

SENATE BILL No. 20

By Committee on Judiciary

1-17

1 AN ACT concerning courts; relating to **recognition of tribal court**
2 **judgments**; court fees and costs; judicial branch surcharge fund;
3 amending K.S.A. 65-409 and K.S.A. 2018 Supp. 8-2107, 8-2110, 20-
4 3021, 21-6614, 22-2410, 23-2510, 28-170, 28-172a, 28-177, 28-178,
5 28-179, 32-1049a, 38-2215, 38-2312, 38-2314, 59-104, 60-729, 60-
6 2001, 60-2203a, 61-2704 and 61-4001 and repealing the existing
7 sections.

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

10 **New Section 1. (a) Pursuant to rules adopted by the supreme**
11 **court, the district courts of this state shall extend full faith and credit**
12 **to the orders, judgments and other judicial acts of the tribal courts of**
13 **any federally recognized Indian tribe.**

14 **(b) In adopting rules under subsection (a), the supreme court**
15 **shall only extend recognition to the judgments of tribal courts that**
16 **grant full faith and credit to judgments of the courts of the state of**
17 **Kansas.**

18 **(c) Nothing in this section shall be construed to be a waiver of the**
19 **sovereign immunity of the state of Kansas or a waiver of the sovereign**
20 **immunity of a federally recognized Indian tribe.**

21 ~~Section 1.~~ **Sec. 2.** K.S.A. 2018 Supp. 8-2107 is hereby amended to
22 read as follows: 8-2107. (a) (1) Notwithstanding any other provisions of
23 the uniform act regulating traffic on highways, when a person is stopped
24 by a police officer for any of the offenses described in subsection (d) and
25 such person is not immediately taken before a judge of the district court,
26 the police officer may require the person stopped, subject to the provisions
27 of subsection (c), to deposit with the officer a valid Kansas driver's license
28 in exchange for a receipt therefor issued by such police officer, the form of
29 which shall be approved by the division of vehicles. Such receipt shall be
30 recognized as a valid temporary Kansas driver's license authorizing the
31 operation of a motor vehicle by the person stopped until the date of the
32 hearing stated on the receipt. The driver's license and a written copy of the
33 notice to appear shall be delivered by the police officer to the court having
34 jurisdiction of the offense charged as soon as reasonably possible. If the

1 hearing on such charge is continued for any reason, the judge may note on
2 the receipt the date to which such hearing has been continued and such
3 receipt shall be recognized as a valid temporary Kansas driver's license
4 until such date, but in no event shall such receipt be recognized as a valid
5 Kansas driver's license for a period longer than 30 days from the date set
6 for the original hearing. Any person who has deposited a driver's license
7 with a police officer under this subsection~~(a)~~ shall have such license
8 returned upon final determination of the charge against such person.

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

24 (b) No person shall apply for a replacement or new driver's license
25 prior to the return of such person's original license which has been
26 deposited in lieu of bond under this section. Violation of this subsection
27 ~~(b)~~ is a class C misdemeanor. The division may suspend such person's
28 driver's license for a period of not to exceed one year from the date the
29 division receives notice of the disposition of the person's charge as
30 provided in subsection (a).

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

39 (2) Such bond may be a cash bond, a bank card draft from any valid
40 and unexpired credit card approved by the division of vehicles or
41 superintendent of the Kansas highway patrol or a guaranteed arrest bond
42 certificate issued by either a surety company authorized to transact such
43 business in this state or an automobile club authorized to transact business

1 in this state by the commissioner of insurance. If any of the approved bank
 2 card issuers redeem the bank card draft at a discounted rate, such discount
 3 shall be charged against the amount designated as the fine for the offense.
 4 If such bond is not forfeited, the amount of the bond less the discount rate
 5 shall be reimbursed to the person providing the bond by the use of a bank
 6 card draft. Any such guaranteed arrest bond certificate shall be signed by
 7 the person to whom it is issued and shall contain a printed statement that
 8 such surety company or automobile club guarantees the appearance of
 9 such person and will, in the event of failure of such person to appear in
 10 court at the time of trial, pay any fine or forfeiture imposed on such person
 11 not to exceed an amount to be stated on such certificate.

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

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

30 On and after July 1, 1996:

31 Reckless driving.....	\$82
32 Driving when privilege is canceled, suspended or revoked.....	82
33 Failure to comply with lawful order of officer.....	57
34 Registration violation (registered for 12,000 pounds	
35 or less).....	52
36 Registration violation (registered for more than 12,000	
37 pounds).....	92
38 No driver's license for the class of vehicle operated or	
39 violation of restrictions.....	52
40 Spilling load on highway.....	52
41 Transporting open container of alcoholic liquor or cereal malt	
42 beverage accessible while vehicle in motion.....	223

43 (e) In the event of forfeiture of any bond under this section, \$75 of

1 the amount forfeited shall be regarded as a docket fee in any court having
2 jurisdiction over the violation of state law.

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

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

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

21 (i) Except as provided further, the docket fee established in this
22 section shall be the only fee collected or moneys in the nature of a fee
23 collected for the docket fee. Such fee shall only be established by an act of
24 the legislature and no other authority is established by law or otherwise to
25 collect a fee. ~~On and after July 1, 2017-2019, through June 30, 2019-2021,~~
26 **On and after July 1, 2019, through June 30, 2023,** the supreme court
27 may impose an additional charge, not to exceed \$22 per docket fee, to fund
28 the costs of non-judicial personnel.

29 Sec. 3. K.S.A. 2018 Supp. 8-2110 is hereby amended to read as
30 follows: 8-2110. (a) Failure to comply with a traffic citation means failure
31 either to: (1) Appear before any district or municipal court in response to a
32 traffic citation and pay in full any fine and court costs imposed; or (2)
33 otherwise comply with a traffic citation as provided in K.S.A. 8-2118, and
34 amendments thereto. Failure to comply with a traffic citation is a
35 misdemeanor, regardless of the disposition of the charge for which such
36 citation was originally issued.

37 (b) (1) In addition to penalties of law applicable under subsection (a),
38 when a person fails to comply with a traffic citation, except for illegal
39 parking, standing or stopping, the district or municipal court in which the
40 person should have complied with the citation shall mail notice to the
41 person that if the person does not appear in district or municipal court or
42 pay all fines, court costs and any penalties within 30 days from the date of
43 mailing notice, the division of vehicles will be notified to suspend the

1 person's driving privileges. The district or municipal court may charge an
2 additional fee of \$5 for mailing such notice. Upon the person's failure to
3 comply within such 30 days of mailing notice, the district or municipal
4 court shall electronically notify the division of vehicles. Upon receipt of a
5 report of a failure to comply with a traffic citation under this subsection,
6 pursuant to K.S.A. 8-255, and amendments thereto, the division of
7 vehicles shall notify the violator and suspend the license of the violator
8 until satisfactory evidence of compliance with the terms of the traffic
9 citation has been furnished to the informing court. When the court
10 determines the person has complied with the terms of the traffic citation,
11 the court shall immediately electronically notify the division of vehicles of
12 such compliance. Upon receipt of notification of such compliance from the
13 informing court, the division of vehicles shall terminate the suspension or
14 suspension action.

15 (2) (A) In lieu of suspension under paragraph (1), the driver may
16 submit to the division of vehicles a written request for restricted driving
17 privileges, with a non-refundable \$25 application fee, to be applied by the
18 division of vehicles for additional administrative costs to implement
19 restricted driving privileges. The division shall remit all restricted driving
20 privilege application fees to the state treasurer in accordance with the
21 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
22 each such remittance, the state treasurer shall deposit the entire amount in
23 the state treasury to the credit of the division of vehicles operating fund.

