

SENATE BILL No. 97

By Committee on Judiciary

2-3

1 AN ACT concerning courts; relating to court fees and costs; relating to
2 the judicial branch surcharge fund; docket fees for expungement of
3 records; amending Section 254 of chapter 136 of the 2010 Session
4 Laws of Kansas and K.S.A. 2010 Supp. 8-2107, 8-2110, 22-2410, 23-
5 108a, 28-170, 28-172a, 28-177, 28-178, 38-2215, 38-2312, 38-2314,
6 59-104, 60-1621, 60-2001, 60-2203a, 61-2704 and 61-4001 and
7 repealing the existing sections.

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

10 Section 1. K.S.A. 2010 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
17 in exchange for a receipt therefor issued by such police officer, the form
18 of which shall be approved by the division of vehicles. Such receipt shall
19 be 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
22 the notice to appear shall be delivered by the police officer to the court
23 having jurisdiction of the offense charged as soon as reasonably possible.
24 If the hearing on such charge is continued for any reason, the judge may
25 note on the receipt the date to which such hearing has been continued and
26 such receipt shall be recognized as a valid temporary Kansas driver's
27 license until such date, but in no event shall such receipt be recognized as
28 a valid Kansas driver's license for a period longer than 30 days from the
29 date set for the original hearing. Any person who has deposited a driver's
30 license with a police officer under this subsection (a) shall have such
31 license returned upon final determination of the charge against such
32 person.

33 (2) In the event the person stopped deposits a valid Kansas driver's
34 license with the police officer and fails to appear in the district court on
35 the date set for appearance, or any continuance thereof, and in any event
36 within 30 days from the date set for the original hearing, the court shall

1 forward such person's driver's license to the division of vehicles with an
2 appropriate explanation attached thereto. Upon receipt of such person's
3 driver's license, the division shall suspend such person's privilege to
4 operate a motor vehicle in this state until such person appears before the
5 court having jurisdiction of the offense charged, the court makes a final
6 disposition thereof and notice of such disposition is given by the court to
7 the division. No new or replacement license shall be issued to any such
8 person until such notice of disposition has been received by the division.
9 The provisions of K.S.A. 8-256, and amendments thereto, limiting the
10 suspension of a license to one year, shall not apply to suspensions for
11 failure to appear as provided in this subsection (a).

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

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

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

1 (3) Such cash bond shall be taken in the following manner: The
 2 police officer shall furnish the person stopped a stamped envelope
 3 addressed to the judge or clerk of the court named in the written notice to
 4 appear and the person shall place in such envelope the amount of the
 5 bond, and in the presence of the police officer shall deposit the same in
 6 the United States mail. After such cash payment, the person stopped need
 7 not sign the written notice to appear, but the police officer shall note the
 8 amount of the bond mailed on the notice to appear form and shall give a
 9 copy of such form to the person. If the person stopped furnishes the
 10 police officer with a guaranteed arrest bond certificate or bank card draft,
 11 the police officer shall give such person a receipt therefor and shall note
 12 the amount of the bond on the notice to appear form and give a copy of
 13 such form to the person stopped. Such person need not sign the written
 14 notice to appear, and the police officer shall present the notice to appear
 15 and the guaranteed arrest bond certificate or bank card draft to the court
 16 having jurisdiction of the offense charged as soon as reasonably possible.

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

19 On and after July 1, 1996:

20 Reckless driving.....	\$82
21 Driving when privilege is canceled, suspended or revoked.....	82
22 Failure to comply with lawful order of officer.....	57
23 Registration violation (registered for 12,000 pounds or less).....	52
24 Registration violation (registered for more than 12,000 pounds).....	92
25 No driver's license for the class of vehicle operated or violation of restrictions.....	52
26 Spilling load on highway.....	52
27 Transporting open container of alcoholic liquor or cereal malt beverage accessible while 28 vehicle in motion.....	223

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

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

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

43 (h) When a person is stopped by a police officer for failure to
 44 provide proof of financial security pursuant to K.S.A. 40-3104, and
 45 amendments thereto, and the person is a resident of another state or the

1 person is licensed to drive under the laws of a foreign country, the police
2 officer may require a bond as provided for under subsection (c). The bond
3 shall be in the amount of \$75, plus \$75 which shall be regarded as a
4 docket fee in any court having jurisdiction over the violation of state law.

5 (i) Except as provided further, the docket fee established in this
6 section shall be the only fee collected or moneys in the nature of a fee
7 collected for the docket fee. Such fee shall only be established by an act
8 of the legislature and no other authority is established by law or otherwise
9 to collect a fee. On and after the effective date of this act through June 30,
10 ~~2011~~ 2012, the supreme court may impose an additional charge, not to
11 exceed \$17.50 per docket fee, to fund the costs of non-judicial personnel.

12 Sec. 2. K.S.A. 2010 Supp. 8-2110 is hereby amended to read as
13 follows: 8-2110. (a) Failure to comply with a traffic citation means failure
14 either to: (1) Appear before any district or municipal court in response to
15 a traffic citation and pay in full any fine and court costs imposed; or (2)
16 otherwise comply with a traffic citation as provided in K.S.A. 8-2118,
17 and amendments thereto. Failure to comply with a traffic citation is a
18 misdemeanor, regardless of the disposition of the charge for which such
19 citation was originally issued.

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

41 (2) (A) In lieu of suspension under paragraph (1), the driver may
42 submit to the division of vehicles a written request for restricted driving
43 privileges, with a non-refundable \$25 application fee, to be applied by the

1 division of vehicles for additional administrative costs to implement
2 restricted driving privileges. The division shall remit all restricted driving
3 privilege application fees to the state treasurer in accordance with the
4 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
5 each such remittance, the state treasurer shall deposit the entire amount in
6 the state treasury to the credit of the division of vehicles operating fund.

7 (B) Upon review and approval of the driver's eligibility, the driving
8 privileges will be restricted by the division of vehicles for a period up to
9 one year or until the terms of the traffic citation have been complied with
10 and the court shall immediately electronically notify the division of
11 vehicles of such compliance. If the driver fails to comply with the traffic
12 citation within the one year restricted period, the driving privileges will
13 be suspended by the division of vehicles until the court determines the
14 person has complied with the terms of the traffic citation and the court
15 shall immediately electronically notify the division of vehicles of such
16 compliance. Upon receipt of notification of such compliance from the
17 informing court, the division of vehicles shall terminate the suspension
18 action. When restricted driving privileges are approved pursuant to this
19 section, the person's driving privileges shall be restricted to driving only
20 under the following circumstances: (i) In going to or returning from the
21 person's place of employment or schooling; (ii) in the course of the
22 person's employment; (iii) during a medical emergency; *and* (iv) in going
23 to and returning from probation or parole meetings, drug or alcohol
24 counseling or any place the person is required to go by a court. The
25 provisions of this paragraph shall expire on January 1, 2012.

