

## HOUSE BILL No. 2372

By Committee on Federal and State Affairs

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1 AN ACT concerning immigration; amending K.S.A. 2010 Supp. 22-2802  
2 and section 143 of chapter 136 of the 2010 Session Laws of Kansas  
3 and repealing the existing sections.  
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5 *Be it enacted by the Legislature of the State of Kansas:*

6 New Section 1. (a) As a condition for the award of any contract or  
7 grant in excess of \$5,000 by the state or by any municipality, as those  
8 terms are defined in K.S.A. 75-6102, and amendments thereto, to a  
9 business entity that employs one or more employees, the business entity  
10 shall, by sworn affidavit signed before a notary and under penalty of  
11 perjury, and by provision of documentation, affirm its enrollment and  
12 good faith participation in the e-verify program operated by the United  
13 States department of homeland security pursuant to the illegal  
14 immigration reform and immigrant responsibility act of 1996, public law  
15 104-208, or a successor electronic federal work authorization program  
16 with respect to all employees eligible for verification under e-verify, or a  
17 successor federal work authorization program, working in connection  
18 with the contracted services.

19 (b) All public employers, including the state and any municipality,  
20 as those terms are defined in K.S.A. 75-6102, and amendments thereto,  
21 shall enroll and participate in good faith in the e-verify program operated  
22 by the United States department of homeland security pursuant to the  
23 illegal immigration reform and immigrant responsibility act of 1996,  
24 public law 104-208, or a successor electronic federal work authorization  
25 program.

26 (c) A general contractor or subcontractor of any tier shall not be  
27 liable under this section when such general contractor or subcontractor  
28 contracts with its direct subcontractor who violates subsection (a), if the  
29 contract binding the contractor and subcontractor affirmatively states that  
30 the direct subcontractor is not knowingly in violation of subsection (a)  
31 and shall not henceforth be in such violation and the contractor or  
32 subcontractor receives a sworn affidavit signed before a notary and under  
33 the penalty of perjury attesting to the fact that the direct subcontractor is  
34 enrolled and participates in good faith in the e-verify program operated  
35 by the United States department of homeland security pursuant to the  
36 illegal immigration reform and immigrant responsibility act of 1996,

1 public law 104-208, or a successor electronic federal work authorization  
2 program with respect to all employees eligible for verification under e-  
3 verify, or a successor federal work authorization program, working in  
4 connection with the contracted services.

5 (d) In addition to such penalties as may apply pursuant to section  
6 128 of chapter 136 of the 2010 Session Laws of Kansas, and amendments  
7 thereto, or any other provision of law:

8 (1) Upon the first violation of the requirements of subsection (a) that  
9 a covered business entity affirm its enrollment and good faith  
10 participation in the e-verify program operated by the United States  
11 department of homeland security pursuant to the illegal immigration  
12 reform and immigrant responsibility act of 1996, public law 104-208, or  
13 a successor electronic federal work authorization program with respect to  
14 all employees eligible for verification under e-verify or a successor  
15 federal work authorization program, working in connection with the  
16 contracted services, the business entity shall be deemed in breach of  
17 contract and the state or municipality may terminate the contract and,  
18 upon notice and opportunity to be heard, suspend or debar the business  
19 entity from doing business with the state or municipality for a period of  
20 three years. Upon such termination, the state or municipality may, in  
21 addition to such other remedies as may be provided by law, withhold  
22 from amounts due or recover as liquidated damages up to 25% of the total  
23 amount of the contract with the business entity;

24 (2) upon a second or subsequent violation of the requirements of  
25 subsection (a) that a covered business entity affirm its enrollment and  
26 good faith participation in the e-verify program operated by the United  
27 States department of homeland security pursuant to the illegal  
28 immigration reform and immigrant responsibility act of 1996, public law  
29 104-208, or a successor electronic federal work authorization program  
30 with respect to all employees eligible for verification under e-verify or a  
31 successor federal work authorization program, working in connection  
32 with the contracted services, the business entity shall be deemed in breach  
33 of contract and the state or municipality may terminate the contract and,  
34 upon notice and opportunity to be heard, permanently suspend or debar  
35 the business entity from doing business with the state or municipality.  
36 Upon such termination, the state or municipality may, in addition to such  
37 other remedies as may be provided by law, withhold from amounts due or  
38 recover as liquidated damages up to 25% of the total amount due to the  
39 business entity.