24 (B) A person whose driver's license has expired during the period
25 when such person's driver's license has been suspended for failure to pay
26 fines for traffic citations, the driver may submit to the division of vehicles
27 a written request for restricted driving privileges, with a non-refundable
28 \$25 application fee, to be applied by the division of vehicles for additional
29 administrative costs to implement restricted driving privileges. The
30 division shall remit all restricted driving privilege application fees to the
31 state treasurer in accordance with the provisions of K.S.A. 75-4215, and
32 amendments thereto. Upon receipt of each such remittance, the state
33 treasurer shall deposit the entire amount in the state treasury to the credit
34 of the division of vehicles operating fund. An individual shall not qualify
35 for restricted driving privileges pursuant to this section unless the
36 following conditions are met: (i) The suspended license that expired was
37 issued by the division of vehicles; (ii) the suspended license resulted from
38 the individual's failure to comply with a traffic citation pursuant to
39 subsection (b)(1); (iii) the traffic citation that resulted in the failure to
40 comply pursuant to subsection (b)(1) was issued in this state; and (iv) the
41 individual has not previously received a stayed suspension as a result of a
42 driving while suspended conviction.

43 (C) Upon review and approval of the driver's eligibility, the driving

1 privileges will be restricted by the division of vehicles for a period up to
2 one year or until the terms of the traffic citation have been complied with
3 and the court shall immediately electronically notify the division of
4 vehicles of such compliance. If the driver fails to comply with the traffic
5 citation within the one year restricted period, the driving privileges will be
6 suspended by the division of vehicles until the court determines the person
7 has complied with the terms of the traffic citation and the court shall
8 immediately electronically notify the division of vehicles of such
9 compliance. Upon receipt of notification of such compliance from the
10 informing court, the division of vehicles shall terminate the suspension
11 action. When restricted driving privileges are approved pursuant to this
12 section, the person's driving privileges shall be restricted to driving only
13 under the following circumstances: (i) In going to or returning from the
14 person's place of employment or schooling; (ii) in the course of the
15 person's employment; (iii) in going to or returning from an appointment
16 with a health care provider or during a medical emergency; and (iv) in
17 going to and returning from probation or parole meetings, drug or alcohol
18 counseling or any place the person is required to go by a court.

19 ~~(c) (1) Prior to July 1, 2018, except as provided in subsection (d),~~
20 ~~when the district or municipal court notifies the division of vehicles of a~~
21 ~~failure to comply with a traffic citation pursuant to subsection (b), the~~
22 ~~court shall assess a reinstatement fee of \$59 for each charge on which the~~
23 ~~person failed to make satisfaction regardless of the disposition of the~~
24 ~~charge for which such citation was originally issued and regardless of any~~
25 ~~application for restricted driving privileges. Such reinstatement fee shall~~
26 ~~be in addition to any fine, restricted driving privilege application fee,~~
27 ~~district or municipal court costs and other penalties. The court shall remit~~
28 ~~all reinstatement fees to the state treasurer in accordance with the~~
29 ~~provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of~~
30 ~~each such remittance, the state treasurer shall deposit the entire amount in~~
31 ~~the state treasury and shall credit 42.37% of such moneys to the division of~~
32 ~~vehicles operating fund, 31.78% to the community alcoholism and~~
33 ~~intoxication programs fund created by K.S.A. 41-1126, and amendments~~
34 ~~thereto, 10.59% to the juvenile alternatives to detention fund created by~~
35 ~~K.S.A. 79-4803, and amendments thereto, and 15.26% to the judicial~~
36 ~~branch nonjudicial salary adjustment fund created by K.S.A. 2018 Supp.~~
37 ~~20-1a15, and amendments thereto.~~

38 (2) On and after July 1, 2018, except as provided in subsection (d),
39 when the district or municipal court notifies the division of vehicles of a
40 failure to comply with a traffic citation pursuant to subsection (b), the
41 court shall assess a reinstatement fee of \$100 for each charge on which the
42 person failed to make satisfaction regardless of the disposition of the
43 charge for which such citation was originally issued and regardless of any

1 application for restricted driving privileges. Such reinstatement fee shall
2 be in addition to any fine, restricted driving privilege application fee,
3 district or municipal court costs and other penalties. The court shall remit
4 all reinstatement fees to the state treasurer in accordance with the
5 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
6 each such remittance, the state treasurer shall deposit the entire amount in
7 the state treasury and shall credit the first \$15 of such reinstatement fee to
8 the judicial branch nonjudicial salary adjustment fund and of the
9 remaining amount, 29.41% of such moneys to the division of vehicles
10 operating fund, 22.06% to the community alcoholism and intoxication
11 programs fund created by K.S.A. 41-1126, and amendments thereto,
12 7.36% to the juvenile alternatives to detention fund created by K.S.A. 79-
13 4803, and amendments thereto, and 41.17% to the judicial branch
14 nonjudicial salary adjustment fund created by K.S.A. 2018 Supp. 20-1a15,
15 and amendments thereto.

16 (d) The district court or municipal court shall waive the reinstatement
17 fee provided for in subsection (c), if the failure to comply with a traffic
18 citation was the result of such person enlisting in or being drafted into the
19 armed services of the United States, being called into service as a member
20 of a reserve component of the military service of the United States, or
21 volunteering for such active duty, or being called into service as a member
22 of the state of Kansas national guard, or volunteering for such active duty,
23 and being absent from Kansas because of such military service.

24 (e) Except as provided further, the reinstatement fee established in
25 this section shall be the only fee collected or moneys in the nature of a fee
26 collected for such reinstatement. Such fee shall only be established by an
27 act of the legislature and no other authority is established by law or
28 otherwise to collect a fee. ~~On and after July 1, 2017-2019, through June 30,~~
29 ~~2019-2021,~~ **On and after July 1, 2019, through June 30, 2023,** the
30 supreme court may impose an additional charge, not to exceed \$22 per
31 reinstatement fee, to fund the costs of non-judicial personnel.

32 ~~Sec. 3.~~ **4.** K.S.A. 2018 Supp. 20-3021 is hereby amended to read as
33 follows: 20-3021. (a) (1) On and after July 1, 2014, any party filing an
34 appeal with the court of appeals shall pay a fee in the amount of \$145 to
35 the clerk of the supreme court.

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

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

41 (c) The fee shall be the only costs assessed in each case to services of
42 the clerk of the supreme court. The clerk of the supreme court shall remit
43 all revenues received from this section to the state treasurer, in accordance

1 with the provisions of K.S.A. 75-4215, and amendments thereto, for
2 deposit in the state treasury. The fee shall be disbursed in accordance with
3 K.S.A. 20-362, and amendments thereto.

4 (d) Except as provided further, the fee established in this section shall
5 be the only fee collected or moneys in the nature of a fee collected for the
6 docket fee. Such fee shall only be established by an act of the legislature
7 and no other authority is established by law or otherwise to collect a fee.
8 ~~On and after July 1, 2017 2019, through June 30, 2019 2021,~~ **On and after**
9 **July 1, 2019, through June 30, 2023,** the supreme court may impose an
10 additional charge, not to exceed \$10 per fee, to fund the costs of non-
11 judicial personnel.

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

15 ~~Sec. 4.~~ **5.** K.S.A. 2018 Supp. 21-6614 is hereby amended to read as
16 follows: 21-6614. (a) (1) Except as provided in subsections (b), (c), (d),
17 (e) and (f), any person convicted in this state of a traffic infraction,
18 cigarette or tobacco infraction, misdemeanor or a class D or E felony, or
19 for crimes committed on or after July 1, 1993, any nongrid felony or
20 felony ranked in severity levels 6 through 10 of the nondrug grid, or for
21 crimes committed on or after July 1, 1993, but prior to July 1, 2012, any
22 felony ranked in severity level 4 of the drug grid, or for crimes committed
23 on or after July 1, 2012, any felony ranked in severity level 5 of the drug
24 grid may petition the convicting court for the expungement of such
25 conviction or related arrest records if three or more years have elapsed
26 since the person: (A) Satisfied the sentence imposed; or (B) was
27 discharged from probation, a community correctional services program,
28 parole, postrelease supervision, conditional release or a suspended
29 sentence.

