the
15 police officer may require the person stopped, subject to the provisions of
16 subsection (c), to deposit with the officer a valid Kansas driver's license in
17 exchange for a receipt therefor issued by such police officer, the form of
18 which shall be approved by the division of vehicles. Such receipt shall be
19 recognized as a valid temporary Kansas driver's license authorizing the
20 operation of a motor vehicle by the person stopped until the date of the
21 hearing stated on the receipt. The driver's license and a written copy of the
22 notice to appear shall be delivered by the police officer to the court having
23 jurisdiction of the offense charged as soon as reasonably possible. If the
24 hearing on such charge is continued for any reason, the judge may note on
25 the receipt the date to which such hearing has been continued and such
26 receipt shall be recognized as a valid temporary Kansas driver's license
27 until such date, but in no event shall such receipt be recognized as a valid
28 Kansas driver's license for a period longer than 30 days from the date set
29 for the original hearing. Any person who has deposited a driver's license
30 with a police officer under this subsection (a) shall have such license
31 returned upon final determination of the charge against such person.

32 (2) In the event the person stopped deposits a valid Kansas driver's
33 license with the police officer and fails to appear in the district court on the
34 date set for appearance, or any continuance thereof, and in any event
35 within 30 days from the date set for the original hearing, the court shall
36 forward such person's driver's license to the division of vehicles with an
37 appropriate explanation attached thereto. Upon receipt of such person's
38 driver's license, the division shall suspend such person's privilege to
39 operate a motor vehicle in this state until such person appears before the
40 court having jurisdiction of the offense charged, the court makes a final
41 disposition thereof and notice of such disposition is given by the court to
42 the division. No new or replacement license shall be issued to any such
43 person until such notice of disposition has been received by the division.

1 The provisions of K.S.A. 8-256, and amendments thereto, limiting the
2 suspension of a license to one year, shall not apply to suspensions for
3 failure to appear as provided in this subsection (a).

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

11 (c) (1) In lieu of depositing a valid Kansas driver's license with the
12 stopping police officer as provided in subsection (a), the person stopped
13 may elect to give bond in the amount specified in subsection (d) for the
14 offense for which the person was stopped. When such person does not
15 have a valid Kansas driver's license, such person shall give such bond.
16 Such bond shall be subject to forfeiture if the person stopped does not
17 appear at the court and at the time specified in the written notice provided
18 for in K.S.A. 8-2106, and amendments thereto.

19 (2) Such bond may be a cash bond, a bank card draft from any valid
20 and unexpired credit card approved by the division of vehicles or
21 superintendent of the Kansas highway patrol or a guaranteed arrest bond
22 certificate issued by either a surety company authorized to transact such
23 business in this state or an automobile club authorized to transact business
24 in this state by the commissioner of insurance. If any of the approved bank
25 card issuers redeem the bank card draft at a discounted rate, such discount
26 shall be charged against the amount designated as the fine for the offense.
27 If such bond is not forfeited, the amount of the bond less the discount rate
28 shall be reimbursed to the person providing the bond by the use of a bank
29 card draft. Any such guaranteed arrest bond certificate shall be signed by
30 the person to whom it is issued and shall contain a printed statement that
31 such surety company or automobile club guarantees the appearance of
32 such person and will, in the event of failure of such person to appear in
33 court at the time of trial, pay any fine or forfeiture imposed on such person
34 not to exceed an amount to be stated on such certificate.

35 (3) Such cash bond shall be taken in the following manner: The
36 police officer shall furnish the person stopped a stamped envelope
37 addressed to the judge or clerk of the court named in the written notice to
38 appear and the person shall place in such envelope the amount of the bond,
39 and in the presence of the police officer shall deposit the same in the
40 United States mail. After such cash payment, the person stopped need not
41 sign the written notice to appear, but the police officer shall note the
42 amount of the bond mailed on the notice to appear form and shall give a
43 copy of such form to the person. If the person stopped furnishes the police

1 officer with a guaranteed arrest bond certificate or bank card draft, the
 2 police officer shall give such person a receipt therefor and shall note the
 3 amount of the bond on the notice to appear form and give a copy of such
 4 form to the person stopped. Such person need not sign the written notice to
 5 appear, and the police officer shall present the notice to appear and the
 6 guaranteed arrest bond certificate or bank card draft to the court having
 7 jurisdiction of the offense charged as soon as reasonably possible.

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

10 On and after July 1, 1996:

11 Reckless driving.....	\$82
12 Driving when privilege is canceled, suspended or revoked.....	82
13 Failure to comply with lawful order of officer.....	57
14 Registration violation (registered for 12,000 pounds	
15 or less).....	52
16 Registration violation (registered for more than 12,000	
17 pounds).....	92
18 No driver's license for the class of vehicle operated or	
19 violation of restrictions.....	52
20 Spilling load on highway.....	52
21 Transporting open container of alcoholic liquor or cereal malt	
22 beverage accessible while vehicle in motion.....	223

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

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

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

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

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

8 Sec. 5. K.S.A. 2013 Supp. 20-1a04 is hereby revived and amended to
9 read as follows: 20-1a04. The clerk of the supreme court shall remit all
10 moneys received by or for such clerk for docket fees, and all amounts
11 received for other purposes than those specified in K.S.A. 20-1a01, 20-
12 1a02 or 20-1a03, and amendments thereto, unless by order of the supreme
13 court such clerk is directed to make other disposition thereof to the state
14 treasurer in accordance with the provisions of K.S.A. 75-4215, and
15 amendments thereto. Upon receipt of each such remittance, the state
16 treasurer shall deposit the entire amount in the state treasury to the credit
17 of the ~~judicial branch nonjudicial salary initiative fund, a sum equal to~~
18 ~~52.24% of the remittances of docket fees, to the judicial branch nonjudicial~~
19 ~~salary adjustment fund, a sum equal to 6.72% of the remittance of docket~~
20 ~~fees, and to the state general *judicial branch docket fee* fund, a sum equal~~
21 ~~to 41.04% of the remittance of docket fees.~~

22 Sec. 6. K.S.A. 20-166 is hereby revived and amended to read as
23 follows: 20-166. (a) There is hereby created in the state treasury the access
24 to justice fund. Money credited to the fund ~~pursuant to K.S.A. 20-362, and~~
25 ~~amendments thereto~~, shall be used solely for the purpose of making grants
26 for operating expenses to programs, including dispute resolution programs,
27 which provide access to the Kansas civil justice system for persons who
28 would otherwise be unable to gain access to civil justice. Such programs
29 may provide legal assistance to pro se litigants, legal counsel for civil and
30 domestic matters or other legal or dispute resolution services provided the
31 recipient of the assistance or counsel meets financial qualifications under
32 guidelines established by the program in accordance with grant guidelines
33 promulgated by the supreme court of Kansas.

34 (b) All expenditures from the access to justice fund shall be made in
35 accordance with appropriations acts upon warrants of the director of
36 accounts and reports issued pursuant to vouchers approved by the chief
37 justice of the Kansas supreme court or by a person or persons designated
38 by the chief justice.

39 (c) The chief justice may apply for, receive and accept money from
40 any source for the purposes for which money in the access to justice fund
41 may be expended. Upon receipt of each such remittance, the chief justice
42 shall remit the entire amount to the state treasurer in accordance with the
43 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of

1 each such remittance, the state treasurer shall deposit the entire amount in
2 the state treasury to the credit of the access to justice fund.

3 (d) Grants made to programs pursuant to this section shall be based
4 on the number of persons to be served and such other requirements as may
5 be established by the Kansas supreme court in guidelines established and
6 promulgated to regulate grants made under authority of this section. The
7 guidelines may include requirements for grant applications, organizational
8 characteristics, reporting and auditing criteria and such other standards for
9 eligibility and accountability as are deemed advisable by the supreme
10 court.

11 Sec. 7. K.S.A. 2015 Supp. 20-362 is hereby amended to read as
12 follows: 20-362. The clerk of the district court shall remit all revenues
13 received from docket fees as follows:

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

16 (1) A sum equal to \$10 for each docket fee paid pursuant to K.S.A.
17 60-2001 and 60-3005, and amendments thereto, during the preceding
18 calendar month;

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

22 (3) a sum equal to \$5 for each ~~\$26~~ docket fee paid pursuant to K.S.A.
23 61-4001 or K.S.A. 61-2704, and amendments thereto, during the preceding
24 calendar month.

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

28 (c) At least monthly to the county treasurer, for deposit in the county
29 treasury and credit to the prosecuting attorneys' training fund, a sum equal
30 to \$2 for each docket fee paid pursuant to K.S.A. 28-172a, and
31 amendments thereto, during the preceding calendar month for cases filed
32 in the county and a sum equal to \$1 for each fee paid pursuant to K.S.A.
33 28-170(c), and amendments thereto, during the preceding calendar month
34 for cases filed in the county.

35 (d) To the state treasurer, in accordance with the provisions of K.S.A.
36 75-4215, and amendments thereto, for deposit in the state treasury and
37 credit to the law enforcement training center fund a sum equal to \$15 for
38 each docket fee paid pursuant to K.S.A. 28-172a, and amendments thereto,
39 during the preceding calendar month.

