

As Amended by Senate Committee

Session of 2011

SENATE BILL No. 97

By Committee on Judiciary

2-3

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

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

10 Section 1. K.S.A. 2010 Supp. 8-2107 is hereby amended to read as
11 follows: 8-2107. (a) (1) Notwithstanding any other provisions of the
12 uniform act regulating traffic on highways, when a person is stopped by
13 a police officer for any of the offenses described in subsection (d) and
14 such person is not immediately taken before a judge of the district
15 court, the police officer may require the person stopped, subject to the
16 provisions of subsection (c), to deposit with the officer a valid Kansas
17 driver's license in exchange for a receipt therefor issued by such police
18 officer, the form of which shall be approved by the division of vehicles.
19 Such receipt shall be recognized as a valid temporary Kansas driver's
20 license authorizing the operation of a motor vehicle by the person
21 stopped until the date of the hearing stated on the receipt. The driver's
22 license and a written copy of the notice to appear shall be delivered by
23 the police officer to the court having jurisdiction of the offense charged
24 as soon as reasonably possible. If the hearing on such charge is
25 continued for any reason, the judge may note on the receipt the date to
26 which such hearing has been continued and such receipt shall be
27 recognized as a valid temporary Kansas driver's license until such date,
28 but in no event shall such receipt be recognized as a valid Kansas
29 driver's license for a period longer than 30 days from the date set for
30 the original hearing. Any person who has deposited a driver's license
31 with a police officer under this subsection (a) shall have such license
32 returned upon final determination of the charge against such person.

33 (2) In the event the person stopped deposits a valid Kansas driver's

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

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

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

31 (2) Such bond may be a cash bond, a bank card draft from any
32 valid and unexpired credit card approved by the division of vehicles or
33 superintendent of the Kansas highway patrol or a guaranteed arrest
34 bond certificate issued by either a surety company authorized to
35 transact such business in this state or an automobile club authorized to
36 transact business in this state by the commissioner of insurance. If any
37 of the approved bank card issuers redeem the bank card draft at a
38 discounted rate, such discount shall be charged against the amount
39 designated as the fine for the offense. If such bond is not forfeited, the

1 amount of the bond less the discount rate shall be reimbursed to the
 2 person providing the bond by the use of a bank card draft. Any such
 3 guaranteed arrest bond certificate shall be signed by the person to
 4 whom it is issued and shall contain a printed statement that such surety
 5 company or automobile club guarantees the appearance of such person
 6 and will, in the event of failure of such person to appear in court at the
 7 time of trial, pay any fine or forfeiture imposed on such person not to
 8 exceed an amount to be stated on such certificate.

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

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

28 On and after July 1, 1996:

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

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

41 (f) None of the provisions of this section shall be construed to

1 conflict with the provisions of the nonresident violator compact.

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

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

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

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

35 (b) (1) In addition to penalties of law applicable under subsection
36 (a), when a person fails to comply with a traffic citation, except for
37 illegal parking, standing or stopping, the district or municipal court in
38 which the person should have complied with the citation shall mail
39 notice to the person that if the person does not appear in district or

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

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

28 (B) Upon review and approval of the driver's eligibility, the
29 driving privileges will be restricted by the division of vehicles for a
30 period up to one year or until the terms of the traffic citation have been
31 complied with and the court shall immediately electronically notify the
32 division of vehicles of such compliance. If the driver fails to comply
33 with the traffic citation within the one year restricted period, the driving
34 privileges will be suspended by the division of vehicles until the court
35 determines the person has complied with the terms of the traffic citation
36 and the court shall immediately electronically notify the division of
37 vehicles of such compliance. Upon receipt of notification of such
38 compliance from the informing court, the division of vehicles shall
39 terminate the suspension action. When restricted driving privileges are

1 approved pursuant to this section, the person's driving privileges shall
2 be restricted to driving only under the following circumstances: (i) In
3 going to or returning from the person's place of employment or
4 schooling; (ii) in the course of the person's employment; (iii) during a
5 medical emergency; *and* (iv) in going to and returning from probation
6 or parole meetings, drug or alcohol counseling or any place the person
7 is required to go by a court. The provisions of this paragraph shall
8 expire on January 1, 2012.

9 (c) Except as provided in subsection (d), when the district or
10 municipal court notifies the division of vehicles of a failure to comply
11 with a traffic citation pursuant to subsection (b), the court shall assess a
12 reinstatement fee of \$59 for each charge on which the person failed to
13 make satisfaction regardless of the disposition of the charge for which
14 such citation was originally issued and regardless of any application for
15 restricted driving privileges. Such reinstatement fee shall be in addition
16 to any fine, restricted driving privilege application fee, district or
17 municipal court costs and other penalties. The court shall remit all
18 reinstatement fees to the state treasurer in accordance with the
19 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt
20 of each such remittance, the state treasurer shall deposit the entire
21 amount in the state treasury and shall credit 42.37% of such moneys to
22 the division of vehicles operating fund, 31.78% to the community
23 alcoholism and intoxication programs fund created by K.S.A. 41-1126,
24 and amendments thereto, 10.59% to the juvenile detention facilities
25 fund created by K.S.A. 79-4803, and amendments thereto, and 15.26%
26 to the judicial branch nonjudicial salary adjustment fund created by
27 K.S.A. 2010 Supp. 20-1a15, and amendments thereto.

