

As Amended by House Committee

Session of 2015

HOUSE BILL No. 2365

By Committee on Appropriations

2-16

1 AN ACT concerning the judicial branch; relating to court fees, docket
2 fees and court costs; relating to dispositive motions; judicial branch
3 surcharge fund, electronic filing and management fund and
4 judicial branch docket fee fund; making and concerning
5 appropriations for the fiscal years ending June 30, 2016, and June 30,
6 2017, for the judicial branch; amending K.S.A. 2014 Supp. 8-2107, 8-
7 2110, 20-362, 20-3021, 21-6614, 22-2410, 23-2510, 28-170, 28-172a,
8 28-177, 28-178, 28-179, 32-1049a, 38-2215, 38-2312, 38-2314, 59-
9 104, 60-256, 60-729, 60-2001, 60-2203a, 61-2704, 61-4001 and 65-
10 409 and repealing the existing sections; also repealing K.S.A. 2014
11 Supp. 21-6614e.

12

13 Be it enacted by the Legislature of the State of Kansas:

14

Section 1. (a) For the fiscal years ending June 30, 2016, and June 30,
2017, appropriations are hereby made, restrictions and limitations are
hereby imposed, and transfers, capital improvement projects, fees,
receipts, disbursements, procedures and acts incidental to the foregoing are
hereby directed or authorized as provided in this act.

17

(b) This act shall not be subject to the provisions of K.S.A. 75-
6702(a), and amendments thereto.

20

(c) The appropriations made by this act shall not be subject to the
provisions of K.S.A. 46-155, and amendments thereto.

23

See 2. Section 1.

24

JUDICIAL BRANCH

25

(a) There is appropriated for the above agency from the state general
fund for the fiscal year ending June 30, 2016, the following:

26

Judiciary operations.....\$96,689,750 \$101,904,750

27

28 Provided, That any unencumbered balance in the judiciary operations
29 account in excess of \$100 as of June 30, 2015, is hereby reappropriated for
30 fiscal year 2016: Provided further, That contracts for computer input of
31 judicial opinions and all purchases thereunder shall not be subject to the
32 provisions of K.S.A. 75-3739, and amendments thereto: And provided
33 further, That expenditures may be made from the judiciary operations
34 account for contingencies without limitation at the discretion of the chief
35 justice: And provided further, That expenditures from the judiciary
36 operations account for such contingencies shall not exceed \$25,000: And

1 *provided further*, That expenditures from the judiciary operations account
 2 for official hospitality shall not exceed \$4,000: *And provided further*, That
 3 expenditures shall be made from the judiciary operations account for the
 4 travel expenses of panels of the court of appeals for travel to cities across
 5 the state to hear appealed cases.

6 (b) There is appropriated for the above agency from the following
 7 special revenue fund or funds for the fiscal year ending June 30, 2016, all
 8 moneys now or hereafter lawfully credited to and available in such fund or
 9 funds, except that expenditures other than refunds authorized by law shall
 10 not exceed the following:

- 11 Library report fee fund.....No limit
- 12 Judiciary technology fund.....No limit
- 13 Judicial branch gifts fund.....No limit
- 14 Dispute resolution fund.....No limit
- 15 Judicial branch education fund.....No limit

16 *Provided*, That expenditures may be made from the judicial branch
 17 education fund to provide services and programs for the purpose of
 18 educating and training judicial branch officers and employees,
 19 administering the training, testing and education of municipal judges as
 20 provided in K.S.A. 12-4114, and amendments thereto, educating and
 21 training municipal judges and municipal court support staff, and for the
 22 planning and implementation of a family court system, as provided by law,
 23 including official hospitality: *Provided further*, That the judicial
 24 administrator is hereby authorized to fix, charge and collect fees for such
 25 services and programs: *And provided further*, That such fees may be fixed
 26 to cover all or part of the operating expenditures incurred in providing
 27 such services and programs, including official hospitality: *And provided*
 28 *further*, That all fees received for such services and programs, including
 29 official hospitality, shall be deposited in the state treasury in accordance
 30 with the provisions of K.S.A. 75-4215, and amendments thereto, and shall
 31 be credited to the judicial branch education fund.

- 32 Conversion of materials and equipment fundNo limit
- 33 Child welfare federal grant fund.....No limit
- 34 Child support enforcement contractual agreement fund.....No limit
- 35 SJI grant fund.....No limit
- 36 Bar admission fee fund.....No limit
- 37 Permanent families account – family and children investment
 38 fund.....No limit
- 39 Duplicate law book fund.....No limit
- 40 Court reporter fund.....No limit
- 41 Access to justice fund.....No limit
- 42 Judicial technology and building and grounds fund.....No limit
- 43 Judicial branch nonjudicial salary initiative fund.....No limit

| | | |
|---|---------------------------------------------------------------|----------|
| 1 | Judicial branch nonjudicial salary adjustment fund..... | No limit |
| 2 | Federal grants fund..... | No limit |
| 3 | District magistrate judge supplemental compensation fund..... | No limit |
| 4 | Correctional supervision fund..... | No limit |
| 5 | Edward Byrne justice assistance grant fund – ARRA..... | No limit |
| 6 | S.T.O.P. violence against women act fund – ARRA | No limit |
| 7 | Violence against women grant fund – ARRA | No limit |
| 8 | Judicial branch docket fee fund..... | No limit |
| 9 | Electronic filing and management fund..... | No limit |

10 **(c) During the fiscal year ending June 30, 2016, notwithstanding**
 11 **the provisions of any other statute, in addition to the other purposes**
 12 **for which expenditures may be made by the above agency from**
 13 **moneys appropriated from the state general fund or from any special**
 14 **revenue fund or funds for fiscal year 2016 by this or other**
 15 **appropriation act of the 2015 regular session of the legislature,**
 16 **expenditures shall be made by the above agency from such moneys**
 17 **appropriated from the state general fund or from any special revenue**
 18 **fund or funds to provide a report to the house appropriations**
 19 **committee and the senate ways and means committee on the feasibility**
 20 **of the Washburn university school of law law library assuming the**
 21 **duties of the Kansas supreme court law library, and accepting the**
 22 **transfer of the collection of materials: *Provided*, That such report shall**
 23 **include a cost analysis of the proposal: *Provided further*, That such**
 24 **report shall be made available no later than the first day of the 2016**
 25 **regular session of the legislature.**

26 Sec. 3- 2.

27 JUDICIAL BRANCH

28 (a) There is appropriated for the above agency from the state general
 29 fund for the fiscal year ending June 30, 2017, the following:

| | | |
|----|---------------------------|----------------------------------------------|
| 30 | Judiciary operations..... | \$96,706,812 \$105,685,224 |
|----|---------------------------|----------------------------------------------|

31 *Provided*, That any unencumbered balance in the judiciary operations
 32 account in excess of \$100 as of June 30, 2016, is hereby reappropriated for
 33 fiscal year 2017: *Provided further*, That contracts for computer input of
 34 judicial opinions and all purchases thereunder shall not be subject to the
 35 provisions of K.S.A. 75-3739, and amendments thereto: *And provided*
 36 *further*, That expenditures may be made from the judiciary operations
 37 account for contingencies without limitation at the discretion of the chief
 38 justice: *And provided further*, That expenditures from the judiciary
 39 operations account for such contingencies shall not exceed \$25,000: *And*
 40 *provided further*, That expenditures from the judiciary operations account
 41 for official hospitality shall not exceed \$4,000: *And provided further*, That
 42 expenditures shall be made from the judiciary operations account for the
 43 travel expenses of panels of the court of appeals for travel to cities across

1 the state to hear appealed cases.

2 (b) There is appropriated from the above agency from the following
 3 special revenue fund or funds for the fiscal year ending June 30, 2017, all
 4 moneys now or hereafter lawfully credited to and available in such fund or
 5 funds, except that expenditures other than refunds authorized by law shall
 6 not exceed the following:

| | | |
|----|-----------------------------------------------------------------------------------|----------|
| 7 | Library report fee fund..... | No limit |
| 8 | Judiciary technology fund..... | No limit |
| 9 | Judicial branch gifts fund..... | No limit |
| 10 | Dispute resolution fund..... | No limit |
| 11 | Judicial branch education fund..... | No limit |
| 12 | <i>Provided</i> , That expenditures may be made from the judicial branch | |
| 13 | education fund to provide services and programs for the purpose of | |
| 14 | educating and training judicial branch officers and employees, | |
| 15 | administering the training, testing and education of municipal judges as | |
| 16 | provided in K.S.A. 12-4114, and amendments thereto, educating and | |
| 17 | training municipal judges and municipal court support staff, and for the | |
| 18 | planning and implementation of a family court system, as provided by law, | |
| 19 | including official hospitality: <i>Provided further</i> , That the judicial | |
| 20 | administrator is hereby authorized to fix, charge and collect fees for such | |
| 21 | services and programs: <i>And provided further</i> , That such fees may be fixed | |
| 22 | to cover all or part of the operating expenditures incurred in providing | |
| 23 | such services and programs, including official hospitality: <i>And provided</i> | |
| 24 | <i>further</i> , That all fees received for such services and programs, including | |
| 25 | official hospitality, shall be deposited in the state treasury in accordance | |
| 26 | with the provisions of K.S.A. 75-4215, and amendments thereto, and shall | |
| 27 | be credited to the judicial branch education fund. | |
| 28 | Conversion of materials and equipment fund | No limit |
| 29 | Child welfare federal grant fund..... | No limit |
| 30 | Child support enforcement contractual agreement fund..... | No limit |
| 31 | SJI grant fund..... | No limit |
| 32 | Bar admission fee fund..... | No limit |
| 33 | Permanent families account – family and children investment | |
| 34 | fund..... | No limit |
| 35 | Duplicate law book fund..... | No limit |
| 36 | Court reporter fund..... | No limit |
| 37 | Access to justice fund..... | No limit |
| 38 | Judicial technology and building and grounds fund..... | No limit |
| 39 | Judicial branch nonjudicial salary initiative fund..... | No limit |
| 40 | Judicial branch nonjudicial salary adjustment fund..... | No limit |
| 41 | Federal grants fund..... | No limit |
| 42 | District magistrate judge supplemental compensation fund..... | No limit |
| 43 | Correctional supervision fund..... | No limit |

| | | |
|---|--------------------------------------------------------|----------|
| 1 | Edward Byrne justice assistance grant fund – ARRA..... | No limit |
| 2 | S.T.O.P. violence against women act fund – ARRA | No limit |
| 3 | Violence against women grant fund – ARRA | No limit |
| 4 | Judicial branch docket fee fund..... | No limit |
| 5 | Electronic filing and management fund..... | No limit |

6 ~~Sec.-4~~ **3. Severability.** If any provision or clause of this act or
 7 application thereof to any person or circumstances is held invalid, such
 8 invalidity shall not affect other provisions or applications of the act which
 9 can be given effect without the invalid provision or application, and to this
 10 end the provisions of this act are declared to be severable.

11 ~~Sec.-5~~ **4. Appeals to exceed expenditure limitations.** (a) Upon written
 12 application to the governor and approval of the state finance council,
 13 expenditures from special revenue funds may exceed the amounts
 14 specified in this act.

15 (b) This section shall not apply to the expanded lottery act revenues
 16 fund, state economic development initiatives fund, the children's initiatives
 17 fund, the state water plan fund or the Kansas endowment for youth fund,
 18 or to any account of any of such funds.

19 **New Sec. 5. (a) On and after the effective date of this act, any**
 20 **party filing a dispositive motion shall pay a fee in the amount of \$195**
 21 **to the clerk of the district court. A poverty affidavit may be filed in**
 22 **lieu of payment of such fee, as established in K.S.A. 60-2001, and**
 23 **amendments thereto. The fee shall be disbursed in accordance with**
 24 **K.S.A. 20-362, and amendments thereto. The fee shall only be**
 25 **established by an act of the legislature and no other authority is**
 26 **established by law or otherwise to collect such fee. Such fee shall be an**
 27 **item allowable as a cost pursuant to K.S.A. 60-2003, and amendments**
 28 **thereto.**

29 (b) As used in this section, "dispositive motion" means a motion
 30 to dismiss, a motion for judgment on the pleadings, a motion for
 31 summary judgment or partial summary judgment or a motion for
 32 judgment as a matter of law. "Dispositive motion" also shall include
 33 any motion determined by a judge to be seeking any disposition
 34 described in this subsection, regardless of the title assigned to such
 35 motion at the time of filing.

36 (c) The state of Kansas and all municipalities in this state, as
 37 defined in K.S.A. 12-105a, and amendments thereto, shall be exempt
 38 from paying such fee.