26 (c) Except as provided in subsection (d), when the district or
27 municipal court notifies the division of vehicles of a failure to comply
28 with a traffic citation pursuant to subsection (b), the court shall assess a
29 reinstatement fee of \$59 for each charge on which the person failed to
30 make satisfaction regardless of the disposition of the charge for which
31 such citation was originally issued and regardless of any application for
32 restricted driving privileges. Such reinstatement fee shall be in addition to
33 any fine, restricted driving privilege application fee, district or municipal
34 court costs and other penalties. The court shall remit all reinstatement
35 fees to the state treasurer in accordance with the provisions of K.S.A. 75-
36 4215, and amendments thereto. Upon receipt of each such remittance, the
37 state treasurer shall deposit the entire amount in the state treasury and
38 shall credit 42.37% of such moneys to the division of vehicles operating
39 fund, 31.78% to the community alcoholism and intoxication programs
40 fund created by K.S.A. 41-1126, and amendments thereto, 10.59% to the
41 juvenile detention facilities fund created by K.S.A. 79-4803, and
42 amendments thereto, and 15.26% to the judicial branch nonjudicial salary
43 adjustment fund created by K.S.A. 2010 Supp. 20-1a15, and amendments

1 thereto.

2 (d) The district court or municipal court shall waive the
3 reinstatement fee provided for in subsection (c), if the failure to comply
4 with a traffic citation was the result of such person enlisting in or being
5 drafted into the armed services of the United States, being called into
6 service as a member of a reserve component of the military service of the
7 United States, or volunteering for such active duty, or being called into
8 service as a member of the state of Kansas national guard, or volunteering
9 for such active duty, and being absent from Kansas because of such
10 military service. In any case of a failure to comply with a traffic citation
11 which occurred on or after August 1, 1990, and prior to the effective date
12 of this act, in which a person was assessed and paid a reinstatement fee
13 and the person failed to comply with a traffic citation because the person
14 was absent from Kansas because of any such military service, the
15 reinstatement fee shall be reimbursed to such person upon application
16 therefor. The state treasurer and the director of accounts and reports shall
17 prescribe procedures for all such reimbursement payments and shall
18 create appropriate accounts, make appropriate accounting entries and
19 issue such appropriate vouchers and warrants as may be required to make
20 such reimbursement payments.

21 (e) Except as provided further, the reinstatement fee established in
22 this section shall be the only fee collected or moneys in the nature of a fee
23 collected for such reinstatement. Such fee shall only be established by an
24 act of the legislature and no other authority is established by law or
25 otherwise to collect a fee. On and after the effective date of this act
26 through June 30, ~~2011~~ 2012, the supreme court may impose an additional
27 charge, not to exceed \$17.50 per reinstatement fee, to fund the costs of
28 non-judicial personnel.

29 Sec. 3. Section 254 of chapter 136 of the 2010 Session Laws of
30 Kansas is hereby amended to read as follows: Sec. 254. (a) (1) Except as
31 provided in subsections (b) and (c), any person convicted in this state of a
32 traffic infraction, cigarette or tobacco infraction, misdemeanor or a class
33 D or E felony, or for crimes committed on or after July 1, 1993, nondrug
34 crimes ranked in severity levels 6 through 10 or any felony ranked in
35 severity level 4 of the drug grid, may petition the convicting court for the
36 expungement of such conviction or related arrest records if three or more
37 years have elapsed since the person: (A) Satisfied the sentence imposed;
38 or (B) was discharged from probation, a community correctional services
39 program, parole, postrelease supervision, conditional release or a
40 suspended sentence.

41 (2) Except as provided in subsections (b) and (c), any person who
42 has fulfilled the terms of a diversion agreement may petition the district
43 court for the expungement of such diversion agreement and related arrest

1 records if three or more years have elapsed since the terms of the
2 diversion agreement were fulfilled.

3 (b) Except as provided in subsection (c), no person may petition for
4 expungement until five or more years have elapsed since the person
5 satisfied the sentence imposed, the terms of a diversion agreement or was
6 discharged from probation, a community correctional services program,
7 parole, postrelease supervision, conditional release or a suspended
8 sentence, if such person was convicted of a class A, B or C felony, or for
9 crimes committed on or after July 1, 1993, if convicted of an off-grid
10 felony or any nondrug crime ranked in severity levels 1 through 5 or any
11 felony ranked in severity levels 1 through 3 of the drug grid, or:

12 (1) Vehicular homicide, as defined ~~by~~ *in K.S.A. 21-3405, prior to its*
13 *repeal, or section 41 of chapter 136 of the 2010 Session Laws of Kansas,*
14 and amendments thereto, or as prohibited by any law of another state
15 which is in substantial conformity with that statute;

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

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

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

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

30 (6) failing to stop at the scene of an accident and perform the duties
31 required by K.S.A. 8-1602, 8-1603 or 8-1604, and amendments thereto,
32 or required by a law of another state which is in substantial conformity
33 with those statutes;

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

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

37 (c) There shall be no expungement of convictions for the following
38 offenses or of convictions for an attempt to commit any of the following
39 offenses:

40 (1) Rape as defined in *K.S.A. 21-3502, prior to its repeal, or section*
41 *67 of chapter 136 of the 2010 Session Laws of Kansas,* and amendments
42 thereto;

43 (2) indecent liberties with a child or aggravated indecent liberties

1 with a child as defined in *K.S.A. 21-3503 or 21-3504, prior to their*
2 *repeal, or section 70 of chapter 136 of the 2010 Session Laws of Kansas,*
3 *and amendments thereto;*

4 (3) criminal sodomy as defined in *subsection (a)(2) or (a)(3) of*
5 *K.S.A. 21-3505, prior to its repeal, or subsection (a)(3) or (a)(4) of*
6 *section 68 of chapter 136 of the 2010 Session Laws of Kansas, and*
7 *amendments thereto;*

8 (4) aggravated criminal sodomy as defined in *K.S.A. 21-3506, prior*
9 *to its repeal, or section 68 of chapter 136 of the 2010 Session Laws of*
10 *Kansas, and amendments thereto;*

11 (5) indecent solicitation of a child or aggravated indecent solicitation
12 of a child as defined in *K.S.A. 21-3510 or 21-3511, prior to their repeal,*
13 *or section 72 of chapter 136 of the 2010 Session Laws of Kansas, and*
14 *amendments thereto;*

15 (6) sexual exploitation of a child as defined in *K.S.A. 21-3516, prior*
16 *to its repeal, or section 74 of chapter 136 of the 2010 Session Laws of*
17 *Kansas, and amendments thereto;*

18 (7) aggravated incest as defined in *K.S.A. 21-3603, prior to its*
19 *repeal, or section 81 of chapter 136 of the 2010 Session Laws of Kansas,*
20 *and amendments thereto;*

21 (8) endangering a child or aggravated endangering a child as defined
22 in *K.S.A. 21-3608 or 21-3608a, prior to their repeal, or section 78 of*
23 *chapter 136 of the 2010 Session Laws of Kansas, and amendments*
24 *thereto;*

