

As Amended by House Committee

As Amended by Senate Committee

Session of 2015

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 of the wildlife, parks and tourism laws of this state or rules~~
12 ~~and regulations adopted thereunder~~, cigarette or tobacco infractions or
13 misdemeanor charges, to conduct felony first appearance hearings and the
14 preliminary examination of felony charges and to hear misdemeanor or
15 felony arraignments. ***A district magistrate judge shall have jurisdiction***
16 ***over uncontested actions for divorce.*** Except as otherwise *specifically*
17 *provided in this section, in civil cases*, a district magistrate judge shall
18 have jurisdiction over actions filed under the code of civil procedure for
19 limited actions, K.S.A. 61-2801 et seq., and amendments thereto, and ***all***
20 ***other civil cases, and shall have*** concurrent jurisdiction, powers and
21 duties with a district judge. ~~Except as otherwise specifically provided in~~
22 ~~this subsection and subsection (b) section, in all other civil cases, a district~~
23 ~~magistrate judge shall have jurisdiction over any civil action not filed~~
24 ~~under the code of civil procedure for limited actions only with the consent~~
25 ~~of the parties. A district magistrate judge shall have jurisdiction over~~
26 ~~uncontested actions for divorce. Except with consent of the parties, or as~~
27 ~~otherwise specifically provided in this section, a district magistrate judge~~
28 ~~shall not have jurisdiction or cognizance over the following actions:~~

29 (1) *Any action, other than an action seeking judgment for an*
30 *unsecured debt not sounding in tort and arising out of a contract for the*
31 *provision of goods, services or money, in which the amount in controversy,*
32 *exclusive of interests and costs, exceeds \$10,000. The provisions of this*
33 *subsection shall not apply to actions filed under the code of civil*
34 *procedure for limited actions, K.S.A. 61-2801 et seq., and amendments*

1 *thereto. In actions of replevin, the affidavit in replevin or the verified*
2 *petition fixing the value of the property shall govern the jurisdiction.*
3 *Nothing in this paragraph shall be construed as limiting the power of a*
4 *district magistrate judge to hear any action pursuant to the Kansas*
5 *probate code or to issue support orders as provided by subsection (a)(6);*

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

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

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

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

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

33 (7) *habeas corpus;*

34 (8) *receiverships;*

35 (9) *declaratory judgments;*

36 (10) *mandamus and quo warranto;*

37 (11) *injunctions;*

38 (12) *class actions; and*

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

41 (b) *Notwithstanding the provisions of subsection (a), in the absence,*
42 *disability or disqualification of a district judge, a district magistrate judge*
43 *may:*

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

3 (2) appoint a receiver, as provided in K.S.A. 60-1301, and
4 amendments thereto; and

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

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

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

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

23 (e) Upon motion of a party ~~for, the chief judge shall reassign~~ a
24 petition or motion ~~filed under the Kansas code for care of children~~
25 requesting termination of parental rights pursuant to K.S.A. 2014 Supp.
26 ~~38-2361 through 38-2367~~ 38-2266 and 38-2267, and amendments thereto,
27 ~~the chief judge shall reassign such action~~ from a district magistrate judge
28 to a district judge.

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

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

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