39 (d) The provisions of this section shall not apply to an action
 40 pursuant to the code of civil procedure for limited actions.

41 (e) This section shall be part of and supplemental to the code of
 42 civil procedure.

43 **Sec. 6. On and after July 1, 2015, K.S.A. 2014 Supp. 8-2107 is**

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

24 (2) In the event the person stopped deposits a valid Kansas
25 driver's license with the police officer and fails to appear in the district
26 court on the date set for appearance, or any continuance thereof, and
27 in any event within 30 days from the date set for the original hearing,
28 the court shall forward such person's driver's license to the division of
29 vehicles with an appropriate explanation attached thereto. Upon
30 receipt of such person's driver's license, the division shall suspend
31 such person's privilege to operate a motor vehicle in this state until
32 such person appears before the court having jurisdiction of the offense
33 charged, the court makes a final disposition thereof and notice of such
34 disposition is given by the court to the division. No new or
35 replacement license shall be issued to any such person until such
36 notice of disposition has been received by the division. The provisions
37 of K.S.A. 8-256, and amendments thereto, limiting the suspension of a
38 license to one year, shall not apply to suspensions for failure to appear
39 as provided in this subsection (a).

40 (b) No person shall apply for a replacement or new driver's
41 license prior to the return of such person's original license which has
42 been deposited in lieu of bond under this section. Violation of this
43 subsection (b) is a class C misdemeanor. The division may suspend

1 such person's driver's license for a period of not to exceed one year
2 from the date the division receives notice of the disposition of the
3 person's charge as provided in subsection (a).

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

12 (2) Such bond may be a cash bond, a bank card draft from any
13 valid and unexpired credit card approved by the division of vehicles or
14 superintendent of the Kansas highway patrol or a guaranteed arrest
15 bond certificate issued by either a surety company authorized to
16 transact such business in this state or an automobile club authorized
17 to transact business in this state by the commissioner of insurance. If
18 any of the approved bank card issuers redeem the bank card draft at
19 a discounted rate, such discount shall be charged against the amount
20 designated as the fine for the offense. If such bond is not forfeited, the
21 amount of the bond less the discount rate shall be reimbursed to the
22 person providing the bond by the use of a bank card draft. Any such
23 guaranteed arrest bond certificate shall be signed by the person to
24 whom it is issued and shall contain a printed statement that such
25 surety company or automobile club guarantees the appearance of such
26 person and will, in the event of failure of such person to appear in
27 court at the time of trial, pay any fine or forfeiture imposed on such
28 person not to exceed an amount to be stated on such certificate.

29 (3) Such cash bond shall be taken in the following manner: The
30 police officer shall furnish the person stopped a stamped envelope
31 addressed to the judge or clerk of the court named in the written
32 notice to appear and the person shall place in such envelope the
33 amount of the bond, and in the presence of the police officer shall
34 deposit the same in the United States mail. After such cash payment,
35 the person stopped need not sign the written notice to appear, but the
36 police officer shall note the amount of the bond mailed on the notice to
37 appear form and shall give a copy of such form to the person. If the
38 person stopped furnishes the police officer with a guaranteed arrest
39 bond certificate or bank card draft, the police officer shall give such
40 person a receipt therefor and shall note the amount of the bond on the
41 notice to appear form and give a copy of such form to the person
42 stopped. Such person need not sign the written notice to appear, and
43 the police officer shall present the notice to appear and the guaranteed

1 arrest bond certificate or bank card draft to the court having
2 jurisdiction of the offense charged as soon as reasonably possible.

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

5 On and after July 1, 1996:

6 Reckless driving.....\$82
7 Driving when privilege is canceled, suspended or revoked.....82
8 Failure to comply with lawful order of officer.....57
9 Registration violation (registered for 12,000 pounds
10 or less).....52
11 Registration violation (registered for more than 12,000
12 pounds).....92
13 No driver's license for the class of vehicle operated or
14 violation of restrictions.....52
15 Spilling load on highway.....52
16 Transporting open container of alcoholic liquor or cereal malt
17 beverage accessible while vehicle in motion.....223

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

21 (f) None of the provisions of this section shall be construed to
22 conflict with the provisions of the nonresident violator compact.

23 (g) When a person is stopped by a police officer for any traffic
24 infraction and the person is a resident of a state which is not a
25 member of the nonresident violator compact, K.S.A. 8-1219 et seq.,
26 and amendments thereto, or the person is licensed to drive under the
27 laws of a foreign country, the police officer may require a bond as
28 provided for under subsection (c). The bond shall be in the amount
29 specified in the uniform fine schedule in ~~subsection (e) of K.S.A. 8-~~
30 ~~2118(c)~~, and amendments thereto, plus \$75 which shall be regarded as
31 a docket fee in any court having jurisdiction over the violation of state
32 law.

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

41 (i) Except as provided further, the docket fee established in this
42 section shall be the only fee collected or moneys in the nature of a fee
43 collected for the docket fee. Such fee shall only be established by an

1 act of the legislature and no other authority is established by law or
2 otherwise to collect a fee. On and after July 1, ~~2013~~ 2015, through July
3 ~~1, 2015~~ June 30, 2017, the supreme court may impose an additional
4 charge, not to exceed \$22 per docket fee, to fund the costs of non-
5 judicial personnel.

6 Sec. 7. On and after July 1, 2015, K.S.A. 2014 Supp. 8-2110 is
7 hereby amended to read as follows: 8-2110. (a) Failure to comply with
8 a traffic citation means failure either to: (1) Appear before any district
9 or municipal court in response to a traffic citation and pay in full any
10 fine and court costs imposed; or (2) otherwise comply with a traffic
11 citation as provided in K.S.A. 8-2118, and amendments thereto.
12 Failure to comply with a traffic citation is a misdemeanor, regardless
13 of the disposition of the charge for which such citation was originally
14 issued.

15 (b) (1) In addition to penalties of law applicable under subsection
16 (a), when a person fails to comply with a traffic citation, except for
17 illegal parking, standing or stopping, the district or municipal court in
18 which the person should have complied with the citation shall mail
19 notice to the person that if the person does not appear in district or
20 municipal court or pay all fines, court costs and any penalties within
21 30 days from the date of mailing notice, the division of vehicles will be
22 notified to suspend the person's driving privileges. The district or
23 municipal court may charge an additional fee of \$5 for mailing such
24 notice. Upon the person's failure to comply within such 30 days of
25 mailing notice, the district or municipal court shall electronically
26 notify the division of vehicles. Upon receipt of a report of a failure to
27 comply with a traffic citation under this subsection, pursuant to
28 K.S.A. 8-255, and amendments thereto, the division of vehicles shall
29 notify the violator and suspend the license of the violator until
30 satisfactory evidence of compliance with the terms of the traffic
31 citation has been furnished to the informing court. When the court
32 determines the person has complied with the terms of the traffic
33 citation, the court shall immediately electronically notify the division
34 of vehicles of such compliance. Upon receipt of notification of such
35 compliance from the informing court, the division of vehicles shall
36 terminate the suspension or suspension action.

37 (2) (A) In lieu of suspension under paragraph (1), the driver may
38 submit to the division of vehicles a written request for restricted
39 driving privileges, with a non-refundable \$25 application fee, to be
40 applied by the division of vehicles for additional administrative costs
41 to implement restricted driving privileges. The division shall remit all
42 restricted driving privilege application fees to the state treasurer in
43 accordance with the provisions of K.S.A. 75-4215, and amendments

1 thereto. Upon receipt of each such remittance, the state treasurer shall
2 deposit the entire amount in the state treasury to the credit of the
3 division of vehicles operating fund.

4 (B) A person whose driver's license has expired during the period
5 when such person's drivers license has been suspended for failure to
6 pay fines for traffic citations, the driver may submit to the division of
7 vehicles a written request for restricted driving privileges, with a non-
8 refundable \$25 application fee, to be applied by the division of vehicles
9 for additional administrative costs to implement restricted driving
10 privileges. The division shall remit all restricted driving privilege
11 application fees to the state treasurer in accordance with the
12 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt
13 of each such remittance, the state treasurer shall deposit the entire
14 amount in the state treasury to the credit of the division of vehicles
15 operating fund. An individual shall not qualify for restricted driving
16 privileges pursuant to this section unless the following conditions are
17 met: (i) The suspended license that expired was issued by the division
18 of vehicles; (ii) the suspended license resulted from the individual's
19 failure to comply with a traffic citation pursuant to subsection (b)(1);
20 (iii) the traffic citation that resulted in the failure to comply pursuant
21 to subsection (b)(1) was issued in this state; and (iv) the individual has
22 not previously received a stayed suspension as a result of a driving
23 while suspended conviction.

24 (C) Upon review and approval of the driver's eligibility, the
25 driving privileges will be restricted by the division of vehicles for a
26 period up to one year or until the terms of the traffic citation have
27 been complied with and the court shall immediately electronically
28 notify the division of vehicles of such compliance. If the driver fails to
29 comply with the traffic citation within the one year restricted period,
30 the driving privileges will be suspended by the division of vehicles
31 until the court determines the person has complied with the terms of
32 the traffic citation and the court shall immediately electronically
33 notify the division of vehicles of such compliance. Upon receipt of
34 notification of such compliance from the informing court, the division
35 of vehicles shall terminate the suspension action. When restricted
36 driving privileges are approved pursuant to this section, the person's
37 driving privileges shall be restricted to driving only under the
38 following circumstances: (i) In going to or returning from the person's
39 place of employment or schooling; (ii) in the course of the person's
40 employment; (iii) in going to or returning from an appointment with a
41 health care provider or during a medical emergency; and (iv) in going
42 to and returning from probation or parole meetings, drug or alcohol
43 counseling or any place the person is required to go by a court.

1 (c) Except as provided in subsection (d), when the district or
2 municipal court notifies the division of vehicles of a failure to comply
3 with a traffic citation pursuant to subsection (b), the court shall assess
4 a reinstatement fee of \$59 for each charge on which the person failed
5 to make satisfaction regardless of the disposition of the charge for
6 which such citation was originally issued and regardless of any
7 application for restricted driving privileges. Such reinstatement fee
8 shall be in addition to any fine, restricted driving privilege application
9 fee, district or municipal court costs and other penalties. The court
10 shall remit all reinstatement fees to the state treasurer in accordance
11 with the provisions of K.S.A. 75-4215, and amendments thereto. Upon
12 receipt of each such remittance, the state treasurer shall deposit the
13 entire amount in the state treasury and shall credit 42.37% of such
14 moneys to the division of vehicles operating fund, 31.78% to the
15 community alcoholism and intoxication programs fund created by
16 K.S.A. 41-1126, and amendments thereto, 10.59% to the juvenile
17 detention facilities fund created by K.S.A. 79-4803, and amendments
18 thereto, and 15.26% to the judicial branch nonjudicial salary
19 adjustment fund created by K.S.A. 2014 Supp. 20-1a15, and
20 amendments thereto.

21 (d) The district court or municipal court shall waive the
22 reinstatement fee provided for in subsection (c), if the failure to
23 comply with a traffic citation was the result of such person enlisting in
24 or being drafted into the armed services of the United States, being
25 called into service as a member of a reserve component of the military
26 service of the United States, or volunteering for such active duty, or
27 being called into service as a member of the state of Kansas national
28 guard, or volunteering for such active duty, and being absent from
29 Kansas because of such military service. In any case of a failure to
30 comply with a traffic citation which occurred on or after August 1,
31 1990, and prior to the effective date of this act, in which a person was
32 assessed and paid a reinstatement fee and the person failed to comply
33 with a traffic citation because the person was absent from Kansas
34 because of any such military service, the reinstatement fee shall be
35 reimbursed to such person upon application therefor. The state
36 treasurer and the director of accounts and reports shall prescribe
37 procedures for all such reimbursement payments and shall create
38 appropriate accounts, make appropriate accounting entries and issue
39 such appropriate vouchers and warrants as may be required to make
40 such reimbursement payments.

41 (e) Except as provided further, the reinstatement fee established
42 in this section shall be the only fee collected or moneys in the nature of
43 a fee collected for such reinstatement. Such fee shall only be

1 established by an act of the legislature and no other authority is
2 established by law or otherwise to collect a fee. On and after July 1,
3 ~~2013~~ 2015, through ~~July 1, 2015~~ June 30, 2017, the supreme court may
4 impose an additional charge, not to exceed \$22 per reinstatement fee,
5 to fund the costs of non-judicial personnel.