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

1 subsections (a), (b), (c) and (d). *During the fiscal year ending June 30,*
 2 *2017, of the balance remitted to the state treasury pursuant to this*
 3 *subsection, the state treasurer shall credit 0.99% to the judicial council*
 4 *fund. During the fiscal years ending June 30, 2015, June 30, 2016, June*
 5 *30, 2017, June 30, 2018, and June 30, 2019, of the remainder, the state*
 6 *treasurer shall deposit and credit the first \$3,100,000 to the electronic*
 7 *filing and management fund created in K.S.A. 2015 Supp. 20-1a16 section*
 8 *2, and amendments thereto. During the fiscal year ending June 30, 2020,*
 9 *and each fiscal year thereafter, of the remainder, the state treasurer shall*
 10 *deposit and credit the first \$1,000,000 to the electronic filing and*
 11 *management fund. Of the balance which remains after deduction of the*
 12 *amounts specified in this subsection, the state treasurer shall deposit and*
 13 *credit the remainder to the judicial branch docket fee fund.*

14 Sec. 8. K.S.A. 2015 Supp. 20-3021 is hereby amended to read as
 15 follows: 20-3021. (a) (1) On and after July 1, ~~2014~~ 2016, any party filing
 16 an appeal with the court of appeals shall pay a fee in ~~the amount of \$145~~
 17 *an amount determined by the supreme court pursuant to section 1, and*
 18 *amendments thereto, to the clerk of the supreme court.*

19 (2) On and after July 1, ~~2014~~ 2016, any party filing an appeal with
 20 the supreme court shall pay a fee in ~~the amount of \$145~~ *an amount*
 21 *determined by the supreme court pursuant to section 1, and amendments*
 22 *thereto, to the clerk of the supreme court.*

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

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

31 (d) ~~Except as provided further, the fee established in this section shall~~
 32 ~~be the only fee collected or moneys in the nature of a fee collected for the~~
 33 ~~docket fee. Such fee shall only be established by an act of the legislature~~
 34 ~~and no other authority is established by law or otherwise to collect a fee.~~
 35 ~~On and after July 1, 2015, through June 30, 2017, the supreme court may~~
 36 ~~impose an additional charge, not to exceed \$10 per fee, to fund the costs of~~
 37 ~~non-judicial personnel.~~

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

41 Sec. 9. K.S.A. 2015 Supp. 21-6614 is hereby amended to read as
 42 follows: 21-6614. (a) (1) Except as provided in subsections (b), (c), (d), (e)
 43 and (f), any person convicted in this state of a traffic infraction, cigarette

1 or tobacco infraction, misdemeanor or a class D or E felony, or for crimes
2 committed on or after July 1, 1993, any nongrid felony or felony ranked in
3 severity levels 6 through 10 of the nondrug grid, or for crimes committed
4 on or after July 1, 1993, but prior to July 1, 2012, any felony ranked in
5 severity level 4 of the drug grid, or for crimes committed on or after July
6 1, 2012, any felony ranked in severity level 5 of the drug grid may petition
7 the convicting court for the expungement of such conviction or related
8 arrest records if three or more years have elapsed since the person: (A)
9 Satisfied the sentence imposed; or (B) was discharged from probation, a
10 community correctional services program, parole, postrelease supervision,
11 conditional release or a suspended sentence.

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

17 (b) Any person convicted of prostitution, as defined in K.S.A. 21-
18 3512, prior to its repeal, convicted of a violation of K.S.A. 2015 Supp. 21-
19 6419, and amendments thereto, or who entered into a diversion agreement
20 in lieu of further criminal proceedings for such violation, may petition the
21 convicting court for the expungement of such conviction or diversion
22 agreement and related arrest records if:

23 (1) One or more years have elapsed since the person satisfied the
24 sentence imposed or the terms of a diversion agreement or was discharged
25 from probation, a community correctional services program, parole,
26 postrelease supervision, conditional release or a suspended sentence; and

27 (2) such person can prove they were acting under coercion caused by
28 the act of another. For purposes of this subsection, "coercion" means:
29 Threats of harm or physical restraint against any person; a scheme, plan or
30 pattern intended to cause a person to believe that failure to perform an act
31 would result in bodily harm or physical restraint against any person; or the
32 abuse or threatened abuse of the legal process.

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

1 in severity levels 1 through 4 of the drug grid, or:

2 (1) Vehicular homicide, as defined in K.S.A. 21-3405, prior to its
3 repeal, or K.S.A. 2015 Supp. 21-5406, and amendments thereto, or as
4 prohibited by any law of another state which is in substantial conformity
5 with that statute;

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

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

14 (4) violating the provisions of K.S.A. 8-142 *Fifth*, and amendments
15 thereto, relating to fraudulent applications or violating the provisions of a
16 law of another state which is in substantial conformity with that statute;

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

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

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

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

26 (d) (1) No person may petition for expungement until five or more
27 years have elapsed since the person satisfied the sentence imposed or the
28 terms of a diversion agreement or was discharged from probation, a
29 community correctional services program, parole, postrelease supervision,
30 conditional release or a suspended sentence, if such person was convicted
31 of a first violation of K.S.A. 8-1567 or K.S.A. 2015 Supp. 8-1025, and
32 amendments thereto, including any diversion for such violation.

33 (2) No person may petition for expungement until 10 or more years
34 have elapsed since the person satisfied the sentence imposed or was
35 discharged from probation, a community correctional services program,
36 parole, postrelease supervision, conditional release or a suspended
37 sentence, if such person was convicted of a second or subsequent violation
38 of K.S.A. 8-1567 or K.S.A. 2015 Supp. 8-1025, and amendments thereto.

39 (e) There shall be no expungement of convictions for the following
40 offenses or of convictions for an attempt to commit any of the following
41 offenses:

42 (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.
43 2015 Supp. 21-5503, and amendments thereto;

1 (2) indecent liberties with a child or aggravated indecent liberties
2 with a child, as defined in K.S.A. 21-3503 or 21-3504, prior to their repeal,
3 or K.S.A. 2015 Supp. 21-5506, and amendments thereto;

4 (3) criminal sodomy, as defined in K.S.A. 21-3505(a)(2) or (a)(3),
5 prior to its repeal, or K.S.A. 2015 Supp. 21-5504(a)(3) or (a)(4), and
6 amendments thereto;

7 (4) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior
8 to its repeal, or K.S.A. 2015 Supp. 21-5504, and amendments thereto;

9 (5) indecent solicitation of a child or aggravated indecent solicitation
10 of a child, as defined in K.S.A. 21-3510 or 21-3511, prior to their repeal,
11 or K.S.A. 2015 Supp. 21-5508, and amendments thereto;

12 (6) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior
13 to its repeal, or K.S.A. 2015 Supp. 21-5510, and amendments thereto;

14 (7) aggravated incest, as defined in K.S.A. 21-3603, prior to its
15 repeal, or K.S.A. 2015 Supp. 21-5604, and amendments thereto;

16 (8) endangering a child or aggravated endangering a child, as defined
17 in K.S.A. 21-3608 or 21-3608a, prior to their repeal, or K.S.A. 2015 Supp.
18 21-5601, and amendments thereto;

19 (9) abuse of a child, as defined in K.S.A. 21-3609, prior to its repeal,
20 or K.S.A. 2015 Supp. 21-5602, and amendments thereto;

21 (10) capital murder, as defined in K.S.A. 21-3439, prior to its repeal,
22 or K.S.A. 2015 Supp. 21-5401, and amendments thereto;

23 (11) murder in the first degree, as defined in K.S.A. 21-3401, prior to
24 its repeal, or K.S.A. 2015 Supp. 21-5402, and amendments thereto;

25 (12) murder in the second degree, as defined in K.S.A. 21-3402, prior
26 to its repeal, or K.S.A. 2015 Supp. 21-5403, and amendments thereto;

27 (13) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to
28 its repeal, or K.S.A. 2015 Supp. 21-5404, and amendments thereto;

29 (14) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to
30 its repeal, or K.S.A. 2015 Supp. 21-5405, and amendments thereto;

31 (15) sexual battery, as defined in K.S.A. 21-3517, prior to its repeal,
32 or K.S.A. 2015 Supp. 21-5505, and amendments thereto, when the victim
33 was less than 18 years of age at the time the crime was committed;

34 (16) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to
35 its repeal, or K.S.A. 2015 Supp. 21-5505, and amendments thereto;

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

38 (18) any conviction for any offense in effect at any time prior to July
39 1, 2011, that is comparable to any offense as provided in this subsection.

40 (f) Notwithstanding any other law to the contrary, for any offender
41 who is required to register as provided in the Kansas offender registration
42 act, K.S.A. 22-4901 et seq., and amendments thereto, there shall be no
43 expungement of any conviction or any part of the offender's criminal

1 record while the offender is required to register as provided in the Kansas
2 offender registration act.

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

7 (A) Defendant's full name;

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

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

11 (D) crime for which the defendant was arrested, convicted or
12 diverted;

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

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

16 (2) Except as otherwise provided by law, a petition for expungement
17 shall be accompanied by a docket fee ~~in the amount of \$176~~ *an amount*
18 *determined by the supreme court pursuant to section 1, and amendments*
19 *thereto. On and after July 1, 2013, through July 1, 2015, the supreme court*
20 *may impose a charge, not to exceed \$19 per case, to fund the costs of non-*
21 *judicial personnel. The charge established in this section shall be the only*
22 *fee collected or moneys in the nature of a fee collected for the case. Such*
23 *charge shall only be established by an act of the legislature and no other*
24 *authority is established by law or otherwise to collect a fee.*

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

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

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

36 (2) the circumstances and behavior of the petitioner warrant the
37 expungement; and

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

39 (i) When the court has ordered an arrest record, conviction or
40 diversion expunged, the order of expungement shall state the information
41 required to be contained in the petition. The clerk of the court shall send a
42 certified copy of the order of expungement to the Kansas bureau of
43 investigation which shall notify the federal bureau of investigation, the

1 secretary of corrections and any other criminal justice agency which may
2 have a record of the arrest, conviction or diversion. After the order of
3 expungement is entered, the petitioner shall be treated as not having been
4 arrested, convicted or diverted of the crime, except that:

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

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

10 (A) In any application for licensure as a private detective, private
11 detective agency, certification as a firearms trainer pursuant to K.S.A.
12 2015 Supp. 75-7b21, and amendments thereto, or employment as a
13 detective with a private detective agency, as defined by K.S.A. 75-7b01,
14 and amendments thereto; as security personnel with a private patrol
15 operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with
16 an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of
17 the Kansas department for aging and disability services;

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

20 (C) to aid in determining the petitioner's qualifications for
21 employment with the Kansas lottery or for work in sensitive areas within
22 the Kansas lottery as deemed appropriate by the executive director of the
23 Kansas lottery;

24 (D) to aid in determining the petitioner's qualifications for executive
25 director of the Kansas racing and gaming commission, for employment
26 with the commission or for work in sensitive areas in parimutuel racing as
27 deemed appropriate by the executive director of the commission, or to aid
28 in determining qualifications for licensure or renewal of licensure by the
29 commission;

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

35 (F) upon application for a commercial driver's license under K.S.A.
36 8-2,125 through 8-2,142, and amendments thereto;

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

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

42 (I) in any application for registration as a broker-dealer, agent,
43 investment adviser or investment adviser representative all as defined in

1 K.S.A. 17-12a102, and amendments thereto;

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

4 (K) for applications received on and after July 1, 2006, to aid in
5 determining the petitioner's qualifications for a license to carry a concealed
6 weapon pursuant to the personal and family protection act, K.S.A. 2015
7 Supp. 75-7c01 et seq., and amendments thereto;

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

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

13 (5) upon commitment to the custody of the secretary of corrections,
14 any previously expunged record in the possession of the secretary of
15 corrections may be reinstated and the expungement disregarded, and the
16 record continued for the purpose of the new commitment.