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

35 (b) Any person convicted of prostitution, as defined in K.S.A. 21-
36 3512, prior to its repeal, convicted of a violation of K.S.A. 2018 Supp. 21-
37 6419, and amendments thereto, or who entered into a diversion agreement
38 in lieu of further criminal proceedings for such violation, may petition the
39 convicting court for the expungement of such conviction or diversion
40 agreement and related arrest records if:

41 (1) One or more years have elapsed since the person satisfied the
42 sentence imposed or the terms of a diversion agreement or was discharged
43 from probation, a community correctional services program, parole,

1 postrelease supervision, conditional release or a suspended sentence; and

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

8 (c) Except as provided in subsections (e) and (f), no person may
9 petition for expungement until five or more years have elapsed since the
10 person satisfied the sentence imposed or the terms of a diversion
11 agreement or was discharged from probation, a community correctional
12 services program, parole, postrelease supervision, conditional release or a
13 suspended sentence, if such person was convicted of a class A, B or C
14 felony, or for crimes committed on or after July 1, 1993, if convicted of an
15 off-grid felony or any felony ranked in severity levels 1 through 5 of the
16 nondrug grid, or for crimes committed on or after July 1, 1993, but prior to
17 July 1, 2012, any felony ranked in severity levels 1 through 3 of the drug
18 grid, or for crimes committed on or after July 1, 2012, any felony ranked
19 in severity levels 1 through 4 of the drug grid, or:

20 (1) Vehicular homicide, as defined in K.S.A. 21-3405, prior to its
21 repeal, or K.S.A. 2018 Supp. 21-5406, and amendments thereto, or as
22 prohibited by any law of another state which is in substantial conformity
23 with that statute;

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

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

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

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

37 (6) failing to stop at the scene of an accident and perform the duties
38 required by K.S.A. ~~8-1602~~; 8-1603, prior to its repeal, or K.S.A. *8-1602 or*
39 *8-1604*, and amendments thereto, or required by a law of another state
40 which is in substantial conformity with those statutes;

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

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

1 (d) (1) No person may petition for expungement until five or more
2 years have elapsed since the person satisfied the sentence imposed or the
3 terms of a diversion agreement or was discharged from probation, a
4 community correctional services program, parole, postrelease supervision,
5 conditional release or a suspended sentence, if such person was convicted
6 of a first violation of K.S.A. 8-1567, and amendments thereto, including
7 any diversion for such violation.

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

14 (3) Except as provided further, the provisions of this subsection shall
15 apply to all violations committed on or after July 1, 2006. The provisions
16 of subsection (d)(2) shall not apply to violations committed on or after
17 July 1, 2014, but prior to July 1, 2015.

18 (e) There shall be no expungement of convictions for the following
19 offenses or of convictions for an attempt to commit any of the following
20 offenses:

21 (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.
22 2018 Supp. 21-5503, and amendments thereto;

23 (2) indecent liberties with a child or aggravated indecent liberties
24 with a child, as defined in K.S.A. 21-3503 or 21-3504, prior to their repeal,
25 or K.S.A. 2018 Supp. 21-5506, and amendments thereto;

26 (3) criminal sodomy, as defined in K.S.A. 21-3505(a)(2) or (a)(3),
27 prior to its repeal, or K.S.A. 2018 Supp. 21-5504(a)(3) or (a)(4), and
28 amendments thereto;

29 (4) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior
30 to its repeal, or K.S.A. 2018 Supp. 21-5504, and amendments thereto;

31 (5) indecent solicitation of a child or aggravated indecent solicitation
32 of a child, as defined in K.S.A. 21-3510 or 21-3511, prior to their repeal,
33 or K.S.A. 2018 Supp. 21-5508, and amendments thereto;

34 (6) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior
35 to its repeal, or K.S.A. 2018 Supp. 21-5510, and amendments thereto;

36 (7) internet trading in child pornography or aggravated internet
37 trading in child pornography, as defined in K.S.A. 2018 Supp. 21-5514,
38 and amendments thereto;

39 (8) aggravated incest, as defined in K.S.A. 21-3603, prior to its
40 repeal, or K.S.A. 2018 Supp. 21-5604, and amendments thereto;

41 (9) endangering a child or aggravated endangering a child, as defined
42 in K.S.A. 21-3608 or 21-3608a, prior to their repeal, or K.S.A. 2018 Supp.
43 21-5601, and amendments thereto;

1 (10) abuse of a child, as defined in K.S.A. 21-3609, prior to its repeal,
2 or K.S.A. 2018 Supp. 21-5602, and amendments thereto;

3 (11) capital murder, as defined in K.S.A. 21-3439, prior to its repeal,
4 or K.S.A. 2018 Supp. 21-5401, and amendments thereto;

5 (12) murder in the first degree, as defined in K.S.A. 21-3401, prior to
6 its repeal, or K.S.A. 2018 Supp. 21-5402, and amendments thereto;

7 (13) murder in the second degree, as defined in K.S.A. 21-3402, prior
8 to its repeal, or K.S.A. 2018 Supp. 21-5403, and amendments thereto;

9 (14) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to
10 its repeal, or K.S.A. 2018 Supp. 21-5404, and amendments thereto;

11 (15) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to
12 its repeal, or K.S.A. 2018 Supp. 21-5405, and amendments thereto;

13 (16) sexual battery, as defined in K.S.A. 21-3517, prior to its repeal,
14 or K.S.A. 2018 Supp. 21-5505, and amendments thereto, when the victim
15 was less than 18 years of age at the time the crime was committed;

16 (17) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to
17 its repeal, or K.S.A. 2018 Supp. 21-5505, and amendments thereto;

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

20 (19) any conviction for any offense in effect at any time prior to July
21 1, 2011, that is comparable to any offense as provided in this subsection.

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

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

32 (A) Defendant's full name;

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

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

36 (D) crime for which the defendant was arrested, convicted or
37 diverted;

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

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

41 (2) Except as otherwise provided by law, a petition for expungement
42 shall be accompanied by a docket fee in the amount of \$176. ~~On and after~~
43 ~~July 1, 2017-2019, through June 30, 2019-2021, On and after July 1,~~

1 **2019, through June 30, 2023**, the supreme court may impose a charge,
2 not to exceed \$19 per case, to fund the costs of non-judicial personnel. The
3 charge established in this section shall be the only fee collected or moneys
4 in the nature of a fee collected for the case. Such charge shall only be
5 established by an act of the legislature and no other authority is established
6 by law or otherwise to collect a fee.

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

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

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

18 (2) the circumstances and behavior of the petitioner warrant the
19 expungement; and

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

21 (i) When the court has ordered an arrest record, conviction or
22 diversion expunged, the order of expungement shall state the information
23 required to be contained in the petition. The clerk of the court shall send a
24 certified copy of the order of expungement to the Kansas bureau of
25 investigation which shall notify the federal bureau of investigation, the
26 secretary of corrections and any other criminal justice agency which may
27 have a record of the arrest, conviction or diversion. If the case was
28 appealed from municipal court, the clerk of the district court shall send a
29 certified copy of the order of expungement to the municipal court. The
30 municipal court shall order the case expunged once the certified copy of
31 the order of expungement is received. After the order of expungement is
32 entered, the petitioner shall be treated as not having been arrested,
33 convicted or diverted of the crime, except that:

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

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

39 (A) In any application for licensure as a private detective, private
40 detective agency, certification as a firearms trainer pursuant to K.S.A.
41 2018 Supp. 75-7b21, and amendments thereto, or employment as a
42 detective with a private detective agency, as defined by K.S.A. 75-7b01,
43 and amendments thereto; as security personnel with a private patrol

1 operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with
2 an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of
3 the Kansas department for aging and disability services;

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

6 (C) to aid in determining the petitioner's 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 (D) to aid in determining the petitioner's qualifications for executive
11 director of the Kansas racing and gaming commission, for employment
12 with the commission or for work in sensitive areas in parimutuel racing as
13 deemed appropriate by the executive director of the commission, or to aid
14 in determining qualifications for licensure or renewal of licensure by the
15 commission;

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

21 (F) upon application for a commercial driver's license under K.S.A.
22 8-2,125 through 8-2,142, and amendments thereto;

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

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

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

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

33 (K) ~~for applications received on and after July 1, 2006,~~ to aid in
34 determining the petitioner's qualifications for a license to carry a concealed
35 weapon pursuant to the personal and family protection act, K.S.A. 2018
36 Supp. 75-7c01 et seq., and amendments thereto; or

37 (L) ~~for applications received on and after July 1, 2017,~~ to aid in
38 determining the petitioner's qualifications for a license to act as a bail
39 enforcement agent pursuant to K.S.A. 2018 Supp. 75-7e01 through 75-
40 7e09 and K.S.A. 2018 Supp. 50-6,141, and amendments thereto;

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

43 (4) the conviction may be disclosed in a subsequent prosecution for

1 an offense which requires as an element of such offense a prior conviction
2 of the type expunged; and

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

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

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

19 (2) Notwithstanding the provisions of subsection (k)(1), and except as
20 provided in K.S.A. 2018 Supp. 21-6304(a)(3)(A), and amendments
21 thereto, the expungement of a prior felony conviction does not relieve the
22 individual of complying with any state or federal law relating to the use,
23 shipment, transportation, receipt or possession of firearms by persons
24 previously convicted of a felony.