28 (d) The district court or municipal court shall waive the
29 reinstatement fee provided for in subsection (c), if the failure to comply
30 with a traffic citation was the result of such person enlisting in or being
31 drafted into the armed services of the United States, being called into
32 service as a member of a reserve component of the military service of
33 the United States, or volunteering for such active duty, or being called
34 into service as a member of the state of Kansas national guard, or
35 volunteering for such active duty, and being absent from Kansas
36 because of such military service. In any case of a failure to comply with
37 a traffic citation which occurred on or after August 1, 1990, and prior to
38 the effective date of this act, in which a person was assessed and paid a
39 reinstatement fee and the person failed to comply with a traffic citation

1 because the person was absent from Kansas because of any such
2 military service, the reinstatement fee shall be reimbursed to such
3 person upon application therefor. The state treasurer and the director of
4 accounts and reports shall prescribe procedures for all such
5 reimbursement payments and shall create appropriate accounts, make
6 appropriate accounting entries and issue such appropriate vouchers and
7 warrants as may be required to make such reimbursement payments.

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

16 Sec. 3. Section 254 of chapter 136 of the 2010 Session Laws of
17 Kansas is hereby amended to read as follows: Sec. 254. (a) (1) Except
18 as provided in subsections (b) and (c), any person convicted in this
19 state of a traffic infraction, cigarette or tobacco infraction,
20 misdemeanor or a class D or E felony, or for crimes committed on or
21 after July 1, 1993, nondrug crimes ranked in severity levels 6 through
22 10 or any felony ranked in severity level 4 of the drug grid, may
23 petition the convicting court for the expungement of such conviction or
24 related arrest records if three or more years have elapsed since the
25 person: (A) Satisfied the sentence imposed; or (B) was discharged from
26 probation, a community correctional services program, parole,
27 postrelease supervision, conditional release or a suspended sentence.

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

33 (b) Except as provided in subsection (c), no person may petition
34 for expungement until five or more years have elapsed since the person
35 satisfied the sentence imposed, the terms of a diversion agreement or
36 was discharged from probation, a community correctional services
37 program, parole, postrelease supervision, conditional release or a
38 suspended sentence, if such person was convicted of a class A, B or C
39 felony, or for crimes committed on or after July 1, 1993, if convicted of

1 an off-grid felony or any nondrug crime ranked in severity levels 1
2 through 5 or any felony ranked in severity levels 1 through 3 of the
3 drug grid, or:

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

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

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

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

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

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

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

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

29 (c) There shall be no expungement of convictions for the
30 following offenses or of convictions for an attempt to commit any of
31 the following offenses:

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

35 (2) indecent liberties with a child or aggravated indecent liberties
36 with a child as defined in *K.S.A. 21-3503 or 21-3504, prior to their*
37 *repeal, or section 70 of chapter 136 of the 2010 Session Laws of*
38 *Kansas*, and amendments thereto;

39 (3) criminal sodomy as defined in *subsection (a)(2) or (a)(3) of*

- 1 *K.S.A. 21-3505, prior to its repeal, or subsection (a)(3) or (a)(4) of*
2 *section 68 of chapter 136 of the 2010 Session Laws of Kansas, and*
3 *amendments thereto;*
- 4 (4) aggravated criminal sodomy as defined in *K.S.A. 21-3506,*
5 *prior to its repeal, or section 68 of chapter 136 of the 2010 Session*
6 *Laws of Kansas, and amendments thereto;*
- 7 (5) indecent solicitation of a child or aggravated indecent
8 solicitation of a child as defined in *K.S.A. 21-3510 or 21-3511, prior to*
9 *their repeal, or section 72 of chapter 136 of the 2010 Session Laws of*
10 *Kansas, and amendments thereto;*
- 11 (6) sexual exploitation of a child as defined in *K.S.A. 21-3516,*
12 *prior to its repeal, or section 74 of chapter 136 of the 2010 Session*
13 *Laws of Kansas, and amendments thereto;*
- 14 (7) aggravated incest as defined in *K.S.A. 21-3603, prior to its*
15 *repeal, or section 81 of chapter 136 of the 2010 Session Laws of*
16 *Kansas, and amendments thereto;*
- 17 (8) endangering a child or aggravated endangering a child as
18 defined in *K.S.A. 21-3608 or 21-3608a, prior to their repeal, or section*
19 *78 of chapter 136 of the 2010 Session Laws of Kansas, and*
20 *amendments thereto;*
- 21 (9) abuse of a child as defined in *K.S.A. 21-3609, prior to its*
22 *repeal, or section 79 of chapter 136 of the 2010 Session Laws of*
23 *Kansas, and amendments thereto;*
- 24 (10) capital murder as defined in *K.S.A. 21-3439, prior to its*
25 *repeal, or section 36 of chapter 136 of the 2010 Session Laws of*
26 *Kansas, and amendments thereto;*
- 27 (11) murder in the first degree as defined in *K.S.A. 21-3401, prior*
28 *to its repeal, or section 37 of chapter 136 of the 2010 Session Laws of*
29 *Kansas, and amendments thereto;*
- 30 (12) murder in the second degree as defined in *K.S.A. 21-3402,*
31 *prior to its repeal, or section 38 of chapter 136 of the 2010 Session*
32 *Laws of Kansas, and amendments thereto;*
- 33 (13) voluntary manslaughter as defined in *K.S.A. 21-3403, prior to*
34 *its repeal, or section 39 of chapter 136 of the 2010 Session Laws of*
35 *Kansas, and amendments thereto;*
- 36 (14) involuntary manslaughter as defined in *K.S.A. 21-3404, prior*
37 *to its repeal, or section 40 of chapter 136 of the 2010 Session Laws of*
38 *Kansas, and amendments thereto;*
- 39 (15) sexual battery as defined in *K.S.A. 21-3517, prior to its*

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

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

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

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

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

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

18 (A) Defendant's full name;

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

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

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

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

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

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

37 (3) All petitions for expungement shall be docketed in the original
38 criminal action. Any person who may have relevant information about
39 the petitioner may testify at the hearing. The court may inquire into the

1 background of the petitioner and shall have access to any reports or
2 records relating to the petitioner that are on file with the secretary of
3 corrections or the Kansas parole board.