17 (j) Whenever a person is convicted of a crime, pleads guilty and pays
18 a fine for a crime, is placed on parole, postrelease supervision or
19 probation, is assigned to a community correctional services program, is
20 granted a suspended sentence or is released on conditional release, the
21 person shall be informed of the ability to expunge the arrest records or
22 conviction. Whenever a person enters into a diversion agreement, the
23 person shall be informed of the ability to expunge the diversion.

24 (k) (1) Subject to the disclosures required pursuant to subsection (i),
25 in any application for employment, license or other civil right or privilege,
26 or any appearance as a witness, a person whose arrest records, conviction
27 or diversion of a crime has been expunged under this statute may state that
28 such person has never been arrested, convicted or diverted of such crime.

29 (2) Notwithstanding the provisions of subsection (k)(1), and except as
30 provided in K.S.A. 2015 Supp. 21-6304(a)(3)(A), and amendments
31 thereto, the expungement of a prior felony conviction does not relieve the
32 individual of complying with any state or federal law relating to the use,
33 shipment, transportation, receipt or possession of firearms by persons
34 previously convicted of a felony.

35 (l) Whenever the record of any arrest, conviction or diversion has
36 been expunged under the provisions of this section or under the provisions
37 of any other existing or former statute, the custodian of the records of
38 arrest, conviction, diversion and incarceration relating to that crime shall
39 not disclose the existence of such records, except when requested by:

40 (1) The person whose record was expunged;

41 (2) a private detective agency or a private patrol operator, and the
42 request is accompanied by a statement that the request is being made in
43 conjunction with an application for employment with such agency or

1 operator by the person whose record has been expunged;

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

4 (4) the secretary for aging and disability services, or a designee of the
5 secretary, for the purpose of obtaining information relating to employment
6 in an institution, as defined in K.S.A. 76-12a01, and amendments thereto,
7 of the Kansas department for aging and disability services of any person
8 whose record has been expunged;

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

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

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

20 (8) the Kansas lottery, and the request is accompanied by a statement
21 that the request is being made to aid in determining qualifications for
22 employment with the Kansas lottery or for work in sensitive areas within
23 the Kansas lottery as deemed appropriate by the executive director of the
24 Kansas lottery;

25 (9) the governor or the Kansas racing and gaming commission, or a
26 designee of the commission, and the request is accompanied by a
27 statement that the request is being made to aid in determining
28 qualifications for executive director of the commission, for employment
29 with the commission, for work in sensitive areas in parimutuel racing as
30 deemed appropriate by the executive director of the commission or for
31 licensure, renewal of licensure or continued licensure by the commission;

32 (10) the Kansas racing and gaming commission, or a designee of the
33 commission, and the request is accompanied by a statement that the
34 request is being made to aid in determining qualifications of the following
35 under the Kansas expanded lottery act: (A) Lottery gaming facility
36 managers and prospective managers, racetrack gaming facility managers
37 and prospective managers, licensees and certificate holders; and (B) their
38 officers, directors, employees, owners, agents and contractors;

39 (11) the Kansas sentencing commission;

40 (12) the state gaming agency, and the request is accompanied by a
41 statement that the request is being made to aid in determining
42 qualifications: (A) To be an employee of the state gaming agency; or (B)
43 to be an employee of a tribal gaming commission or to hold a license

1 issued pursuant to a tribal-gaming compact;

2 (13) the Kansas securities commissioner or a designee of the
3 commissioner, and the request is accompanied by a statement that the
4 request is being made in conjunction with an application for registration as
5 a broker-dealer, agent, investment adviser or investment adviser
6 representative by such agency and the application was submitted by the
7 person whose record has been expunged;

8 (14) the Kansas commission on peace officers' standards and training
9 and the request is accompanied by a statement that the request is being
10 made to aid in determining certification eligibility as a law enforcement
11 officer pursuant to K.S.A. 74-5601 et seq., and amendments thereto;

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

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

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

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

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

27 (m) The provisions of subsection (l)(17) shall apply to records
28 created prior to, on and after July 1, 2011.

29 Sec. 10. K.S.A. 2015 Supp. 22-2410 is hereby amended to read as
30 follows: 22-2410. (a) Any person who has been arrested in this state may
31 petition the district court for the expungement of such arrest record.

32 (b) When a petition for expungement is filed, the court shall set a date
33 for hearing on such petition and shall cause notice of such hearing to be
34 given to the prosecuting attorney and the arresting law enforcement
35 agency. When a petition for expungement is filed, the official court file
36 shall be separated from the other records of the court, and shall be
37 disclosed only to a judge of the court and members of the staff of the court
38 designated by a judge of the district court, the prosecuting attorney, the
39 arresting law enforcement agency, or any other person when authorized by
40 a court order, subject to any conditions imposed by the order. Except as
41 otherwise provided by law, a petition for expungement shall be
42 accompanied by a docket fee in the amount of \$176 *an amount determined*
43 *by the supreme court pursuant to section 1, and amendments thereto.*

1 Except as provided further, the docket fee established in this section shall
2 be the only fee collected or moneys in the nature of a fee collected for the
3 docket fee. Such fee shall only be established by an act of the legislature
4 and no other authority is established by law or otherwise to collect a fee.
5 ~~On and after July 1, 2015, through June 30, 2017, the supreme court may~~
6 ~~impose an additional charge, not to exceed \$19 per docket fee, to fund the~~
7 ~~costs of non-judicial personnel.~~ The petition shall state:

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

15 No surcharge or fee shall be imposed to any person filing a petition
16 pursuant to this section, who was arrested as a result of being a victim of
17 identity theft under K.S.A. 21-4018, prior to its repeal, or K.S.A. 2015
18 Supp. 21-6107(a), and amendments thereto, or who has had criminal
19 charges dismissed because a court has found that there was no probable
20 cause for the arrest, the petitioner was found not guilty in court
21 proceedings or the charges have been dismissed. Any person who may
22 have relevant information about the petitioner may testify at the hearing.
23 The court may inquire into the background of the petitioner.

24 (c) At the hearing on a petition for expungement, the court shall order
25 the arrest record and subsequent court proceedings, if any, expunged upon
26 finding:

- 27 (1) The arrest occurred because of mistaken identity;
- 28 (2) a court has found that there was no probable cause for the arrest;
- 29 (3) the petitioner was found not guilty in court proceedings; or
- 30 (4) the expungement would be in the best interests of justice and: (A)
31 Charges have been dismissed; or (B) no charges have been or are likely to
32 be filed.

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

42 (e) If the ground for expungement is as provided in subsection (c)(4),
43 the court shall determine whether, in the interests of public welfare, the

1 records should be available for any of the following purposes:

2 (1) In any application for employment as a detective with a private
3 detective agency, as defined in K.S.A. 75-7b01, and amendments thereto;
4 as security personnel with a private patrol operator, as defined by K.S.A.
5 75-7b01, and amendments thereto; or with an institution, as defined in
6 K.S.A. 76-12a01, and amendments thereto, of the Kansas department for
7 aging and disability services;

8 (2) in any application for admission, or for an order of reinstatement,
9 to the practice of law in this state;

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

14 (4) to aid in determining the petitioner's qualifications for executive
15 director of the Kansas racing commission, for employment with the
16 commission or for work in sensitive areas in parimutuel racing as deemed
17 appropriate by the executive director of the commission, or to aid in
18 determining qualifications for licensure or renewal of licensure by the
19 commission;

20 (5) in any application for a commercial driver's license under K.S.A.
21 8-2,125 through 8-2,142, and amendments thereto;

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

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

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

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

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

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

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

42 (h) Whenever a petitioner's arrest records have been expunged as
43 provided in this section, the custodian of the records of arrest,

1 incarceration due to arrest or court proceedings related to the arrest, shall
2 not disclose the arrest or any information related to the arrest, except as
3 directed by the order of expungement or when requested by the person
4 whose arrest record was expunged.

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

8 Sec. 11. K.S.A. 2015 Supp. 23-2510 is hereby amended to read as
9 follows: 23-2510. (a) The judge or clerk of the district court shall collect
10 from the applicant for a marriage license a fee of \$59.

11 (b) The clerk of the court shall remit all fees prescribed by this
12 section to the state treasurer in accordance with the provisions of K.S.A.
13 75-4215, and amendments thereto. Upon receipt of each such remittance,
14 the state treasurer shall deposit the entire amount in the state treasury. Of
15 each remittance, the state treasurer shall credit 38.98% to the protection
16 from abuse fund, 15.19% to the family and children trust account of the
17 family and children investment fund created by K.S.A. 38-1808, and
18 amendments thereto, 16.95% to the crime victims assistance fund created
19 by K.S.A. 74-7334, and amendments thereto, 15.25% to the judicial
20 branch ~~nonjudicial salary adjustment~~ *docket fee* fund created by K.S.A.
21 2015 Supp. ~~20-1a15~~ 28-177, and amendments thereto, and the remainder
22 to the state general fund.

23 ~~(e) Except as provided further, the marriage license fee established in~~
24 ~~this section shall be the only fee collected or moneys in the nature of a fee~~
25 ~~collected for a marriage license. Such fee shall only be established by an~~
26 ~~act of the legislature and no other authority is established by law or~~
27 ~~otherwise to collect a fee. On and after July 1, 2015, through June 30,~~
28 ~~2017, the supreme court may impose an additional charge, not to exceed~~
29 ~~\$26.50 per marriage license fee, to fund the costs of non-judicial~~
30 ~~personnel.~~

31 Sec. 12. K.S.A. 2015 Supp. 28-170 is hereby amended to read as
32 follows: 28-170. (a) The docket fee ~~prescribed by K.S.A. 60-2001, and~~
33 ~~amendments thereto, in an amount determined by the supreme court~~
34 ~~pursuant to section 1, and amendments thereto, and the fees for service of~~
35 ~~process, shall be the only costs assessed for services of the clerk of the~~
36 ~~district court and the sheriff in any case filed under chapter 60 or chapter~~
37 ~~61 of the Kansas Statutes Annotated, and amendments thereto, except that~~
38 ~~no fee shall be charged for an action filed under K.S.A. 60-3101 et seq.,~~
39 ~~and under K.S.A. 60-31a01 et seq., and amendments thereto. For services~~
40 ~~in other matters in which no other fee is prescribed by statute, the~~
41 ~~following fees shall, the supreme court may determine the amount of any~~
42 ~~fees pursuant to section 1, and amendments thereto, to be charged and~~
43 ~~collected by the clerk. Only one fee shall be charged for each bond, lien or~~

1 judgment:

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

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

17 (c) In actions pursuant to the revised Kansas code for care of
 18 children, K.S.A. 2015 Supp. 38-2201 et seq., and amendments thereto, the
 19 revised Kansas juvenile justice code, K.S.A. 2015 Supp. 38-2301 et seq.,
 20 and amendments thereto, the act for treatment of alcoholism, K.S.A. 65-
 21 4001 et seq., and amendments thereto, the act for treatment of drug abuse,
 22 K.S.A. 65-5201 et seq., and amendments thereto, or the care and treatment
 23 act for mentally ill persons, K.S.A. 59-2945 et seq., and amendments
 24 thereto, the clerk shall charge an additional fee of \$1 which shall be
 25 deducted from the docket fee and credited to the prosecuting attorneys'
 26 training fund as provided in K.S.A. 28-170a, and amendments thereto.