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

30 (1) The person whose record was expunged;

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

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

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

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

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

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

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

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

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

29 (11) the Kansas sentencing commission;

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

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

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

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

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

6 (16) the attorney general and the request is accompanied by a
7 statement that the request is being made to aid in determining
8 qualifications for a license to:

9 (A) Carry a concealed weapon pursuant to the personal and family
10 protection act; or

11 (B) act as a bail enforcement agent pursuant to K.S.A. 2018 Supp.
12 75-7e01 through 75-7e09 and K.S.A. 2018 Supp. 50-6,141, and
13 amendments thereto; or

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

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

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

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

23 ~~Sec. 6.~~ K.S.A. 2018 Supp. 22-2410 is hereby amended to read as
24 follows: 22-2410. (a) (1) Any person who has been arrested in this state
25 may petition the district court for the expungement of such arrest record.

26 (2) (A) If a person has been arrested in this state as a result of
27 mistaken identity or as a result of another person using the identifying
28 information of the named person, and the charge against the named person
29 is dismissed or not prosecuted, the prosecuting attorney or other judicial
30 officer who ordered the dismissal or declined to prosecute shall provide
31 notice to the court of such action and petition the district court for the
32 expungement of such arrest record, and the court shall order the arrest
33 record and subsequent court proceedings, if any, expunged and purged
34 from all applicable state and federal systems pursuant to subsection (d).

35 (B) For purposes of this section, the term "mistaken identity" means
36 the erroneous arrest of a person for a crime as a result of misidentification
37 by a witness or law enforcement, confusion on the part of a witness or law
38 enforcement as to the identity of the person who committed the crime,
39 misinformation provided to law enforcement as to the identity of the
40 person who committed the crime or some other mistake on the part of a
41 witness or law enforcement as to the identity of the person who committed
42 the crime. "Mistaken identity" shall not include any situation in which an
43 arrestee intentionally provides false information to law enforcement

1 officials in an attempt to conceal such person's identity.

2 (b) (1) When a petition for expungement is filed pursuant to
3 subsection (a)(1), the court shall set a date for hearing on such petition and
4 shall cause notice of such hearing to be given to the prosecuting attorney
5 and the arresting law enforcement agency. Any person who may have
6 relevant information about the petitioner may testify at the hearing. The
7 court may inquire into the background of the petitioner.

8 (2) When a petition for expungement is filed pursuant to subsection
9 (a)(1) or (a)(2), the official court file shall be separated from the other
10 records of the court, and shall be disclosed only to a judge of the court and
11 members of the staff of the court designated by a judge of the district
12 court, the prosecuting attorney, the arresting law enforcement agency, or
13 any other person when authorized by a court order, subject to any
14 conditions imposed by the order.

15 (3) (A) Except as otherwise provided by law, a petition for
16 expungement pursuant to subsection (a)(1) shall be accompanied by a
17 docket fee in the amount of \$176. Except as provided further, the docket
18 fee established in this section shall be the only fee collected or moneys in
19 the nature of a fee collected for the docket fee. Such fee shall only be
20 established by an act of the legislature and no other authority is established
21 by law or otherwise to collect a fee. ~~On and after July 1, 2017-2019,~~
22 ~~through June 30, 2019-2021,~~ **On and after July 1, 2019, through June**
23 **30, 2023**, the supreme court may impose an additional charge, not to
24 exceed \$19 per docket fee, to fund the costs of non-judicial personnel.

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

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

34 (A) The petitioner's full name;

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

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

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

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

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

41 (c) At the hearing on a petition for expungement pursuant to
42 subsection (a)(1), the court shall order the arrest record and subsequent
43 court proceedings, if any, expunged upon finding: (1) The arrest occurred

1 because of mistaken identity;

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

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

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

7 (d) (1) When the court has ordered expungement of an arrest record
8 and subsequent court proceedings, if any, on a petition for expungement
9 pursuant to subsection (a)(1), the order shall state the information required
10 to be stated in the petition and shall state the grounds for expungement
11 under subsection (c). The clerk of the court shall send a certified copy of
12 the order to the Kansas bureau of investigation which shall notify the
13 federal bureau of investigation, the secretary of corrections and any other
14 criminal justice agency which may have a record of the arrest. If the case
15 was appealed from municipal court, the clerk of the district court shall
16 send a certified copy of the order of expungement to the municipal court.
17 The municipal court shall order the case expunged once the certified copy
18 of the order of expungement is received. If an order of expungement is
19 entered, the petitioner pursuant to subsection (a)(1) shall be treated as not
20 having been arrested.

21 (2) When the court has ordered expungement of arrest records on a
22 petition for expungement pursuant to subsection (a)(2), the order shall
23 state the information required to be stated in the petition and shall state the
24 grounds for expungement under subsection (a)(2). The order shall also
25 direct the Kansas bureau of investigation to purge the arrest information
26 from the criminal justice information system central repository and all
27 applicable state and federal databases. The clerk of the court shall send a
28 certified copy of the order to the Kansas bureau of investigation, which
29 shall carry out the order and shall notify the federal bureau of
30 investigation, the secretary of corrections and any other criminal justice
31 agency that may have a record of the arrest. If an order of expungement is
32 entered, the person eligible for mandatory expungement pursuant to
33 subsection (a)(2) shall be treated as not having been arrested.

34 (e) If the ground for expungement is as provided in subsection (c)(4),
35 the court shall determine whether, in the interests of public welfare, the
36 records should be available for any of the following purposes:

37 (1) In any application for employment as a detective with a private
38 detective agency, as defined in K.S.A. 75-7b01, and amendments thereto;
39 as security personnel with a private patrol operator, as defined by K.S.A.
40 75-7b01, and amendments thereto; or with an institution, as defined in
41 K.S.A. 76-12a01, and amendments thereto, of the Kansas department for
42 aging and disability services;

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

1 to the practice of law in this state;

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

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

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

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

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

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

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

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

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

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

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

40 (i) The docket fee collected at the time the petition for expungement
41 is filed pursuant to subsection (a)(1) shall be disbursed in accordance with
42 K.S.A. 20-362, and amendments thereto.

43 Sec. ~~6~~ 7. K.S.A. 2018 Supp. 23-2510 is hereby amended to read as

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

3 (b) The clerk of the court shall remit all fees prescribed by this
4 section to the state treasurer in accordance with the provisions of K.S.A.
5 75-4215, and amendments thereto. Upon receipt of each such remittance,
6 the state treasurer shall deposit the entire amount in the state treasury. Of
7 each remittance, the state treasurer shall credit 38.98% to the protection
8 from abuse fund, 15.19% to the family and children trust account of the
9 family and children investment fund created by K.S.A. 38-1808, and
10 amendments thereto, 16.95% to the crime victims assistance fund created
11 by K.S.A. 74-7334, and amendments thereto, 15.25% to the judicial
12 branch nonjudicial salary adjustment fund created by K.S.A. 2018 Supp.
13 20-1a15, and amendments thereto, and the remainder to the state general
14 fund.

