

HOUSE BILL No. 2529

By Committee on Judiciary

1-25

1 AN ACT concerning courts; relating to docket and filing fees; amending
2 K.S.A. 2011 Supp. 22-3424 and repealing the existing section.

3
4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. K.S.A. 2011 Supp. 22-3424 is hereby amended to read as
6 follows: 22-3424. (a) The judgment shall be rendered and sentence
7 imposed in open court.

8 (b) If the verdict or finding is not guilty, judgment shall be rendered
9 immediately and the defendant shall be discharged from custody and the
10 obligation of the defendant's appearance bond.

11 (c) If the verdict or finding is guilty, judgment shall be rendered and
12 sentence pronounced without unreasonable delay, allowing adequate time
13 for the filing and disposition of post-trial motions and for completion of
14 such presentence investigation as the court may require.

15 (d) If the verdict or finding is guilty, upon request of the victim or the
16 victim's family and before imposing sentence, the court shall hold a
17 hearing to establish restitution. The defendant may waive the right to the
18 hearing and accept the amount of restitution as established by the court.
19 *The amount of restitution established by the court shall further include a*
20 *docket fee and any additional fees or charges assessed as additional court*
21 *costs not specifically covered by the docket fee under K.S.A. 60-4303, and*
22 *amendments thereto.* If the court orders restitution to be paid to the victim
23 or the victim's family, the order shall be enforced as a judgment of
24 restitution pursuant to K.S.A. 60-4301 through 60-4304, *and amendments*
25 *thereto.*

26 (e) Before imposing sentence the court shall: (1) Allow the
27 prosecuting attorney to address the court, if the prosecuting attorney so
28 requests; (2) afford counsel an opportunity to speak on behalf of the
29 defendant; (3) allow the victim or such members of the victim's family as
30 the court deems appropriate to address the court, if the victim or the
31 victim's family so requests; and (4) address the defendant personally and
32 ask the defendant if the defendant wishes to make a statement on the
33 defendant's own behalf and to present any evidence in mitigation of
34 punishment.

35 (f) After imposing sentence in a case which has gone to trial on a plea
36 of not guilty, the court shall advise the defendant of the defendant's right to

1 appeal and of the right of a person who is unable to pay the costs of an
2 appeal to appeal in *forma pauperis*.

3 Sec. 2. K.S.A. 2011 Supp. 22-3424 is hereby repealed.

4 Sec. 3. This act shall take effect and be in force from and after its
5 publication in the statute book.

6