27 ~~(d) Except as provided further, the bond, lien or judgment fee~~
 28 ~~established in subsection (a) shall be the only fee collected or moneys in~~
 29 ~~the nature of a fee collected for such bond, lien or judgment. Such fee shall~~
 30 ~~only be established by an act of the legislature and no other authority is~~
 31 ~~established by law or otherwise to collect a fee. On and after July 1, 2015,~~
 32 ~~through June 30, 2017, the supreme court may impose an additional~~
 33 ~~charge, not to exceed \$22 per bond, lien or judgment fee, to fund the costs~~
 34 ~~of non-judicial personnel.~~

35 Sec. 13. K.S.A. 2015 Supp. 28-170a is hereby amended to read as
 36 follows: 28-170a. (a) There is hereby established a prosecuting attorneys'
 37 training fund. The clerk of the district court shall charge a fee of \$1 in each
 38 criminal case, ~~to be deducted from~~ *in addition to* the docket fee as
 39 provided in K.S.A. 28-172a, and amendments thereto and shall charge a
 40 fee of \$1 in each case pursuant to the revised Kansas code for care of
 41 children or the revised Kansas juvenile justice code and each mental
 42 illness, drug abuse or alcoholism treatment action as provided by
 43 ~~subsection (e) of K.S.A. 28-170(c), and amendments thereto. The clerk of~~

1 the district court, at least monthly, shall pay all such fees received to the
2 county treasurer who shall credit the same to the prosecuting attorneys'
3 training fund.

4 (b) Expenditures from the prosecuting attorneys' training fund shall
5 be paid by the county treasurer upon the order of the county or district
6 attorney and shall be used exclusively for the training of personnel in such
7 attorney's office and costs related thereto. Annually, on or before March
8 15, each county and district attorney shall submit to the attorney general
9 and the chairperson of the judiciary committee of each house, an
10 accounting that shows for the preceding year the amount of fees paid into
11 the prosecuting attorneys' training fund, the amounts and purpose of each
12 expenditure from such fund and the balance in such fund on December 31
13 of the preceding year. The purpose for each expenditure shall specifically
14 identify the person or persons for whom the expenditure was made and,
15 where applicable, the time and place where the training was received. If
16 any expenditure was paid to a nonprofit organization organized in this
17 state of which the county or district attorney is a member, the county or
18 district attorney shall include information on the training received for such
19 expenditure which information shall show the persons receiving the
20 training and the time and place thereof.

21 Sec. 14. K.S.A. 2015 Supp. 28-172a is hereby amended to read as
22 follows: 28-172a. (a) Except as otherwise provided in this section,
23 whenever the prosecuting witness or defendant is adjudged to pay the costs
24 in a criminal proceeding in any county, *shall be charged* a docket fee
25 ~~shall be taxed as follows, on and after July 1, 2013:~~

26	Murder or manslaughter	\$180.50
27	Other felony	171.00
28	Misdemeanor	136.00
29	Forfeited recognizance	72.50
30	Appeals from other courts	72.50

31 *in an amount determined by the supreme court pursuant to section 1, and*
32 *amendments thereto.*

33 (b) (1) Except as provided in paragraph (2), in actions involving the
34 violation of any of the laws of this state regulating traffic on highways,
35 including those listed in K.S.A. 8-2118(c), and amendments thereto, a
36 cigarette or tobacco infraction, any act declared a crime pursuant to the
37 statutes contained in chapter 32 of the Kansas Statutes Annotated, and
38 amendments thereto, or any act declared a crime pursuant to the statutes
39 contained in article 8 of chapter 82a of the Kansas Statutes Annotated, and
40 amendments thereto, whenever the prosecuting witness or defendant is
41 adjudged to pay the costs in the action, ~~on and after July 1, 2014,~~ a docket
42 fee ~~of \$86~~ *in an amount determined by the supreme court pursuant to*
43 *section 1, and amendments thereto,* shall be charged. When an action is

1 disposed of under K.S.A. 8-2118(a) and (b), or K.S.A. 79-3393(f), and
2 amendments thereto, ~~on and after July 1, 2014,~~ the docket fee to be paid as
3 court costs shall be ~~\$86 in an amount determined by the supreme court~~
4 *pursuant to section 1, and amendments thereto.*

5 (2) In actions involving the violation of a moving traffic violation
6 under K.S.A. 8-2118, and amendments thereto, as defined by rules and
7 regulations adopted under K.S.A. 8-249, and amendments thereto,
8 whenever the prosecuting witness or defendant is adjudged to pay the costs
9 in the action, ~~on and after July 1, 2014,~~ a docket fee of ~~\$86 in an amount~~
10 *determined by the supreme court pursuant to section 1, and amendments*
11 *thereto,* shall be charged. When an action is disposed of under K.S.A. 8-
12 2118(a) and (b), and amendments thereto, ~~on and after July 1, 2014,~~ the
13 docket fee to be paid as court costs shall be ~~\$86 in an amount determined~~
14 *by the supreme court pursuant to section 1, and amendments thereto.*

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

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

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

1 so forfeited shall be regarded as court costs.

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

9 Sec. 15. K.S.A. 2013 Supp. 28-172b is hereby revived and amended
10 to read as follows: 28-172b. (a) There is hereby established in the state
11 treasury an indigents' defense services fund.

12 (b) ~~The clerk of the district court shall charge a fee of \$.50 in each~~
13 ~~criminal case, to be deducted from the docket fee as provided in K.S.A.~~
14 ~~28-172a, and amendments thereto, and shall charge a fee of \$.50 in each~~
15 ~~case pursuant to the revised Kansas code for care of children or the revised~~
16 ~~Kansas juvenile justice code and each mental illness, drug abuse or~~
17 ~~alcoholism treatment action as provided by subsection (d) of K.S.A. 28-~~
18 ~~170, and amendments thereto. The clerk of the district court shall remit all~~
19 ~~such fees received to the state treasurer in accordance with the provisions~~
20 ~~of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such~~
21 ~~remittance, the state treasurer shall deposit the entire amount in the state~~
22 ~~treasury to the credit of the indigents' defense services fund.~~

23 ~~(e) Moneys in the indigents' defense services fund shall be used~~
24 ~~exclusively to provide counsel and related services for indigent~~
25 ~~defendants. Expenditures from such fund shall be made in accordance with~~
26 ~~appropriation acts upon warrants of the director of accounts and reports~~
27 ~~issued pursuant to vouchers approved by the chairperson of the state board~~
28 ~~of indigents' defense services or a person designated by the chairperson.~~

29 Sec. 16. K.S.A. 2015 Supp. 28-177 is hereby amended to read as
30 follows: 28-177. (a) ~~Except as provided in this section and K.S.A. 2015~~
31 ~~Supp. 28-178, and amendments thereto, the fees established by legislative~~
32 ~~enactment shall be the only fee collected or moneys in the nature of a fee~~
33 ~~collected for court procedures. Such fee shall only be established by an act~~
34 ~~of the legislature and no other authority is established by law or otherwise~~
35 ~~to collect a fee. Court procedures shall include docket fees, filing fees or~~
36 ~~other fees related to access to court procedures. On and after July 1, 2015,~~
37 ~~through June 30, 2017, the supreme court may impose an additional~~
38 ~~charge, not to exceed \$26.50 per fee or the amount established by the~~
39 ~~applicable statute, whichever amount is less, to fund the costs of non-~~
40 ~~judicial personnel.~~

41 ~~(b) Such additional charge imposed by the court pursuant to K.S.A. 8-~~
42 ~~2107, 8-2110, 22-2410, 28-170, 28-172a, 59-104, 60-2001, 60-2203a, 61-~~
43 ~~2704, 61-4001 and 65-409 and K.S.A. 2015 Supp. 21-6614, 23-2510, 28-~~

1 178, 28-179, 32-1049a, 38-2215, 38-2312 and 38-2314, and amendments
2 thereto, shall be remitted to the state treasurer in accordance with the
3 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
4 each such remittance, the state treasurer shall deposit the entire amount in
5 the state treasury to the credit of The judicial branch docket fee fund,
6 which is hereby created in the state treasury.

7 (e) Moneys credited to the judicial branch docket fee fund shall not
8 be expended for compensation of judges or justices of the judicial branch.

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

14 (e) (c) Expenditures may be made from the judicial branch docket fee
15 fund to provide services and programs for the purpose of educating and
16 training judicial branch officers and employees, administering the training,
17 testing and education of municipal judges as provided in K.S.A. 12-4114,
18 and amendments thereto, and for educating and training municipal judges
19 and municipal court and support staff, including official hospitality. The
20 judicial administrator is hereby authorized to fix, charge and collect fees
21 for such services and programs. Such fees may be fixed to cover all or part
22 of the operating expenditures incurred in providing such services and
23 programs, including official hospitality. All fees received for such
24 purposes and programs, including official hospitality, shall be deposited in
25 the state treasury in accordance with the provisions of K.S.A. 75-4215, and
26 amendments thereto, and shall be credited to the judicial branch docket fee
27 fund for any purpose, as determined by the supreme court, consistent with
28 judicial administration under section 1 of article 3 of the constitution of
29 the state of Kansas.

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

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

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

35 (3) the judicial branch surcharge fund is hereby abolished.