40 (e) In any civil action undertaken by the state or any municipality, as  
41 those terms are defined in K.S.A. 75-6102, and amendments thereto, or  
42 by any business entity to enforce rights and remedies under this section,  
43 the state or municipality shall, if it is the prevailing party, be awarded its

1 costs to include reasonable attorney fees associated with such action.

2 (f) Any business entity covered under this section which terminates  
3 an employee pursuant to a notification that said employee is not  
4 authorized to work in the United States, pursuant to that business entities'  
5 participation in the e-verify program operated by the United States  
6 department of homeland security pursuant to the illegal immigration  
7 reform and immigrant responsibility act of 1996, public law 104-208, or  
8 a successor electronic federal work authorization program, shall not be  
9 liable for any claims made against the business entity under the laws of  
10 the state of Kansas alleging that such termination was wrongful.

11 New Sec. 2. (a) No official or agency of the state nor any  
12 municipality, as those terms are defined in K.S.A. 75-6102, and  
13 amendments thereto, may adopt a policy that limits or restricts the  
14 enforcement of federal immigration laws to less than the full extent  
15 permitted by federal law, or that in any way limits communication  
16 between its officers and federal immigration officials in violation of 8  
17 U.S.C. § 1373. If, in the judgment of the attorney general of Kansas, an  
18 official or agency of this state or any municipality, as those terms are  
19 defined in K.S.A. 75-6102, and amendments thereto, is in violation of  
20 this subsection, that agency or municipality shall not be eligible to receive  
21 any funds, grants or appropriations from the state of Kansas until such  
22 violation has ceased and the attorney general has so certified.

23 (b) All state officials, agencies and personnel shall fully comply  
24 with, and, to the full extent permitted by law, support the enforcement of  
25 federal law prohibiting the entry into, presence or residence in the United  
26 States of aliens in violation of federal immigration law.

27 (c) Upon any lawful stop, detention, or arrest made by a state,  
28 county or city law enforcement officer of this state in the enforcement of  
29 any state law or ordinance of a city or county of this state, where  
30 reasonable suspicion exists that the person is an alien and is unlawfully  
31 present in the United States, a reasonable attempt shall be made, when  
32 practicable, to determine the citizenship and immigration status of the  
33 person, except if the determination may hinder or obstruct an  
34 investigation. Such determination shall be made by contacting the federal  
35 government pursuant to 8 U.S.C. § 1373(c) and relying upon any  
36 verification provided by the federal government. Any alien who is  
37 arrested and taken into custody shall have such alien's immigration status  
38 determined before the alien is released. The alien's immigration status  
39 shall be verified with the federal government pursuant to 8 U.S.C. §  
40 1373(c). At no point shall any law enforcement officer attempt to  
41 independently verify the immigration status of any alien. A law  
42 enforcement officer may not consider race, color or national origin in  
43 implementing the requirements of this section except to the extent

1 permitted by the United States or Kansas constitution. A person is  
2 presumed to not be an alien who is unlawfully present in the United  
3 States if the person provides to the law enforcement officer any of the  
4 following:

5 (1) An unexpired Kansas driver's license originally issued after  
6 April 20, 2007;

7 (2) an unexpired Kansas nondriver's identification card originally  
8 issued after April 20, 2007;

9 (3) a valid tribal enrollment card or other form of tribal  
10 identification; or

11 (4) if the entity requires proof of lawful presence in the United  
12 States before issuance, any valid United States federal, state or local  
13 government issued identification document.

14 (d) If an alien who is unlawfully present in the United States is  
15 convicted of a violation of state or local law, on discharge from  
16 imprisonment or assessment of any fine that is imposed, the United States  
17 bureau of immigration and customs enforcement shall be immediately  
18 notified.

19 (e) Notwithstanding any other law, a law enforcement agency may  
20 securely transport an alien whom the agency has received verification is  
21 unlawfully present in the United States and who is in the agency's  
22 custody to a federal facility in this state or to any other point of transfer  
23 into federal custody that is outside the jurisdiction of the law enforcement  
24 agency. A law enforcement agency shall obtain judicial authorization  
25 before securely transporting an alien who is unlawfully present in the  
26 United States to a point of transfer that is outside this state.