15 (c) Except as provided further, the marriage license fee established in
16 this section shall be the only fee collected or moneys in the nature of a fee
17 collected for a marriage license. Such fee shall only be established by an
18 act of the legislature and no other authority is established by law or
19 otherwise to collect a fee. ~~On and after July 1, 2017-2019, through June~~
20 ~~30, 2019-2021, On and after July 1, 2019, through June 30, 2023,~~
21 the supreme court may impose an additional charge, not to exceed \$26.50 per
22 marriage license fee, to fund the costs of non-judicial personnel.

23 ~~Sec. 7.~~ **8.** K.S.A. 2018 Supp. 28-170 is hereby amended to read as
24 follows: 28-170. (a) The docket fee prescribed by K.S.A. 60-2001, and
25 amendments thereto, and the fees for service of process, shall be the only
26 costs assessed for services of the clerk of the district court and the sheriff
27 in any case filed under chapter 60 or chapter 61 of the Kansas Statutes
28 Annotated, and amendments thereto, except that no fee shall be charged
29 for an action filed under K.S.A. 60-3101 et seq., and under K.S.A. 60-
30 31a01 et seq., and amendments thereto. For services in other matters in
31 which no other fee is prescribed by statute, the following fees shall be
32 charged and collected by the clerk. Only one fee shall be charged for each
33 bond, lien or judgment:

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

41 (b) The fees for entries, certificates and other papers required in
42 naturalization cases shall be those prescribed by the federal government
43 and, when collected, shall be disbursed as prescribed by the federal

1 government. The clerk of the court shall remit to the state treasurer at least
2 monthly all moneys received from fees prescribed by subsection (a) or (b)
3 or received for any services performed which may be required by law. The
4 state treasurer shall deposit the remittance in the state treasury and credit
5 the entire amount to the state general fund.

6 (c) In actions pursuant to the revised Kansas code for care of
7 children, K.S.A. 2018 Supp. 38-2201 et seq., and amendments thereto, the
8 revised Kansas juvenile justice code, K.S.A. 2018 Supp. 38-2301 et seq.,
9 and amendments thereto, the act for treatment of alcoholism, K.S.A. 65-
10 4001 et seq., and amendments thereto, the act for treatment of drug abuse,
11 K.S.A. 65-5201 et seq., and amendments thereto, or the care and treatment
12 act for mentally ill persons, K.S.A. 59-2945 et seq., and amendments
13 thereto, the clerk shall charge an additional fee of \$1 which shall be
14 deducted from the docket fee and credited to the prosecuting attorneys'
15 training fund as provided in K.S.A. 28-170a, and amendments thereto.

16 (d) Except as provided further, the bond, lien or judgment fee
17 established in subsection (a) shall be the only fee collected or moneys in
18 the nature of a fee collected for such bond, lien or judgment. Such fee shall
19 only be established by an act of the legislature and no other authority is
20 established by law or otherwise to collect a fee. ~~On and after July 1, 2017~~
21 ~~2019, through June 30, 2019-2021,~~ **On and after July 1, 2019, through**
22 **June 30, 2023,** the supreme court may impose an additional charge, not to
23 exceed \$22 per bond, lien or judgment fee, to fund the costs of non-
24 judicial personnel.

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

30 Murder or manslaughter.....	\$180.50
31 Other felony.....	171.00
32 Misdemeanor.....	136.00
33 Forfeited recognizance.....	72.50
34 Appeals from other courts.....	72.50

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

1 fee of \$86 shall be charged. When an action is disposed of under K.S.A. 8-
2 2118(a) and (b), or K.S.A. 79-3393(f), and amendments thereto, ~~on and~~
3 ~~after July 1, 2014~~, the docket fee to be paid as court costs shall be \$86.

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

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

16 (d) Statutory charges made pursuant to the provisions of K.S.A. 20-
17 362, and amendments thereto, shall be paid from the docket fee; the family
18 violence and child abuse and neglect assistance and prevention fund fee
19 shall be paid from criminal proceedings docket fees. All other fees and
20 expenses to be assessed as additional court costs shall be approved by the
21 court, unless specifically fixed by statute. Additional fees shall include, but
22 are not limited to, fees for Kansas bureau of investigation forensic or
23 laboratory analyses, fees for detention facility processing pursuant to
24 K.S.A. 12-16,119, and amendments thereto, fees for the sexual assault
25 evidence collection kit, fees for conducting an examination of a sexual
26 assault victim, fees for service of process outside the state, witness fees,
27 fees for transcripts and depositions, costs from other courts, doctors' fees
28 and examination and evaluation fees. No sheriff in this state shall charge
29 any district court of this state a fee or mileage for serving any paper or
30 process.

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

42 (f) Except as provided further, the docket fee established in this
43 section shall be the only fee collected or moneys in the nature of a fee

1 collected for the docket fee. Such fee shall only be established by an act of
2 the legislature and no other authority is established by law or otherwise to
3 collect a fee. ~~On and after July 1, 2017-2019, through June 30, 2019-2021,~~
4 **On and after July 1, 2019, through June 30, 2023**, the supreme court
5 may impose an additional charge, not to exceed \$22 per docket fee, to fund
6 the costs of non-judicial personnel.

7 ~~Sec. 9, 10.~~ K.S.A. 2018 Supp. 28-177 is hereby amended to read as
8 follows: 28-177. (a) Except as provided in this section and K.S.A. 2018
9 Supp. 28-178, and amendments thereto, the fees established by legislative
10 enactment shall be the only fee collected or moneys in the nature of a fee
11 collected for court procedures. Such fee shall only be established by an act
12 of the legislature and no other authority is established by law or otherwise
13 to collect a fee. Court procedures shall include docket fees, filing fees or
14 other fees related to access to court procedures. ~~On and after July 1, 2017-~~
15 ~~2019, through June 30, 2019-2021,~~ **On and after July 1, 2019, through**
16 **June 30, 2023**, the supreme court may impose an additional charge, not to
17 exceed \$26.50 per fee or the amount established by the applicable statute,
18 whichever amount is less, to fund the costs of non-judicial personnel.

19 (b) Such additional charge imposed by the court pursuant to K.S.A. 8-
20 2107, 8-2110, 22-2410, 28-170, 28-172a, 59-104, 60-2001, 60-2203a, 61-
21 2704, 61-4001 and 65-409 and K.S.A. 2018 Supp. 21-6614, 23-2510, 28-
22 178, 28-179, 32-1049a, 38-2215, 38-2312 and 38-2314, and amendments
23 thereto, shall be remitted to the state treasurer in accordance with the
24 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
25 each such remittance, the state treasurer shall deposit the entire amount in
26 the state treasury to the credit of the judicial branch docket fee fund, which
27 is hereby created in the state treasury.

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

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

35 (e) Expenditures may be made from the judicial branch docket fee
36 fund to provide services and programs for the purpose of educating and
37 training judicial branch officers and employees, administering the training,
38 testing and education of municipal judges as provided in K.S.A. 12-4114,
39 and amendments thereto, and for educating and training municipal judges
40 and municipal court and support staff, including official hospitality. The
41 judicial administrator is hereby authorized to fix, charge and collect fees
42 for such services and programs. Such fees may be fixed to cover all or part
43 of the operating expenditures incurred in providing such services and

1 programs, including official hospitality. All fees received for such
2 purposes and programs, including official hospitality, shall be deposited in
3 the state treasury in accordance with the provisions of K.S.A. 75-4215, and
4 amendments thereto, and shall be credited to the judicial branch docket fee
5 fund.

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

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

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

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

12 ~~Sec. 10, 11.~~ K.S.A. 2018 Supp. 28-178 is hereby amended to read as
13 follows: 28-178. (a) In addition to any other fees specifically prescribed by
14 law, ~~on and after July 1, 2017-2019, through June 30, 2019-2021,~~ **on and**
15 **after July 1, 2019, through June 30, 2023,** the supreme court may
16 impose a charge, not to exceed \$12.50 per fee, to fund the costs of non-
17 judicial personnel, on the following:

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

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

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

26 (4) Persons who request a writ or order of sale pursuant to K.S.A. 60-
27 2401 or 61-3602, and amendments thereto.