36 Sec. 17. K.S.A. 2015 Supp. 32-1049a is hereby amended to read as
37 follows: 32-1049a. (a) Failure to comply with a wildlife, parks and tourism
38 citation means failure to:

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

42 (2) fully pay or satisfy all fines, court costs, assessments or fees
43 imposed as a part of the sentence of any district court for violation of the

1 wildlife, parks and tourism laws of this state; or

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

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

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

11 (c) In addition to penalties of law applicable under subsection (a)
12 when a person fails to comply with a wildlife, parks and tourism citation
13 or sentence for a violation of wildlife, parks and tourism laws or rules and
14 regulations, the district court in which the person should have complied
15 shall mail a notice to the person that if the person does not appear in the
16 district court or pay all fines, court costs, assessments or fees, and any
17 penalties imposed within 30 days from the date of mailing, the Kansas
18 department of wildlife, parks and tourism shall be notified to forfeit or
19 suspend any license, permit, stamp or other issue of the department. Upon
20 receipt of a report of a failure to comply with a wildlife, parks and tourism
21 citation under this section, and amendments thereto, the department shall
22 notify the violator and suspend or forfeit the license, permit, stamp or
23 other issue of the department held by the violator until satisfactory
24 evidence of compliance with the wildlife, parks and tourism citation or
25 sentence of the district court for violation of the wildlife, parks and
26 tourism laws or rules and regulations of this state are furnished to the
27 informing court. Upon receipt of notification of such compliance from the
28 informing court, the department shall terminate the suspension action,
29 unless the violator is otherwise suspended.

30 (d) Except as provided in subsection (e), when the district court
31 notifies the department of a failure to comply with a wildlife, parks and
32 tourism citation or failure to comply with a sentence of the district court
33 imposed on violation of a wildlife, parks and tourism law or rule and
34 regulation, the court shall assess a reinstatement fee of \$50 for each charge
35 or sentence on which the person failed to make satisfaction, regardless of
36 the disposition of the charge for which such citation was originally issued.
37 Such reinstatement fee shall be in addition to any fine, court costs and
38 other assessments, fees or penalties. The court shall remit all reinstatement
39 fees to the state treasurer in accordance with the provisions of K.S.A. 75-
40 4215, and amendments thereto. Upon receipt of each remittance, the state
41 treasurer shall deposit the entire amount in the state treasury and shall
42 credit such moneys to the state general fund.

43 (e) The district court shall waive the reinstatement fee provided for in

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

13 ~~(f) Except as provided further, the reinstatement fee established in~~
14 ~~subsection (d) shall be the only fee collected or moneys in the nature of a~~
15 ~~fee collected for such reinstatement. Such fee shall only be established by~~
16 ~~an act of the legislature and no other authority is established by law or~~
17 ~~otherwise to collect a fee. On and after July 1, 2015, through June 30,~~
18 ~~2017, the supreme court may impose an additional charge, not to exceed~~
19 ~~\$22 per reinstatement fee, to fund the costs of non-judicial personnel.~~

20 Sec. 18. K.S.A. 2015 Supp. 38-2215 is hereby amended to read as
21 follows: 38-2215. (a) *Docket fee.* The docket fee for proceedings under
22 this code, if one is assessed as provided in this section, shall be ~~\$34~~ *in an*
23 *amount determined by the supreme court pursuant to section 1, and*
24 *amendments thereto.* Only one docket fee shall be assessed in each case.
25 ~~Except as provided further, the docket fee established in this section shall~~
26 ~~be the only fee collected or moneys in the nature of a fee collected for the~~
27 ~~docket fee. Such fee shall only be established by an act of the legislature~~
28 ~~and no other authority is established by law or otherwise to collect a fee.~~
29 ~~On and after July 1, 2015, through June 30, 2017, the supreme court may~~
30 ~~impose an additional charge, not to exceed \$22 per docket fee, to fund the~~
31 ~~costs of non-judicial personnel.~~

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

36 (c) *Assessment of docket fee and expenses.* (1) *Docket fee.* The docket
37 fee may be assessed or waived by the court conducting the initial
38 dispositional hearing and the docket fee may be assessed against the
39 complaining witness or person initiating the proceedings or a party or
40 interested party other than the state, a political subdivision of the state, an
41 agency of the state or of a political subdivision of the state, or a person
42 acting in the capacity of an employee of the state or of a political
43 subdivision of the state. Any docket fee received shall be remitted to the

1 state treasurer pursuant to K.S.A. 20-362, and amendments thereto.

2 (2) *Expenses.* Expenses may be assessed against the complaining
3 witness, a person initiating the proceedings, a party or an interested party,
4 other than the state, a political subdivision of the state, an agency of the
5 state or of a political subdivision of the state or a person acting in the
6 capacity of an employee of the state or of a political subdivision of the
7 state. When expenses are recovered from a person against whom they have
8 been assessed the general fund of the county shall be reimbursed in the
9 amount of the recovery. If it appears to the court in any proceedings under
10 this code that expenses were unreasonably incurred at the request of any
11 party the court may assess that portion of the expenses against the party.

12 (d) *Cases in which venue is transferred.* If venue is transferred from
13 one county to another, the court from which the case is transferred shall
14 send to the receiving court a statement of expenses paid from the general
15 fund of the sending county. If the receiving court collects any of the
16 expenses owed in the case, the receiving court shall pay to the sending
17 court an amount proportional to the sending court's share of the total
18 expenses owed to both counties. The expenses of the sending county shall
19 not be an obligation of the receiving county except to the extent that the
20 sending county's proportion of the expenses is collected by the receiving
21 court. All amounts collected shall first be applied toward payment of the
22 docket fee.

23 Sec. 19. K.S.A. 2015 Supp. 38-2312 is hereby amended to read as
24 follows: 38-2312. (a) Except as provided in subsection (b) and (c), any
25 records or files specified in this code concerning a juvenile may be
26 expunged upon application to a judge of the court of the county in which
27 the records or files are maintained. The application for expungement may
28 be made by the juvenile, if 18 years of age or older or, if the juvenile is
29 less than 18 years of age, by the juvenile's parent or next friend.

30 (b) There shall be no expungement of records or files concerning acts
31 committed by a juvenile which, if committed by an adult, would constitute
32 a violation of K.S.A. 21-3401, prior to its repeal, or K.S.A. 2015 Supp. 21-
33 5402, and amendments thereto, murder in the first degree; K.S.A. 21-3402,
34 prior to its repeal, or K.S.A. 2015 Supp. 21-5403, and amendments
35 thereto, murder in the second degree; K.S.A. 21-3403, prior to its repeal,
36 or K.S.A. 2015 Supp. 21-5404, and amendments thereto, voluntary
37 manslaughter; K.S.A. 21-3404, prior to its repeal, or K.S.A. 2015 Supp.
38 21-5405, and amendments thereto, involuntary manslaughter; K.S.A. 21-
39 3439, prior to its repeal, or K.S.A. 2015 Supp. 21-5401, and amendments
40 thereto, capital murder; K.S.A. 21-3442, prior to its repeal, or K.S.A. 2015
41 Supp. 21-5405(a)(3), and amendments thereto, involuntary manslaughter
42 while driving under the influence of alcohol or drugs; K.S.A. 21-3502,
43 prior to its repeal, or K.S.A. 2015 Supp. 21-5503, and amendments

1 thereto, rape; K.S.A. 21-3503, prior to its repeal, or K.S.A. 2015 Supp. 21-
2 5506(a), and amendments thereto, indecent liberties with a child; K.S.A.
3 21-3504, prior to its repeal, or K.S.A. 2015 Supp. 21-5506(b), and
4 amendments thereto, aggravated indecent liberties with a child; K.S.A. 21-
5 3506, prior to its repeal, or K.S.A. 2015 Supp. 21-5504(b), and
6 amendments thereto, aggravated criminal sodomy; K.S.A. 21-3510, prior
7 to its repeal, or K.S.A. 2015 Supp. 21-5508(a), and amendments thereto,
8 indecent solicitation of a child; K.S.A. 21-3511, prior to its repeal, or
9 K.S.A. 2015 Supp. 21-5508(b), and amendments thereto, aggravated
10 indecent solicitation of a child; K.S.A. 21-3516, prior to its repeal, or
11 K.S.A. 2015 Supp. 21-5510, and amendments thereto, sexual exploitation
12 of a child; K.S.A. 21-3603, prior to its repeal, or K.S.A. 2015 Supp. 21-
13 5604(b), and amendments thereto, aggravated incest; K.S.A. 21-3608,
14 prior to its repeal, or K.S.A. 2015 Supp. 21-5601(a), and amendments
15 thereto, endangering a child; K.S.A. 21-3609, prior to its repeal, or K.S.A.
16 2015 Supp. 21-5602, and amendments thereto, abuse of a child; or which
17 would constitute an attempt to commit a violation of any of the offenses
18 specified in this subsection.

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

25 (d) When a petition for expungement is filed, the court shall set a date
26 for a hearing on the petition and shall give notice thereof to the county or
27 district attorney. The petition shall state: (1) The juvenile's full name; (2)
28 the full name of the juvenile as reflected in the court record, if different
29 than (1); (3) the juvenile's sex and date of birth; (4) the offense for which
30 the juvenile was adjudicated; (5) the date of the trial; and (6) the identity
31 of the trial court. Except as otherwise provided by law, a petition for
32 expungement shall be accompanied by a docket fee in the amount of ~~\$176~~
33 *determined by the supreme court pursuant to section 1, and amendments*
34 *thereto. On and after July 1, 2015, through June 30, 2017, the supreme*
35 *court may impose a charge, not to exceed \$19 per case, to fund the costs of*
36 ~~non-judicial personnel.~~ All petitions for expungement shall be docketed in
37 the original action. Any person who may have relevant information about
38 the petitioner may testify at the hearing. The court may inquire into the
39 background of the petitioner.

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

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

1 (ii) one year has elapsed since the final discharge for an adjudication
2 concerning acts committed by a juvenile which, if committed by an adult,
3 would constitute a violation of K.S.A. 2015 Supp. 21-6419, and
4 amendments thereto;

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

10 (C) the circumstances and behavior of the petitioner warrant
11 expungement.

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

14 (f) Upon entry of an order expunging records or files, the offense
15 which the records or files concern shall be treated as if it never occurred,
16 except that upon conviction of a crime or adjudication in a subsequent
17 action under this code the offense may be considered in determining the
18 sentence to be imposed. The petitioner, the court and all law enforcement
19 officers and other public offices and agencies shall properly reply on
20 inquiry that no record or file exists with respect to the juvenile. Inspection
21 of the expunged files or records thereafter may be permitted by order of
22 the court upon petition by the person who is the subject thereof. The
23 inspection shall be limited to inspection by the person who is the subject of
24 the files or records and the person's designees.