4 (e) At the hearing on the petition, the court shall order the
5 petitioner's arrest record, conviction or diversion expunged if the court
6 finds that:

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

10 (2) the circumstances and behavior of the petitioner warrant the
11 expungement;

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

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

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

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

29 (A) In any application for licensure as a private detective, private
30 detective agency, certification as a firearms trainer pursuant to K.S.A.
31 20092010 Supp. 75-7b21, and amendments thereto, or employment as a
32 detective with a private detective agency, as defined by K.S.A. 75-
33 7b01, and amendments thereto; as security personnel with a private
34 patrol operator, as defined by K.S.A. 75-7b01, and amendments
35 thereto; or with an institution, as defined in K.S.A. 76-12a01, and
36 amendments thereto, of the department of social and rehabilitation
37 services;

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

- 1 (C) to aid in determining the petitioner's qualifications for
2 employment with the Kansas lottery or for work in sensitive areas
3 within the Kansas lottery as deemed appropriate by the executive
4 director of the Kansas lottery;
- 5 (D) to aid in determining the petitioner's qualifications for
6 executive director of the Kansas racing and gaming commission, for
7 employment with the commission or for work in sensitive areas in
8 parimutuel racing as deemed appropriate by the executive director of
9 the commission, or to aid in determining qualifications for licensure or
10 renewal of licensure by the commission;
- 11 (E) to aid in determining the petitioner's qualifications for the
12 following under the Kansas expanded lottery act: (i) Lottery gaming
13 facility manager or prospective manager, racetrack gaming facility
14 manager or prospective manager, licensee or certificate holder; or (ii)
15 an officer, director, employee, owner, agent or contractor thereof;
- 16 (F) upon application for a commercial driver's license under
17 K.S.A. 8-2,125 through 8-2,142, and amendments thereto;
- 18 (G) to aid in determining the petitioner's qualifications to be an
19 employee of the state gaming agency;
- 20 (H) to aid in determining the petitioner's qualifications to be an
21 employee of a tribal gaming commission or to hold a license issued
22 pursuant to a tribal-state gaming compact;
- 23 (I) in any application for registration as a broker-dealer, agent,
24 investment adviser or investment adviser representative all as defined
25 in K.S.A. 17-12a102, and amendments thereto;
- 26 (J) in any application for employment as a law enforcement officer
27 as defined in K.S.A. 22-2202 or 74-5602, and amendments thereto; or
- 28 (K) for applications received on and after July 1, 2006, to aid in
29 determining the petitioner's qualifications for a license to carry a
30 concealed weapon pursuant to the personal and family protection act,
31 K.S.A. 20092010 Supp. 75-7c01 et seq., and amendments thereto;
- 32 (3) the court, in the order of expungement, may specify other
33 circumstances under which the conviction is to be disclosed;
- 34 (4) the conviction may be disclosed in a subsequent prosecution
35 for an offense which requires as an element of such offense a prior
36 conviction of the type expunged; and
- 37 (5) upon commitment to the custody of the secretary of
38 corrections, any previously expunged record in the possession of the
39 secretary of corrections may be reinstated and the expungement

1 disregarded, and the record continued for the purpose of the new
2 commitment.

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

10 (h) Subject to the disclosures required pursuant to subsection (f),
11 in any application for employment, license or other civil right or
12 privilege, or any appearance as a witness, a person whose arrest
13 records, conviction or diversion of a crime has been expunged under
14 this statute may state that such person has never been arrested,
15 convicted or diverted of such crime, but the expungement of a felony
16 conviction does not relieve an individual of complying with any state or
17 federal law relating to the use or possession of firearms by persons
18 convicted of a felony.

19 (i) Whenever the record of any arrest, conviction or diversion has
20 been expunged under the provisions of this section or under the
21 provisions of any other existing or former statute, the custodian of the
22 records of arrest, conviction, diversion and incarceration relating to that
23 crime shall not disclose the existence of such records, except when
24 requested by:

25 (1) The person whose record was expunged;

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

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

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

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

39 (6) a prosecutor, and such request is accompanied by a statement

1 that the request is being made in conjunction with a prosecution of an
2 offense that requires a prior conviction as one of the elements of such
3 offense;

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

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

15 (9) the governor or the Kansas racing and gaming commission, or
16 a 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
19 employment with the commission, for work in sensitive areas in
20 parimutuel racing as deemed appropriate by the executive director of
21 the commission or for licensure, renewal of licensure or continued
22 licensure by the commission;

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

31 (11) the Kansas sentencing commission;

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

37 (13) the Kansas securities commissioner or a designee of the
38 commissioner, and the request is accompanied by a statement that the
39 request is being made in conjunction with an application for

1 registration as a broker-dealer, agent, investment adviser or investment
2 adviser representative by such agency and the application was
3 submitted by the person whose record has been expunged;

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

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

13 (16) the attorney general and the request is accompanied by a
14 statement that the request is being made to aid in determining
15 qualifications for a license to carry a concealed weapon pursuant to the
16 personal and family protection act.