25 (9) abuse of a child as defined in *K.S.A. 21-3609, prior to its repeal,*
26 *or section 79 of chapter 136 of the 2010 Session Laws of Kansas, and*
27 *amendments thereto;*

28 (10) capital murder as defined in *K.S.A. 21-3439, prior to its repeal,*
29 *or section 36 of chapter 136 of the 2010 Session Laws of Kansas, and*
30 *amendments thereto;*

31 (11) murder in the first degree as defined in *K.S.A. 21-3401, prior to*
32 *its repeal, or section 37 of chapter 136 of the 2010 Session Laws of*
33 *Kansas, and amendments thereto;*

34 (12) murder in the second degree as defined in *K.S.A. 21-3402,*
35 *prior to its repeal, or section 38 of chapter 136 of the 2010 Session Laws*
36 *of Kansas, and amendments thereto;*

37 (13) voluntary manslaughter as defined in *K.S.A. 21-3403, prior to*
38 *its repeal, or section 39 of chapter 136 of the 2010 Session Laws of*
39 *Kansas, and amendments thereto;*

40 (14) involuntary manslaughter as defined in *K.S.A. 21-3404, prior to*
41 *its repeal, or section 40 of chapter 136 of the 2010 Session Laws of*
42 *Kansas, and amendments thereto;*

43 (15) sexual battery as defined in *K.S.A. 21-3517, prior to its repeal,*

1 or section 69 of chapter 136 of the 2010 Session Laws of Kansas, and
2 amendments thereto, when the victim was less than 18 years of age at the
3 time the crime was committed;

4 (16) aggravated sexual battery as defined in *K.S.A. 21-3518, prior to*
5 *its repeal, or section 69 of chapter 136 of the 2010 Session Laws of*
6 *Kansas*, and amendments thereto;

7 (17) a violation of K.S.A. 8-1567, and amendments thereto,
8 including any diversion for such violation;

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

11 (19) any conviction for any offense in effect at any time prior to ~~the~~
12 ~~effective date of this act.~~ *July 1, 2011*, that is comparable to any offense as
13 provided in this subsection.

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

18 (A) Defendant's full name;

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

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

22 (D) crime for which the defendant was arrested, convicted or
23 diverted;

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

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

27 (2) Except as *otherwise* provided further, ~~there shall be no docket~~
28 ~~fee for filing a petition pursuant to this section by law, a petition for~~
29 ~~expungement shall be accompanied by a docket fee in the amount of~~
30 ~~\$100.~~ On and after ~~July 1, 2009 through June 30, 2010~~ *April 15, 2010*
31 *through June 30, 2012*, the supreme court may impose a charge, not to
32 exceed ~~\$10~~ *\$15* per case, to fund the costs of non-judicial personnel. The
33 charge established in this section shall be the only fee collected or
34 moneys in the nature of a fee collected for the case. Such charge shall
35 only be established by an act of the legislature and no other authority is
36 established by law or otherwise to collect a fee.

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

43 (e) At the hearing on the petition, the court shall order the

1 petitioner's arrest record, conviction or diversion expunged if the court
2 finds that:

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

6 (2) the circumstances and behavior of the petitioner warrant the
7 expungement;

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

9 (f) When the court has ordered an arrest record, conviction or
10 diversion expunged, the order of expungement shall state the information
11 required to be contained in the petition. The clerk of the court shall send a
12 certified copy of the order of expungement to the Kansas bureau of
13 investigation which shall notify the federal bureau of investigation, the
14 secretary of corrections and any other criminal justice agency which may
15 have a record of the arrest, conviction or diversion. After the order of
16 expungement is entered, the petitioner shall be treated as not having been
17 arrested, convicted or diverted of the crime, except that:

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

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

24 (A) In any application for licensure as a private detective, private
25 detective agency, certification as a firearms trainer pursuant to K.S.A.
26 ~~2009~~2010 Supp. 75-7b21, and amendments thereto, or employment as a
27 detective with a private detective agency, as defined by K.S.A. 75-7b01,
28 and amendments thereto; as security personnel with a private patrol
29 operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with
30 an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of
31 the department of social and rehabilitation services;

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

34 (C) to aid in determining the petitioner's qualifications for
35 employment with the Kansas lottery or for work in sensitive areas within
36 the Kansas lottery as deemed appropriate by the executive director of the
37 Kansas lottery;

38 (D) to aid in determining the petitioner's qualifications for executive
39 director of the Kansas racing and gaming commission, for employment
40 with the commission or for work in sensitive areas in parimutuel racing
41 as deemed appropriate by the executive director of the commission, or to
42 aid in determining qualifications for licensure or renewal of licensure by
43 the commission;

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

6 (F) upon application for a commercial driver's license under K.S.A.
7 8-2,125 through 8-2,142, and amendments thereto;

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

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

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

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

18 (K) for applications received on and after July 1, 2006, to aid in
19 determining the petitioner's qualifications for a license to carry a
20 concealed weapon pursuant to the personal and family protection act,
21 K.S.A. ~~2009~~2010 Supp. 75-7c01 et seq., and amendments thereto;

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

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

27 (5) upon commitment to the custody of the secretary of corrections,
28 any previously expunged record in the possession of the secretary of
29 corrections may be reinstated and the expungement disregarded, and the
30 record continued for the purpose of the new commitment.

31 (g) Whenever a person is convicted of a crime, pleads guilty and
32 pays a fine for a crime, is placed on parole, postrelease supervision or
33 probation, is assigned to a community correctional services program, is
34 granted a suspended sentence or is released on conditional release, the
35 person shall be informed of the ability to expunge the arrest records or
36 conviction. Whenever a person enters into a diversion agreement, the
37 person shall be informed of the ability to expunge the diversion.

38 (h) Subject to the disclosures required pursuant to subsection (f), in
39 any application for employment, license or other civil right or privilege,
40 or any appearance as a witness, a person whose arrest records, conviction
41 or diversion of a crime has been expunged under this statute may state
42 that such person has never been arrested, convicted or diverted of such
43 crime, but the expungement of a felony conviction does not relieve an

1 individual of complying with any state or federal law relating to the use
2 or possession of firearms by persons convicted of a felony.

