

HOUSE BILL No. 2566

By Committee on Corrections and Juvenile Justice

2-6

1 AN ACT concerning court fees; relating to forensic and scientific
2 laboratories; amending K.S.A. 2013 Supp. 28-176 and repealing the
3 existing section.

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

6 Section 1. K.S.A. 2013 Supp. 28-176 is hereby amended to read as
7 follows: 28-176. (a) The court shall order any person convicted or
8 diverted, or adjudicated or diverted under a preadjudication program
9 pursuant to K.S.A. 22-2906 et seq., K.S.A. 2013 Supp. 38-2346 et seq., or
10 12-4414, and amendments thereto, of a misdemeanor or felony contained
11 in chapters 21, 41 or 65 of the Kansas Statutes Annotated, and
12 amendments thereto, or a violation of K.S.A. 8-2,144 or 8-1567, and
13 amendments thereto, or a violation of a municipal ordinance or county
14 resolution prohibiting the acts prohibited by such statutes, unless the
15 municipality or county has an agreement with the laboratory providing
16 services that sets a restitution amount to be paid by the person that is
17 directly related to the cost of laboratory services, to pay a separate court
18 cost of \$400 for every individual offense if forensic science or laboratory
19 services ~~or~~, forensic computer examination services *or forensic audio and*
20 *video examination services* are provided, in connection with the
21 investigation, by:

22 (1) The Kansas bureau of investigation;
23 (2) the Sedgwick county regional forensic science center;
24 (3) the Johnson county sheriff's laboratory;
25 (4) the heart of America regional computer forensics laboratory; ~~or~~
26 (5) the Wichita-Sedgwick county computer forensics crimes unit; *or*
27 (6) *the Garden City police department computer, audio and video*
28 *forensics laboratory.*

29 (b) Such fees shall be in addition to and not in substitution for any
30 and all fines and penalties otherwise provided for by law for such offense.

31 (c) The court shall not lessen or waive such fees unless the court has
32 determined such person is indigent and the basis for the court's
33 determination is reflected in the court's order.

34 (d) Such fees shall be deposited into the designated fund of the
35 laboratory or forensic science or computer center that provided such
36 services. Fees for services provided by:

- 1 (1) The Kansas bureau of investigation shall be deposited in the
 2 Kansas bureau of investigation forensic laboratory and materials fee fund;
 3 (2) the Sedgwick county regional forensic science center shall be
 4 deposited in the Sedgwick county general fund;
 5 (3) the Johnson county sheriff's laboratory shall be deposited in the
 6 Johnson county sheriff's laboratory analysis fee fund;
 7 (4) the heart of America regional computer forensics laboratory shall
 8 be deposited in the general treasury account maintained by such
 9 laboratory; ~~and~~
 10 (5) the Wichita-Sedgwick county computer forensic crimes unit shall
 11 be retained by the Sedgwick county sheriff. All funds retained by the
 12 sheriff pursuant to the provisions of this section shall be credited to a
 13 special fund of the sheriff's office; *and*
 14 *(6) the Garden City police department computer, audio and video*
 15 *forensics laboratory shall be deposited in the Garden City general fund.*
 16 (e) Disbursements from the funds and accounts described in
 17 subsection (d) shall be made for the following:
 18 (1) Forensic science or laboratory services;
 19 (2) forensic computer examination services;
 20 (3) *forensic audio and video examination services;*
 21 ~~(3)~~(4) purchase and maintenance of laboratory equipment and
 22 supplies;
 23 ~~(4)~~(5) education, training and scientific development of personnel;
 24 and
 25 ~~(5)~~(6) from the Kansas bureau of investigation forensic laboratory
 26 and materials fee fund, the destruction of seized property and chemicals as
 27 described in K.S.A. 22-2512 and 60-4117, and amendments thereto.
 28 Sec. 2. K.S.A. 2013 Supp. 28-176 is hereby repealed.
 29 Sec. 3. This act shall take effect and be in force from and after its
 30 publication in the statute book.