17 Sec. 4. K.S.A. 2010 Supp. 22-2410 is hereby amended to read as
18 follows: 22-2410. (a) Any person who has been arrested in this state
19 may petition the district court for the expungement of such arrest
20 record.

21 (b) When a petition for expungement is filed, the court shall set a
22 date for hearing on such petition and shall cause notice of such hearing
23 to be given to the prosecuting attorney and the arresting law
24 enforcement agency. When a petition for expungement is filed, the
25 official court file shall be separated from the other records of the court,
26 and shall be disclosed only to a judge of the court and members of the
27 staff of the court designated by a judge of the district court, the
28 prosecuting attorney, the arresting law enforcement agency, or any
29 other person when authorized by a court order, subject to any
30 conditions imposed by the order. Except as otherwise provided by law,
31 a petition for expungement shall be accompanied by a docket fee in the
32 amount of \$100. Except as provided further, the docket fee established
33 in this section shall be the only fee collected or moneys in the nature of
34 a fee collected for the docket fee. Such fee shall only be established by
35 an act of the legislature and no other authority is established by law or
36 otherwise to collect a fee. ~~On and after the effective date of this act~~
37 ~~through June 30, 2011-2012,~~ The supreme court may impose an
38 additional charge, not to exceed \$15 per docket fee, to fund the costs of
39 non-judicial personnel. The petition shall state:

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

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

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

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

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

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

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

34 (e) If the ground for expungement is as provided in subsection (c)
35 (4), the court shall determine whether, in the interests of public welfare,
36 the records should be available for any of the following purposes: (1) In
37 any application for employment as a detective with a private detective
38 agency, as defined in K.S.A. 75-7b01, and amendments thereto; as
39 security personnel with a private patrol operator, as defined by K.S.A.

1 75-7b01, and amendments thereto; or with an institution, as defined in
2 K.S.A. 76-12a01, and amendments thereto, of the department of social
3 and rehabilitation services;

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

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

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

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

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

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

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

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

29 (g) Whenever a petitioner's arrest records have been expunged as
30 provided in this section, the custodian of the records of arrest,
31 incarceration due to arrest or court proceedings related to the arrest,
32 shall not disclose the arrest or any information related to the arrest,
33 except as directed by the order of expungement or when requested by
34 the person whose arrest record was expunged.

35 (h) The docket fee collected at the time the petition for
36 expungement is filed shall be disbursed in accordance with K.S.A. 20-
37 362, and amendments thereto.

38 Sec. 5. K.S.A. 2010 Supp. 23-108a is hereby amended to read as
39 follows: 23-108a. (a) The judge or clerk of the district court shall

1 collect from the applicant for a marriage license a fee of \$59.

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

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

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

33

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

41

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

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

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

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

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

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

7		
8	Murder or manslaughter.....	\$182.50
9	Other felony.....	173.00
10	Misdemeanor.....	138.00
11	Forfeited recognizance.....	74.50
12	Appeals from other courts.....	74.50

13

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

15		
16	Murder or manslaughter.....	\$180.50
17	Other felony.....	171.00
18	Misdemeanor.....	136.00
19	Forfeited recognizance.....	72.50
20	Appeals from other courts.....	72.50

21

22 (b) (1) Except as provided in paragraph (2), in actions involving
23 the violation of any of the laws of this state regulating traffic on
24 highways (including those listed in subsection (c) of K.S.A. 8-2118,
25 and amendments thereto), a cigarette or tobacco infraction, any act
26 declared a crime pursuant to the statutes contained in chapter 32 of
27 Kansas Statutes Annotated, and amendments thereto, or any act
28 declared a crime pursuant to the statutes contained in article 8 of
29 chapter 82a of the Kansas Statutes Annotated, and amendments thereto,
30 whenever the prosecuting witness or defendant is adjudged to pay the
31 costs in the action, on and after July 1, 2009 through June 30, 2013, a
32 docket fee of \$76 shall be charged, and on and after July 1, 2013, a
33 docket fee of \$74 shall be charged. When an action is disposed of under
34 subsections (a) and (b) of K.S.A. 8-2118 or subsection (f) of K.S.A. 79-
35 3393, and amendments thereto, on and after July 1, 2009 through June
36 30, 2013, the docket fee to be paid as court costs shall be \$76, and on
37 and after July 1, 2013, the docket fee to be paid as court costs shall be
38 \$74.

39 (2) In actions involving the violation of a moving traffic violation
40 under K.S.A. 8-2118, and amendments thereto, as defined by rules and
41 regulations adopted under K.S.A. 8-249, and amendments thereto,
42 whenever the prosecuting witness or defendant is adjudged to pay the

1 costs in the action, on and after July 1, 2009 through June 30, 2013, a
2 docket fee of \$76 shall be charged, and on and after July 1, 2013, a
3 docket fee of \$74 shall be charged. When an action is disposed of under
4 subsection (a) and (b) of K.S.A. 8-2118, and amendments thereto, on
5 and after July 1, 2009 through June 30, 2013, the docket fee to be paid
6 as court costs shall be \$76, and on and after July 1, 2013, the docket fee
7 to be paid as court costs shall be \$74.