6 Sec. 8. K.S.A. 2014 Supp. 20-362 is hereby amended to read as
7 follows: 20-362. The clerk of the district court shall remit all revenues
8 received from docket fees as follows:

9 (a) At least monthly to the county treasurer, for deposit in the
10 county treasury and credit to the county general fund:

11 (1) A sum equal to \$10 for each docket fee paid pursuant to
12 K.S.A. 60-2001 and 60-3005, and amendments thereto, during the
13 preceding calendar month;

14 (2) a sum equal to \$10 for each \$46 or \$76 docket fee paid
15 pursuant to K.S.A. 61-4001, or K.S.A. 61-2704 or 61-2709, and
16 amendments thereto; and

17 (3) a sum equal to \$5 for each \$26 docket fee paid pursuant to
18 K.S.A. 61-4001 or K.S.A. 61-2704, and amendments thereto, during
19 the preceding calendar month.

20 (b) At least monthly to the board of trustees of the county law
21 library fund, for deposit in the fund, a sum equal to the library fees
22 paid during the preceding calendar month for cases filed in the
23 county.

24 (c) At least monthly to the county treasurer, for deposit in the
25 county treasury and credit to the prosecuting attorneys' training fund,
26 a sum equal to \$2 for each docket fee paid pursuant to K.S.A. 28-172a,
27 and amendments thereto, during the preceding calendar month for
28 cases filed in the county and a sum equal to \$1 for each fee paid
29 pursuant to ~~subsection (c)~~ of K.S.A. 28-170(c), and amendments
30 thereto, during the preceding calendar month for cases filed in the
31 county.

32 (d) To the state treasurer, in accordance with the provisions of
33 K.S.A. 75-4215, and amendments thereto, for deposit in the state
34 treasury and credit to the law enforcement training center fund a sum
35 equal to \$15 for each docket fee paid pursuant to K.S.A. 28-172a, and
36 amendments thereto, during the preceding calendar month.

37 (e) To the state treasurer, in accordance with the provisions of
38 K.S.A. 75-4215, and amendments thereto, for deposit in the state
39 treasury a sum equal to the balance which remains from all docket
40 fees paid during the preceding calendar month after deduction of the
41 amounts specified in subsections (a), (b), (c) and (d). Of the balance
42 remitted to the state treasury pursuant to this subsection, the state
43 treasurer shall credit 0.99% to the judicial council fund. During the

1 fiscal years ending June 30, 2015, June 30, 2016,~~and June 30, 2017,~~
2 *and June 30, 2018*, of the remainder, the state treasurer shall deposit
3 and credit the first \$3,100,000 to the electronic filing and management
4 fund created in K.S.A. 2014 Supp. 20-1a16, and amendments thereto.
5 During the fiscal year ending June 30,~~2018~~ 2019, and each fiscal year
6 thereafter, of the remainder, the state treasurer shall deposit and
7 credit the first \$1,000,000 to the electronic filing and management
8 fund. Of the balance which remains after deduction of the amounts
9 specified in this subsection, the state treasurer shall deposit and credit
10 the remainder to the judicial branch docket fee fund.

11 Sec. 9. On and after July 1, 2015, K.S.A. 2014 Supp. 20-3021 is
12 hereby amended to read as follows: 20-3021. (a) (1) On and after July
13 1, 2014, any party filing an appeal with the court of appeals shall pay
14 a fee in the amount of \$145 to the clerk of the supreme court.

15 (2) On and after July 1, 2014, any party filing an appeal with the
16 supreme court shall pay a fee in the amount of \$145 to the clerk of the
17 supreme court.

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

20 (c) The fee shall be the only costs assessed in each case to services
21 of the clerk of the supreme court. The clerk of the supreme court shall
22 remit all revenues received from this section to the state treasurer, in
23 accordance with the provisions of K.S.A. 75-4215, and amendments
24 thereto, for deposit in the state treasury. The fee shall be disbursed in
25 accordance with K.S.A. 20-362, and amendments thereto.

26 (d) Except as provided further, the fee established in this section
27 shall be the only fee collected or moneys in the nature of a fee collected
28 for the docket fee. Such fee shall only be established by an act of the
29 legislature and no other authority is established by law or otherwise to
30 collect a fee. On and after July 1,~~2013~~ 2015, through ~~July 1, 2015~~ June
31 30, 2017, the supreme court may impose an additional charge, not to
32 exceed \$10 per fee, to fund the costs of non-judicial personnel.

33 (e) The state of Kansas and all municipalities in this state, as
34 defined in K.S.A. 12-105a, and amendments thereto, shall be exempt
35 from paying such fee.

36 Sec. 10. On and after July 1, 2015, K.S.A. 2014 Supp. 21-6614 is
37 hereby amended to read as follows: 21-6614. (a) (1) Except as
38 provided in subsections (b), (c), (d), (e) and (f), any person convicted in
39 this state of a traffic infraction, cigarette or tobacco infraction,
40 misdemeanor or a class D or E felony, or for crimes committed on or
41 after July 1, 1993, nondrug crimes ranked in severity levels 6 through
42 10, or for crimes committed on or after July 1, 1993, but prior to July
43 1, 2012, any felony ranked in severity level 4 of the drug grid, or for

1 crimes committed on or after July 1, 2012, any felony ranked in
2 severity level 5 of the drug grid may petition the convicting court for
3 the expungement of such conviction or related arrest records if three
4 or more years have elapsed since the person: (A) Satisfied the sentence
5 imposed; or (B) was discharged from probation, a community
6 correctional services program, parole, postrelease supervision,
7 conditional release or a suspended sentence.

8 (2) Except as provided in subsections (b), (c), (d), (e) and (f), any
9 person who has fulfilled the terms of a diversion agreement may
10 petition the district court for the expungement of such diversion
11 agreement and related arrest records if three or more years have
12 elapsed since the terms of the diversion agreement were fulfilled.

13 (b) Any person convicted of prostitution, as defined in K.S.A. 21-
14 3512, prior to its repeal, convicted of a violation of K.S.A. 2014 Supp.
15 21-6419, and amendments thereto, or who entered into a diversion
16 agreement in lieu of further criminal proceedings for such violation,
17 may petition the convicting court for the expungement of such
18 conviction or diversion agreement and related arrest records if:

19 (1) One or more years have elapsed since the person satisfied the
20 sentence imposed or the terms of a diversion agreement or was
21 discharged from probation, a community correctional services
22 program, parole, postrelease supervision, conditional release or a
23 suspended sentence; and

24 (2) such person can prove they were acting under coercion caused
25 by the act of another. For purposes of this subsection, "coercion"
26 means: Threats of harm or physical restraint against any person; a
27 scheme, plan or pattern intended to cause a person to believe that
28 failure to perform an act would result in bodily harm or physical
29 restraint against any person; or the abuse or threatened abuse of the
30 legal process.

31 (c) Except as provided in subsections (e) and (f), no person may
32 petition for expungement until five or more years have elapsed since
33 the person satisfied the sentence imposed or the terms of a diversion
34 agreement or was discharged from probation, a community
35 correctional services program, parole, postrelease supervision,
36 conditional release or a suspended sentence, if such person was
37 convicted of a class A, B or C felony, or for crimes committed on or
38 after July 1, 1993, if convicted of an off-grid felony or any nondrug
39 crime ranked in severity levels 1 through 5, or for crimes committed
40 on or after July 1, 1993, but prior to July 1, 2012, any felony ranked in
41 severity levels 1 through 3 of the drug grid, or for crimes committed
42 on or after July 1, 2012, any felony ranked in severity levels 1 through
43 4 of the drug grid, or:

1 **(1) Vehicular homicide, as defined in K.S.A. 21-3405, prior to its**
2 **repeal, or K.S.A. 2014 Supp. 21-5406, and amendments thereto, or as**
3 **prohibited by any law of another state which is in substantial**
4 **conformity with that statute;**

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

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

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

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

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

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

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

26 **(d) No person may petition for expungement until seven or more**
27 **years have elapsed since the person satisfied the sentence imposed or**
28 **the terms of a diversion agreement or was discharged from probation,**
29 **a community correctional services program, parole, postrelease**
30 **supervision, conditional release or a suspended sentence, if such**
31 **person was convicted of a violation of K.S.A. 8-1567 or K.S.A. 2014**
32 **Supp. 8-1025, and amendments thereto, including any diversion for**
33 **such violation.**

34 **(e) There shall be no expungement of convictions for the**
35 **following offenses or of convictions for an attempt to commit any of**
36 **the following offenses:**

37 **(1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or**
38 **K.S.A. 2014 Supp. 21-5503, and amendments thereto;**

39 **(2) indecent liberties with a child or aggravated indecent liberties**
40 **with a child, as defined in K.S.A. 21-3503 or 21-3504, prior to their**
41 **repeal, or K.S.A. 2014 Supp. 21-5506, and amendments thereto;**

42 **(3) criminal sodomy, as defined in ~~subsection (a)(2) or (a)(3) of~~**
43 **K.S.A. 21-3505(a)(2) or (a)(3), prior to its repeal, or ~~subsection (a)(3) or~~**

1 ~~(a)(4)~~ of K.S.A. 2014 Supp. 21-5504(a)(3) or (a)(4), and amendments
2 thereto;

3 (4) aggravated criminal sodomy, as defined in K.S.A. 21-3506,
4 prior to its repeal, or K.S.A. 2014 Supp. 21-5504, and amendments
5 thereto;

6 (5) indecent solicitation of a child or aggravated indecent
7 solicitation of a child, as defined in K.S.A. 21-3510 or 21-3511, prior to
8 their repeal, or K.S.A. 2014 Supp. 21-5508, and amendments thereto;

9 (6) sexual exploitation of a child, as defined in K.S.A. 21-3516,
10 prior to its repeal, or K.S.A. 2014 Supp. 21-5510, and amendments
11 thereto;

12 (7) aggravated incest, as defined in K.S.A. 21-3603, prior to its
13 repeal, or K.S.A. 2014 Supp. 21-5604, and amendments thereto;

14 (8) endangering a child or aggravated endangering a child, as
15 defined in K.S.A. 21-3608 or 21-3608a, prior to their repeal, or K.S.A.
16 2014 Supp. 21-5601, and amendments thereto;

17 (9) abuse of a child, as defined in K.S.A. 21-3609, prior to its
18 repeal, or K.S.A. 2014 Supp. 21-5602, and amendments thereto;

19 (10) capital murder, as defined in K.S.A. 21-3439, prior to its
20 repeal, or K.S.A. 2014 Supp. 21-5401, and amendments thereto;

21 (11) murder in the first degree, as defined in K.S.A. 21-3401,
22 prior to its repeal, or K.S.A. 2014 Supp. 21-5402, and amendments
23 thereto;

24 (12) murder in the second degree, as defined in K.S.A. 21-3402,
25 prior to its repeal, or K.S.A. 2014 Supp. 21-5403, and amendments
26 thereto;

27 (13) voluntary manslaughter, as defined in K.S.A. 21-3403, prior
28 to its repeal, or K.S.A. 2014 Supp. 21-5404, and amendments thereto;

29 (14) involuntary manslaughter, as defined in K.S.A. 21-3404,
30 prior to its repeal, or K.S.A. 2014 Supp. 21-5405, and amendments
31 thereto;

32 (15) sexual battery, as defined in K.S.A. 21-3517, prior to its
33 repeal, or K.S.A. 2014 Supp. 21-5505, and amendments thereto, when
34 the victim was less than 18 years of age at the time the crime was
35 committed;

36 (16) aggravated sexual battery, as defined in K.S.A. 21-3518,
37 prior to its repeal, or K.S.A. 2014 Supp. 21-5505, and amendments
38 thereto;

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

41 (18) any conviction for any offense in effect at any time prior to
42 July 1, 2011, that is comparable to any offense as provided in this
43 subsection.

1 (f) Notwithstanding any other law to the contrary, for any
2 offender who is required to register as provided in the Kansas
3 offender registration act, K.S.A. 22-4901 et seq., and amendments
4 thereto, there shall be no expungement of any conviction or any part
5 of the offender's criminal record while the offender is required to
6 register as provided in the Kansas offender registration act.