27 (f) Except as provided in federal law, officials or agencies of this  
28 state or of any municipality, as those terms are defined in K.S.A. 75-  
29 6102, and amendments thereto, may not be prohibited or in any way be  
30 restricted from sending, receiving or maintaining information relating to  
31 the immigration status, lawful or unlawful, of any individual or  
32 exchanging that information with any other federal, state or local  
33 governmental entity for the following official purposes:

34 (1) Determining eligibility for any public benefit, service or license  
35 provided by any federal, state, local or other political subdivision of this  
36 state;

37 (2) verifying any claim of residence or domicile if determination of  
38 residence or domicile is required under the laws of this state or a judicial  
39 order issued pursuant to a civil or criminal proceeding in this state;

40 (3) if the person is an alien, determining whether the person is in  
41 compliance with the federal registration laws prescribed by title II,  
42 chapter 7 of the federal immigration and nationality act; or

43 (4) pursuant to 8 U.S.C. §§ 1373 and 1644.

1 (g) This section does not implement, authorize or establish the real  
2 ID act of 2005 (public law 109-13, division D; 119 stat. 302).

3 (h) A person who is a legal resident of this state may bring an action  
4 in district court to challenge any official or agency of this state or any  
5 municipality, as those terms are defined in K.S.A. 75-6102, and  
6 amendments thereto, that adopts or implements a policy or practice that  
7 limits or restricts the enforcement of federal immigration laws to less than  
8 the full extent permitted by federal law. If there is a judicial finding that  
9 an entity has violated this section, the court shall order that the entity pay  
10 a civil penalty of not less than \$1,000 and not more than \$5,000 for each  
11 day that the policy has remained in effect after the filing of an action  
12 pursuant to this subsection.

13 (i) A court shall collect the civil penalty prescribed in subsection (h)  
14 and remit the civil penalty to the state treasurer for deposit in the state  
15 general fund.

16 (j) The court may award court costs and reasonable attorney fees to  
17 the prevailing party in a proceeding brought pursuant to this section.

18 (k) Except in relation to matters in which the officer is adjudged to  
19 have acted in bad faith, a law enforcement officer is indemnified by the  
20 law enforcement officer's agency against reasonable costs and expenses,  
21 including attorney fees, incurred by the officer in connection with any  
22 action, suit or proceeding brought pursuant to this section in which the  
23 officer may be a defendant by reason of the officer being or having been a  
24 member of the law enforcement agency.

25 (l) In the implementation of this section, the verification of any  
26 alien's immigration status shall occur by the federal government,  
27 pursuant to 8 U.S.C. § 1373(c). At no point shall any law enforcement  
28 officer attempt to independently verify the immigration status of any  
29 alien.

30 (m) This section shall be implemented in a manner consistent with  
31 federal laws regulating immigration, protecting the civil rights of all  
32 persons and respecting the privileges and immunities of United States  
33 citizens.

34 New Sec. 3. (a) It is unlawful for a person to:

35 (1) Intentionally conceal, harbor or shield or attempt to conceal,  
36 harbor or shield an alien from detection in any place in this state,  
37 including, but not limited to, any building or any means of transportation,  
38 if the person recklessly disregards the fact that the alien has come to, has  
39 entered or remains in the United States in violation of federal law; or

40 (2) intentionally encourage or induce an alien to come to or reside in  
41 this state if the person recklessly disregards the fact that such coming to,  
42 entering or residing in this state is or will be in violation of federal law.

43 (b) (1) Violation of this section is a class A misdemeanor, except as

1 provided in subsection (b)(2).

2 (2) Violation of this section that involves 10 or more aliens who are  
3 18 years of age or older and who are unlawfully present in the United  
4 States is a severity level 8, person felony.

5 New Sec. 4. The attorney general shall as quickly as practicable  
6 enter into a cooperative agreement with the United States department of  
7 homeland security pursuant to 8 U.S.C. § 1357(g), to designate specific  
8 state law enforcement officers as officers qualified to exercise the  
9 enforcement powers of federal immigration officers in the United States.  
10 The attorney general may negotiate the cooperative agreement or  
11 participate in its implementation in partnership with other state or local  
12 law enforcement agencies.

13 New Sec. 5. (a) No alien who is unlawfully present in the United  
14 States shall receive any state or local public benefit, except for state or  
15 local public benefits that are required to be offered by 8 U.S.C. § 1621(b),  
16 or as provided in K.S.A. 2010 Supp. 76-731a, and amendments thereto.