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

30 (6) A person who requests an attachment against the property of a
31 defendant or any one or more of several defendants pursuant to K.S.A. 60-
32 701 or 61-3501, and amendments thereto.

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

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

43 ~~Sec. 11, 12.~~ K.S.A. 2018 Supp. 28-179 is hereby amended to read as

1 follows: 28-179. (a) No post-decree motion petitioning for a modification
2 or termination of separate maintenance, for a change in legal custody,
3 residency, visitation rights or parenting time or for a modification of child
4 support shall be filed or docketed in the district court without payment of a
5 docket fee in the amount of \$40 ~~on and after July 1, 2013~~, to the clerk of
6 the district court.

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

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

13 (d) 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 of
16 the legislature and no other authority is established by law or otherwise to
17 collect a fee. ~~On and after July 1, 2017-2019, through June 30, 2019-2021,~~
18 **On and after July 1, 2019, through June 30, 2023**, the supreme court
19 may impose an additional charge, not to exceed \$22 per docket fee, to fund
20 the costs of non-judicial personnel.

21 ~~Sec. 12.~~ **13.** K.S.A. 2018 Supp. 32-1049a is hereby amended to read
22 as follows: 32-1049a. (a) Failure to comply with a wildlife, parks and
23 tourism citation means failure to:

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

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

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

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

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

39 (c) In addition to penalties of law applicable under subsection (a)
40 when a person fails to comply with a wildlife, parks and tourism citation
41 or sentence for a violation of wildlife, parks and tourism laws or rules and
42 regulations, the district court in which the person should have complied
43 shall mail a notice to the person that if the person does not appear in the

1 district court or pay all fines, court costs, assessments or fees, and any
2 penalties imposed within 30 days from the date of mailing, the Kansas
3 department of wildlife, parks and tourism shall be notified to forfeit or
4 suspend any license, permit, stamp or other issue of the department. Upon
5 receipt of a report of a failure to comply with a wildlife, parks and tourism
6 citation under this section, and amendments thereto, the department shall
7 notify the violator and suspend or forfeit the license, permit, stamp or
8 other issue of the department held by the violator until satisfactory
9 evidence of compliance with the wildlife, parks and tourism citation or
10 sentence of the district court for violation of the wildlife, parks and
11 tourism laws or rules and regulations of this state are furnished to the
12 informing court. Upon receipt of notification of such compliance from the
13 informing court, the department shall terminate the suspension action,
14 unless the violator is otherwise suspended.

15 (d) Except as provided in subsection (e), when the district court
16 notifies the department of a failure to comply with a wildlife, parks and
17 tourism citation or failure to comply with a sentence of the district court
18 imposed on violation of a wildlife, parks and tourism law or rule and
19 regulation, the court shall assess a reinstatement fee of \$50 for each charge
20 or sentence on which the person failed to make satisfaction, regardless of
21 the disposition of the charge for which such citation was originally issued.
22 Such reinstatement fee shall be in addition to any fine, court costs and
23 other assessments, fees or penalties. The court shall remit all reinstatement
24 fees to the state treasurer in accordance with the provisions of K.S.A. 75-
25 4215, and amendments thereto. Upon receipt of each remittance, the state
26 treasurer shall deposit the entire amount in the state treasury and shall
27 credit such moneys to the state general fund.

28 (e) The district court shall waive the reinstatement fee provided for in
29 subsection (d), if the failure to comply with a wildlife, parks and tourism
30 citation was the result of such person enlisting in or being drafted into the
31 armed services of the United States of America, being called into service
32 as a member of a reserve component of the military service of the United
33 States of America, or volunteering for such active duty or being called into
34 service as a member of the Kansas national guard or volunteering for such
35 active duty and being absent from Kansas because of such military service.
36 The state treasurer and the director of accounts and reports shall prescribe
37 procedures for all such reimbursement payments and shall create
38 appropriate accounts, make appropriate accounting entries and issue such
39 appropriate vouchers and warrants as may be required to make such
40 reimbursement payments.

41 (f) Except as provided further, the reinstatement fee established in
42 subsection (d) shall be the only fee collected or moneys in the nature of a
43 fee collected for such reinstatement. Such fee shall only be established by

1 an act of the legislature and no other authority is established by law or
2 otherwise to collect a fee. ~~On and after July 1, 2017-2019, through June~~
3 ~~30, 2019-2021, On and after July 1, 2019, through June 30, 2023,~~ the
4 supreme court may impose an additional charge, not to exceed \$22 per
5 reinstatement fee, to fund the costs of non-judicial personnel.

6 ~~Sec. 13.~~ **14.** K.S.A. 2018 Supp. 38-2215 is hereby amended to read as
7 follows: 38-2215. (a) *Docket fee.* The docket fee for proceedings under
8 this code, if one is assessed as provided in this section, shall be \$34. Only
9 one docket fee shall be assessed in each case. Except as provided further,
10 the docket fee established in this section shall be the only fee collected or
11 moneys in the nature of a fee collected for the docket fee. Such fee shall
12 only be established by an act of the legislature and no other authority is
13 established by law or otherwise to collect a fee. ~~On and after July 1, 2017~~
14 ~~2019, through June 30, 2019-2021, On and after July 1, 2019, through~~
15 **June 30, 2023,** the supreme court may impose an additional charge, not to
16 exceed \$22 per docket fee, to fund the costs of non-judicial personnel.

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

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

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

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

1 expenses owed in the case, the receiving court shall pay to the sending
2 court an amount proportional to the sending court's share of the total
3 expenses owed to both counties. The expenses of the sending county shall
4 not be an obligation of the receiving county except to the extent that the
5 sending county's proportion of the expenses is collected by the receiving
6 court. All amounts collected shall first be applied toward payment of the
7 docket fee.

8 ~~Sec. 14.~~ **15.** K.S.A. 2018 Supp. 38-2312 is hereby amended to read as
9 follows: 38-2312. (a) Except as provided in subsections (b) and (c), any
10 records or files specified in this code concerning a juvenile may be
11 expunged upon application to a judge of the court of the county in which
12 the records or files are maintained. The application for expungement may
13 be made by the juvenile, if 18 years of age or older or, if the juvenile is
14 less than 18 years of age, by the juvenile's parent or next friend.

15 (b) There shall be no expungement of records or files concerning acts
16 committed by a juvenile which, if committed by an adult, would constitute
17 a violation of K.S.A. 21-3401, prior to its repeal, or K.S.A. 2018 Supp. 21-
18 5402, and amendments thereto, murder in the first degree; K.S.A. 21-3402,
19 prior to its repeal, or K.S.A. 2018 Supp. 21-5403, and amendments
20 thereto, murder in the second degree; K.S.A. 21-3403, prior to its repeal,
21 or K.S.A. 2018 Supp. 21-5404, and amendments thereto, voluntary
22 manslaughter; K.S.A. 21-3404, prior to its repeal, or K.S.A. 2018 Supp.
23 21-5405, and amendments thereto, involuntary manslaughter; K.S.A. 21-
24 3439, prior to its repeal, or K.S.A. 2018 Supp. 21-5401, and amendments
25 thereto, capital murder; K.S.A. 21-3442, prior to its repeal, or K.S.A. 2018
26 Supp. 21-5405(a)(3) or (a)(5), and amendments thereto, involuntary
27 manslaughter while driving under the influence of alcohol or drugs; K.S.A.
28 21-3502, prior to its repeal, or K.S.A. 2018 Supp. 21-5503, and
29 amendments thereto, rape; K.S.A. 21-3503, prior to its repeal, or K.S.A.
30 2018 Supp. 21-5506(a), and amendments thereto, indecent liberties with a
31 child; K.S.A. 21-3504, prior to its repeal, or K.S.A. 2018 Supp. 21-
32 5506(b), and amendments thereto, aggravated indecent liberties with a
33 child; K.S.A. 21-3506, prior to its repeal, or K.S.A. 2018 Supp. 21-
34 5504(b), and amendments thereto, aggravated criminal sodomy; K.S.A.
35 21-3510, prior to its repeal, or K.S.A. 2018 Supp. 21-5508(a), and
36 amendments thereto, indecent solicitation of a child; K.S.A. 21-3511, prior
37 to its repeal, or K.S.A. 2018 Supp. 21-5508(b), and amendments thereto,
38 aggravated indecent solicitation of a child; K.S.A. 21-3516, prior to its
39 repeal, or K.S.A. 2018 Supp. 21-5510, and amendments thereto, sexual
40 exploitation of a child; K.S.A. 2018 Supp. 21-5514(a), and amendments
41 thereto, internet trading in child pornography; K.S.A. 2018 Supp. 21-
42 5514(b), and amendments thereto, aggravated internet trading in child
43 pornography; K.S.A. 21-3603, prior to its repeal, or K.S.A. 2018 Supp. 21-