7 (g) (1) When a petition for expungement is filed, the court shall
8 set a date for a hearing of such petition and shall cause notice of such
9 hearing to be given to the prosecutor and the arresting law
10 enforcement agency. The petition shall state the:

11 (A) Defendant's full name;

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

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

15 (D) crime for which the defendant was arrested, convicted or
16 diverted;

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

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

20 (2) Except as otherwise provided by law, a petition for
21 expungement shall be accompanied by a docket fee in the amount of
22 ~~\$100~~ *\$176*. On and after July 1, ~~2013~~ *2015*, through ~~July 1, 2015~~ *June*
23 *30, 2017*, the supreme court may impose a charge, not to exceed \$19
24 per case, to fund the costs of non-judicial personnel. The charge
25 established in this section shall be the only fee collected or moneys in
26 the nature of a fee collected for the case. Such charge shall only be
27 established by an act of the legislature and no other authority is
28 established by law or otherwise to collect a fee.

29 (3) All petitions for expungement shall be docketed in the original
30 criminal action. Any person who may have relevant information about
31 the petitioner may testify at the hearing. The court may inquire into
32 the background of the petitioner and shall have access to any reports
33 or records relating to the petitioner that are on file with the secretary
34 of corrections or the prisoner review board.

35 (h) At the hearing on the petition, the court shall order the
36 petitioner's arrest record, conviction or diversion expunged if the
37 court finds that:

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

41 (2) the circumstances and behavior of the petitioner warrant the
42 expungement; and

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

1 (i) When the court has ordered an arrest record, conviction or
2 diversion expunged, the order of expungement shall state the
3 information required to be contained in the petition. The clerk of the
4 court shall send a certified copy of the order of expungement to the
5 Kansas bureau of investigation which shall notify the federal bureau
6 of investigation, the secretary of corrections and any other criminal
7 justice agency which may have a record of the arrest, conviction or
8 diversion. After the order of expungement is entered, the petitioner
9 shall be treated as not having been arrested, convicted or diverted of
10 the crime, except that:

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

14 (2) the petitioner shall disclose that the arrest, conviction or
15 diversion occurred if asked about previous arrests, convictions or
16 diversions:

17 (A) In any application for licensure as a private detective, private
18 detective agency, certification as a firearms trainer pursuant to K.S.A.
19 2014 Supp. 75-7b21, and amendments thereto, or employment as a
20 detective with a private detective agency, as defined by K.S.A. 75-
21 7b01, and amendments thereto; as security personnel with a private
22 patrol operator, as defined by K.S.A. 75-7b01, and amendments
23 thereto; or with an institution, as defined in K.S.A. 76-12a01, and
24 amendments thereto, of the Kansas department for aging and
25 disability services;

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

28 (C) to aid in determining the petitioner's qualifications for
29 employment with the Kansas lottery or for work in sensitive areas
30 within the Kansas lottery as deemed appropriate by the executive
31 director of the Kansas lottery;

32 (D) to aid in determining the petitioner's qualifications for
33 executive director of the Kansas racing and gaming commission, for
34 employment with the commission or for work in sensitive areas in
35 parimutuel racing as deemed appropriate by the executive director of
36 the commission, or to aid in determining qualifications for licensure or
37 renewal of licensure by the commission;

38 (E) to aid in determining the petitioner's qualifications for the
39 following under the Kansas expanded lottery act: (i) Lottery gaming
40 facility manager or prospective manager, racetrack gaming facility
41 manager or prospective manager, licensee or certificate holder; or (ii)
42 an officer, director, employee, owner, agent or contractor thereof;

43 (F) upon application for a commercial driver's license under

1 K.S.A. 8-2,125 through 8-2,142, and amendments thereto;

2 (G) to aid in determining the petitioner's qualifications to be an
3 employee of the state gaming agency;

4 (H) to aid in determining the petitioner's qualifications to be an
5 employee of a tribal gaming commission or to hold a license issued
6 pursuant to a tribal-state gaming compact;

7 (I) in any application for registration as a broker-dealer, agent,
8 investment adviser or investment adviser representative all as defined
9 in K.S.A. 17-12a102, and amendments thereto;

10 (J) in any application for employment as a law enforcement
11 officer as defined in K.S.A. 22-2202 or 74-5602, and amendments
12 thereto; or

13 (K) for applications received on and after July 1, 2006, to aid in
14 determining the petitioner's qualifications for a license to carry a
15 concealed weapon pursuant to the personal and family protection act,
16 K.S.A. 2014 Supp. 75-7c01 et seq., and amendments thereto;

17 (3) the court, in the order of expungement, may specify other
18 circumstances under which the conviction is to be disclosed;

19 (4) the conviction may be disclosed in a subsequent prosecution
20 for an offense which requires as an element of such offense a prior
21 conviction of the type expunged; and

22 (5) upon commitment to the custody of the secretary of
23 corrections, any previously expunged record in the possession of the
24 secretary of corrections may be reinstated and the expungement
25 disregarded, and the record continued for the purpose of the new
26 commitment.

27 (j) Whenever a person is convicted of a crime, pleads guilty and
28 pays a fine for a crime, is placed on parole, postrelease supervision or
29 probation, is assigned to a community correctional services program,
30 is granted a suspended sentence or is released on conditional release,
31 the person shall be informed of the ability to expunge the arrest
32 records or conviction. Whenever a person enters into a diversion
33 agreement, the person shall be informed of the ability to expunge the
34 diversion.

35 (k) (1) Subject to the disclosures required pursuant to subsection
36 (i), in any application for employment, license or other civil right or
37 privilege, or any appearance as a witness, a person whose arrest
38 records, conviction or diversion of a crime has been expunged under
39 this statute may state that such person has never been arrested,
40 convicted or diverted of such crime.

41 (2) Notwithstanding the provisions of subsection (k)(1), and
42 except as provided in ~~subsection (a)(3)(A)~~ of K.S.A. 2014 Supp. 21-
43 6304(a)(3)(A), and amendments thereto, the expungement of a prior

1 felony conviction does not relieve the individual of complying with any
2 state or federal law relating to the use, shipment, transportation,
3 receipt or possession of firearms by persons previously convicted of a
4 felony.

5 (1) Whenever the record of any arrest, conviction or diversion has
6 been expunged under the provisions of this section or under the
7 provisions of any other existing or former statute, the custodian of the
8 records of arrest, conviction, diversion and incarceration relating to
9 that crime shall not disclose the existence of such records, except when
10 requested by:

11 (1) The person whose record was expunged;

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

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

18 (4) the secretary for aging and disability services, or a designee of
19 the secretary, for the purpose of obtaining information relating to
20 employment in an institution, as defined in K.S.A. 76-12a01, and
21 amendments thereto, of the Kansas department for aging and
22 disability services of any person whose record has been expunged;

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

25 (6) a prosecutor, and such request is accompanied by a statement
26 that the request is being made in conjunction with a prosecution of an
27 offense that requires a prior conviction as one of the elements of such
28 offense;

29 (7) the supreme court, the clerk or disciplinary administrator
30 thereof, the state board for admission of attorneys or the state board
31 for discipline of attorneys, and the request is accompanied by a
32 statement that the request is being made in conjunction with an
33 application for admission, or for an order of reinstatement, to the
34 practice of law in this state by the person whose record has been
35 expunged;

36 (8) the Kansas lottery, and the request is accompanied by a
37 statement that the request is being made to aid in determining
38 qualifications for employment with the Kansas lottery or for work in
39 sensitive areas within the Kansas lottery as deemed appropriate by the
40 executive director of the Kansas lottery;

41 (9) the governor or the Kansas racing and gaming commission, or
42 a designee of the commission, and the request is accompanied by a
43 statement that the request is being made to aid in determining

1 qualifications for executive director of the commission, for
2 employment with the commission, for work in sensitive areas in
3 parimutuel racing as deemed appropriate by the executive director of
4 the commission or for licensure, renewal of licensure or continued
5 licensure by the commission;

6 (10) the Kansas racing and gaming commission, or a designee of
7 the commission, and the request is accompanied by a statement that
8 the request is being made to aid in determining qualifications of the
9 following under the Kansas expanded lottery act: (A) Lottery gaming
10 facility managers and prospective managers, racetrack gaming facility
11 managers and prospective managers, licensees and certificate holders;
12 and (B) their officers, directors, employees, owners, agents and
13 contractors;

14 (11) the Kansas sentencing commission;

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

20 (13) the Kansas securities commissioner or a designee of the
21 commissioner, and the request is accompanied by a statement that the
22 request is being made in conjunction with an application for
23 registration as a broker-dealer, agent, investment adviser or
24 investment adviser representative by such agency and the application
25 was submitted by the person whose record has been expunged;

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

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

35 (16) the attorney general and the request is accompanied by a
36 statement that the request is being made to aid in determining
37 qualifications for a license to carry a concealed weapon pursuant to
38 the personal and family protection act; or

39 (17) the Kansas bureau of investigation for the purposes of:

40 (A) Completing a person's criminal history record information
41 within the central repository, in accordance with K.S.A. 22-4701 et
42 seq., and amendments thereto; or

43 (B) providing information or documentation to the federal

1 bureau of investigation, in connection with the national instant
2 criminal background check system, to determine a person's
3 qualification to possess a firearm.

4 (m) The provisions of subsection (l)(17) shall apply to records
5 created prior to, on and after July 1, 2011.

6 Sec. 11. On and after July 1, 2015, K.S.A. 2014 Supp. 22-2410 is
7 hereby amended to read as follows: 22-2410. (a) Any person who has
8 been arrested in this state may petition the district court for the
9 expungement of such arrest record.

10 (b) When a petition for expungement is filed, the court shall set a
11 date for hearing on such petition and shall cause notice of such
12 hearing to be given to the prosecuting attorney and the arresting law
13 enforcement agency. When a petition for expungement is filed, the
14 official court file shall be separated from the other records of the
15 court, and shall be disclosed only to a judge of the court and members
16 of the staff of the court designated by a judge of the district court, the
17 prosecuting attorney, the arresting law enforcement agency, or any
18 other person when authorized by a court order, subject to any
19 conditions imposed by the order. Except as otherwise provided by law,
20 a petition for expungement shall be accompanied by a docket fee in
21 the amount of \$176. Except as provided further, the docket fee
22 established in this section shall be the only fee collected or moneys in
23 the nature of a fee collected for the docket fee. Such fee shall only be
24 established by an act of the legislature and no other authority is
25 established by law or otherwise to collect a fee. On and after July 1,
26 2013 2015, through ~~July 1, 2015~~ June 30, 2017, the supreme court may
27 impose an additional charge, not to exceed \$19 per docket fee, to fund
28 the costs of non-judicial personnel. The petition shall state:

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

36 No surcharge or fee shall be imposed to any person filing a petition
37 pursuant to this section, who was arrested as a result of being a victim
38 of identity theft under K.S.A. 21-4018, prior to its repeal, or ~~subsection~~
39 ~~(a) of~~ K.S.A. 2014 Supp. 21-6107(a), and amendments thereto, or who
40 has had criminal charges dismissed because a court has found that
41 there was no probable cause for the arrest, the petitioner was found
42 not guilty in court proceedings or the charges have been dismissed.
43 Any person who may have relevant information about the petitioner

1 may testify at the hearing. The court may inquire into the background
2 of the petitioner.

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

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

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

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

13 (d) When the court has ordered expungement of an arrest record
14 and subsequent court proceedings, if any, the order shall state the
15 information required to be stated in the petition and shall state the
16 grounds for expungement under subsection (c). The clerk of the court
17 shall send a certified copy of the order to the Kansas bureau of
18 investigation which shall notify the federal bureau of investigation, the
19 secretary of corrections and any other criminal justice agency which
20 may have a record of the arrest. If an order of expungement is
21 entered, the petitioner shall be treated as not having been arrested.

22 (e) If the ground for expungement is as provided in subsection (c)
23 (4), the court shall determine whether, in the interests of public
24 welfare, the records should be available for any of the following
25 purposes: (1) In any application for employment as a detective with a
26 private detective agency, as defined in K.S.A. 75-7b01, and
27 amendments thereto; as security personnel with a private patrol
28 operator, as defined by K.S.A. 75-7b01, and amendments thereto; or
29 with an institution, as defined in K.S.A. 76-12a01, and amendments
30 thereto, of the Kansas department for aging and disability services;

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

33 (3) to aid in determining the petitioner's qualifications for
34 employment with the Kansas lottery or for work in sensitive areas
35 within the Kansas lottery as deemed appropriate by the executive
36 director of the Kansas lottery;

37 (4) to aid in determining the petitioner's qualifications for
38 executive director of the Kansas racing commission, for employment
39 with the commission or for work in sensitive areas in parimutuel
40 racing as deemed appropriate by the executive director of the
41 commission, or to aid in determining qualifications for licensure or
42 renewal of licensure by the commission;

43 (5) in any application for a commercial driver's license under

1 K.S.A. 8-2,125 through 8-2,142, and amendments thereto;

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

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

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

9 (f) The court shall make all expunged records and related
10 information in such court's possession, created prior to, on and after
11 July 1, 2011, available to the Kansas bureau of investigation for the
12 purposes of:

13 (1) Completing a person's criminal history record information
14 within the central repository in accordance with K.S.A. 22-4701 et
15 seq., and amendments thereto; or

16 (2) providing information or documentation to the federal bureau
17 of investigation, in connection with the national instant criminal
18 background check system, to determine a person's qualification to
19 possess a firearm.