3 (i) Whenever the record of any arrest, conviction or diversion has
4 been expunged under the provisions of this section or under the
5 provisions of any other existing or former statute, the custodian of the
6 records of arrest, conviction, diversion and incarceration relating to that
7 crime shall not disclose the existence of such records, except when
8 requested by:

9 (1) The person whose record was expunged;

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

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

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

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

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

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

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

38 (9) the governor or the Kansas racing and gaming commission, or a
39 designee of the commission, and the request is accompanied by a
40 statement that the request is being made to aid in determining
41 qualifications for executive director of the commission, for employment
42 with the commission, for work in sensitive areas in parimutuel racing as
43 deemed appropriate by the executive director of the commission or for

- 1 licensure, renewal of licensure or continued licensure by the commission;
- 2 (10) the Kansas racing and gaming commission, or a designee of the
3 commission, and the request is accompanied by a statement that the
4 request is being made to aid in determining qualifications of the
5 following under the Kansas expanded lottery act: (A) Lottery gaming
6 facility managers and prospective managers, racetrack gaming facility
7 managers and prospective managers, licensees and certificate holders;
8 and (B) their officers, directors, employees, owners, agents and
9 contractors;
- 10 (11) the Kansas sentencing commission;
- 11 (12) the state gaming agency, and the request is accompanied by a
12 statement that the request is being made to aid in determining
13 qualifications: (A) To be an employee of the state gaming agency; or (B)
14 to be an employee of a tribal gaming commission or to hold a license
15 issued pursuant to a tribal-gaming compact;
- 16 (13) the Kansas securities commissioner or a designee of the
17 commissioner, and the request is accompanied by a statement that the
18 request is being made in conjunction with an application for registration
19 as a broker-dealer, agent, investment adviser or investment adviser
20 representative by such agency and the application was submitted by the
21 person whose record has been expunged;
- 22 (14) the Kansas commission on peace officers' standards and
23 training and the request is accompanied by a statement that the request is
24 being made to aid in determining certification eligibility as a law
25 enforcement officer pursuant to K.S.A. 74-5601 et seq., and amendments
26 thereto;
- 27 (15) a law enforcement agency and the request is accompanied by a
28 statement that the request is being made to aid in determining eligibility
29 for employment as a law enforcement officer as defined by K.S.A. 22-
30 2202, and amendments thereto; or
- 31 (16) the attorney general and the request is accompanied by a
32 statement that the request is being made to aid in determining
33 qualifications for a license to carry a concealed weapon pursuant to the
34 personal and family protection act.
- 35 Sec. 4. K.S.A. 2010 Supp. 22-2410 is hereby amended to read as
36 follows: 22-2410. (a) Any person who has been arrested in this state may
37 petition the district court for the expungement of such arrest record.
- 38 (b) When a petition for expungement is filed, the court shall set a
39 date for hearing on such petition and shall cause notice of such hearing to
40 be given to the prosecuting attorney and the arresting law enforcement
41 agency. When a petition for expungement is filed, the official court file
42 shall be separated from the other records of the court, and shall be
43 disclosed only to a judge of the court and members of the staff of the

1 court designated by a judge of the district court, the prosecuting attorney,
2 the arresting law enforcement agency, or any other person when
3 authorized by a court order, subject to any conditions imposed by the
4 order. Except as otherwise provided by law, a petition for expungement
5 shall be accompanied by a docket fee in the amount of \$100. Except as
6 provided further, the docket fee established in this section shall be the
7 only fee collected or moneys in the nature of a fee collected for the
8 docket fee. 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 the effective date of this act through June 30, ~~2011~~ 2012, the
11 supreme court may impose an additional charge, not to exceed \$15 per
12 docket fee, to fund the costs of non-judicial personnel. The petition shall
13 state:

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

21 No surcharge or fee shall be imposed to any person filing a petition
22 pursuant to this section, who was arrested as a result of being a victim of
23 identity theft under K.S.A. 21-4018, *prior to its repeal, or subsection (a)*
24 *of section 177 of chapter 136 of the 2010 Session Laws of Kansas*, and
25 amendments thereto. Any person who may have relevant information
26 about the petitioner may testify at the hearing. The court may inquire into
27 the background of the petitioner.

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

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

37 (d) When the court has ordered expungement of an arrest record and
38 subsequent court proceedings, if any, the order shall state the information
39 required to be stated in the petition and shall state the grounds for
40 expungement under subsection (c). The clerk of the court shall send a
41 certified copy of the order to the Kansas bureau of investigation which
42 shall notify the federal bureau of investigation, the secretary of
43 corrections and any other criminal justice agency which may have a

1 record of the arrest. If an order of expungement is entered, the petitioner
2 shall be treated as not having been arrested.

3 (e) If the ground for expungement is as provided in subsection (c)
4 (4), the court shall determine whether, in the interests of public welfare,
5 the records should be available for any of the following purposes: (1) In
6 any application for employment as a detective with a private detective
7 agency, as defined in K.S.A. 75-7b01, and amendments thereto; as
8 security personnel with a private patrol operator, as defined by K.S.A. 75-
9 7b01, and amendments thereto; or with an institution, as defined in
10 K.S.A. 76-12a01, and amendments thereto, of the department of social
11 and rehabilitation services;

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

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

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

24 (5) in any application for a commercial driver's license under K.S.A.
25 8-2,125 through 8-2,142, and amendments thereto;

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

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

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

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

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

43 (h) The docket fee collected at the time the petition for expungement

1 is filed shall be disbursed in accordance with K.S.A. 20-362, and
2 amendments thereto.

3 Sec. 5. K.S.A. 2010 Supp. 23-108a is hereby amended to read as
4 follows: 23-108a. (a) The judge or clerk of the district court shall collect
5 from the applicant for a marriage license a fee of \$59.

6 (b) The clerk of the court shall remit all fees prescribed by this
7 section to the state treasurer in accordance with the provisions of K.S.A.
8 75-4215, and amendments thereto. Upon receipt of each such remittance,
9 the state treasurer shall deposit the entire amount in the state treasury. Of
10 each remittance, the state treasurer shall credit 38.98% to the protection
11 from abuse fund, 15.19% to the family and children trust account of the
12 family and children investment fund created by K.S.A. 38-1808, and
13 amendments thereto, 16.95% to the crime victims assistance fund created
14 by K.S.A. 74-7334, and amendments thereto, 15.25% to the judicial
15 branch nonjudicial salary adjustment fund created by K.S.A. 2010 Supp.
16 20-1a15, and amendments thereto, and the remainder to the state general
17 fund.

18 (c) Except as provided further, the marriage license fee established
19 in this section shall be the only fee collected or moneys in the nature of a
20 fee collected for a marriage license. Such fee shall only be established by
21 an act of the legislature and no other authority is established by law or
22 otherwise to collect a fee. On and after the effective date of this act
23 through June 30, ~~2011~~ 2012, the supreme court may impose an additional
24 charge, not to exceed \$21 per marriage license fee, to fund the costs of
25 non-judicial personnel.