17 (b) In addition to providing proof of other eligibility requirements, at  
18 the time of application for any state or local public benefit, an individual  
19 applicant who is 18 years of age or older shall provide affirmative proof  
20 that the individual applicant is a citizen or a permanent resident of the  
21 United States or is lawfully present in the United States. Such affirmative  
22 proof shall include documentary evidence recognized by the division of  
23 motor vehicles when processing an application for a driver's license, as  
24 established in K.S.A. 8-240, and amendments thereto, as well as any  
25 document issued by the federal government that confirms an alien's  
26 lawful presence in the United States.

27 (c) No state, county, or local agency shall provide any public benefit  
28 to any alien without first verifying that the alien is lawfully present in the  
29 United States and is a qualified alien, as described by to 8 U.S.C. §§ 1621  
30 and 1641. Such verification shall occur through the systematic alien  
31 verification for entitlements program, operated by the United States  
32 department of homeland security.

33 (d) State and local agencies administering public benefits in this  
34 state shall cooperate with the United States department of homeland  
35 security in achieving verification of aliens' lawful presence in the United  
36 States in furtherance of this section.

37 (e) As used in this section, "public benefit" means any grant,  
38 contract, loan or commercial or professional license provided by an  
39 agency of state or local government, or any retirement, welfare, health,  
40 disability, housing, food assistance or unemployment benefit under which  
41 payments, assistance, credits or reduced rates or fees are provided, except  
42 that in no event shall the term "public benefit" include any license issued  
43 by the department of wildlife and parks, or licenses and identification

1 cards issued by the division of motor vehicles.

2 New Sec. 6. (a) It is unlawful for any person to fail to complete or  
3 carry an alien registration document if the person is in violation of 8  
4 U.S.C. §§ 1304(e) or 1306(a), and the person is an alien unlawfully  
5 present in the United States.

6 (b) Violation of this section is a class C misdemeanor. Any fine  
7 imposed for such violation shall not exceed \$100.

8 (c) In the enforcement of this section:

9 (1) An alien's immigration status shall be determined by verification  
10 of the alien's immigration status with the federal government pursuant to  
11 8 U.S.C. § 1373(c). A law enforcement officer shall not attempt to  
12 independently verify the immigration status of any alien.

13 (2) A law enforcement official or agency may not consider race,  
14 color or national origin in the enforcement of this section except to the  
15 extent permitted by the United States constitution and the Kansas  
16 constitution.

17 (d) This section shall not apply to a person who maintains  
18 authorization from the federal government to be present in the United  
19 States.

20 (e) Any record that relates to the immigration status of a person is  
21 admissible in court without further foundation or testimony from a  
22 custodian of records if the record is certified as authentic by the  
23 government agency that is responsible for maintaining the record. A  
24 verification of an alien's immigration status received from the federal  
25 government pursuant to 8 U.S.C. § 1373(c) shall constitute proof of that  
26 alien's status.

27 New Sec. 7. If any provision of sections 1 through 6, and  
28 amendments thereto, is held to be unconstitutional under the United  
29 States or Kansas constitutions, that provision shall be severed from this  
30 act, and the other provisions of sections 1 through 6, and amendments  
31 thereto, shall remain valid and in effect.

32 Sec. 8. Section 143 of chapter 136 of the 2010 Session Laws of  
33 Kansas is hereby amended to read as follows: Sec. 143. (a) Dealing in  
34 false identification documents is knowingly reproducing,  
35 manufacturing, selling or offering for sale any identification  
36 document which:

37 (1) Simulates, purports to be or is designed so as to cause others  
38 reasonably to believe it to be an identification document; and

39 (2) bears a fictitious name or other false information.

40 (b) Vital records identity fraud related to birth, death, marriage and  
41 divorce certificates is:

42 (1) Supplying false information intending that the information be

1 used to obtain a certified copy of a vital record;

2 (2) making, counterfeiting, altering, amending or mutilating any  
3 certified copy of a vital record without lawful authority and with the  
4 intent to deceive; or

5 (3) obtaining, possessing, using, selling or furnishing or attempting to  
6 obtain, possess or furnish to another a certified copy of a vital record,  
7 with the intent to deceive.

8 (c) (1) Vital records identity fraud is a severity level § 7, nonperson  
9 felony.

10 (2) Dealing in false identification documents is a severity level § 6,  
11 nonperson felony.