1 5604(b), and amendments thereto, aggravated incest; K.S.A. 21-3608,
2 prior to its repeal, or K.S.A. 2018 Supp. 21-5601(a), and amendments
3 thereto, endangering a child; K.S.A. 21-3609, prior to its repeal, or K.S.A.
4 2018 Supp. 21-5602, and amendments thereto, abuse of a child; or which
5 would constitute an attempt to commit a violation of any of the offenses
6 specified in this subsection.

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

13 (d) When a petition for expungement is filed, the court shall set a date
14 for a hearing on the petition and shall give notice thereof to the county or
15 district attorney. The petition shall state: (1) The juvenile's full name; (2)
16 the full name of the juvenile as reflected in the court record, if different
17 than (1); (3) the juvenile's sex and date of birth; (4) the offense for which
18 the juvenile was adjudicated; (5) the date of the trial; and (6) the identity
19 of the trial court. Except as otherwise provided by law, a petition for
20 expungement shall be accompanied by a docket fee in the amount of \$176.
21 ~~On and after July 1, 2017-2019, through June 30, 2019-2021, On and after~~
22 **July 1, 2019, through June 30, 2023**, the supreme court may impose a
23 charge, not to exceed \$19 per case, to fund the costs of non-judicial
24 personnel. All petitions for expungement shall be docketed in the original
25 action. Any person who may have relevant information about the petitioner
26 may testify at the hearing. The court may inquire into the background of
27 the petitioner.

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

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

32 (ii) one year has elapsed since the final discharge for an adjudication
33 concerning acts committed by a juvenile which, if committed by an adult,
34 would constitute a violation of K.S.A. 2018 Supp. 21-6419, and
35 amendments thereto; or

36 (iii) the juvenile is a victim of human trafficking, aggravated human
37 trafficking or commercial sexual exploitation of a child, the adjudication
38 concerned acts committed by the juvenile as a result of such victimization,
39 including, but not limited to, acts which, if committed by an adult, would
40 constitute a violation of K.S.A. 2018 Supp. 21-6203 or 21-6419, and
41 amendments thereto, and the hearing on expungement occurred on or after
42 the date of final discharge. The provisions of this clause shall not allow an
43 expungement of records or files concerning acts described in subsection

1 (b);

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

7 (C) the circumstances and behavior of the petitioner warrant
8 expungement.

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

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

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

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

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

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

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

41 (1) The person whose record was expunged;

42 (2) a private detective agency or a private patrol operator, and the
43 request is accompanied by a statement that the request is being made in

1 conjunction with an application for employment with such agency or
2 operator by the person whose record has been expunged;

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

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

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

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

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

24 (8) the Kansas sentencing commission; or

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

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

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

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

34 ~~Sec. 15.~~ **16.** K.S.A. 2018 Supp. 38-2314 is hereby amended to read as
35 follows: 38-2314. (a) *Docket fee*. The docket fee for proceedings under
36 this code, if one is assessed as provided by this section, shall be \$34. Only
37 one docket fee shall be assessed in each case. Except as provided further,
38 the docket fee established in this section shall be the only fee collected or
39 moneys in the nature of a fee collected for the docket fee. Such fee shall
40 only be established by an act of the legislature and no other authority is
41 established by law or otherwise to collect a fee. ~~On and after July 1, 2017~~
42 ~~2019, through June 30, 2019-2021,~~ **On and after July 1, 2019, through**
43 **June 30, 2023,** the supreme court may impose an additional charge, not to

1 exceed \$22 per docket fee, to fund the costs of non-judicial personnel.

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

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

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

15 (3) *Prohibited assessment.* Docket fees or expenses shall not be
16 assessed against the state, a political subdivision of the state, an agency of
17 the state or of a political subdivision of the state or a person acting in the
18 capacity of an employee of the state or of a political subdivision of the
19 state.

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

32 ~~Sec. 16.~~ **17.** K.S.A. 2018 Supp. 59-104 is hereby amended to read as
33 follows: 59-104. (a) *Docket fee.* (1) Except as otherwise provided by law,
34 no case shall be filed or docketed in the district court under the provisions
35 of chapter 59 of the Kansas Statutes Annotated, and amendments thereto,
36 or of articles 40 and 52 of chapter 65 of the Kansas Statutes Annotated,
37 and amendments thereto, without payment of an appropriate docket fee as
38 follows, on and after July 1, 2014:

39	Treatment of mentally ill.....	\$34.50
40	Treatment of alcoholism or drug abuse.....	34.50
41	Determination of descent of property.....	49.50
42	Termination of life estate.....	48.50
43	Termination of joint tenancy.....	48.50

1 Refusal to grant letters of administration..... 48.50
 2 Adoption..... 48.50
 3 Filing a will and affidavit under K.S.A. 59-618a, *and*
 4 *amendments thereto*..... 48.50
 5 Guardianship..... 69.50
 6 Conservatorship..... 69.50
 7 Trusteeship..... 69.50
 8 Combined guardianship and conservatorship..... 69.50
 9 Certified probate proceedings under K.S.A. 59-213, and amendments
 10 thereto..... 23.50
 11 Decrees in probate from another state..... 173.00
 12 Probate of an estate or of a will..... 109.50
 13 Civil commitment under K.S.A. 59-29a01 et seq., *and*
 14 *amendments thereto*..... 33.50

15 (2) Except as provided further, the docket fee established in this
 16 section shall be the only fee collected or moneys in the nature of a fee
 17 collected for the docket fee. Such fee shall only be established by an act of
 18 the legislature and no other authority is established by law or otherwise to
 19 collect a fee. ~~On and after July 1, 2017 2019, through June 30, 2019 2021,~~
 20 **On and after July 1, 2019, through June 30, 2023,** the supreme court
 21 may impose an additional charge, not to exceed \$22 per docket fee, to fund
 22 the costs of non-judicial personnel.

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

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

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

40 Sec. ~~17~~ **18.** K.S.A. 2018 Supp. 60-729 is hereby amended to read as
 41 follows: 60-729. (a) Garnishment is a procedure whereby the wages,
 42 money or intangible property of a person can be seized or attached
 43 pursuant to an order of garnishment issued by the court under the

1 conditions set forth in the order.

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

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

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

10 (e) Except as provided further, the fee established in this section shall
11 be the only fee collected or moneys in the nature of a fee collected for the
12 docket fee. Such fee shall only be established by an act of the legislature
13 and no other authority is established by law or otherwise to collect a fee.
14 ~~On and after July 1, 2017-2019, through June 30, 2019-2021,~~ **On and after**
15 **July 1, 2019, through June 30, 2023,** the supreme court may impose an
16 additional charge, not to exceed \$12.50 per fee, to fund the costs of non-
17 judicial personnel.

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

21 ~~Sec. 18.~~ **19.** K.S.A. 2018 Supp. 60-2001 is hereby amended to read as
22 follows: 60-2001. (a) *Docket fee.* Except as otherwise provided by law, no
23 case shall be filed or docketed in the district court, whether original or
24 appealed, without payment of a docket fee in the amount of \$173 ~~on and~~
25 ~~after July 1, 2014,~~ to the clerk of the district court. Except as provided
26 further, the docket fee established in this subsection shall be the only fee
27 collected or moneys in the nature of a fee collected for the docket fee.
28 Such fee shall only be established by an act of the legislature and no other
29 authority is established by law or otherwise to collect a fee. ~~On and after~~
30 ~~July 1, 2017-2019, through June 30, 2019-2021,~~ **On and after July 1,**
31 **2019, through June 30, 2023,** the supreme court may impose an
32 additional charge, not to exceed \$22 per docket fee, to fund the costs of
33 non-judicial personnel.