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

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

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

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

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

1 (1) The person whose record was expunged;

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

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

8 (4) the secretary for aging and disability services, or a designee of the
9 secretary, for the purpose of obtaining information relating to employment
10 in an institution, as defined in K.S.A. 76-12a01, and amendments thereto,
11 of the Kansas department for aging and disability services of any person
12 whose record has been expunged;

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

15 (6) the Kansas lottery, and the request is accompanied by a statement
16 that the request is being made to aid in determining qualifications for
17 employment with the Kansas lottery or for work in sensitive areas within
18 the Kansas lottery as deemed appropriate by the executive director of the
19 Kansas lottery;

20 (7) the governor or the Kansas racing commission, or a designee of
21 the commission, and the request is accompanied by a statement that the
22 request is being made to aid in determining qualifications for executive
23 director of the commission, for employment with the commission, for
24 work in sensitive areas in parimutuel racing as deemed appropriate by the
25 executive director of the commission or for licensure, renewal of licensure
26 or continued licensure by the commission;

27 (8) the Kansas sentencing commission; or

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

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

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

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

37 Sec. 20. K.S.A. 2015 Supp. 38-2314 is hereby amended to read as
38 follows: 38-2314. (a) *Docket fee*. The docket fee for proceedings under
39 this code, if one is assessed as provided by this section, shall be ~~\$34~~ *in an*
40 *amount determined by the supreme court pursuant to section 1, and*
41 *amendments thereto. Only one docket fee shall be assessed in each case.*
42 ~~Except as provided further, the docket fee established in this section shall~~
43 ~~be the only fee collected or moneys in the nature of a fee collected for the~~

1 docket fee. Such fee shall only be established by an act of the legislature
 2 and no other authority is established by law or otherwise to collect a fee.
 3 ~~On and after July 1, 2015, through June 30, 2017, the supreme court may~~
 4 ~~impose an additional charge, not to exceed \$22 per docket fee, to fund the~~
 5 ~~costs of non-judicial personnel.~~

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

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

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

19 (3) *Prohibited assessment.* Docket fees or expenses shall not be
 20 assessed against the state, a political subdivision of the state, an agency of
 21 the state or of a political subdivision of the state or a person acting in the
 22 capacity of an employee of the state or of a political subdivision of the
 23 state.

24 (d) *Cases in which venue is transferred.* If venue is transferred from
 25 one county to another, the court from which the case is transferred shall
 26 send to the receiving court a statement of expenses paid from the general
 27 fund of the sending county. If the receiving court collects any of the
 28 expenses owed in the case, the receiving court shall pay to the sending
 29 court an amount proportional to the sending court's share of the total
 30 expenses owed to both counties. The expenses of the sending county shall
 31 not be an obligation of the receiving county except to the extent that the
 32 sending county's proportionate share of the expenses is collected by the
 33 receiving court. Unless otherwise ordered by the court, all amounts
 34 collected shall first be applied toward payment of restitution, then toward
 35 the payment of the docket fee.

36 Sec. 21. K.S.A. 2015 Supp. 59-104 is hereby amended to read as
 37 follows: 59-104. (a) *Docket fee.* ~~(1)~~ Except as otherwise provided by law,
 38 no case shall be filed or docketed in the district court under the provisions
 39 of chapter 59 of the Kansas Statutes Annotated, and amendments thereto,
 40 or of articles 40 and 52 of chapter 65 of the Kansas Statutes Annotated,
 41 and amendments thereto, without payment of an appropriate docket fee as
 42 follows, on and after July 1, 2014:

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 173.00
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 (2) ~~Except as provided further, the docket fee established in this~~
18 ~~section shall be the only fee collected or moneys in the nature of a fee~~
19 ~~collected for the docket fee. Such fee shall only be established by an act of~~
20 ~~the legislature and no other authority is established by law or otherwise to~~
21 ~~collect a fee. On and after July 1, 2015, through June 30, 2017, the~~
22 ~~supreme court may impose an additional charge, not to exceed \$22 per~~
23 ~~docket fee, to fund the costs of non-judicial personnel a docket fee in an~~
24 ~~amount determined by the supreme court pursuant to section 1, and~~
25 ~~amendments thereto.~~

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

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

33 (d) *Additional court costs.* Other fees and expenses to be assessed as
34 additional court costs shall be approved by the court, unless specifically
35 fixed by statute. Other fees shall include, but not be limited to, witness
36 fees, appraiser fees, fees for service of process outside the state, fees for
37 depositions, transcripts and publication of legal notice, executor or
38 administrator fees, attorney fees, court costs from other courts and any
39 other fees and expenses required by statute. All additional court costs shall
40 be taxed and billed against the parties or estate as directed by the court. No
41 sheriff in this state shall charge any district court in this state a fee or
42 mileage for serving any paper or process.

43 Sec. 22. K.S.A. 2015 Supp. 60-729 is hereby amended to read as

1 follows: 60-729. (a) Garnishment is a procedure whereby the wages,
 2 money or intangible property of a person can be seized or attached
 3 pursuant to an order of garnishment issued by the court under the
 4 conditions set forth in the order.

5 (b) On and after July 1, 2014, any party requesting an order of
 6 garnishment shall pay a fee in the amount ~~of \$7.50 determined by the~~
 7 ~~supreme court pursuant to section 1, and amendments thereto~~, to the clerk
 8 of the district court.

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

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

14 ~~(e) Except as provided further, the fee established in this section shall~~
 15 ~~be the only fee collected or moneys in the nature of a fee collected for the~~
 16 ~~docket fee. Such fee shall only be established by an act of the legislature~~
 17 ~~and no other authority is established by law or otherwise to collect a fee.~~
 18 ~~On and after July 1, 2015, through June 30, 2017, the supreme court may~~
 19 ~~impose an additional charge, not to exceed \$12.50 per fee, to fund the~~
 20 ~~costs of non-judicial personnel.~~

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

24 Sec. 23. K.S.A. 2015 Supp. 60-2001 is hereby amended to read as
 25 follows: 60-2001. (a) *Docket fee*. Except as otherwise provided by law, no
 26 case shall be filed or docketed in the district court, whether original or
 27 appealed, without payment of a docket fee in the amount ~~of \$173 on and~~
 28 ~~after July 1, 2014 determined by the supreme court pursuant to section 1,~~
 29 ~~and amendments thereto~~, to the clerk of the district court. ~~Except as~~
 30 ~~provided further, the docket fee established in this subsection shall be the~~
 31 ~~only fee collected or moneys in the nature of a fee collected for the docket~~
 32 ~~fee. Such fee shall only be established by an act of the legislature and no~~
 33 ~~other authority is established by law or otherwise to collect a fee. On and~~
 34 ~~after July 1, 2015, through June 30, 2017, the supreme court may impose~~
 35 ~~an additional charge, not to exceed \$22 per docket fee, to fund the costs of~~
 36 ~~non-judicial personnel.~~

37 (b) *Poverty affidavit in lieu of docket fee*. (1) *Effect*. In any case
 38 where a plaintiff by reason of poverty is unable to pay a docket fee, and an
 39 affidavit so stating is filed, no fee will be required. An inmate in the
 40 custody of the secretary of corrections may file a poverty affidavit only if
 41 the inmate attaches a statement disclosing the average account balance, or
 42 the total deposits, whichever is less, in the inmate's trust fund for each
 43 month in: (A) The six-month period preceding the filing of the action; or

1 (B) the current period of incarceration, whichever is shorter. Such
2 statement shall be certified by the secretary. On receipt of the affidavit and
3 attached statement, the court shall determine the initial fee to be assessed
4 for filing the action and in no event shall the court require an inmate to pay
5 less than \$3. The secretary of corrections is hereby authorized to disburse
6 money from the inmate's account to pay the costs as determined by the
7 court. If the inmate has a zero balance in such inmate's account, the
8 secretary shall debit such account in the amount of \$3 per filing fee as
9 established by the court until money is credited to the account to pay such
10 docket fee. Any initial filing fees assessed pursuant to this subsection shall
11 not prevent the court, pursuant to subsection (d), from taxing that
12 individual for the remainder of the amount required under subsection (a) or
13 this subsection.

14 (2) *Form of affidavit.* The affidavit provided for in this subsection
15 shall set forth a factual basis upon which the plaintiff alleges by reason of
16 poverty an inability to pay a docket fee, including, but not limited to, the
17 source and amount of the plaintiff's weekly income. Such affidavit shall be
18 signed and sworn to by the plaintiff under oath, before one who has
19 authority to administer the oath, under penalty of perjury, K.S.A. 2015
20 Supp. 21-5903, and amendments thereto. The form of the affidavit shall be
21 deemed sufficient if in substantial compliance with the form set forth by
22 the judicial council.

23 (3) *Court review; grounds for dismissal; service of process.* The court
24 shall review any petition authorized for filing under this subsection. Upon
25 such review, if the court finds that the plaintiff's allegation of poverty is
26 untrue, the court shall direct the plaintiff to pay the docket fee or dismiss
27 the petition without prejudice. Notwithstanding K.S.A. 60-301, and
28 amendments thereto, service of process shall not issue unless the court
29 grants leave following its review.

30 (c) *Disposition of fees.* The docket fees and the fees for service of
31 process shall be the only costs assessed in each case for services of the
32 clerk of the district court and the sheriff. For every person to be served by
33 the sheriff, the persons requesting service of process shall provide proper
34 payment to the clerk and the clerk of the district court shall forward the
35 service of process fee to the sheriff in accordance with K.S.A. 28-110, and
36 amendments thereto. The service of process fee, if paid by check or money
37 order, shall be made payable to the sheriff. Such service of process fee
38 shall be submitted by the sheriff at least monthly to the county treasurer
39 for deposit in the county treasury and credited to the county general fund.
40 The docket fee shall be disbursed in accordance with K.S.A. 20-362, and
41 amendments thereto.

42 (d) *Additional court costs.* Other fees and expenses to be assessed as
43 additional court costs shall be approved by the court, unless specifically

1 fixed by statute. Other fees shall include, but not be limited to, witness
2 fees, appraiser fees, fees for service of process, fees for depositions,
3 alternative dispute resolution fees, transcripts and publication, attorney
4 fees, court costs from other courts and any other fees and expenses
5 required by statute. All additional court costs shall be taxed and billed
6 against the parties as directed by the court. No sheriff in this state shall
7 charge any mileage for serving any papers or process.