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

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

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

1 appear, and \$2 of any bond so forfeited shall be regarded as court costs.

2 (f) Except as provided further, the docket fee established in this
3 section shall be the only fee collected or moneys in the nature of a fee
4 collected for the docket fee. Such fee shall only be established by an act
5 of the legislature and no other authority is established by law or
6 otherwise to collect a fee. ~~On and after April 15, 2010, through June 30,~~
7 ~~2011-2012~~; The supreme court may impose an additional charge, not to
8 exceed \$17.50 per docket fee, to fund the costs of non-judicial
9 personnel.

10 Sec. 8. K.S.A. 2010 Supp. 28-177 is hereby amended to read as
11 follows: 28-177. (a) Except as provided further, the fees established by
12 legislative enactment shall be the only fee collected or moneys in the
13 nature of a fee collected for court procedures. Such fee shall only be
14 established by an act of the legislature and no other authority is
15 established by law or otherwise to collect a fee. Court procedures shall
16 include docket fees, filing fees or other fees related to access to court
17 procedures. ~~On and after the effective date of this act through June 30,~~
18 ~~2011-2012~~; The supreme court may impose an additional charge, not to
19 exceed \$21 per fee or the amount established by the applicable statute,
20 whichever amount is less, to fund the costs of non-judicial personnel.

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

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

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

1 Sec. 9. K.S.A. 2010 Supp. 28-178 is hereby amended to read as
2 follows: 28-178. (a) In addition to any other fees specifically prescribed
3 by law, ~~on and after the effective date of this act through June 30, 2011~~
4 ~~2012~~, the supreme court may impose a charge, not to exceed \$10 per
5 fee, to fund the costs of non-judicial personnel, on the following:
6 (1) A person who requests an order or writ of execution pursuant
7 to K.S.A. 60-2401 or 61-3602, and amendments thereto.
8 (2) Persons who request a hearing in aid of execution pursuant to
9 K.S.A. 60-2419, and amendments thereto.
10 (3) A person requesting an order for garnishment pursuant to
11 article 7 of chapter 60 of the Kansas Statutes Annotated, and
12 amendments thereto, or article 35 of chapter 61 of the Kansas Statutes
13 Annotated, and amendments thereto.
14 (4) Persons who request a writ or order of sale pursuant to K.S.A.
15 60-2401 or 61-3602, and amendments thereto.
16 (5) A person who requests a hearing in aid of execution pursuant
17 to K.S.A. 61-3604, and amendments thereto.
18 (6) A person who requests an attachment against the property of a
19 defendant or any one or more of several defendants pursuant to K.S.A.
20 60-701 or 61-3501, and amendments thereto.
21 (b) The clerk of the district court shall remit all revenues received
22 from the fees imposed pursuant to subsection (a) to the state treasurer,
23 in accordance with the provisions of K.S.A. 75-4215, and amendments
24 thereto. Upon receipt of each such remittance, the state treasurer shall
25 deposit the entire amount in the state treasury to the credit of the
26 judicial branch surcharge fund.
27 (c) The fees established in this section shall be the only fee
28 collected or moneys in the nature of a fee collected for such court
29 procedures. Such fee shall only be established by an act of the
30 legislature and no other authority is established by law or otherwise to
31 collect a fee.
32 Sec. 10. K.S.A. 2010 Supp. 38-2215 is hereby amended to read as
33 follows: 38-2215. (a) *Docket fee*. The docket fee for proceedings under
34 this code, if one is assessed as provided in this section, shall be \$34.
35 Only one docket fee shall be assessed in each case. Except as provided
36 further, the docket fee established in this section shall be the only fee
37 collected or moneys in the nature of a fee collected for the docket fee.
38 Such fee shall only be established by an act of the legislature and no
39 other authority is established by law or otherwise to collect a fee. ~~On~~

1 ~~and after the effective date of this act through June 30, 2011-2012,~~ The
2 supreme court may impose an additional charge, not to exceed \$17.50
3 per docket fee, to fund the costs of non-judicial personnel.

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

8 (c) *Assessment of docket fee and expenses.* (1) *Docket fee.* The
9 docket fee may be assessed or waived by the court conducting the
10 initial dispositional hearing and the docket fee may be assessed against
11 the complaining witness or person initiating the proceedings or a party
12 or interested party other than the state, a political subdivision of the
13 state, an agency of the state or of a political subdivision of the state, or
14 a person acting in the capacity of an employee of the state or of a
15 political subdivision of the state. Any docket fee received shall be
16 remitted to the state treasurer pursuant to K.S.A. 20-362, and
17 amendments thereto.

18 (2) *Expenses.* Expenses may be assessed against the complaining
19 witness, a person initiating the proceedings, a party or an interested
20 party, other than the state, a political subdivision of the state, an agency
21 of the state or of a political subdivision of the state or a person acting in
22 the capacity of an employee of the state or of a political subdivision of
23 the state. When expenses are recovered from a person against whom
24 they have been assessed the general fund of the county shall be
25 reimbursed in the amount of the recovery. If it appears to the court in
26 any proceedings under this code that expenses were unreasonably
27 incurred at the request of any party the court may assess that portion of
28 the expenses against the party.