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

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

31 (i) The docket fee collected at the time the petition for
32 expungement is filed shall be disbursed in accordance with K.S.A. 20-
33 362, and amendments thereto.

34 Sec. 12. On and after July 1, 2015, K.S.A. 2014 Supp. 23-2510 is
35 hereby amended to read as follows: 23-2510. (a) The judge or clerk of
36 the district court shall collect from the applicant for a marriage
37 license a fee of \$59.

38 (b) The clerk of the court shall remit all fees prescribed by this
39 section to the state treasurer in accordance with the provisions of
40 K.S.A. 75-4215, and amendments thereto. Upon receipt of each such
41 remittance, the state treasurer shall deposit the entire amount in the
42 state treasury. Of each remittance, the state treasurer shall credit
43 38.98% to the protection from abuse fund, 15.19% to the family and

1 children trust account of the family and children investment fund
2 created by K.S.A. 38-1808, and amendments thereto, 16.95% to the
3 crime victims assistance fund created by K.S.A. 74-7334, and
4 amendments thereto, 15.25% to the judicial branch nonjudicial salary
5 adjustment fund created by K.S.A. 2014 Supp. 20-1a15, and
6 amendments thereto, and the remainder to the state general fund.

7 (c) Except as provided further, the marriage license fee
8 established in this section shall be the only fee collected or moneys in
9 the nature of a fee collected for a marriage license. Such fee shall only
10 be established by an act of the legislature and no other authority is
11 established by law or otherwise to collect a fee. On and after July 1,
12 ~~2013~~ 2015, through ~~July 1, 2015~~ June 30, 2017, the supreme court may
13 impose an additional charge, not to exceed \$26.50 per marriage license
14 fee, to fund the costs of non-judicial personnel.

15 Sec. 13. On and after July 1, 2015, K.S.A. 2014 Supp. 28-170 is
16 hereby amended to read as follows: 28-170. (a) The docket fee
17 prescribed by K.S.A. 60-2001, and amendments thereto, and the fees
18 for service of process, shall be the only costs assessed for services of
19 the clerk of the district court and the sheriff in any case filed under
20 chapter 60 or chapter 61 of the Kansas Statutes Annotated, and
21 amendments thereto, except that no fee shall be charged for an action
22 filed under K.S.A. 60-3101 et seq., and under K.S.A. 60-31a01 et seq.,
23 and amendments thereto. For services in other matters in which no
24 other fee is prescribed by statute, the following fees shall be charged
25 and collected by the clerk. Only one fee shall be charged for each
26 bond, lien or judgment:

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

34 (b) The fees for entries, certificates and other papers required in
35 naturalization cases shall be those prescribed by the federal
36 government and, when collected, shall be disbursed as prescribed by
37 the federal government. The clerk of the court shall remit to the state
38 treasurer at least monthly all moneys received from fees prescribed by
39 subsection (a) or (b) or received for any services performed which may
40 be required by law. The state treasurer shall deposit the remittance in
41 the state treasury and credit the entire amount to the state general
42 fund.

43 (c) In actions pursuant to the revised Kansas code for care of

1 children, K.S.A. 2014 Supp. 38-2201 et seq., and amendments thereto,
 2 the revised Kansas juvenile justice code, K.S.A. 2014 Supp. 38-2301 et
 3 seq., and amendments thereto, the act for treatment of alcoholism,
 4 K.S.A. 65-4001 et seq., and amendments thereto, the act for treatment
 5 of drug abuse, K.S.A. 65-5201 et seq., and amendments thereto, or the
 6 care and treatment act for mentally ill persons, K.S.A. 59-2945 et seq.,
 7 and amendments thereto, the clerk shall charge an additional fee of \$1
 8 which shall be deducted from the docket fee and credited to the
 9 prosecuting attorneys' training fund as provided in K.S.A. 28-170a,
 10 and amendments thereto.

11 (d) Except as provided further, the bond, lien or judgment fee
 12 established in subsection (a) shall be the only fee collected or moneys
 13 in the nature of a fee collected for such bond, lien or judgment. Such
 14 fee shall only be established by an act of the legislature and no other
 15 authority is established by law or otherwise to collect a fee. On and
 16 after July 1, ~~2013~~ 2015, through ~~July 1, 2015~~ June 30, 2017, the
 17 supreme court may impose an additional charge, not to exceed \$22 per
 18 bond, lien or judgment fee, to fund the costs of non-judicial personnel.

19 Sec. 14. On and after July 1, 2015, K.S.A. 2014 Supp. 28-172a is
 20 hereby amended to read as follows: 28-172a. (a) Except as otherwise
 21 provided in this section, whenever the prosecuting witness or
 22 defendant is adjudged to pay the costs in a criminal proceeding in any
 23 county, a docket fee shall be taxed as follows, on and after July 1,
 24 2013:

| | | |
|----|--------------------------------|----------|
| 25 | Murder or manslaughter..... | \$180.50 |
| 26 | Other felony..... | 171.00 |
| 27 | Misdemeanor..... | 136.00 |
| 28 | Forfeited recognizance..... | 72.50 |
| 29 | Appeals from other courts..... | 72.50 |

30 (b) (1) Except as provided in paragraph (2), in actions involving
 31 the violation of any of the laws of this state regulating traffic on
 32 highways, including those listed in ~~subsection (e) of~~ K.S.A. 8-2118(c),
 33 and amendments thereto, a cigarette or tobacco infraction, any act
 34 declared a crime pursuant to the statutes contained in chapter 32 of
 35 the Kansas Statutes Annotated, and amendments thereto, or any act
 36 declared a crime pursuant to the statutes contained in article 8 of
 37 chapter 82a of the Kansas Statutes Annotated, and amendments
 38 thereto, whenever the prosecuting witness or defendant is adjudged to
 39 pay the costs in the action, on and after July 1, 2014, a docket fee of
 40 \$86 shall be charged. When an action is disposed of under ~~subsections~~
 41 ~~(a) and (b) of~~ K.S.A. 8-2118(a) and (b), or ~~subsection (f) of~~ K.S.A. 79-
 42 3393(f), and amendments thereto, on and after July 1, 2014, the docket
 43 fee to be paid as court costs shall be \$86.

1 **(2) In actions involving the violation of a moving traffic violation**
2 **under K.S.A. 8-2118, and amendments thereto, as defined by rules and**
3 **regulations adopted under K.S.A. 8-249, and amendments thereto,**
4 **whenever the prosecuting witness or defendant is adjudged to pay the**
5 **costs in the action, on and after July 1, 2014, a docket fee of \$86 shall**
6 **be charged. When an action is disposed of under ~~subsection (a) and (b)~~**
7 **of K.S.A. 8-2118(a) and (b), and amendments thereto, on and after**
8 **July 1, 2014, the docket fee to be paid as court costs shall be \$86.**

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

13 **(d) Statutory charges made pursuant to the provisions of K.S.A.**
14 **20-362, and amendments thereto, shall be paid from the docket fee;**
15 **the family violence and child abuse and neglect assistance and**
16 **prevention fund fee shall be paid from criminal proceedings docket**
17 **fees. All other fees and expenses to be assessed as additional court**
18 **costs shall be approved by the court, unless specifically fixed by**
19 **statute. Additional fees shall include, but are not limited to, fees for**
20 **Kansas bureau of investigation forensic or laboratory analyses, fees**
21 **for detention facility processing pursuant to K.S.A. 12-16,119, and**
22 **amendments thereto, fees for the sexual assault evidence collection kit,**
23 **fees for conducting an examination of a sexual assault victim, fees for**
24 **service of process outside the state, witness fees, fees for transcripts**
25 **and depositions, costs from other courts, doctors' fees and**
26 **examination and evaluation fees. No sheriff in this state shall charge**
27 **any district court of this state a fee or mileage for serving any paper or**
28 **process.**

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

41 **(f) Except as provided further, the docket fee established in this**
42 **section shall be the only fee collected or moneys in the nature of a fee**
43 **collected for the docket fee. Such fee shall only be established by an**

1 act of the legislature and no other authority is established by law or
2 otherwise to collect a fee. On and after July 1, ~~2013~~ 2015, through July
3 ~~1, 2015~~ June 30, 2017, the supreme court may impose an additional
4 charge, not to exceed \$22 per docket fee, to fund the costs of non-
5 judicial personnel.

6 Sec. 15. On and after July 1, 2015, K.S.A. 2014 Supp. 28-177 is
7 hereby amended to read as follows: 28-177. (a) Except as provided in
8 this section and K.S.A. 2014 Supp. 28-178, and amendments thereto,
9 the fees established by legislative enactment shall be the only fee
10 collected or moneys in the nature of a fee collected for court
11 procedures. Such fee shall only be established by an act of the
12 legislature and no other authority is established by law or otherwise to
13 collect a fee. Court procedures shall include docket fees, filing fees or
14 other fees related to access to court procedures. On and after July 1,
15 ~~2013~~ 2015, through July 1, ~~2015~~ June 30, 2017, the supreme court may
16 impose an additional charge, not to exceed \$26.50 per fee or the
17 amount established by the applicable statute, whichever amount is
18 less, to fund the costs of non-judicial personnel.

19 (b) Such additional charge imposed by the court pursuant to
20 K.S.A. 8-2107, 8-2110, 22-2410, 28-170, 28-172a, 59-104, 60-2001, 60-
21 2203a, 61-2704, 61-4001 and 65-409 and K.S.A. 2014 Supp. 21-6614,
22 23-2510, 28-178, 28-179, 32-1049a, 38-2215, 38-2312 and 38-2314, and
23 amendments thereto, shall be remitted to the state treasurer in
24 accordance with the provisions of K.S.A. 75-4215, and amendments
25 thereto. Upon receipt of each such remittance, the state treasurer shall
26 deposit the entire amount in the state treasury to the credit of the
27 judicial branch docket fee fund, which is hereby created in the state
28 treasury.

29 (c) Moneys credited to the judicial branch docket fee fund shall
30 not be expended for compensation of judges or justices of the judicial
31 branch.

32 (d) All expenditures from the judicial branch docket fee fund
33 shall be made in accordance with appropriation acts and upon
34 warrants of the director of accounts and reports issued pursuant to
35 vouchers approved by the chief justice of the Kansas supreme court or
36 by a person or persons designated by the chief justice.

37 (e) Expenditures may be made from the judicial branch docket
38 fee fund to provide services and programs for the purpose of
39 educating and training judicial branch officers and employees,
40 administering the training, testing and education of municipal judges
41 as provided in K.S.A. 12-4114, and amendments thereto, and for
42 educating and training municipal judges and municipal court and
43 support staff, including official hospitality. The judicial administrator

1 is hereby authorized to fix, charge and collect fees for such services
2 and programs. Such fees may be fixed to cover all or part of the
3 operating expenditures incurred in providing such services and
4 programs, including official hospitality. All fees received for such
5 purposes and programs, including official hospitality, shall be
6 deposited in the state treasury in accordance with the provisions of
7 K.S.A. 75-4215, and amendments thereto, and shall be credited to the
8 judicial branch docket fee fund.

9 (f) On the effective date of this act:

10 (1) The director of accounts and reports shall transfer all moneys
11 in the judicial branch surcharge fund to the judicial branch docket fee
12 fund;

13 (2) all liabilities of the judicial branch surcharge fund existing
14 prior to that date are hereby imposed on the judicial branch docket
15 fee fund; and

16 (3) the judicial branch surcharge fund is hereby abolished.

17 Sec. 16. On and after July 1, 2015, K.S.A. 2014 Supp. 28-178 is
18 hereby amended to read as follows: 28-178. (a) In addition to any
19 other fees specifically prescribed by law, on and after July 1, ~~2013~~
20 ~~2015~~, through ~~July 1, 2015~~ June 30, 2017, the supreme court may
21 impose a charge, not to exceed \$12.50 per fee, to fund the costs of non-
22 judicial personnel, on the following:

23 (1) A person who requests an order or writ of execution pursuant
24 to K.S.A. 60-2401 or 61-3602, and amendments thereto.

25 (2) Persons who request a hearing in aid of execution pursuant to
26 K.S.A. 60-2419, and amendments thereto.