8 Sec. 24. K.S.A. 2015 Supp. 60-2008 is hereby amended to read as
9 follows: 60-2008. (a) On and after the effective date of this act, any party
10 filing a dispositive motion shall pay a fee in the amount ~~of \$195~~
11 *determined by the supreme court pursuant to section 1, and amendments*
12 *thereto*, to the clerk of the district court. A poverty affidavit may be filed in
13 lieu of payment of such fee, as established in K.S.A. 60-2001, and
14 amendments thereto. The fee shall be disbursed in accordance with K.S.A.
15 20-362, and amendments thereto. ~~The fee shall only be established by an~~
16 ~~act of the legislature and no other authority is established by law or~~
17 ~~otherwise to collect such fee.~~ Such fee shall be an item allowable as a cost
18 pursuant to K.S.A. 60-2003, and amendments thereto.

19 (b) As used in this section, "dispositive motion" means a motion to
20 dismiss, a motion for judgment on the pleadings, a motion for summary
21 judgment or partial summary judgment or a motion for judgment as a
22 matter of law. "Dispositive motion" also shall include any motion
23 determined by a judge to be seeking any disposition described in this
24 subsection, regardless of the title assigned to such motion at the time of
25 filing.

26 (c) The state of Kansas and all municipalities in this state, as defined
27 in K.S.A. 12-105a, and amendments thereto, shall be exempt from paying
28 such fee.

29 (d) The provisions of this section shall not apply to an action pursuant
30 to the code of civil procedure for limited actions.

31 (e) This section shall be part of and supplemental to the code of civil
32 procedure.

33 Sec. 25. K.S.A. 2015 Supp. 60-2203a is hereby amended to read as
34 follows: 60-2203a. (a) After the commencement of any action in any
35 district court of this state, or the courts of the United States in the state of
36 Kansas or in any action now pending heretofore commenced in such
37 courts, which does not involve title to real estate, any party to such action
38 may give notice in any other county of the state of the pendency of the
39 action by filing for record with the clerk of the district court of such other
40 county a verified statement setting forth the parties to the action, the nature
41 of the action, the court in which it is pending, and the relief sought, which
42 shall impart notice of the pendency of the action and shall result in the
43 same lien rights as if the action were pending in that county. The lien shall

1 be effective from the time the statement is filed, but not to exceed four
2 months prior to the entry of judgment except as provided in subsection (c).
3 The party filing such notice shall within 30 days after any satisfaction of
4 the judgment entered in such action, or any other final disposition thereof,
5 cause to be filed with such clerk of the district court a notice that all claims
6 in such action are released. If the party filing fails or neglects to do so after
7 reasonable demand by any party in interest, such party shall be liable in
8 damages in the same amounts and manner as is provided by law for failure
9 of a mortgagee to enter satisfaction of a mortgage. Upon the filing of such
10 a notice of the pendency of an action the clerk shall charge a fee of \$14
11 and shall enter and index the action in the same manner as for the filing of
12 an original action. Upon the filing of a notice of release, the notice shall
13 likewise be entered on the docket. ~~Except as provided further, the fee~~
14 ~~established in this subsection shall be the only fee collected or moneys in~~
15 ~~the nature of a fee collected for the court procedure. Such fee shall only be~~
16 ~~established by an act of the legislature and no other authority is established~~
17 ~~by law or otherwise to collect a fee. On and after July 1, 2015, through~~
18 ~~June 30, 2017, the supreme court may impose an additional charge, not to~~
19 ~~exceed \$22 per fee, to fund the costs of non-judicial personnel.~~

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

25 (c) Notwithstanding the foregoing provisions of this section, the
26 filing of a notice of the pendency of an action pursuant to subsection (a)
27 shall create no lien rights against the property of an employee of the state
28 or a municipality prior to the date judgment is rendered if the pleadings in
29 the pending action allege a negligent or wrongful act or omission of the
30 employee while acting within the scope of such employee's employment,
31 regardless of whether or not it is alleged in the alternative that the
32 employee was acting outside of such employee's employment. A judgment
33 against an employee shall become a lien upon such employee's property in
34 the county where notice is filed pursuant to subsection (a) when the
35 judgment is rendered only if it is found that: (1) The employee's negligent
36 or wrongful act or omission occurred when the employee was acting
37 outside the scope of such employee's employment; or (2) the employee's
38 conduct which gave rise to the judgment was because of actual fraud or
39 actual malice of the employee. In such cases the lien shall not be effective
40 prior to the date judgment was rendered. As used in this subsection (c),
41 "employee" shall have the meaning ascribed to such term in K.S.A. 75-
42 6102, and amendments thereto.

43 Sec. 26. K.S.A. 2015 Supp. 61-2704 is hereby amended to read as

1 follows: 61-2704. (a) An action seeking the recovery of a small claim shall
2 be considered to have been commenced at the time a person files a written
3 statement of the person's small claim with the clerk of the court if, within
4 90 days after the small claim is filed, service of process is obtained or the
5 first publication is made for service by publication. Otherwise, the action
6 is deemed commenced at the time of service of process or first publication.
7 An entry of appearance shall have the same effect as service.

8 (b) Upon the filing of a plaintiff's small claim, the clerk of the court
9 shall require from the plaintiff a docket fee ~~of \$35 on and after July 1,~~
10 ~~2014, if the claim does not exceed \$500; or \$55 on and after July 1, 2014,~~
11 ~~if the claim exceeds \$500; in an amount determined by the supreme court~~
12 ~~pursuant to section 1, and amendments thereto,~~ unless for good cause
13 shown the judge waives the fee. The docket fee shall be the only costs
14 required in an action seeking recovery of a small claim. No person may
15 file more than 20 small claims under this act in the same court during any
16 calendar year.

17 ~~(c) Except as provided further, the docket fee established in this~~
18 ~~section shall be the only fee collected or moneys in the nature of a fee~~
19 ~~collected for the docket fee. Such fee shall only be established by an act of~~
20 ~~the legislature and no other authority is established by law or otherwise to~~
21 ~~collect a fee. On and after July 1, 2015, through June 30, 2017, the~~
22 ~~supreme court may impose an additional charge, not to exceed \$12.50 per~~
23 ~~docket fee, to fund the costs of non-judicial personnel.~~

24 Sec. 27. K.S.A. 2015 Supp. 61-4001 is hereby amended to read as
25 follows: 61-4001. (a) *Docket fee.* ~~(1)~~ No case shall be filed or docketed
26 pursuant to the code of civil procedure for limited actions without the
27 payment of a docket fee in the amount of ~~\$35 on and after July 1, 2013, if~~
28 ~~the amount in controversy or claimed does not exceed \$500; \$55 on and~~
29 ~~after July 1, 2013, if the amount in controversy or claimed exceeds \$500~~
30 ~~but does not exceed \$5,000; or \$101 on and after July 1, 2013, if the~~
31 ~~amount in controversy or claimed exceeds \$5,000 determined by the~~
32 ~~supreme court pursuant to section 1, and amendments thereto.~~ If judgment
33 is rendered for the plaintiff, the court also may enter judgment for the
34 plaintiff for the amount of the docket fee paid by the plaintiff.

35 ~~(2) Except as provided further, the docket fee established in this~~
36 ~~section shall be the only fee collected or moneys in the nature of a fee~~
37 ~~collected for the docket fee. Such fee shall only be established by an act of~~
38 ~~the legislature and no other authority is established by law or otherwise to~~
39 ~~collect a fee. On and after July 1, 2015, through June 30, 2017, the~~
40 ~~supreme court may impose an additional charge, not to exceed \$19 per~~
41 ~~docket fee, to fund the costs of non-judicial personnel.~~

42 (b) *Poverty affidavit; additional court costs; exemptions for the state*
43 *and municipalities.* The provisions of K.S.A. 60-2001(b), (c) and (d) and

1 60-2005, and amendments thereto, shall be applicable to lawsuits brought
2 under the code of civil procedure for limited actions.

3 Sec. 28. K.S.A. 2015 Supp. 65-409 is hereby amended to read as
4 follows: 65-409. (a) The clerk of the district court shall charge a fee of \$14
5 for entering and filing a lien statement under this act.

6 ~~(b) Except as provided further, the lien fee established in subsection~~
7 ~~(a) shall be the only fee collected or moneys in the nature of a fee collected~~
8 ~~for such lien. Such fee shall only be established by an act of the legislature~~
9 ~~and no other authority is established by law or otherwise to collect a fee.~~
10 ~~On and after July 1, 2015, through June 30, 2017, the supreme court may~~
11 ~~impose an additional charge, not to exceed \$22 per lien fee, to fund the~~
12 ~~costs of non-judicial personnel.~~

13 Sec. 29. K.S.A. 2013 Supp. 74-7325 is hereby revived and amended
14 to read as follows: 74-7325. (a) There is hereby created in the state
15 treasury the protection from abuse fund. All moneys credited to the fund
16 shall be used solely for the purpose of making grants to programs
17 providing: (1) Temporary emergency shelter for adult victims of domestic
18 abuse or sexual assault and their dependent children; (2) counseling and
19 assistance to those victims and their children; or (3) educational services
20 directed at reducing the incidence of domestic abuse or sexual assault and
21 diminishing its impact on the victims. All moneys credited to the fund
22 ~~pursuant to K.S.A. 20-367, and amendments thereto,~~ shall be used only for
23 on-going operating expenses of domestic violence programs. All moneys
24 credited to the fund pursuant to any increase in docket fees as provided by
25 this act as described in K.S.A. ~~20-367~~ and 60-2001, and amendments
26 thereto, shall not be awarded to programs until July 1, 2003, and shall be
27 used for ongoing operating expenses of domestic violence or sexual
28 assault programs.

29 (b) All expenditures from the protection from abuse fund shall be
30 made in accordance with appropriation acts upon warrants of the director
31 of accounts and reports issued pursuant to vouchers approved by the
32 attorney general or by a person or persons designated by the attorney
33 general.

34 (c) The attorney general may apply for, receive and accept moneys
35 from any source for the purposes for which moneys in the protection from
36 abuse fund may be expended. Upon receipt of any such moneys, the
37 attorney general shall remit the entire amount to the state treasurer in
38 accordance with the provisions of K.S.A. 75-4215, and amendments
39 thereto. Upon receipt of each such remittance, the state treasurer shall
40 deposit the entire amount in the state treasury to the credit of the protection
41 from abuse fund.