12 (d) The provisions of this section shall not apply to:

13 (1) A person less than 21 years of age who uses the identification  
14 document of another person to acquire an alcoholic beverage, as defined  
15 in K.S.A. 8-1599, and amendments thereto; or

16 (2) a person less than 18 years of age who uses the identification  
17 documents of another person to acquire:

18 (A) Cigarettes or tobacco products, as defined in K.S.A. 79-3301, and  
19 amendments thereto;

20 (B) a periodical, videotape or other communication medium that  
21 contains or depicts nudity;

22 (C) admittance to a performance, live or film, that prohibits the  
23 attendance of the person based on age; or

24 (D) an item that is prohibited by law for use or consumption by such  
25 person.

26 (e) As used in this section, "identification document" means any card,  
27 certificate or document or banking instrument including, but not limited  
28 to, credit or debit card, which identifies or purports to identify the bearer  
29 of such document, whether or not intended for use as identification, and  
30 includes, but is not limited to, documents purporting to be drivers'  
31 licenses, nondrivers' identification cards, certified copies of birth, death,  
32 marriage and divorce certificates, social security cards and employee  
33 identification cards.

34 Sec. 9. K.S.A. 2010 Supp. 22-2802 is hereby amended to read as  
35 follows: 22-2802. (1) Any person charged with a crime shall, at the  
36 person's first appearance before a magistrate, be ordered released pending  
37 preliminary examination or trial upon the execution of an appearance  
38 bond in an amount specified by the magistrate and sufficient to assure the  
39 appearance of such person before the magistrate when ordered and to  
40 assure the public safety. *If the person charged with a crime is not a*  
41 *citizen or national of the United States, such person's immigration status*  
42 *shall be verified with the federal government pursuant to 8 U.S.C. §*  
43 *1373(c). For the purposes of determining the grant of or issuance of an*

1 *appearance bond, it shall be a rebuttable presumption that a person who*  
2 *has been verified by the federal government to be an alien unlawfully*  
3 *present in the United States is at risk of flight.* If the person is being  
4 bound over for a felony, the bond shall also be conditioned on the  
5 person's appearance in the district court or by way of a two-way  
6 electronic audio-video communication as provided in subsection (14) at  
7 the time required by the court to answer the charge against such person  
8 and at any time thereafter that the court requires. Unless the magistrate  
9 makes a specific finding otherwise, if the person is being bonded out for a  
10 person felony or a person misdemeanor, the bond shall be conditioned on  
11 the person being prohibited from having any contact with the alleged  
12 victim of such offense for a period of at least 72 hours. The magistrate  
13 may impose such of the following additional conditions of release as will  
14 reasonably assure the appearance of the person for preliminary  
15 examination or trial:

16 (a) Place the person in the custody of a designated person or  
17 organization agreeing to supervise such person;

18 (b) place restrictions on the travel, association or place of abode of  
19 the person during the period of release;

20 (c) impose any other condition deemed reasonably necessary to  
21 assure appearance as required, including a condition requiring that the  
22 person return to custody during specified hours;

23 (d) place the person under a house arrest program pursuant to K.S.A.  
24 21-4603b, and amendments thereto; or

25 (e) place the person under the supervision of a court services officer  
26 responsible for monitoring the person's compliance with any conditions  
27 of release ordered by the magistrate.

28 (2) In addition to any conditions of release provided in subsection  
29 (1), for any person charged with a felony, the magistrate may order such  
30 person to submit to a drug abuse examination and evaluation in a public  
31 or private treatment facility or state institution and, if determined by the  
32 head of such facility or institution that such person is a drug abuser or  
33 incapacitated by drugs, to submit to treatment for such drug abuse, as a  
34 condition of release.

35 (3) The appearance bond shall be executed with sufficient solvent  
36 sureties who are residents of the state of Kansas, unless the magistrate  
37 determines, in the exercise of such magistrate's discretion, that requiring  
38 sureties is not necessary to assure the appearance of the person at the time  
39 ordered.

40 (4) A deposit of cash in the amount of the bond may be made in lieu  
41 of the execution of the bond pursuant to paragraph (3). Except as  
42 provided in paragraph (5), such deposit shall be in the full amount of the  
43 bond and in no event shall a deposit of cash in less than the full amount

1 of bond be permitted. Any person charged with a crime who is released  
2 on a cash bond shall be entitled to a refund of all moneys paid for the  
3 cash bond, after deduction of any outstanding restitution, costs, fines and  
4 fees, after the final disposition of the criminal case if the person complies  
5 with all requirements to appear in court. The court may not exclude the  
6 option of posting bond pursuant to paragraph (3).