26 Sec. 6. K.S.A. 2010 Supp. 28-170 is hereby amended to read as
27 follows: 28-170. (a) The docket fee prescribed by K.S.A. 60-2001, and
28 amendments thereto, and the fees for service of process, shall be the only
29 costs assessed for services of the clerk of the district court and the sheriff
30 in any case filed under chapter 60 or chapter 61 of the Kansas Statutes
31 Annotated, and amendments thereto, except that no fee shall be charged
32 for an action filed under K.S.A. 60-3101 et seq., and under K.S.A. 60-
33 31a01 et seq., and amendments thereto. For services in other matters in
34 which no other fee is prescribed by statute, the following fees shall be
35 charged and collected by the clerk. Only one fee shall be charged for each
36 bond, lien or judgment:

- 37
- 38 1. For filing, entering and releasing a bond, mechanic's lien, notice of intent to perform,
39 personal property tax judgment or any judgment on which execution process cannot be
40 issued\$14
- 41 2. For filing, entering and releasing a judgment of a court of this state on which execution
42 or other process can be issued\$24
- 43 3. For a certificate, or for copying or certifying any paper or writ, such fee as shall be
44 prescribed by the district court.
- 45

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

9 (c) In actions pursuant to the revised Kansas code for care of
10 children (K.S.A. 2010 Supp. 38-2201 et seq., and amendments thereto),
11 the revised Kansas juvenile justice code (K.S.A. 2010 Supp. 38-2301 et
12 seq., and amendments thereto), the act for treatment of alcoholism
13 (K.S.A. 65-4001 et seq., and amendments thereto), the act for treatment
14 of drug abuse (K.S.A. 65-5201 et seq., and amendments thereto) or the
15 care and treatment act for mentally ill persons (K.S.A. 59-2945 et seq.,
16 and amendments thereto), the clerk shall charge an additional fee of \$1
17 which shall be deducted from the docket fee and credited to the
18 prosecuting attorneys' training fund as provided in K.S.A. 28-170a, and
19 amendments thereto.

20 (d) In actions pursuant to the revised Kansas code for care of
21 children (K.S.A. 2010 Supp. 38-2201 et seq., and amendments thereto),
22 the revised Kansas juvenile justice code (K.S.A. 2010 Supp. 38-2301 et
23 seq., and amendments thereto), the act for treatment of alcoholism
24 (K.S.A. 65-4001 et seq., and amendments thereto), the act for treatment
25 of drug abuse (K.S.A. 65-5201 et seq., and amendments thereto) or the
26 care and treatment act for mentally ill persons (K.S.A. 59-2945 et seq.,
27 and amendments thereto), the clerk shall charge an additional fee of \$.50
28 which shall be deducted from the docket fee and credited to the indigents'
29 defense services fund as provided in K.S.A. 28-172b, and amendments
30 thereto.

31 (e) Except as provided further, the bond, lien or judgment fee
32 established in subsection (a) shall be the only fee collected or moneys in
33 the nature of a fee collected for such bond, lien or judgment. Such fee
34 shall only be established by an act of the legislature and no other
35 authority is established by law or otherwise to collect a fee. On and after
36 the effective date of this act through June 30, ~~2011~~ 2012, the supreme
37 court may impose an additional charge, not to exceed \$17.50 per bond,
38 lien or judgment fee, to fund the costs of non-judicial personnel.

39 Sec. 7. K.S.A. 2010 Supp. 28-172a is hereby amended to read as
40 follows: 28-172a. (a) Except as otherwise provided in this section,
41 whenever the prosecuting witness or defendant is adjudged to pay the
42 costs in a criminal proceeding in any county, a docket fee shall be taxed
43 as follows:

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

2

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

8

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

10

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

16

17 (b) (1) Except as provided in paragraph (2), in actions involving the
 18 violation of any of the laws of this state regulating traffic on highways
 19 (including those listed in subsection (c) of K.S.A. 8-2118, and
 20 amendments thereto), a cigarette or tobacco infraction, any act declared a
 21 crime pursuant to the statutes contained in chapter 32 of Kansas Statutes
 22 Annotated, and amendments thereto, or any act declared a crime pursuant
 23 to the statutes contained in article 8 of chapter 82a of the Kansas Statutes
 24 Annotated, and amendments thereto, whenever the prosecuting witness or
 25 defendant is adjudged to pay the costs in the action, on and after July 1,
 26 2009 through June 30, 2013, a docket fee of \$76 shall be charged, and on
 27 and after July 1, 2013, a docket fee of \$74 shall be charged. When an
 28 action is disposed of under subsections (a) and (b) of K.S.A. 8-2118 or
 29 subsection (f) of K.S.A. 79-3393, and amendments thereto, on and after
 30 July 1, 2009 through June 30, 2013, the docket fee to be paid as court
 31 costs shall be \$76, and on and after July 1, 2013, the docket fee to be paid
 32 as court costs shall be \$74.

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

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

1 Multiple defendants shall each pay one fee.

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

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

31 (f) Except as provided further, the docket fee established in this
32 section shall be the only fee collected or moneys in the nature of a fee
33 collected for the docket fee. 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. On and after April 15, 2010, through June 30, ~~2011~~ 2012,
36 the supreme court may impose an additional charge, not to exceed \$17.50
37 per docket fee, to fund the costs of non-judicial personnel.

38 Sec. 8. K.S.A. 2010 Supp. 28-177 is hereby amended to read as
39 follows: 28-177. (a) Except as provided further, the fees established by
40 legislative enactment shall be the only fee collected or moneys in the
41 nature of a fee collected for court procedures. Such fee shall only be
42 established by an act of the legislature and no other authority is
43 established by law or otherwise to collect a fee. Court procedures shall

1 include docket fees, filing fees or other fees related to access to court
2 procedures. On and after the effective date of this act through June 30,
3 ~~2011~~ 2012, the supreme court may impose an additional charge, not to
4 exceed \$21 per fee or the amount established by the applicable statute,
5 whichever amount is less, to fund the costs of non-judicial personnel.

6 (b) Any additional charge imposed by the court pursuant to K.S.A.
7 8-2107, 8-2110, 21-4619, *prior to its repeal*, 22-2410, 23-108a, 28-170,
8 28-172a, 59-104, 60-1621, 60-2001, 60-2203a, 61-2704 and 61-4001 and
9 K.S.A. 2010 Supp. 28-178, 38-2215, 38-2312 and 38-2314 *and section*
10 *254 of chapter 136 of the 2010 Session Laws of Kansas*, and amendments
11 thereto, shall be remitted to the state treasurer in accordance with the
12 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
13 each such remittance, the state treasurer shall deposit the entire amount in
14 the state treasury to the credit of the judicial branch surcharge fund,
15 which is hereby created in the state treasury.

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

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

24 Sec. 9. K.S.A. 2010 Supp. 28-178 is hereby amended to read as
25 follows: 28-178. (a) In addition to any other fees specifically prescribed
26 by law, on and after the effective date of this act through June 30, ~~2011~~
27 2012, the supreme court may impose a charge, not to exceed \$10 per fee,
28 to fund the costs of non-judicial personnel, on the following:

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

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

33 (3) A person requesting an order for garnishment pursuant to article
34 7 of chapter 60 of the Kansas Statutes Annotated, and amendments
35 thereto, or article 35 of chapter 61 of the Kansas Statutes Annotated, and
36 amendments thereto.

37 (4) Persons who request a writ or order of sale pursuant to K.S.A.
38 60-2401 or 61-3602, and amendments thereto.

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

41 (6) A person who requests an attachment against the property of a
42 defendant or any one or more of several defendants pursuant to K.S.A.
43 60-701 or 61-3501, and amendments thereto.