42 (d) Grants made to programs pursuant to this section shall be based
43 on the numbers of persons served by the program and shall be made only

1 to the city of Wichita or to agencies which are engaged, as their primary
2 function, in programs aimed at preventing domestic violence or sexual
3 assault or providing residential services or facilities to family or household
4 members who are victims of domestic violence or sexual assault. In order
5 for programs to qualify for funding under this section, they must:

6 (1) Meet the requirements of section 501(c) of the internal revenue
7 code of 1986;

8 (2) be registered and in good standing as a nonprofit corporation;

9 (3) meet normally accepted standards for nonprofit organizations;

10 (4) have trustees who represent the racial, ethnic and socioeconomic
11 diversity of the county or counties served;

12 (5) have received 50% or more of their funds from sources other than
13 funds distributed through the fund, which other sources may be public or
14 private and may include contributions of goods or services, including
15 materials, commodities, transportation, office space or other types of
16 facilities or personal services;

17 (6) demonstrate ability to successfully administer programs;

18 (7) make available an independent certified audit of the previous
19 year's financial records;

20 (8) have obtained appropriate licensing or certification, or both;

21 (9) serve a significant number of residents of the county or counties
22 served;

23 (10) not unnecessarily duplicate services already adequately provided
24 to county residents; and

25 (11) agree to comply with reporting requirements of the attorney
26 general.

27 The attorney general may adopt rules and regulations establishing
28 additional standards for eligibility and accountability for grants made
29 pursuant to this section.

30 (e) As used in this section:

31 (1) "Domestic abuse" means abuse as defined by the protection from
32 abuse act (, K.S.A. 60-3101 et seq., and amendments thereto).

33 (2) "Sexual assault" means acts defined in article 35 of chapter 21 of
34 the Kansas Statutes Annotated, prior to their repeal, or article 55 of chapter
35 21 of the Kansas Statutes Annotated, or K.S.A. ~~2013~~ 2015 Supp. 21-6419
36 through 21-6421, and amendments thereto.

37 (f) On or before the 10th day of each month, the director of accounts
38 and reports shall transfer from the state general fund to the protection from
39 abuse fund interest earnings based on:

40 (1) The average daily balance of moneys in the protection from abuse
41 fund for the preceding month; and

42 (2) the net earnings rate for the pooled money investment portfolio
43 for the preceding month.

1 Sec. 30. K.S.A. 2013 Supp. 74-7334 is hereby revived and amended
2 to read as follows: 74-7334. (a) There is hereby created in the state
3 treasury the crime victims assistance fund. All moneys credited to the fund
4 pursuant to K.S.A. 12-4117, 19-101e, ~~and 19-4707 and 20-367~~, and
5 amendments thereto, shall be used solely for the purpose of making grants
6 for on-going operating expenses of programs, including court-appointed
7 special advocate programs, providing: (1) Temporary emergency shelter
8 for victims of child abuse and neglect; (2) counseling and assistance to
9 those victims; or (3) educational services directed at reducing the
10 incidence of child abuse and neglect and diminishing its impact on the
11 victim. The remainder of moneys credited to the fund shall be used for the
12 purpose of supporting the operation of state agency programs which
13 provide services to the victims of crime and making grants to existing
14 programs or to establish and maintain new programs providing services to
15 the victims of crime.

16 (b) All expenditures from the crime victims assistance fund shall be
17 made in accordance with appropriations acts upon warrants of the director
18 of accounts and reports issued pursuant to vouchers approved by the
19 attorney general or by a person or persons designated by the attorney
20 general.

21 (c) The attorney general may apply for, receive and accept moneys
22 from any source for the purposes for which moneys in the crime victims
23 assistance fund may be expended. Upon receipt of any such moneys, the
24 attorney general shall remit the entire amount to the state treasurer in
25 accordance with the provisions of K.S.A. 75-4215, and amendments
26 thereto. Upon receipt of each such remittance, the state treasurer shall
27 deposit the entire amount in the state treasury to the credit of the crime
28 victims assistance fund.

29 (d) Grants made to programs with funds derived from K.S.A. 12-
30 4117, 19-101e, ~~and 19-4707 and 20-367~~, and amendments thereto, shall be
31 based on the numbers of persons served by the program and shall be made
32 only to programs aimed at preventing child abuse and neglect or providing
33 residential services or facilities to victims of child abuse or neglect. In
34 order for programs to qualify for funding under this section, they must:

35 (1) Meet the requirements of section 501(c) of the internal revenue
36 code of 1986;

37 (2) be registered and in good standing as a nonprofit corporation;

38 (3) meet normally accepted standards for nonprofit organizations;

39 (4) have trustees who represent the racial, ethnic and socioeconomic
40 diversity of the county or counties served;

41 (5) have received 50% or more of their funds from sources other than
42 funds distributed through the fund, which other sources may be public or
43 private and may include contributions of goods or services, including

1 materials, commodities, transportation, office space or other types of
2 facilities or personal services;

3 (6) demonstrate ability to successfully administer programs;

4 (7) make available an independent certified audit of the previous
5 year's financial records;

6 (8) have obtained appropriate licensing or certification, or both;

7 (9) serve a significant number of residents of the county or counties
8 served;

9 (10) not unnecessarily duplicate services already adequately provided
10 to county residents; and

11 (11) agree to comply with reporting requirements of the attorney
12 general.

13 The attorney general may adopt rules and regulations establishing
14 additional standards for eligibility and accountability for grants made
15 pursuant to this section.

16 (e) All moneys credited to the fund pursuant to K.S.A. ~~2013~~ 2015
17 Supp. 23-2510, and amendments thereto, shall be set aside to use as
18 matching funds for meeting any federal requirement for the purpose of
19 establishing child exchange and visitation centers as provided in K.S.A.
20 75-720, and amendments thereto. If no federal funds are made available to
21 the state for the purpose of establishing such child exchange and visitation
22 centers, then such moneys may be used as otherwise provided in this
23 section. Only those moneys credited to the fund pursuant to K.S.A. ~~2013~~
24 2015 Supp. 23-2510, and amendments thereto, may be used for such
25 matching funds. No state general fund moneys shall be used for such
26 matching funds.

27 Sec. 31. K.S.A. 2013 Supp. 75-7021 is hereby revived and amended
28 to read as follows: 75-7021. (a) There is hereby created in the state
29 treasury the Kansas juvenile delinquency prevention trust fund. Money
30 credited to the Kansas juvenile delinquency prevention trust fund ~~pursuant~~
31 ~~to K.S.A. 20-367, and amendments thereto, or by any other lawful means~~
32 shall be used solely for the purpose of making grants to further the purpose
33 of juvenile justice reform, including rational prevention programs and
34 programs for treatment and rehabilitation of juveniles and to further the
35 partnership between state and local communities. Such treatment and
36 rehabilitation programs should aim to combine accountability and
37 sanctions with increasingly intensive treatment and rehabilitation services
38 with an aim to provide greater public safety and provide intervention that
39 will be uniform and consistent.

40 (b) All expenditures from the Kansas juvenile delinquency prevention
41 trust fund shall be made in accordance with appropriations acts upon
42 warrants of the director of accounts and reports issued pursuant to
43 vouchers approved by the ~~commissioner of juvenile justice~~ *secretary of*

1 *corrections* or by a person or persons designated by the ~~commissioner~~
2 *secretary*.

3 (c) ~~The commissioner of juvenile justice~~ *secretary of corrections* may
4 apply for, receive and accept money from any source for the purposes for
5 which money in the Kansas juvenile delinquency prevention trust fund
6 may be expended. Upon receipt of any such money, the ~~commissioner~~
7 *secretary* shall remit the entire amount to the state treasurer in accordance
8 with the provisions of K.S.A. 75-4215, and amendments thereto. Upon
9 receipt of each such remittance, the state treasurer shall deposit the entire
10 amount in the state treasury to the credit of the Kansas juvenile
11 delinquency prevention trust fund.

12 (d) Grants made to programs pursuant to this section shall be based
13 on the number of persons to be served and such other requirements as may
14 be established by the Kansas advisory group on juvenile justice and
15 delinquency prevention in guidelines established and promulgated to
16 regulate grants made under authority of this section. The guidelines may
17 include requirements for grant applications, organizational characteristics,
18 reporting and auditing criteria and such other standards for eligibility and
19 accountability as are deemed advisable by the Kansas advisory group on
20 juvenile justice and delinquency prevention.

21 (e) On or before the 10th of each month, the director of accounts and
22 reports shall transfer from the state general fund to the Kansas juvenile
23 delinquency prevention trust fund interest earnings based on:

24 (1) The average daily balance of moneys in the Kansas juvenile
25 delinquency prevention trust fund for the preceding month; and

26 (2) the net earnings rate of the pooled money investment portfolio for
27 the preceding month.

28 (f) On and after the effective date of this act, the Kansas endowment
29 for youth trust fund created by this section prior to amendment by this act
30 is hereby redesignated as the Kansas juvenile delinquency prevention trust
31 fund. On and after the effective date of this act, whenever the Kansas
32 endowment for youth trust fund created by this section prior to amendment
33 by this act, or words of like effect, is referred to or designated by a statute,
34 contract or other document such reference or designation shall be deemed
35 to apply to the Kansas juvenile delinquency prevention trust fund.

36 Sec. 32. K.S.A. 5-517, as revived by section 3 of this act, 5-517, as
37 amended by section 5 of chapter 82 of the 2014 Session Laws of Kansas,
38 20-166, as revived by section 6 of this act, and 20-166, as amended by
39 section 8 of chapter 82 of the 2014 Session Laws of Kansas; K.S.A. 2013
40 Supp. 20-1a04, as revived by section 5 of this act, 20-1a04, as amended by
41 section 6 of chapter 82 of the 2014 Session Laws of Kansas, 20-367, 21-
42 6614d, 28-172b, as revived by section 6 of this act, 28-172b, as amended
43 by section 28 of chapter 82 of the 2014 Session Laws of Kansas, 38-

1 2312c, 60-2001b, 74-7325, as revived by section 29 of this act, 74-7325,
2 as amended by section 38 of chapter 82 of the 2014 Session Laws of
3 Kansas, 74-7334, as revived by section 30 of this act, 74-7334, as
4 amended by section 39 of chapter 82 of the 2014 Session Laws of Kansas,
5 75-7021, as revived by section 31 of this act, and 75-7021, as amended by
6 section 42 of chapter 82 of the 2014 Session Laws of Kansas; and K.S.A.
7 2015 Supp. 8-2107, 20-1a16, 20-1a17, 20-1a18, 20-362, 20-3021, 21-
8 6614, 21-6614f, 22-2410, 23-2510, 28-170, 28-170a, 28-172a, 28-177, 28-
9 178, 28-179, 32-1049a, 38-2215, 38-2312, 38-2314, 59-104, 60-729, 60-
10 2001, 60-2008, 60-2203a, 61-2704, 61-4001 and 65-409 are hereby
11 repealed.

12 Sec. 33. This act shall take effect and be in force from and after its
13 publication in the statute book.