29 (d) *Cases in which venue is transferred.* If venue is transferred
30 from one county to another, the court from which the case is transferred
31 shall send to the receiving court a statement of expenses paid from the
32 general fund of the sending county. If the receiving court collects any
33 of the expenses owed in the case, the receiving court shall pay to the
34 sending court an amount proportional to the sending court's share of the
35 total expenses owed to both counties. The expenses of the sending
36 county shall not be an obligation of the receiving county except to the
37 extent that the sending county's proportion of the expenses is collected
38 by the receiving court. All amounts collected shall first be applied
39 toward payment of the docket fee.

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

8 (b) There shall be no expungement of records or files concerning
9 acts committed by a juvenile which, if committed by an adult, would
10 constitute a violation of K.S.A. 21-3401, *prior to its repeal, or section*
11 *37 of chapter 124 of the 2010 Session Laws of Kansas*, and
12 amendments thereto, murder in the first degree;; K.S.A. 21-3402, *prior*
13 *to its repeal, or section 38 of chapter 124 of the 2010 Session Laws of*
14 *Kansas*, and amendments thereto, murder in the second degree;; K.S.A.
15 21-3403, *prior to its repeal, or section 39 of chapter 124 of the 2010*
16 *Session Laws of Kansas*, and amendments thereto, voluntary
17 manslaughter;; K.S.A. 21-3404, *prior to its repeal, or section 40 of*
18 *chapter 124 of the 2010 Session Laws of Kansas*, and amendments
19 thereto, involuntary manslaughter;; K.S.A. 21-3439, *prior to its repeal,*
20 *or section 36 of chapter 124 of the 2010 Session Laws of Kansas*, and
21 amendments thereto, capital murder;; K.S.A. 21-3442, *prior to its*
22 *repeal, or subsection (a)(3) of section 40 of chapter 124 of the 2010*
23 *Session Laws of Kansas*, and amendments thereto, involuntary
24 manslaughter while driving under the influence of alcohol or drugs;;
25 K.S.A. 21-3502, *prior to its repeal, or section 67 of chapter 124 of the*
26 *2010 Session Laws of Kansas*, and amendments thereto, rape;; K.S.A.
27 21-3503, *prior to its repeal, or subsection (a) of section 70 of chapter*
28 *124 of the 2010 Session Laws of Kansas*, and amendments thereto,
29 indecent liberties with a child;; K.S.A. 21-3504, *prior to its repeal, or*
30 *subsection (b) of section 70 of chapter 124 of the 2010 Session Laws of*
31 *Kansas*, and amendments thereto, aggravated indecent liberties with a
32 child;; K.S.A. 21-3506, *prior to its repeal, or subsection (b) of section*
33 *68 of chapter 124 of the 2010 Session Laws of Kansas*, and
34 amendments thereto, aggravated criminal sodomy;; K.S.A. 21-3510,
35 *prior to its repeal, or subsection (a) of section 72 of chapter 124 of the*
36 *2010 Session Laws of Kansas*, and amendments thereto, indecent
37 solicitation of a child;; K.S.A. 21-3511, *prior to its repeal, or*
38 *subsection (b) of section 72 of chapter 124 of the 2010 Session Laws of*
39 *Kansas*, and amendments thereto, aggravated indecent solicitation of a

1 child; K.S.A. 21-3516, *prior to its repeal, or section 74 of chapter 124*
2 *of the 2010 Session Laws of Kansas*, and amendments thereto, sexual
3 exploitation; K.S.A. 21-3603, *prior to its repeal, or subsection (b) of*
4 *section 81 of chapter 124 of the 2010 Session Laws of Kansas*, and
5 amendments thereto, aggravated incest; K.S.A. 21-3608, *prior to its*
6 *repeal, or subsection (a) of section 78 of chapter 124 of the 2010*
7 *Session Laws of Kansas*, and amendments thereto, endangering a
8 child; K.S.A. 21-3609, *prior to its repeal, or section 79 of chapter 124*
9 *of the 2010 Session Laws of Kansas*, and amendments thereto, abuse of
10 a child; or which would constitute an attempt to commit a violation of
11 any of the offenses specified in this subsection.

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

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

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

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

36 (C) the circumstances and behavior of the petitioner warrant
37 expungement.

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

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

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

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

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

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

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

- 32 (1) The person whose record was expunged;
- 33 (2) a private detective agency or a private patrol operator, and the
34 request is accompanied by a statement that the request is being made in
35 conjunction with an application for employment with such agency or
36 operator by the person whose record has been expunged;
- 37 (3) a court, upon a showing of a subsequent conviction of the
38 person whose record has been expunged;
- 39 (4) the secretary of social and rehabilitation services, or a designee

1 of the secretary, for the purpose of obtaining information relating to
2 employment in an institution, as defined in K.S.A. 76-12a01, and
3 amendments thereto, of the department of social and rehabilitation
4 services of any person whose record has been expunged;

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

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

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

20 (8) the Kansas sentencing commission.

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

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

36 (c) *Assessment of docket fee and expenses*. (1) *Docket fee*. The
37 docket fee may be assessed or waived by the court conducting the
38 initial sentencing hearing and may be assessed against the juvenile or
39 the parent of the juvenile. Any docket fee received shall be remitted to

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

2 (2) *Expenses.* Expenses may be waived or assessed against the

3 juvenile or a parent of the juvenile. When expenses are recovered from

4 a party against whom they have been assessed the general fund of the

5 county shall be reimbursed in the amount of the recovery.