1 (b) The clerk of the district court shall remit all revenues received
2 from the fees imposed pursuant to subsection (a) to the state treasurer, in
3 accordance with the provisions of K.S.A. 75-4215, and amendments
4 thereto. Upon receipt of each such remittance, the state treasurer shall
5 deposit the entire amount in the state treasury to the credit of the judicial
6 branch surcharge fund.

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

11 Sec. 10. K.S.A. 2010 Supp. 38-2215 is hereby amended to read as
12 follows: 38-2215. (a) *Docket fee*. The docket fee for proceedings under
13 this code, if one is assessed as provided in this section, shall be \$34. Only
14 one docket fee shall be assessed in each case. Except as provided further,
15 the docket fee established in this section shall be the only fee collected or
16 moneys in the nature of a fee collected for the docket fee. Such fee shall
17 only be established by an act of the legislature and no other authority is
18 established by law or otherwise to collect a fee. On and after the effective
19 date of this act through June 30, ~~2011~~ 2012, the supreme court may
20 impose an additional charge, not to exceed \$17.50 per docket fee, to fund
21 the costs of non-judicial personnel.

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

26 (c) *Assessment of docket fee and expenses*. (1) *Docket fee*. The
27 docket fee may be assessed or waived by the court conducting the initial
28 dispositional hearing and the docket fee may be assessed against the
29 complaining witness or person initiating the proceedings or a party or
30 interested party other than the state, a political subdivision of the state, an
31 agency of the state or of a political subdivision of the state, or a person
32 acting in the capacity of an employee of the state or of a political
33 subdivision of the state. Any docket fee received shall be remitted to the
34 state treasurer pursuant to K.S.A. 20-362, and amendments thereto.

35 (2) *Expenses*. Expenses may be assessed against the complaining
36 witness, a person initiating the proceedings, a party or an interested party,
37 other than the state, a political subdivision of the state, an agency of the
38 state or of a political subdivision of the state or a person acting in the
39 capacity of an employee of the state or of a political subdivision of the
40 state. When expenses are recovered from a person against whom they
41 have been assessed the general fund of the county shall be reimbursed in
42 the amount of the recovery. If it appears to the court in any proceedings
43 under this code that expenses were unreasonably incurred at the request

1 of any party the court may assess that portion of the expenses against the
2 party.

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

14 Sec. 11. K.S.A. 2010 Supp. 38-2312 is hereby amended to read as
15 follows: 38-2312. (a) Except as provided in subsection (b), any records or
16 files specified in this code concerning a juvenile may be expunged upon
17 application to a judge of the court of the county in which the records or
18 files are maintained. The application for expungement may be made by
19 the juvenile, if 18 years of age or older or, if the juvenile is less than 18
20 years of age, by the juvenile's parent or next friend.

21 (b) There shall be no expungement of records or files concerning
22 acts committed by a juvenile which, if committed by an adult, would
23 constitute a violation of K.S.A. 21-3401, *prior to its repeal, or section 37*
24 *of chapter 124 of the 2010 Session Laws of Kansas*, and amendments
25 thereto, murder in the first degree;; K.S.A. 21-3402, *prior to its repeal, or*
26 *section 38 of chapter 124 of the 2010 Session Laws of Kansas*, and
27 amendments thereto, murder in the second degree;; K.S.A. 21-3403,
28 *prior to its repeal, or section 39 of chapter 124 of the 2010 Session Laws*
29 *of Kansas*, and amendments thereto, voluntary manslaughter;; K.S.A. 21-
30 3404, *prior to its repeal, or section 40 of chapter 124 of the 2010 Session*
31 *Laws of Kansas*, and amendments thereto, involuntary manslaughter;;
32 K.S.A. 21-3439, *prior to its repeal, or section 36 of chapter 124 of the*
33 *2010 Session Laws of Kansas*, and amendments thereto, capital murder;;
34 K.S.A. 21-3442, *prior to its repeal, or subsection (a)(3) of section 40 of*
35 *chapter 124 of the 2010 Session Laws of Kansas*, and amendments
36 thereto, involuntary manslaughter while driving under the influence of
37 alcohol or drugs;; K.S.A. 21-3502, *prior to its repeal, or section 67 of*
38 *chapter 124 of the 2010 Session Laws of Kansas*, and amendments
39 thereto, rape;; K.S.A. 21-3503, *prior to its repeal, or subsection (a) of*
40 *section 70 of chapter 124 of the 2010 Session Laws of Kansas*, and
41 amendments thereto, indecent liberties with a child;; K.S.A. 21-3504,
42 *prior to its repeal, or subsection (b) of section 70 of chapter 124 of the*
43 *2010 Session Laws of Kansas*, and amendments thereto, aggravated

1 indecent liberties with a child; K.S.A. 21-3506, *prior to its repeal, or*
2 *subsection (b) of section 68 of chapter 124 of the 2010 Session Laws of*
3 *Kansas, and amendments thereto, aggravated criminal sodomy; K.S.A.*
4 *21-3510, prior to its repeal, or subsection (a) of section 72 of chapter*
5 *124 of the 2010 Session Laws of Kansas, and amendments thereto,*
6 *indecent solicitation of a child; K.S.A. 21-3511, prior to its repeal, or*
7 *subsection (b) of section 72 of chapter 124 of the 2010 Session Laws of*
8 *Kansas, and amendments thereto, aggravated indecent solicitation of a*
9 *child; K.S.A. 21-3516, prior to its repeal, or section 74 of chapter 124 of*
10 *the 2010 Session Laws of Kansas, and amendments thereto, sexual*
11 *exploitation; K.S.A. 21-3603, prior to its repeal, or subsection (b) of*
12 *section 81 of chapter 124 of the 2010 Session Laws of Kansas, and*
13 *amendments thereto, aggravated incest; K.S.A. 21-3608, prior to its*
14 *repeal, or subsection (a) of section 78 of chapter 124 of the 2010 Session*
15 *Laws of Kansas, and amendments thereto, endangering a child; K.S.A.*
16 *21-3609, prior to its repeal, or section 79 of chapter 124 of the 2010*
17 *Session Laws of Kansas, and amendments thereto, abuse of a child; or*
18 *which would constitute an attempt to commit a violation of any of the*
19 *offenses specified in this subsection.*

20 (c) When a petition for expungement is filed, the court shall set a
21 date for a hearing on the petition and shall give notice thereof to the
22 county or district attorney. The petition shall state: (1) The juvenile's full
23 name; (2) the full name of the juvenile as reflected in the court record, if
24 different than (1); (3) the juvenile's sex and date of birth; (4) the offense
25 for which the juvenile was adjudicated; (5) the date of the trial; and (6)
26 the identity of the trial court. Except as otherwise provided by law, a
27 petition for expungement shall be accompanied by a docket fee in the
28 amount of \$100. On and after the effective date of this act through June
29 30, ~~2011~~ 2012, the supreme court may impose a charge, not to exceed
30 \$15 per case, to fund the costs of non-judicial personnel. All petitions for
31 expungement shall be docketed in the original action. Any person who
32 may have relevant information about the petitioner may testify at the
33 hearing. The court may inquire into the background of the petitioner.