27 (3) A person requesting an order for garnishment pursuant to
28 article 7 of chapter 60 of the Kansas Statutes Annotated, and
29 amendments thereto, or article 35 of chapter 61 of the Kansas Statutes
30 Annotated, and amendments thereto.

31 (4) Persons who request a writ or order of sale pursuant to K.S.A.
32 60-2401 or 61-3602, and amendments thereto.

33 (5) A person who requests a hearing in aid of execution pursuant
34 to K.S.A. 61-3604, and amendments thereto.

35 (6) A person who requests an attachment against the property of
36 a defendant or any one or more of several defendants pursuant to
37 K.S.A. 60-701 or 61-3501, and amendments thereto.

38 (b) The clerk of the district court shall remit all revenues received
39 from the fees imposed pursuant to subsection (a) to the state treasurer,
40 in accordance with the provisions of K.S.A. 75-4215, and amendments
41 thereto. Upon receipt of each such remittance, the state treasurer shall
42 deposit the entire amount in the state treasury to the credit of the
43 judicial branch docket fee fund.

1 (c) The fees established in this section shall be the only fee
2 collected or moneys in the nature of a fee collected for such court
3 procedures. Such fee shall only be established by an act of the
4 legislature and no other authority is established by law or otherwise to
5 collect a fee.

6 Sec. 17. On and after July 1, 2015, K.S.A. 2014 Supp. 28-179 is
7 hereby amended to read as follows: 28-179. (a) No post-decree motion
8 petitioning for a modification or termination of separate maintenance,
9 for a change in legal custody, residency, visitation rights or parenting
10 time or for a modification of child support shall be filed or docketed in
11 the district court without payment of a docket fee in the amount of \$40
12 on and after July 1, 2013, to the clerk of the district court.

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

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

19 (d) 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
22 act of the legislature and no other authority is established by law or
23 otherwise to collect a fee. On and after July 1, ~~2013~~ 2015, through July
24 ~~1, 2015~~ June 30, 2017, the supreme court may impose an additional
25 charge, not to exceed \$22 per docket fee, to fund the costs of non-
26 judicial personnel.

27 Sec. 18. On and after July 1, 2015, K.S.A. 2014 Supp. 32-1049a is
28 hereby amended to read as follows: 32-1049a. (a) Failure to comply
29 with a wildlife, parks and tourism citation means failure to:

30 (1) Appear before any district court in response to a wildlife,
31 parks and tourism citation and pay in full any fine, court costs,
32 assessments or fees imposed;

33 (2) fully pay or satisfy all fines, court costs, assessments or fees
34 imposed as a part of the sentence of any district court for violation of
35 the wildlife, parks and tourism laws of this state; or

36 (3) otherwise comply with a wildlife, parks and tourism citation
37 as provided in K.S.A. 32-1049, and amendments thereto.

38 Failure to comply with a wildlife, parks and tourism citation is a
39 class C misdemeanor, regardless of the disposition of the charge for
40 which such citation, complaint or charge was originally issued.

41 (b) The term "citation" means any complaint, summons, notice to
42 appear, ticket, warrant, penalty assessment or other official document
43 issued for the prosecution of the wildlife, parks and tourism laws or

1 rules and regulations of this state.

2 (c) In addition to penalties of law applicable under subsection (a)
3 when a person fails to comply with a wildlife, parks and tourism
4 citation or sentence for a violation of wildlife, parks and tourism laws
5 or rules and regulations, the district court in which the person should
6 have complied shall mail a notice to the person that if the person does
7 not appear in the district court or pay all fines, court costs,
8 assessments or fees, and any penalties imposed within 30 days from
9 the date of mailing, the Kansas department of wildlife, parks and
10 tourism shall be notified to forfeit or suspend any license, permit,
11 stamp or other issue of the department. Upon receipt of a report of a
12 failure to comply with a wildlife, parks and tourism citation under this
13 section, and amendments thereto, the department shall notify the
14 violator and suspend or forfeit the license, permit, stamp or other
15 issue of the department held by the violator until satisfactory evidence
16 of compliance with the wildlife, parks and tourism citation or sentence
17 of the district court for violation of the wildlife, parks and tourism
18 laws or rules and regulations of this state are furnished to the
19 informing court. Upon receipt of notification of such compliance from
20 the informing court, the department shall terminate the suspension
21 action, unless the violator is otherwise suspended.

22 (d) Except as provided in subsection (e), when the district court
23 notifies the department of a failure to comply with a wildlife, parks
24 and tourism citation or failure to comply with a sentence of the district
25 court imposed on violation of a wildlife, parks and tourism law or rule
26 and regulation, the court shall assess a reinstatement fee of \$50
27 for each charge or sentence on which the person failed to make
28 satisfaction, regardless of the disposition of the charge for which such
29 citation was originally issued. Such reinstatement fee shall be in
30 addition to any fine, court costs and other assessments, fees or
31 penalties. The court shall remit all reinstatement fees to the state
32 treasurer in accordance with the provisions of K.S.A. 75-4215, and
33 amendments thereto. Upon receipt of each remittance, the state
34 treasurer shall deposit the entire amount in the state treasury and
35 shall credit such moneys to the state general fund.

36 (e) The district court shall waive the reinstatement fee provided
37 for in subsection (d), if the failure to comply with a wildlife, parks and
38 tourism citation was the result of such person enlisting in or being
39 drafted into the armed services of the United States of America, being
40 called into service as a member of a reserve component of the military
41 service of the United States of America, or volunteering for such active
42 duty or being called into service as a member of the Kansas national
43 guard or volunteering for such active duty and being absent from

1 Kansas because of such military service. The state treasurer and the
2 director of accounts and reports shall prescribe procedures for all
3 such reimbursement payments and shall create appropriate accounts,
4 make appropriate accounting entries and issue such appropriate
5 vouchers and warrants as may be required to make such
6 reimbursement payments.

7 (f) Except as provided further, the reinstatement fee established
8 in subsection (d) shall be the only fee collected or moneys in the nature
9 of a fee collected for such reinstatement. Such fee shall only be
10 established by an act of the legislature and no other authority is
11 established by law or otherwise to collect a fee. On and after July 1,
12 ~~2013~~ 2015, through ~~July 1, 2015~~ June 30, 2017, the supreme court may
13 impose an additional charge, not to exceed \$22 per reinstatement fee,
14 to fund the costs of non-judicial personnel.

15 Sec. 19. On and after July 1, 2015, K.S.A. 2014 Supp. 38-2215 is
16 hereby amended to read as follows: 38-2215. (a) *Docket fee*. The
17 docket fee for proceedings under this code, if one is assessed as
18 provided in this section, shall be \$34. Only one docket fee shall be
19 assessed in each case. Except as provided further, the docket fee
20 established in this section shall be the only fee collected or moneys in
21 the nature of a fee collected for the docket fee. Such fee shall only be
22 established by an act of the legislature and no other authority is
23 established by law or otherwise to collect a fee. On and after July 1,
24 ~~2013~~ 2015, through ~~July 1, 2015~~ June 30, 2017, the supreme court may
25 impose an additional charge, not to exceed \$22 per docket fee, to fund
26 the costs of non-judicial personnel.

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

31 (c) *Assessment of docket fee and expenses*. (1) *Docket fee*. The
32 docket fee may be assessed or waived by the court conducting the
33 initial dispositional hearing and the docket fee may be assessed against
34 the complaining witness or person initiating the proceedings or a
35 party or interested party other than the state, a political subdivision of
36 the state, an agency of the state or of a political subdivision of the
37 state, or a person acting in the capacity of an employee of the state or
38 of a political subdivision of the state. Any docket fee received shall be
39 remitted to the state treasurer pursuant to K.S.A. 20-362, and
40 amendments thereto.

41 (2) *Expenses*. Expenses may be assessed against the complaining
42 witness, a person initiating the proceedings, a party or an interested
43 party, other than the state, a political subdivision of the state, an

1 agency of the state or of a political subdivision of the state or a person
2 acting in the capacity of an employee of the state or of a political
3 subdivision of the state. When expenses are recovered from a person
4 against whom they have been assessed the general fund of the county
5 shall be reimbursed in the amount of the recovery. If it appears to the
6 court in any proceedings under this code that expenses were
7 unreasonably incurred at the request of any party the court may
8 assess that portion of the expenses against the party.

9 (d) *Cases in which venue is transferred.* If venue is transferred
10 from one county to another, the court from which the case is
11 transferred shall send to the receiving court a statement of expenses
12 paid from the general fund of the sending county. If the receiving
13 court collects any of the expenses owed in the case, the receiving court
14 shall pay to the sending court an amount proportional to the sending
15 court's share of the total expenses owed to both counties. The expenses
16 of the sending county shall not be an obligation of the receiving county
17 except to the extent that the sending county's proportion of the
18 expenses is collected by the receiving court. All amounts collected shall
19 first be applied toward payment of the docket fee.

20 Sec. 20. On and after July 1, 2015, K.S.A. 2014 Supp. 38-2312 is
21 hereby amended to read as follows: 38-2312. (a) Except as provided in
22 subsection (b) and (c), any records or files specified in this code
23 concerning a juvenile may be expunged upon application to a judge of
24 the court of the county in which the records or files are maintained.
25 The application for expungement may be made by the juvenile, if 18
26 years of age or older or, if the juvenile is less than 18 years of age, by
27 the juvenile's parent or next friend.

28 (b) There shall be no expungement of records or files concerning
29 acts committed by a juvenile which, if committed by an adult, would
30 constitute a violation of K.S.A. 21-3401, prior to its repeal, or K.S.A.
31 2014 Supp. 21-5402, and amendments thereto, murder in the first
32 degree; K.S.A. 21-3402, prior to its repeal, or K.S.A. 2014 Supp. 21-
33 5403, and amendments thereto, murder in the second degree; K.S.A.
34 21-3403, prior to its repeal, or K.S.A. 2014 Supp. 21-5404, and
35 amendments thereto, voluntary manslaughter; K.S.A. 21-3404, prior
36 to its repeal, or K.S.A. 2014 Supp. 21-5405, and amendments thereto,
37 involuntary manslaughter; K.S.A. 21-3439, prior to its repeal, or
38 K.S.A. 2014 Supp. 21-5401, and amendments thereto, capital murder;
39 K.S.A. 21-3442, prior to its repeal, or ~~subsection (a)(3) of~~ K.S.A. 2014
40 Supp. 21-5405(a)(3), and amendments thereto, involuntary
41 manslaughter while driving under the influence of alcohol or drugs;
42 K.S.A. 21-3502, prior to its repeal, or K.S.A. 2014 Supp. 21-5503, and
43 amendments thereto, rape; K.S.A. 21-3503, prior to its repeal, or

1 ~~subsection (a) of K.S.A. 2014 Supp. 21-5506(a), and amendments~~
2 ~~thereto, indecent liberties with a child; K.S.A. 21-3504, prior to its~~
3 ~~repeal, or ~~subsection (b) of K.S.A. 2014 Supp. 21-5506(b), and~~~~
4 ~~amendments thereto, aggravated indecent liberties with a child;~~
5 ~~K.S.A. 21-3506, prior to its repeal, or ~~subsection (b) of K.S.A. 2014~~~~
6 ~~Supp. 21-5504(b), and amendments thereto, aggravated criminal~~
7 ~~sodomy; K.S.A. 21-3510, prior to its repeal, or ~~subsection (a) of K.S.A.~~~~
8 ~~2014 Supp. 21-5508(a), and amendments thereto, indecent solicitation~~
9 ~~of a child; K.S.A. 21-3511, prior to its repeal, or ~~subsection (b) of~~~~
10 ~~K.S.A. 2014 Supp. 21-5508(b), and amendments thereto, aggravated~~
11 ~~indecent solicitation of a child; K.S.A. 21-3516, prior to its repeal, or~~
12 ~~K.S.A. 2014 Supp. 21-5510, and amendments thereto, sexual~~
13 ~~exploitation of a child; K.S.A. 21-3603, prior to its repeal, or ~~subsection~~~~
14 ~~(b) of K.S.A. 2014 Supp. 21-5604(b), and amendments thereto,~~
15 ~~aggravated incest; K.S.A. 21-3608, prior to its repeal, or ~~subsection (a)~~~~
16 ~~of K.S.A. 2014 Supp. 21-5601(a), and amendments thereto,~~
17 ~~endangering a child; K.S.A. 21-3609, prior to its repeal, or K.S.A. 2014~~
18 ~~Supp. 21-5602, and amendments thereto, abuse of a child; or which~~
19 ~~would constitute an attempt to commit a violation of any of the~~
20 ~~offenses specified in this subsection.~~

21 (c) Notwithstanding any other law to the contrary, for any
22 offender who is required to register as provided in the Kansas
23 offender registration act, K.S.A. 22-4901 et seq., and amendments
24 thereto, there shall be no expungement of any conviction or any part
25 of the offender's criminal record while the offender is required to
26 register as provided in the Kansas offender registration act.