6 (3) *Prohibited assessment.* Docket fees or expenses shall not be

7 assessed against the state, a political subdivision of the state, an agency

8 of the state or of a political subdivision of the state or a person acting in

9 the capacity of an employee of the state or of a political subdivision of

10 the state.

11 (d) *Cases in which venue is transferred.* If venue is transferred

12 from one county to another, the court from which the case is transferred

13 shall send to the receiving court a statement of expenses paid from the

14 general fund of the sending county. If the receiving court collects any

15 of the expenses owed in the case, the receiving court shall pay to the

16 sending court an amount proportional to the sending court's share of the

17 total expenses owed to both counties. The expenses of the sending

18 county shall not be an obligation of the receiving county except to the

19 extent that the sending county's proportionate share of the expenses is

20 collected by the receiving court. Unless otherwise ordered by the court,

21 all amounts collected shall first be applied toward payment of

22 restitution, then toward the payment of the docket fee.

23 Sec. 13. K.S.A. 2010 Supp. 59-104 is hereby amended to read

24 as follows: 59-104. (a) *Docket fee.* (1) Except as otherwise provided by

25 law, no case shall be filed or docketed in the district court under the

26 provisions of chapter 59 of the Kansas Statutes Annotated, *and*

27 *amendments thereto*, or of articles 40 and 52 of chapter 65 of the

28 Kansas Statutes Annotated, *and amendments thereto*, without payment

29 of an appropriate docket fee as follows:

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

31

32 Treatment of mentally ill.....	\$59.00
33 Treatment of alcoholism or drug abuse.....	36.50
34 Determination of descent of property.....	51.50
35 Termination of life estate.....	50.50
36 Termination of joint tenancy.....	50.50
37 Refusal to grant letters of administration.....	50.50
38 Adoption.....	50.50
39 Filing a will and affidavit under K.S.A. 59-618a.....	50.50
40 Guardianship.....	71.50
41 Conservatorship.....	71.50
42 Trusteeship.....	71.50

1 Combined guardianship and conservatorship..... 71.50
2 Certified probate proceedings under K.S.A. 59-213, and amendments thereto..... 25.50
3 Decrees in probate from another state..... 110.50
4 Probate of an estate or of a will..... 111.50
5 Civil commitment under K.S.A. 59-29a01 et seq..... 35.50
6 (B) On and after July 1, 2013:
7
8 Treatment of mentally ill..... 34.50
9 Treatment of alcoholism or drug abuse..... 34.50
10 Determination of descent of property..... 49.50
11 Termination of life estate..... 48.50
12 Termination of joint tenancy..... 48.50
13 Refusal to grant letters of administration..... 48.50
14 Adoption..... 48.50
15 Filing a will and affidavit under K.S.A. 59-618a..... 48.50
16 Guardianship..... 69.50
17 Conservatorship..... 69.50
18 Trusteeship..... 69.50
19 Combined guardianship and conservatorship..... 69.50
20 Certified probate proceedings under K.S.A. 59-213, and amendments thereto..... 23.50
21 Decrees in probate from another state..... 108.50
22 Probate of an estate or of a will..... 109.50
23 Civil commitment under K.S.A. 59-29a01 et seq..... 33.50
24 (2) Except as provided further, the docket fee established in this
25 section shall be the only fee collected or moneys in the nature of a fee
26 collected for the docket fee. Such fee shall only be established by an act
27 of the legislature and no other authority is established by law or
28 otherwise to collect a fee. ~~On and after the effective date of this act~~
29 ~~through June 30, 2011-2012,~~ The supreme court may impose an
30 additional charge, not to exceed \$17.50 per docket fee, to fund the costs
31 of non-judicial personnel.
32 (b) *Poverty affidavit in lieu of docket fee and exemptions.* The
33 provisions of subsection (b) of K.S.A. 60-2001 and K.S.A. 60-2005,
34 and amendments thereto, shall apply to probate docket fees prescribed
35 by this section.
36 (c) *Disposition of docket fee.* Statutory charges for the law library
37 and for the prosecuting attorneys' training fund shall be paid from the
38 docket fee. The remainder of the docket fee shall be paid to the state
39 treasurer in accordance with K.S.A. 20-362, and amendments thereto.
40 (d) *Additional court costs.* Other fees and expenses to be assessed
41 as additional court costs shall be approved by the court, unless
42 specifically fixed by statute. Other fees shall include, but not be limited
43 to, witness fees, appraiser fees, fees for service of process outside the
44 state, fees for depositions, transcripts and publication of legal notice,

1 executor or administrator fees, attorney fees, court costs from other
2 courts and any other fees and expenses required by statute. All
3 additional court costs shall be taxed and billed against the parties or
4 estate as directed by the court. No sheriff in this state shall charge any
5 district court in this state a fee or mileage for serving any paper or
6 process.

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

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

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

21 (d) 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
24 of the legislature and no other authority is established by law or
25 otherwise to collect a fee. ~~On and after the effective date of this act~~
26 ~~through June 30, 2011-2012,~~ The supreme court may impose an
27 additional charge, not to exceed \$17.50 per docket fee, to fund the costs
28 of non-judicial personnel.