7 (5) Except as provided further, the amount of the appearance bond  
8 shall be the same whether executed as described in subsection (3) or  
9 posted with a deposit of cash as described in subsection (4). When the  
10 appearance bond has been set at \$2,500 or less and the most serious  
11 charge against the person is a misdemeanor, a severity level 8, 9 or 10  
12 nonperson felony, a drug severity level 4 felony or a violation of K.S.A.  
13 8-1567, and amendments thereto, the magistrate may allow the person to  
14 deposit cash with the clerk in the amount of 10% of the bond, provided  
15 the person meets at least the following qualifications:

16 (A) Is a resident of the state of Kansas;

17 (B) has a criminal history score category of G, H or I;

18 (C) has no prior history of failure to appear for any court  
19 appearances;

20 (D) has no detainer or hold from any other jurisdiction;

21 (E) has not been extradited from, and is not awaiting extradition to,  
22 another state; and

23 (F) has not been detained for an alleged violation of probation.

24 (6) In the discretion of the court, a person charged with a crime may  
25 be released upon the person's own recognizance by guaranteeing payment  
26 of the amount of the bond for the person's failure to comply with all  
27 requirements to appear in court. The release of a person charged with a  
28 crime upon the person's own recognizance shall not require the deposit of  
29 any cash by the person.

30 (7) The court shall not impose any administrative fee.

31 (8) In determining which conditions of release will reasonably  
32 assure appearance and the public safety, the magistrate shall, on the basis  
33 of available information, take into account the nature and circumstances  
34 of the crime charged; the weight of the evidence against the defendant;  
35 the defendant's family ties, employment, financial resources, character,  
36 mental condition, length of residence in the community, record of  
37 convictions, record of appearance or failure to appear at court  
38 proceedings or of flight to avoid prosecution; the likelihood or propensity  
39 of the defendant to commit crimes while on release, including whether  
40 the defendant will be likely to threaten, harass or cause injury to the  
41 victim of the crime or any witnesses thereto; and whether the defendant is  
42 on probation or parole from a previous offense at the time of the alleged  
43 commission of the subsequent offense.

1 (9) The appearance bond shall set forth all of the conditions of  
2 release.

3 (10) A person for whom conditions of release are imposed and who  
4 continues to be detained as a result of the person's inability to meet the  
5 conditions of release shall be entitled, upon application, to have the  
6 conditions reviewed without unnecessary delay by the magistrate who  
7 imposed them. If the magistrate who imposed conditions of release is not  
8 available, any other magistrate in the county may review such conditions.

9 (11) A magistrate ordering the release of a person on any conditions  
10 specified in this section may at any time amend the order to impose  
11 additional or different conditions of release. If the imposition of  
12 additional or different conditions results in the detention of the person,  
13 the provisions of subsection (10) shall apply.

14 (12) Statements or information offered in determining the conditions  
15 of release need not conform to the rules of evidence. No statement or  
16 admission of the defendant made at such a proceeding shall be received  
17 as evidence in any subsequent proceeding against the defendant.

18 (13) The appearance bond and any security required as a condition  
19 of the defendant's release shall be deposited in the office of the magistrate  
20 or the clerk of the court where the release is ordered. If the defendant is  
21 bound to appear before a magistrate or court other than the one ordering  
22 the release, the order of release, together with the bond and security shall  
23 be transmitted to the magistrate or clerk of the court before whom the  
24 defendant is bound to appear.

25 (14) Proceedings before a magistrate as provided in this section to  
26 determine the release conditions of a person charged with a crime  
27 including release upon execution of an appearance bond may be  
28 conducted by two-way electronic audio-video communication between  
29 the defendant and the judge in lieu of personal presence of the defendant  
30 or defendant's counsel in the courtroom in the discretion of the court. The  
31 defendant may be accompanied by the defendant's counsel. The defendant  
32 shall be informed of the defendant's right to be personally present in the  
33 courtroom during such proceeding if the defendant so requests.  
34 Exercising the right to be present shall in no way prejudice the defendant.

35 (15) The magistrate may order the person to pay for any costs  
36 associated with the supervision of the conditions of release of the  
37 appearance bond in an amount not to exceed \$15 per week of such  
38 supervision.

39 Sec. 10. K.S.A. 2010 Supp. 22-2802 and section 143 of chapter 136  
40 of the 2010 Session Laws of Kansas are hereby repealed.

41 Sec. 11. This act shall take effect and be in force from and after its  
42 publication in the statute book.