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

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

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

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

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

39 (d) *Additional court costs.* Other fees and expenses to be assessed as
40 additional court costs shall be approved by the court, unless specifically
41 fixed by statute. Other fees shall include, but not be limited to, witness
42 fees, appraiser fees, fees for service of process, fees for depositions,
43 alternative dispute resolution fees, transcripts and publication, attorney

1 fees, court costs from other courts and any other fees and expenses
2 required by statute. All additional court costs shall be taxed and billed
3 against the parties as directed by the court. No sheriff in this state shall
4 charge any mileage for serving any papers or process.

5 Sec. ~~19~~ **20**. K.S.A. 2018 Supp. 60-2203a is hereby amended to read
6 as follows: 60-2203a. (a) After the commencement of any action in any
7 district court of this state, or the courts of the United States in the state of
8 Kansas or in any action now pending heretofore commenced in such
9 courts, which does not involve title to real estate, any party to such action
10 may give notice in any other county of the state of the pendency of the
11 action by filing for record with the clerk of the district court of such other
12 county a verified statement setting forth the parties to the action, the nature
13 of the action, the court in which it is pending, and the relief sought, which
14 shall impart notice of the pendency of the action and shall result in the
15 same lien rights as if the action were pending in that county. The lien shall
16 be effective from the time the statement is filed, but not to exceed four
17 months prior to the entry of judgment except as provided in subsection (c).
18 The party filing such notice shall within 30 days after any satisfaction of
19 the judgment entered in such action, or any other final disposition thereof,
20 cause to be filed with such clerk of the district court a notice that all claims
21 in such action are released. If the party filing fails or neglects to do so after
22 reasonable demand by any party in interest, such party shall be liable in
23 damages in the same amounts and manner as is provided by law for failure
24 of a mortgagee to enter satisfaction of a mortgage. Upon the filing of such
25 a notice of the pendency of an action the clerk shall charge a fee of \$14
26 and shall enter and index the action in the same manner as for the filing of
27 an original action. Upon the filing of a notice of release, the notice shall
28 likewise be entered on the docket. Except as provided further, the fee
29 established in this subsection shall be the only fee collected or moneys in
30 the nature of a fee collected for the court procedure. Such fee shall only be
31 established by an act of the legislature and no other authority is established
32 by law or otherwise to collect a fee. ~~On and after July 1, 2017–2019,~~
33 ~~through June 30, 2019–2021,~~ **On and after July 1, 2019, through June**
34 **30, 2023,** the supreme court may impose an additional charge, not to
35 exceed \$22 per fee, to fund the costs of non-judicial personnel.

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

41 (e) Notwithstanding the foregoing provisions of this section, the
42 filing of a notice of the pendency of an action pursuant to subsection (a)
43 shall create no lien rights against the property of an employee of the state

1 or a municipality prior to the date judgment is rendered if the pleadings in
2 the pending action allege a negligent or wrongful act or omission of the
3 employee while acting within the scope of such employee's employment,
4 regardless of whether or not it is alleged in the alternative that the
5 employee was acting outside of such employee's employment. A judgment
6 against an employee shall become a lien upon such employee's property in
7 the county where notice is filed pursuant to subsection (a) when the
8 judgment is rendered only if it is found that: (1) The employee's negligent
9 or wrongful act or omission occurred when the employee was acting
10 outside the scope of such employee's employment; or (2) the employee's
11 conduct which gave rise to the judgment was because of actual fraud or
12 actual malice of the employee. In such cases the lien shall not be effective
13 prior to the date judgment was rendered. As used in this subsection (c),
14 "employee" shall have the meaning ascribed to such term in K.S.A. 75-
15 6102, and amendments thereto.

16 Sec. 20. **21.** K.S.A. 2018 Supp. 61-2704 is hereby amended to read as
17 follows: 61-2704. (a) An action seeking the recovery of a small claim shall
18 be considered to have been commenced at the time a person files a written
19 statement of the person's small claim with the clerk of the court if, within
20 90 days after the small claim is filed, service of process is obtained or the
21 first publication is made for service by publication. Otherwise, the action
22 is deemed commenced at the time of service of process or first publication.
23 An entry of appearance shall have the same effect as service.

24 (b) Upon the filing of a plaintiff's small claim, the clerk of the court
25 shall require from the plaintiff a docket fee of \$35 ~~on and after July 1,~~
26 ~~2014,~~ if the claim does not exceed \$500; or \$55 ~~on and after July 1,~~
27 ~~2014,~~ if the claim exceeds \$500; unless for good cause shown the judge waives
28 the fee. The docket fee shall be the only costs required in an action seeking
29 recovery of a small claim. No person may file more than 20 small claims
30 under this act in the same court during any calendar year.

31 (c) 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 of
34 the legislature and no other authority is established by law or otherwise to
35 collect a fee. ~~On and after July 1, 2017-2019, through June 30, 2019-2021,~~
36 **On and after July 1, 2019, through June 30, 2023,** the supreme court
37 may impose an additional charge, not to exceed \$12.50 per docket fee, to
38 fund the costs of non-judicial personnel.

39 Sec. 21. **22.** K.S.A. 2018 Supp. 61-4001 is hereby amended to read as
40 follows: 61-4001. (a) *Docket fee.* (1) No case shall be filed or docketed
41 pursuant to the code of civil procedure for limited actions without the
42 payment of a docket fee in the amount of \$35 ~~on and after July 1, 2013,~~ if
43 the amount in controversy or claimed does not exceed \$500; \$55 ~~on and~~

1 ~~after July 1, 2013~~, if the amount in controversy or claimed exceeds \$500
2 but does not exceed \$5,000; or \$101 ~~on and after July 1, 2013~~, if the
3 amount in controversy or claimed exceeds \$5,000. If judgment is rendered
4 for the plaintiff, the court also may enter judgment for the plaintiff for the
5 amount of the docket fee paid by the plaintiff.

6 (2) Except as provided further, the docket fee established in this
7 section shall be the only fee collected or moneys in the nature of a fee
8 collected for the docket fee. Such fee shall only be established by an act of
9 the legislature and no other authority is established by law or otherwise to
10 collect a fee. ~~On and after July 1, 2017-2019, through June 30, 2019-2021,~~
11 **On and after July 1, 2019, through June 30, 2023**, the supreme court
12 may impose an additional charge, not to exceed \$19 per docket fee, to fund
13 the costs of non-judicial personnel.

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

18 ~~Sec. 22.~~ **23.** K.S.A. 65-409 is hereby amended to read as follows: 65-
19 409. (a) The clerk of the district court shall charge a fee of \$14 for entering
20 and filing a lien statement under this act.

21 (b) Except as provided further, the lien fee established in subsection
22 (a) shall be the only fee collected or moneys in the nature of a fee collected
23 for such lien. Such fee shall only be established by an act of the legislature
24 and no other authority is established by law or otherwise to collect a fee.
25 ~~On and after July 1, 2017-2019, through June 30, 2019-2021,~~ **On and after**
26 **July 1, 2019, through June 30, 2023**, the supreme court may impose an
27 additional charge, not to exceed \$22 per lien fee, to fund the costs of non-
28 judicial personnel.

29 ~~Sec. 23.~~ **24.** K.S.A. 65-409 and K.S.A. 2018 Supp. 8-2107, 8-2110,
30 20-3021, 21-6614, 22-2410, 23-2510, 28-170, 28-172a, 28-177, 28-178,
31 28-179, 32-1049a, 38-2215, 38-2312, 38-2314, 59-104, 60-729, 60-2001,
32 60-2203a, 61-2704 and 61-4001 are hereby repealed.

33 ~~Sec. 24.~~ **25.** This act shall take effect and be in force from and after
34 its publication in the statute book.