29 Sec. 15. K.S.A. 2010 Supp. 60-2001 is hereby amended to read as
30 follows: 60-2001. (a) *Docket fee*. Except as otherwise provided by law,
31 no case shall be filed or docketed in the district court, whether original
32 or appealed, without payment of a docket fee in the amount of \$156 on
33 and after July 1, 2009 through June 30, 2013, and \$154 on and after
34 July 1, 2013, to the clerk of the district court. Except as provided
35 further, the docket fee established in this subsection shall be the only
36 fee collected or moneys in the nature of a fee collected for the docket
37 fee. Such fee shall only be established by an act of the legislature and
38 no other authority is established by law or otherwise to collect a fee. ~~On~~
39 ~~and after the effective date of this act through June 30, 2011-2012,~~ The

1 supreme court may impose an additional charge, not to exceed \$17.50
2 per docket fee, to fund the costs of non-judicial personnel.

3 (b) *Poverty affidavit in lieu of docket fee.* (1) *Effect.* In any case
4 where a plaintiff by reason of poverty is unable to pay a docket fee, and
5 an affidavit so stating is filed, no fee will be required. An inmate in the
6 custody of the secretary of corrections may file a poverty affidavit only
7 if the inmate attaches a statement disclosing the average account
8 balance, or the total deposits, whichever is less, in the inmate's trust
9 fund for each month in: (A) The six-month period preceding the filing
10 of the action; or (B) the current period of incarceration, whichever is
11 shorter. Such statement shall be certified by the secretary. On receipt of
12 the affidavit and attached statement, the court shall determine the initial
13 fee to be assessed for filing the action and in no event shall the court
14 require an inmate to pay less than \$3. The secretary of corrections is
15 hereby authorized to disburse money from the inmate's account to pay
16 the costs as determined by the court. If the inmate has a zero balance in
17 such inmate's account, the secretary shall debit such account in the
18 amount of \$3 per filing fee as established by the court until money is
19 credited to the account to pay such docket fee. Any initial filing fees
20 assessed pursuant to this subsection shall not prevent the court,
21 pursuant to subsection (d), from taxing that individual for the remainder
22 of the amount required under subsection (a) or this subsection.

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

25 State of Kansas, _____ County.

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

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

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

10 Sec. 16. K.S.A. 2010 Supp. 60-2203a is hereby amended to read
11 as follows: 60-2203a. (a) After the commencement of any action in any
12 district court of this state, or the courts of the United States in the state
13 of Kansas or in any action now pending heretofore commenced in such
14 courts, which does not involve title to real estate, any party to such
15 action may give notice in any other county of the state of the pendency
16 of the action by filing for record with the clerk of the district court of
17 such other county a verified statement setting forth the parties to the
18 action, the nature of the action, the court in which it is pending, and the
19 relief sought, which shall impart notice of the pendency of the action
20 and shall result in the same lien rights as if the action were pending in
21 that county. The lien shall be effective from the time the statement is
22 filed, but not to exceed four months prior to the entry of judgment
23 except as provided in subsection (c). The party filing such notice shall
24 within 30 days after any satisfaction of the judgment entered in such
25 action, or any other final disposition thereof, cause to be filed with such
26 clerk of the district court a notice that all claims in such action are
27 released. If the party filing fails or neglects to do so after reasonable
28 demand by any party in interest, such party shall be liable in damages
29 in the same amounts and manner as is provided by law for failure of a
30 mortgagee to enter satisfaction of a mortgage. Upon the filing of such a
31 notice of the pendency of an action the clerk shall charge a fee of \$14
32 and shall enter and index the action in the same manner as for the filing
33 of an original action. Upon the filing of a notice of release, the notice
34 shall likewise be entered on the docket. Except as provided further, the
35 fee established in this subsection shall be the only fee collected or
36 moneys in the nature of a fee collected for the court procedure. Such
37 fee shall only be established by an act of the legislature and no other
38 authority is established by law or otherwise to collect a fee. ~~On and~~
39 ~~after the effective date of this act through June 30, 2011-2012, The~~

1 supreme court may impose an additional charge, not to exceed \$17.50
2 per fee, to fund the costs of non-judicial personnel.

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

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

27 Sec. 17. K.S.A. 2010 Supp. 61-2704 is hereby amended to read as
28 follows: 61-2704. (a) An action seeking the recovery of a small claim
29 shall be considered to have been commenced at the time a person files a
30 written statement of the person's small claim with the clerk of the court
31 if, within 90 days after the small claim is filed, service of process is
32 obtained or the first publication is made for service by publication.
33 Otherwise, the action is deemed commenced at the time of service of
34 process or first publication. An entry of appearance shall have the same
35 effect as service.

36 (b) Upon the filing of a plaintiff's small claim, the clerk of the
37 court shall require from the plaintiff a docket fee of \$39 on and after
38 July 1, 2009 through June 30, 2013, and \$37 on and after July 1, 2013,
39 if the claim does not exceed \$500; or \$59 on and after July 1, 2009

1 through June 30, 2013, and \$57 on and after July 1, 2013, if the claim
2 exceeds \$500; unless for good cause shown the judge waives the fee.
3 The docket fee shall be the only costs required in an action seeking
4 recovery of a small claim. No person may file more than 20 small
5 claims under this act in the same court during any calendar year.

6 (c) 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
9 of the legislature and no other authority is established by law or
10 otherwise to collect a fee. ~~On and after the effective date of this act~~
11 ~~through June 30, 2011-2012~~; The supreme court may impose an
12 additional charge, not to exceed \$10 per docket fee, to fund the costs of
13 non-judicial personnel.

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

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

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

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

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

7