34 (d) (1) After hearing, the court shall order the expungement of the
35 records and files if the court finds that:

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

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

43 (C) the circumstances and behavior of the petitioner warrant

1 expungement.

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

4 (e) Upon entry of an order expunging records or files, the offense
5 which the records or files concern shall be treated as if it never occurred,
6 except that upon conviction of a crime or adjudication in a subsequent
7 action under this code the offense may be considered in determining the
8 sentence to be imposed. The petitioner, the court and all law enforcement
9 officers and other public offices and agencies shall properly reply on
10 inquiry that no record or file exists with respect to the juvenile. Inspection
11 of the expunged files or records thereafter may be permitted by order of
12 the court upon petition by the person who is the subject thereof. The
13 inspection shall be limited to inspection by the person who is the subject
14 of the files or records and the person's designees.

15 (f) Copies of any order made pursuant to subsection (a) or (c) shall
16 be sent to each public officer and agency in the county having possession
17 of any records or files ordered to be expunged. If the officer or agency
18 fails to comply with the order within a reasonable time after its receipt,
19 the officer or agency may be adjudged in contempt of court and punished
20 accordingly.

21 (g) The court shall inform any juvenile who has been adjudicated a
22 juvenile offender of the provisions of this section.

23 (h) Nothing in this section shall be construed to prohibit the
24 maintenance of information relating to an offense after records or files
25 concerning the offense have been expunged if the information is kept in a
26 manner that does not enable identification of the juvenile.

27 (i) Nothing in this section shall be construed to permit or require
28 expungement of files or records related to a child support order registered
29 pursuant to the revised Kansas juvenile justice code.

30 (j) Whenever the records or files of any adjudication have been
31 expunged under the provisions of this section, the custodian of the
32 records or files of adjudication relating to that offense shall not disclose
33 the existence of such records or files, except when requested by:

34 (1) The person whose record was expunged;

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

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

41 (4) the secretary of social and rehabilitation services, or a designee
42 of the secretary, for the purpose of obtaining information relating to
43 employment in an institution, as defined in K.S.A. 76-12a01, and

1 amendments thereto, of the department of social and rehabilitation
2 services of any person whose record has been expunged;

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

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

10 (7) the governor or the Kansas racing commission, or a designee of
11 the commission, and the request is accompanied by a statement that the
12 request is being made to aid in determining qualifications for executive
13 director of the commission, for employment with the commission, for
14 work in sensitive areas in parimutuel racing as deemed appropriate by the
15 executive director of the commission or for licensure, renewal of
16 licensure or continued licensure by the commission; or

17 (8) the Kansas sentencing commission.

18 Sec. 12. K.S.A. 2010 Supp. 38-2314 is hereby amended to read as
19 follows: 38-2314. (a) *Docket fee*. The docket fee for proceedings under
20 this code, if one is assessed as provided by this section, shall be \$34.
21 Only one docket fee shall be assessed in each case. Except as provided
22 further, the docket fee established in this section shall be the only fee
23 collected or moneys in the nature of a fee collected for the docket fee.
24 Such fee shall only be established by an act of the legislature and no other
25 authority is established by law or otherwise to collect a fee. On and after
26 the effective date of this act through June 30, ~~2011~~ 2012, the supreme
27 court may impose an additional charge, not to exceed \$17.50 per docket
28 fee, to fund the costs of non-judicial personnel.

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

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

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

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

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

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

16 Sec. 13. K.S.A. 2010 Supp. 59-104 is hereby amended to read as
17 follows: 59-104. (a) *Docket fee.* (1) Except as otherwise provided by law,
18 no case shall be filed or docketed in the district court under the provisions
19 of chapter 59 of the Kansas Statutes Annotated, *and amendments thereto*,
20 or of articles 40 and 52 of chapter 65 of the Kansas Statutes Annotated,
21 *and amendments thereto*, without payment of an appropriate docket fee
22 as follows:

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

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

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

42		
43	Treatment of mentally ill.....	34.50
44	Treatment of alcoholism or drug abuse.....	34.50
45	Determination of descent of property.....	49.50
46	Termination of life estate.....	48.50
47	Termination of joint tenancy.....	48.50
48	Refusal to grant letters of administration.....	48.50

1 Adoption..... 48.50
2 Filing a will and affidavit under K.S.A. 59-618a..... 48.50
3 Guardianship..... 69.50
4 Conservatorship..... 69.50
5 Trusteeship..... 69.50
6 Combined guardianship and conservatorship..... 69.50
7 Certified probate proceedings under K.S.A. 59-213, and amendments thereto..... 23.50
8 Decrees in probate from another state..... 108.50
9 Probate of an estate or of a will..... 109.50
10 Civil commitment under K.S.A. 59-29a01 et seq..... 33.50

11 (2) Except as provided further, the docket fee established in this
12 section shall be the only fee collected or moneys in the nature of a fee
13 collected for the docket fee. Such fee shall only be established by an act
14 of the legislature and no other authority is established by law or otherwise
15 to collect a fee. On and after the effective date of this act through June 30,
16 ~~2011~~ 2012, the supreme court may impose an additional charge, not to
17 exceed \$17.50 per docket fee, to fund the costs of non-judicial personnel.

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

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

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

36 Sec. 14. K.S.A. 2010 Supp. 60-1621 is hereby amended to read as
37 follows: 60-1621. (a) No post-decree motion petitioning for a
38 modification or termination of separate maintenance, for a change in legal
39 custody, residency, visitation rights or parenting time or for a
40 modification of child support shall be filed or docketed in the district
41 court without payment of a docket fee in the amount of \$42 on and after
42 July 1, 2009 through June 30, 2013, and \$40 on and after July 1, 2013, to
43 the clerk of the district court.

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

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

5 (d) Except as provided further, the docket fee established in this
6 section shall be the only fee collected or moneys in the nature of a fee
7 collected for the docket fee. Such fee shall only be established by an act
8 of the legislature and no other authority is established by law or otherwise
9 to collect a fee. On and after the effective date of this act through June 30,
10 ~~2011~~ 2012, the supreme court may impose an additional charge, not to
11 exceed \$17.50 per docket fee, to fund the costs of non-judicial personnel.

12 Sec. 15. K.S.A. 2010 Supp. 60-2001 is hereby amended to read as
13 follows: 60-2001. (a) *Docket fee*. Except as otherwise provided by law, no
14 case shall be filed or docketed in the district court, whether original or
15 appealed, without payment of a docket fee in the amount of \$156 on and
16 after July 1, 2009 through June 30, 2013, and \$154 on and after July 1,
17 2013, to the clerk of the district court. Except as provided further, the
18 docket fee established in this subsection shall be the only fee collected or
19 moneys in the nature of a fee collected for the docket fee. Such fee shall
20 only be established by an act of the legislature and no other authority is
21 established by law or otherwise to collect a fee. On and after the effective
22 date of this act through June 30, ~~2011~~ 2012, the supreme court may
23 impose an additional charge, not to exceed \$17.50 per docket fee, to fund
24 the costs of non-judicial personnel.