27 (d) When a petition for expungement is filed, the court shall set a
28 date for a hearing on the petition and shall give notice thereof to the
29 county or district attorney. The petition shall state: (1) The juvenile's
30 full name; (2) the full name of the juvenile as reflected in the court
31 record, if different than (1); (3) the juvenile's sex and date of birth; (4)
32 the offense for which the juvenile was adjudicated; (5) the date of the
33 trial; and (6) the identity of the trial court. Except as otherwise
34 provided by law, a petition for expungement shall be accompanied by
35 a docket fee in the amount of \$176. On and after July 1, ~~2013~~ 2015,
36 through July 1, ~~2015~~ June 30, 2017, the supreme court may impose a
37 charge, not to exceed \$19 per case, to fund the costs of non-judicial
38 personnel. All petitions for expungement shall be docketed in the
39 original action. Any person who may have relevant information about
40 the petitioner may testify at the hearing. The court may inquire into
41 the background of the petitioner.

42 (e) (1) After hearing, the court shall order the expungement of the
43 records and files if the court finds that:

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

3 (ii) one year has elapsed since the final discharge for an
4 adjudication concerning acts committed by a juvenile which, if
5 committed by an adult, would constitute a violation of K.S.A. 2014
6 Supp. 21-6419, and amendments thereto;

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

12 (C) the circumstances and behavior of the petitioner warrant
13 expungement.

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

16 (f) Upon entry of an order expunging records or files, the offense
17 which the records or files concern shall be treated as if it never
18 occurred, except that upon conviction of a crime or adjudication in a
19 subsequent action under this code the offense may be considered in
20 determining the sentence to be imposed. The petitioner, the court and
21 all law enforcement officers and other public offices and agencies shall
22 properly reply on inquiry that no record or file exists with respect to
23 the juvenile. Inspection of the expunged files or records thereafter
24 may be permitted by order of the court upon petition by the person
25 who is the subject thereof. The inspection shall be limited to inspection
26 by the person who is the subject of the files or records and the
27 person's designees.

28 (g) A certified copy of any order made pursuant to subsection (a)
29 or (d) shall be sent to the Kansas bureau of investigation, which shall
30 notify every juvenile or criminal justice agency which may possess
31 records or files ordered to be expunged. If the agency fails to comply
32 with the order within a reasonable time after its receipt, such agency
33 may be adjudged in contempt of court and punished accordingly.

34 (h) The court shall inform any juvenile who has been adjudicated
35 a juvenile offender of the provisions of this section.

36 (i) Nothing in this section shall be construed to prohibit the
37 maintenance of information relating to an offense after records or files
38 concerning the offense have been expunged if the information is kept
39 in a manner that does not enable identification of the juvenile.

40 (j) Nothing in this section shall be construed to permit or require
41 expungement of files or records related to a child support order
42 registered pursuant to the revised Kansas juvenile justice code.

43 (k) Whenever the records or files of any adjudication have been

1 expunged under the provisions of this section, the custodian of the
2 records or files of adjudication relating to that offense shall not
3 disclose the existence of such records or files, except when requested
4 by:

5 (1) The person whose record was expunged;

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

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

12 (4) the secretary for aging and disability services, or a designee of
13 the secretary, for the purpose of obtaining information relating to
14 employment in an institution, as defined in K.S.A. 76-12a01, and
15 amendments thereto, of the Kansas department for aging and
16 disability services of any person whose record has been expunged;

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

19 (6) the Kansas lottery, and the request is accompanied by a
20 statement that the request is being made to aid in determining
21 qualifications for employment with the Kansas lottery or for work in
22 sensitive areas within the Kansas lottery as deemed appropriate by the
23 executive director of the Kansas lottery;

24 (7) the governor or the Kansas racing commission, or a designee
25 of the commission, and the request is accompanied by a statement that
26 the request is being made to aid in determining qualifications for
27 executive director of the commission, for employment with the
28 commission, for work in sensitive areas in parimutuel racing as
29 deemed appropriate by the executive director of the commission or for
30 licensure, renewal of licensure or continued licensure by the
31 commission;

32 (8) the Kansas sentencing commission; or

33 (9) the Kansas bureau of investigation, for the purposes of:

34 (A) Completing a person's criminal history record information
35 within the central repository in accordance with K.S.A. 22-4701 et
36 seq., and amendments thereto; or

37 (B) providing information or documentation to the federal
38 bureau of investigation, in connection with the national instant
39 criminal background check system, to determine a person's
40 qualification to possess a firearm.

41 (l) The provisions of subsection (k)(9) shall apply to all records
42 created prior to, on and after July 1, 2011.

43 Sec. 21. On and after July 1, 2015, K.S.A. 2014 Supp. 38-2314 is

1 hereby amended to read as follows: 38-2314. (a) *Docket fee.* The
2 docket fee for proceedings under this code, if one is assessed as
3 provided by this section, shall be \$34. Only one docket fee shall be
4 assessed in each case. Except as provided further, the docket fee
5 established in this section shall be the only fee collected or moneys in
6 the nature of a fee collected for the docket fee. Such fee shall only be
7 established by an act of the legislature and no other authority is
8 established by law or otherwise to collect a fee. On and after July 1,
9 ~~2013~~ 2015, through ~~July 1, 2015~~ June 30, 2017, the supreme court may
10 impose an additional charge, not to exceed \$22 per docket fee, to fund
11 the costs of non-judicial personnel.

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

16 (c) *Assessment of docket fee and expenses.* (1) *Docket fee.* The
17 docket fee may be assessed or waived by the court conducting the
18 initial sentencing hearing and may be assessed against the juvenile or
19 the parent of the juvenile. Any docket fee received shall be remitted to
20 the state treasurer pursuant to K.S.A. 20-362, and amendments
21 thereto.

22 (2) *Expenses.* Expenses may be waived or assessed against the
23 juvenile or a parent of the juvenile. When expenses are recovered from
24 a party against whom they have been assessed the general fund of the
25 county shall be reimbursed in the amount of the recovery.

26 (3) *Prohibited assessment.* Docket fees or expenses shall not be
27 assessed against the state, a political subdivision of the state, an agency
28 of the state or of a political subdivision of the state or a person acting
29 in the capacity of an employee of the state or of a political subdivision
30 of the state.

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

1 **Sec. 22. On and after July 1, 2015, K.S.A. 2014 Supp. 59-104 is**
 2 **hereby amended to read as follows: 59-104. (a) *Docket fee.* (1) Except**
 3 **as otherwise provided by law, no case shall be filed or docketed in the**
 4 **district court under the provisions of chapter 59 of the Kansas**
 5 **Statutes Annotated, and amendments thereto, or of articles 40 and 52**
 6 **of chapter 65 of the Kansas Statutes Annotated, and amendments**
 7 **thereto, without payment of an appropriate docket fee as follows, on**
 8 **and after July 1, 2014:**

9 **Treatment of mentally ill.....\$34.50**
 10 **Treatment of alcoholism or drug abuse 34.50**
 11 **Determination of descent of property 49.50**
 12 **Termination of life estate 48.50**
 13 **Termination of joint tenancy 48.50**
 14 **Refusal to grant letters of administration 48.50**
 15 **Adoption 48.50**
 16 **Filing a will and affidavit under K.S.A. 59-618a..... 48.50**
 17 **Guardianship 69.50**
 18 **Conservatorship 69.50**
 19 **Trusteeship 69.50**
 20 **Combined guardianship and conservatorship 69.50**
 21 **Certified probate proceedings under K.S.A. 59-213,**
 22 **and amendments thereto 23.50**
 23 **Decrees in probate from another state..... 173.00**
 24 **Probate of an estate or of a will..... 109.50**
 25 **Civil commitment under K.S.A. 59-29a01 et seq. 33.50**

26 **(2) Except as provided further, the docket fee established in this**
 27 **section shall be the only fee collected or moneys in the nature of a fee**
 28 **collected for the docket fee. Such fee shall only be established by an**
 29 **act of the legislature and no other authority is established by law or**
 30 **otherwise to collect a fee. On and after July 1, 2013 2015, through July**
 31 **1, 2015 June 30, 2017, the supreme court may impose an additional**
 32 **charge, not to exceed \$22 per docket fee, to fund the costs of non-**
 33 **judicial personnel.**

34 **(b) *Poverty affidavit in lieu of docket fee and exemptions.* The**
 35 **provisions of ~~subsection (b) of~~ K.S.A. 60-2001(b) and K.S.A. 60-2005,**
 36 **and amendments thereto, shall apply to probate docket fees**
 37 **prescribed by this section.**

38 **(c) *Disposition of docket fee.* Statutory charges for the law library**
 39 **and for the prosecuting attorneys' training fund shall be paid from the**
 40 **docket fee. The remainder of the docket fee shall be paid to the state**
 41 **treasurer in accordance with K.S.A. 20-362, and amendments thereto.**

42 **(d) *Additional court costs.* Other fees and expenses to be assessed**
 43 **as additional court costs shall be approved by the court, unless**

1 specifically fixed by statute. Other fees shall include, but not be
2 limited to, witness fees, appraiser fees, fees for service of process
3 outside the state, fees for depositions, transcripts and publication of
4 legal notice, executor or administrator fees, attorney fees, court costs
5 from other courts and any other fees and expenses required by statute.
6 All additional court costs shall be taxed and billed against the parties
7 or estate as directed by the court. No sheriff in this state shall charge
8 any district court in this state a fee or mileage for serving any paper or
9 process.

10 Sec. 23. K.S.A. 2014 Supp. 60-256 is hereby amended to read as
11 follows: 60-256. (a) *By a claiming party.* A party claiming relief may
12 move, with or without supporting affidavits or supporting
13 declarations pursuant to K.S.A. 53-601, and amendments thereto, for
14 summary judgment on all or part of the claim.

15 (b) *By a defending party.* A party against whom relief is sought
16 may move, with or without supporting affidavits or supporting
17 declarations pursuant to K.S.A. 53-601, and amendments thereto, for
18 summary judgment on all or part of the claim.

19 (c) *Time for a motion; response and reply; proceedings.* (1) These
20 times apply unless a different time is set by local rule or the court
21 orders otherwise:

22 (A) A party may move for summary judgment at any time until
23 30 days after the close of all discovery;

24 (B) a party opposing the motion must file a response within 21
25 days after the motion is served or a responsive pleading is due,
26 whichever is later; and

27 (C) the movant may file a reply within 14 days after the response
28 is served.

29 (2) The judgment sought should be rendered if the pleadings, the
30 discovery and disclosure materials on file, and any affidavits or
31 declarations show that there is no genuine issue as to any material fact
32 and that the movant is entitled to judgment as a matter of law.

33 (d) *Case not fully adjudicated on the motion.* (1) *Establishing facts.*
34 If summary judgment is not rendered on the whole action, the court
35 should, to the extent practicable, determine what material facts are
36 not genuinely at issue. The court should so determine by examining
37 the pleadings and evidence before it and by interrogating the
38 attorneys. It should then issue an order specifying what facts,
39 including items of damages or other relief, are not genuinely at issue.
40 The facts so specified must be treated as established in the action.

41 (2) *Establishing liability.* An interlocutory summary judgment
42 may be rendered on liability alone, even if there is a genuine issue on
43 the amount of damages.

1 (e) *Affidavits or declarations; further testimony.* (1) *In general.* A
2 supporting or opposing affidavit or declaration must be made on
3 personal knowledge, set out facts that would be admissible in evidence
4 and show that the affiant or declarant is competent to testify on the
5 matters stated. If a paper or part of a paper is referred to in an
6 affidavit or declaration, a sworn or certified copy must be attached to
7 or served with the affidavit or declaration. The court may permit an
8 affidavit or declaration to be supplemented or opposed by depositions,
9 answers to interrogatories or additional affidavits or declarations.

10 (2) *Opposing party's obligation to respond.* When a motion for
11 summary judgment is properly made and supported, an opposing
12 party may not rely merely on allegations or denials in its own
13 pleading; rather, its response must, by affidavits or by declarations
14 pursuant to K.S.A. 53-601, and amendments thereto, or as otherwise
15 provided in this section, set out specific facts showing a genuine issue
16 for trial. If the opposing party does not so respond, summary
17 judgment should, if appropriate, be entered against that party.

