

SENATE BILL No. 59

By Committee on Judiciary

1-22

1 AN ACT concerning district magistrate judges; relating to jurisdiction;
2 appeals; amending K.S.A. 2014 Supp. 20-302b and repealing the
3 existing section.
4

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

6 Section 1. K.S.A. 2014 Supp. 20-302b is hereby amended to read as
7 follows: 20-302b.(a) Subject to assignment pursuant to K.S.A. 20-329, and
8 amendments thereto, a district magistrate judge shall have the jurisdiction
9 and power, in any case in which a violation of the laws of the state is
10 charged, to conduct the trial of traffic infractions, *wildlife and parks*
11 *violations*, cigarette or tobacco infractions or misdemeanor charges, to
12 conduct felony first appearance hearings and the preliminary examination
13 of felony charges and to hear misdemeanor or felony arraignments. **A**
14 ***district magistrate judge shall have jurisdiction over uncontested actions***
15 ***for divorce.*** Except as otherwise *specifically provided in this section,*~~in~~
16 ~~civil cases,~~ a district magistrate judge shall have jurisdiction over actions
17 filed under the code of civil procedure for limited actions, K.S.A. 61-2801
18 et seq., and amendments thereto, and ***all other civil cases, and shall have***
19 ***concurrent jurisdiction, powers and duties with a district judge.*** ~~Except as~~
20 ~~otherwise specifically provided in this subsection and subsection (b)~~
21 ~~section, in all other civil cases, a district magistrate judge shall have~~
22 ~~jurisdiction over any civil action not filed under the code of civil~~
23 ~~procedure for limited actions only with the consent of the parties. A district~~
24 ~~magistrate judge shall have jurisdiction over uncontested actions for~~
25 ~~divorce. Except with consent of the parties, or as otherwise specifically~~
26 ~~provided in this section, a district magistrate judge shall not have~~
27 ~~jurisdiction or cognizance over the following actions:~~

28 (1) *Any action, other than an action seeking judgment for an*
29 *unsecured debt not sounding in tort and arising out of a contract for the*
30 *provision of goods, services or money, in which the amount in controversy,*
31 *exclusive of interests and costs, exceeds \$10,000. The provisions of this*
32 *subsection shall not apply to actions filed under the code of civil*
33 *procedure for limited actions, K.S.A. 61-2801 et seq., and amendments*
34 *thereto. In actions of replevin, the affidavit in replevin or the verified*
35 *petition fixing the value of the property shall govern the jurisdiction.*
36 *Nothing in this paragraph shall be construed as limiting the power of a*

1 *district magistrate judge to hear any action pursuant to the Kansas*
2 *probate code or to issue support orders as provided by subsection (a)(6);*

3 (2) *actions against any officers of the state, or any subdivisions*
4 *thereof, for misconduct in office;*

5 (3) *actions for specific performance of contracts for real estate;*

6 (4) *actions in which title to real estate is sought to be recovered or in*
7 *which an interest in real estate, either legal or equitable, is sought to be*
8 *established. Nothing in this paragraph shall be construed as limiting the*
9 *right to bring an action for forcible detainer as provided in the acts*
10 *contained in K.S.A. 61-3801 through 61-3808, and amendments thereto.*
11 *Nothing in this paragraph shall be construed as limiting the power of a*
12 *district magistrate judge to hear any action pursuant to the Kansas*
13 *probate code;*

14 (5) *actions to foreclose real estate mortgages or to establish and*
15 *foreclose liens on real estate as provided in the acts contained in article 11*
16 *of chapter 60 of the Kansas Statutes Annotated, and amendments thereto;*

17 (6) *contested actions for divorce, separate maintenance or custody of*
18 *minor children. Nothing in this paragraph shall be construed as limiting*
19 *the power of a district magistrate judge to: (A) Except as provided in*
20 *subsection (e), hear any action pursuant to the Kansas code for care of*
21 *children or the revised Kansas juvenile justice code; (B) establish, modify*
22 *or enforce orders of support, including, but not limited to, orders of*
23 *support pursuant to the Kansas parentage act, K.S.A. 2014 Supp. 23-2201*
24 *et seq., and amendments thereto, the uniform interstate family support act,*
25 *K.S.A. 2014 Supp. 23-36,101 et seq., and amendments thereto, articles 29*
26 *or 30 of chapter 23 of the Kansas Statutes Annotated, and amendments*
27 *thereto, K.S.A. 39-709, 39-718b or 39-755 or K.S.A. 2014 Supp. 23-3101*
28 *through 23-3113, 38-2348, 38-2349 or 38-2350, and amendments thereto;*
29 *or (C) enforce orders granting visitation rights or parenting time;*

30 (7) *habeas corpus;*

31 (8) *receiverships;*

32 (9) *declaratory judgments;*

33 (10) *mandamus and quo warranto;*

34 (11) *injunctions;*

35 (12) *class actions; and*

36 (13) *actions pursuant to K.S.A. 59-29a01 et seq., and amendments*
37 *thereto.*

38 (b) *Notwithstanding the provisions of subsection (a), in the absence,*
39 *disability or disqualification of a district judge, a district magistrate judge*
40 *may:*

41 (1) *Grant a restraining order, as provided in K.S.A. 60-902, and*
42 *amendments thereto;*

43 (2) *appoint a receiver, as provided in K.S.A. 60-1301, and*

1 amendments thereto; and

2 (3) make any order authorized by K.S.A. 23-2707, and amendments
3 thereto.

4 (c) (1) ~~All actions or proceedings~~ *Every action or proceeding* before a
5 district magistrate judge regularly admitted to practice law in Kansas shall
6 be on the record if such ~~actions or proceedings~~ *action or proceeding* would
7 be on the record before a district judge.

8 (2) In accordance with the limitations and procedures prescribed by
9 law, and subject to any rules of the supreme court relating thereto, any
10 appeal permitted to be taken from an order or final decision of a district
11 magistrate judge: (A) who is not regularly admitted to practice law in
12 Kansas shall be tried and determined de novo by a district judge, except
13 that in civil cases where a record was made of the action or proceeding
14 before the district magistrate judge, the appeal shall be tried and
15 determined on the record by a district judge; and (B) who is regularly
16 admitted to practice law in Kansas shall be to the court of appeals.

17 (d) Except as provided in subsection (e), upon motion of a party, the
18 chief judge may reassign an action from a district magistrate judge to a
19 district judge.

20 (e) Upon motion of a party ~~for, the chief judge shall reassign a~~
21 ~~petition or motion filed under the Kansas code for care of children~~
22 ~~requesting termination of parental rights pursuant to K.S.A. 2014 Supp.~~
23 ~~38-2361 through 38-2367 38-2266 and 38-2267, and amendments thereto,~~
24 ~~the chief judge shall reassign such action~~ from a district magistrate judge
25 to a district judge.

26 (f) *This section shall apply to every action or proceeding on or after*
27 *July 1, 2014, regardless of the date such action or proceeding was filed or*
28 *commenced.*

29 Sec. 2. K.S.A. 2014 Supp. 20-302b is hereby repealed.

30 Sec. 3. This act shall take effect and be in force from and after its
31 publication in the Kansas register.