25 (b) *Poverty affidavit in lieu of docket fee*. (1) *Effect*. In any case
26 where a plaintiff by reason of poverty is unable to pay a docket fee, and
27 an affidavit so stating is filed, no fee will be required. An inmate in the
28 custody of the secretary of corrections may file a poverty affidavit only if
29 the inmate attaches a statement disclosing the average account balance, or
30 the total deposits, whichever is less, in the inmate's trust fund for each
31 month in: (A) The six-month period preceding the filing of the action; or
32 (B) the current period of incarceration, whichever is shorter. Such
33 statement shall be certified by the secretary. On receipt of the affidavit
34 and attached statement, the court shall determine the initial fee to be
35 assessed for filing the action and in no event shall the court require an
36 inmate to pay less than \$3. The secretary of corrections is hereby
37 authorized to disburse money from the inmate's account to pay the costs
38 as determined by the court. If the inmate has a zero balance in such
39 inmate's account, the secretary shall debit such account in the amount of
40 \$3 per filing fee as established by the court until money is credited to the
41 account to pay such docket fee. Any initial filing fees assessed pursuant
42 to this subsection shall not prevent the court, pursuant to subsection (d),
43 from taxing that individual for the remainder of the amount required

1 under subsection (a) or this subsection.

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

4 State of Kansas, _____ County.

5 In the district court of the county: I do solemnly swear that the claim set forth in the petition
6 herein is just, and I do further swear that, by reason of my poverty, I am unable to pay a
7 docket fee.

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

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

29 Sec. 16. K.S.A. 2010 Supp. 60-2203a is hereby amended to read as
30 follows: 60-2203a. (a) After the commencement of any action in any
31 district court of this state, or the courts of the United States in the state of
32 Kansas or in any action now pending heretofore commenced in such
33 courts, which does not involve title to real estate, any party to such action
34 may give notice in any other county of the state of the pendency of the
35 action by filing for record with the clerk of the district court of such other
36 county a verified statement setting forth the parties to the action, the
37 nature of the action, the court in which it is pending, and the relief sought,
38 which shall impart notice of the pendency of the action and shall result in
39 the same lien rights as if the action were pending in that county. The lien
40 shall be effective from the time the statement is filed, but not to exceed
41 four months prior to the entry of judgment except as provided in
42 subsection (c). The party filing such notice shall within 30 days after any
43 satisfaction of the judgment entered in such action, or any other final
44 disposition thereof, cause to be filed with such clerk of the district court a

1 notice that all claims in such action are released. If the party filing fails or
2 neglects to do so after reasonable demand by any party in interest, such
3 party shall be liable in damages in the same amounts and manner as is
4 provided by law for failure of a mortgagee to enter satisfaction of a
5 mortgage. Upon the filing of such a notice of the pendency of an action
6 the clerk shall charge a fee of \$14 and shall enter and index the action in
7 the same manner as for the filing of an original action. Upon the filing of
8 a notice of release, the notice shall likewise be entered on the docket.
9 Except as provided further, the fee established in this subsection shall be
10 the only fee collected or moneys in the nature of a fee collected for the
11 court procedure. Such fee shall only be established by an act of the
12 legislature and no other authority is established by law or otherwise to
13 collect a fee. On and after the effective date of this act through June 30,
14 ~~2011~~ 2012, the supreme court may impose an additional charge, not to
15 exceed \$17.50 per fee, to fund the costs of non-judicial personnel.

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

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

39 Sec. 17. K.S.A. 2010 Supp. 61-2704 is hereby amended to read as
40 follows: 61-2704. (a) An action seeking the recovery of a small claim
41 shall be considered to have been commenced at the time a person files a
42 written statement of the person's small claim with the clerk of the court if,
43 within 90 days after the small claim is filed, service of process is obtained

1 or the first publication is made for service by publication. Otherwise, the
2 action is deemed commenced at the time of service of process or first
3 publication. An entry of appearance shall have the same effect as service.

4 (b) Upon the filing of a plaintiff's small claim, the clerk of the court
5 shall require from the plaintiff a docket fee of \$39 on and after July 1,
6 2009 through June 30, 2013, and \$37 on and after July 1, 2013, if the
7 claim does not exceed \$500; or \$59 on and after July 1, 2009 through
8 June 30, 2013, and \$57 on and after July 1, 2013, if the claim exceeds
9 \$500; unless for good cause shown the judge waives the fee. The docket
10 fee shall be the only costs required in an action seeking recovery of a
11 small claim. No person may file more than 20 small claims under this act
12 in the same court during any calendar year.

13 (c) Except as provided further, the docket fee established in this
14 section shall be the only fee collected or moneys in the nature of a fee
15 collected for the docket fee. Such fee shall only be established by an act
16 of the legislature and no other authority is established by law or otherwise
17 to collect a fee. On and after the effective date of this act through June 30,
18 ~~2011~~ 2012, the supreme court may impose an additional charge, not to
19 exceed \$10 per docket fee, to fund the costs of non-judicial personnel.

20 Sec. 18. K.S.A. 2010 Supp. 61-4001 is hereby amended to read as
21 follows: 61-4001. (a) Docket fee. No case shall be filed or docketed
22 pursuant to the code of civil procedure for limited actions without the
23 payment of a docket fee in the amount of \$37 on and after July 1, 2009
24 through June 30, 2013, and \$35 on and after July 1, 2013, if the amount
25 in controversy or claimed does not exceed \$500; \$57 on and after July 1,
26 2009 through June 30, 2013, and \$55 on and after July 1, 2013, if the
27 amount in controversy or claimed exceeds \$500 but does not exceed
28 \$5,000; or \$103 on and after July 1, 2009 through June 30, 2013, and
29 \$101 on and after July 1, 2013, if the amount in controversy or claimed
30 exceeds \$5,000. If judgment is rendered for the plaintiff, the court also
31 may enter judgment for the plaintiff for the amount of the docket fee paid
32 by the plaintiff.

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

38 (c) Except as provided further, the docket fee established in this
39 section shall be the only fee collected or moneys in the nature of a fee
40 collected for the docket fee. Such fee shall only be established by an act
41 of the legislature and no other authority is established by law or otherwise
42 to collect a fee. On and after the effective date of this act through June 30,
43 ~~2011~~ 2012, the supreme court may impose an additional charge, not to

1 exceed \$15 per docket fee, to fund the costs of non-judicial personnel.

2 Sec. 19. Section 254 of chapter 136 of the 2010 Session Laws of
3 Kansas and K.S.A. 2010 Supp. 8-2107, 8-2110, 22-2410, 23-108a, 28-
4 170, 28-172a, 28-177, 28-178, 38-2215, 38-2312, 38-2314, 59-104, 60-
5 1621, 60-2001, 60-2203a, 61-2704 and 61-4001 are hereby repealed.

6 Sec. 20. This act shall take effect and be in force from and after its
7 publication in the statute book.

8