18 (f) *When affidavits or declarations are unavailable.* If a party
19 opposing the motion shows by affidavit or by declaration pursuant to
20 K.S.A. 53-601, and amendments thereto, that, for specified reasons, it
21 cannot present facts essential to justify its opposition, the court may:

22 (1) Deny the motion;

23 (2) order a continuance to enable affidavits or declarations to be
24 obtained, depositions to be taken or other discovery to be undertaken;
25 or

26 (3) issue any other just order.

27 (g) *Affidavits or declarations submitted in bad faith.* If satisfied
28 that an affidavit or declaration under this section is submitted in bad
29 faith or solely for delay, the court must order the submitting party or
30 attorney to pay the other party the reasonable expenses, including
31 attorney's fees, it incurred as a result. An offending party or attorney
32 may be held in contempt.

33 (h) ~~Fee for filing a motion for summary judgment. (1) On and after~~
34 ~~July 1, 2014, any party filing a motion for summary judgment shall pay a~~
35 ~~fee in the amount of \$195 to the clerk of the district court.~~

36 ~~(2) A poverty affidavit may be filed in lieu of a fee as established in~~
37 ~~K.S.A. 60-2001, and amendments thereto.~~

38 ~~(3) The fee shall be disbursed in accordance with K.S.A. 20-362, and~~
39 ~~amendments thereto.~~

40 ~~(4) Such fee shall only be established by an act of the legislature and~~
41 ~~no other authority is established by law or otherwise to collect a fee.~~

42 ~~(5) The state of Kansas and all municipalities in this state, as defined~~
43 ~~in K.S.A. 12-105a, and amendments thereto, shall be exempt from paying~~

1 such fee.

2 ~~(6) The provisions of this subsection shall not apply to an action~~
3 ~~pursuant to the code of civil procedure for limited actions.~~

4 **Sec. 24. On and after July 1, 2015, K.S.A. 2014 Supp. 60-729 is**
5 **hereby amended to read as follows: 60-729. (a) Garnishment is a**
6 **procedure whereby the wages, money or intangible property of a**
7 **person can be seized or attached pursuant to an order of garnishment**
8 **issued by the court under the conditions set forth in the order.**

9 **(b) On and after July 1, 2014, any party requesting an order of**
10 **garnishment shall pay a fee in the amount of \$7.50 to the clerk of the**
11 **district court.**

12 **(c) A poverty affidavit may be filed in lieu of a fee as established**
13 **in K.S.A. 60-2001, and amendments thereto.**

14 **(d) The fee shall be the only costs assessed in each case for**
15 **services of the clerk of the district court and the sheriff. The fee shall**
16 **be disbursed in accordance with K.S.A. 20-362, and amendments**
17 **thereto.**

18 **(e) Except as provided further, the fee established in this section**
19 **shall be the only fee collected or moneys in the nature of a fee collected**
20 **for the docket fee. Such fee shall only be established by an act of the**
21 **legislature and no other authority is established by law or otherwise to**
22 **collect a fee. On and after July 1, 2014 2015, through July 1, 2015 June**
23 **30, 2017, the supreme court may impose an additional charge, not to**
24 **exceed \$12.50 per fee, to fund the costs of non-judicial personnel.**

25 **(f) The state of Kansas and all municipalities in this state, as**
26 **defined in K.S.A. 12-105a, and amendments thereto, shall be exempt**
27 **from paying such fee.**

28 **Sec. 25. On and after July 1, 2015, K.S.A. 2014 Supp. 60-2001 is**
29 **hereby amended to read as follows: 60-2001. (a) *Docket fee.* Except as**
30 **otherwise provided by law, no case shall be filed or docketed in the**
31 **district court, whether original or appealed, without payment of a**
32 **docket fee in the amount of \$173 on and after July 1, 2014, to the clerk**
33 **of the district court. Except as provided further, the docket fee**
34 **established in this subsection shall be the only fee collected or moneys**
35 **in the nature of a fee collected for the docket fee. Such fee shall only be**
36 **established by an act of the legislature and no other authority is**
37 **established by law or otherwise to collect a fee. On and after July 1,**
38 **2013 2015, through July 1, 2015 June 30, 2017, the supreme court may**
39 **impose an additional charge, not to exceed \$22 per docket fee, to fund**
40 **the costs of non-judicial personnel.**

41 **(b) *Poverty affidavit in lieu of docket fee.* (1) *Effect.* In any case**
42 **where a plaintiff by reason of poverty is unable to pay a docket fee,**
43 **and an affidavit so stating is filed, no fee will be required. An inmate**

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

19 (2) *Form of affidavit.* The affidavit provided for in this subsection
20 shall set forth a factual basis upon which the plaintiff alleges by reason
21 of poverty an inability to pay a docket fee, including, but not limited to,
22 the source and amount of the plaintiff's weekly income. Such
23 affidavit shall be signed and sworn to by the plaintiff under oath,
24 before one who has authority to administer the oath, under penalty of
25 perjury, K.S.A. 2014 Supp. 21-5903, and amendments thereto. The
26 form of the affidavit shall be deemed sufficient if in substantial
27 compliance with the form set forth by the judicial council.

28 (3) *Court review; grounds for dismissal; service of process.* The
29 court shall review any petition authorized for filing under this
30 subsection. Upon such review, if the court finds that the plaintiff's
31 allegation of poverty is untrue, the court shall direct the plaintiff to
32 pay the docket fee or dismiss the petition without prejudice.
33 Notwithstanding K.S.A. 60-301, and amendments thereto, service of
34 process shall not issue unless the court grants leave following its
35 review.

36 (c) *Disposition of fees.* The docket fees and the fees for service of
37 process shall be the only costs assessed in each case for services of the
38 clerk of the district court and the sheriff. For every person to be
39 served by the sheriff, the persons requesting service of process shall
40 provide proper payment to the clerk and the clerk of the district court
41 shall forward the service of process fee to the sheriff in accordance
42 with K.S.A. 28-110, and amendments thereto. The service of process
43 fee, if paid by check or money order, shall be made payable to the

1 sheriff. Such service of process fee shall be submitted by the sheriff at
2 least monthly to the county treasurer for deposit in the county
3 treasury and credited to the county general fund. The docket fee shall
4 be disbursed in accordance with K.S.A. 20-362, and amendments
5 thereto.

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

16 Sec. 26. On and after July 1, 2015, K.S.A. 2014 Supp. 60-2203a is
17 hereby amended to read as follows: 60-2203a. (a) After the
18 commencement of any action in any district court of this state, or the
19 courts of the United States in the state of Kansas or in any action now
20 pending heretofore commenced in such courts, which does not involve
21 title to real estate, any party to such action may give notice in any
22 other county of the state of the pendency of the action by filing for
23 record with the clerk of the district court of such other county a
24 verified statement setting forth the parties to the action, the nature of
25 the action, the court in which it is pending, and the relief sought,
26 which shall impart notice of the pendency of the action and shall result
27 in the same lien rights as if the action were pending in that county.
28 The lien shall be effective from the time the statement is filed, but not
29 to exceed four months prior to the entry of judgment except as
30 provided in subsection (c). The party filing such notice shall within 30
31 days after any satisfaction of the judgment entered in such action, or
32 any other final disposition thereof, cause to be filed with such clerk of
33 the district court a notice that all claims in such action are released. If
34 the party filing fails or neglects to do so after reasonable demand by
35 any party in interest, such party shall be liable in damages in the same
36 amounts and manner as is provided by law for failure of a mortgagee
37 to enter satisfaction of a mortgage. Upon the filing of such a notice of
38 the pendency of an action the clerk shall charge a fee of \$14 and shall
39 enter and index the action in the same manner as for the filing of an
40 original action. Upon the filing of a notice of release, the notice shall
41 likewise be entered on the docket. Except as provided further, the fee
42 established in this subsection shall be the only fee collected or moneys
43 in the nature of a fee collected for the court procedure. Such fee shall

1 only be established by an act of the legislature and no other authority
2 is established by law or otherwise to collect a fee. On and after July 1,
3 ~~2013~~ 2015, through ~~July 1, 2015~~ June 30, 2017, the supreme court may
4 impose an additional charge, not to exceed \$22 per fee, to fund the
5 costs of non-judicial personnel.

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

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

30 Sec. 27. On and after July 1, 2015, K.S.A. 2014 Supp. 61-2704 is
31 hereby amended to read as follows: 61-2704. (a) An action seeking the
32 recovery of a small claim shall be considered to have been commenced
33 at the time a person files a written statement of the person's small
34 claim with the clerk of the court if, within 90 days after the small
35 claim is filed, service of process is obtained or the first publication is
36 made for service by publication. Otherwise, the action is deemed
37 commenced at the time of service of process or first publication. An
38 entry of appearance shall have the same effect as service.

39 (b) Upon the filing of a plaintiff's small claim, the clerk of the
40 court shall require from the plaintiff a docket fee of \$35 on and after
41 July 1, 2014, if the claim does not exceed \$500; or \$55 on and after
42 July 1, 2014, if the claim exceeds \$500; unless for good cause shown
43 the judge waives the fee. The docket fee shall be the only costs

1 required in an action seeking recovery of a small claim. No person
2 may file more than 20 small claims under this act in the same court
3 during any calendar year.

4 (c) Except as provided further, the docket fee established in this
5 section shall be the only fee collected or moneys in the nature of a fee
6 collected for the docket fee. Such fee shall only be established by an
7 act of the legislature and no other authority is established by law or
8 otherwise to collect a fee. On and after July 1, ~~2013~~ 2015, through ~~July~~
9 ~~1, 2015~~ June 30, 2017, the supreme court may impose an additional
10 charge, not to exceed \$12.50 per docket fee, to fund the costs of non-
11 judicial personnel.

12 Sec. 28. On and after July 1, 2015, K.S.A. 2014 Supp. 61-4001 is
13 hereby amended to read as follows: 61-4001. (a) Docket fee. (1) No
14 case shall be filed or docketed pursuant to the code of civil procedure
15 for limited actions without the payment of a docket fee in the amount
16 of \$35 on and after July 1, 2013, if the amount in controversy or
17 claimed does not exceed \$500; \$55 on and after July 1, 2013, if the
18 amount in controversy or claimed exceeds \$500 but does not exceed
19 \$5,000; or \$101 on and after July 1, 2013, if the amount in controversy
20 or claimed exceeds \$5,000. If judgment is rendered for the plaintiff,
21 the court also may enter judgment for the plaintiff for the amount of
22 the docket fee paid by the plaintiff.

23 (2) Except as provided further, the docket fee established in this
24 section shall be the only fee collected or moneys in the nature of a fee
25 collected for the docket fee. Such fee shall only be established by an
26 act of the legislature and no other authority is established by law or
27 otherwise to collect a fee. On and after July 1, ~~2013~~ 2015, through ~~July~~
28 ~~1, 2015~~ June 30, 2017, the supreme court may impose an additional
29 charge, not to exceed \$19 per docket fee, to fund the costs of non-
30 judicial personnel.

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

36 Sec. 29. On and after July 1, 2015, K.S.A. 2014 Supp. 65-409 is
37 hereby amended to read as follows: 65-409. (a) The clerk of the district
38 court shall charge a fee of \$14 for entering and filing a lien statement
39 under this act.

40 (b) Except as provided further, the lien fee established in
41 subsection (a) shall be the only fee collected or moneys in the nature of
42 a fee collected for such lien. Such fee shall only be established by an
43 act of the legislature and no other authority is established by law or

1 otherwise to collect a fee. On and after July 1, ~~2013~~ 2015, through July
2 ~~1, 2015~~ June 30, 2017, the supreme court may impose an additional
3 charge, not to exceed \$22 per lien fee, to fund the costs of non-judicial
4 personnel.

5 Sec. 30. K.S.A. 2014 Supp. 20-362 and 60-256 are hereby
6 repealed.

7 Sec. 31. On and after July 1, 2015, K.S.A. 2014 Supp. 8-2107, 8-
8 2110, 20-3021, 21-6614, 21-6614e, 22-2410, 23-2510, 28-170, 28-172a,
9 28-177, 28-178, 28-179, 32-1049a, 38-2215, 38-2312, 38-2314, 59-104,
10 60-729, 60-2001, 60-2203a, 61-2704, 61-4001 and 65-409 are hereby
11 repealed.

12 Sec. ~~6~~ 32. This act shall take effect and be in force from and after its
13 publication in the ~~statute book~~ **Kansas register**.