

SENATE BILL No. 218

By Committee on Ways and Means

2-20

1 AN ACT concerning courts; relating to docket fees, court fees and costs;
2 creating the judicial branch docket fee fund; abolishing the judicial
3 branch surcharge fund; amending K.S.A. 5-517 and 20-166 and K.S.A.
4 2012 Supp. 8-2107, 8-2110, 20-362, 21-6614, 22-2410, 23-2510, 28-
5 170, 28-172a, 28-172b, 28-177, 28-178, 28-179, 32-1049a, 38-2215,
6 38-2312, 38-2314, 59-104, 60-2001, 60-2203a, 61-2704, 61-4001, 65-
7 409, 74-7325, 74-7334 and 75-7021 and repealing the existing sections;
8 also repealing K.S.A. 2012 Supp. 20-367.
9

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

11 Section 1. K.S.A. 5-517 is hereby amended to read as follows: 5-517.
12 There is hereby created the dispute resolution fund in the state treasury
13 which shall be administered by the judicial administrator. All expenditures
14 from the dispute resolution fund shall be for the purpose of carrying out
15 the dispute resolution act. ~~In addition to funds generated by remittances~~
16 ~~under K.S.A. 20-367, and amendments thereto,~~ Funds acquired through
17 grants, training fees, registration and approval fees, and other public or
18 private sources and designated for dispute resolution, shall be remitted to
19 the dispute resolution fund for carrying out the dispute resolution act. All
20 expenditures from the dispute resolution fund shall be made in accordance
21 with appropriation acts upon warrants of the director of accounts and
22 reports issued pursuant to vouchers approved by the judicial administrator
23 or by the judicial administrator's designee.

24 Sec. 2. K.S.A. 2012 Supp. 8-2107 is hereby amended to read as
25 follows: 8-2107. (a) (1) Notwithstanding any other provisions of the
26 uniform act regulating traffic on highways, when a person is stopped by a
27 police officer for any of the offenses described in subsection (d) and such
28 person is not immediately taken before a judge of the district court, the
29 police officer may require the person stopped, subject to the provisions of
30 subsection (c), to deposit with the officer a valid Kansas driver's license in
31 exchange for a receipt therefor issued by such police officer, the form of
32 which shall be approved by the division of vehicles. Such receipt shall be
33 recognized as a valid temporary Kansas driver's license authorizing the
34 operation of a motor vehicle by the person stopped until the date of the

1 hearing stated on the receipt. The driver's license and a written copy of the
2 notice to appear shall be delivered by the police officer to the court having
3 jurisdiction of the offense charged as soon as reasonably possible. If the
4 hearing on such charge is continued for any reason, the judge may note on
5 the receipt the date to which such hearing has been continued and such
6 receipt shall be recognized as a valid temporary Kansas driver's license
7 until such date, but in no event shall such receipt be recognized as a valid
8 Kansas driver's license for a period longer than 30 days from the date set
9 for the original hearing. Any person who has deposited a driver's license
10 with a police officer under this subsection (a) shall have such license
11 returned upon final determination of the charge against such person.

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

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

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

42 (2) Such bond may be a cash bond, a bank card draft from any valid
43 and unexpired credit card approved by the division of vehicles or

1 superintendent of the Kansas highway patrol or a guaranteed arrest bond
 2 certificate issued by either a surety company authorized to transact such
 3 business in this state or an automobile club authorized to transact business
 4 in this state by the commissioner of insurance. If any of the approved bank
 5 card issuers redeem the bank card draft at a discounted rate, such discount
 6 shall be charged against the amount designated as the fine for the offense.
 7 If such bond is not forfeited, the amount of the bond less the discount rate
 8 shall be reimbursed to the person providing the bond by the use of a bank
 9 card draft. Any such guaranteed arrest bond certificate shall be signed by
 10 the person to whom it is issued and shall contain a printed statement that
 11 such surety company or automobile club guarantees the appearance of
 12 such person and will, in the event of failure of such person to appear in
 13 court at the time of trial, pay any fine or forfeiture imposed on such person
 14 not to exceed an amount to be stated on such certificate.

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

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

33 On and after July 1, 1996:

34 Reckless driving.....	\$82
35 Driving when privilege is canceled, suspended or revoked.....	82
36 Failure to comply with lawful order of officer.....	57
37 Registration violation (registered for 12,000 pounds	
38 or less).....	52
39 Registration violation (registered for more than 12,000	
40 pounds).....	92
41 No driver's license for the class of vehicle operated or	
42 violation of restrictions.....	52
43 Spilling load on highway.....	52

1 Transporting open container of alcoholic liquor or cereal malt
2 beverage accessible while vehicle in motion.....223

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

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

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

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

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

32 Sec. 3. K.S.A. 2012 Supp. 8-2110 is hereby amended to read as
33 follows: 8-2110. (a) Failure to comply with a traffic citation means failure
34 either to: (1) Appear before any district or municipal court in response to a
35 traffic citation and pay in full any fine and court costs imposed; or (2)
36 otherwise comply with a traffic citation as provided in K.S.A. 8-2118, and
37 amendments thereto. Failure to comply with a traffic citation is a
38 misdemeanor, regardless of the disposition of the charge for which such
39 citation was originally issued.

40 (b)-(4) In addition to penalties of law applicable under subsection (a),
41 when a person fails to comply with a traffic citation, except for illegal
42 parking, standing or stopping, the district or municipal court in which the
43 person should have complied with the citation shall mail notice to the

1 person that if the person does not appear in district or municipal court or
2 pay all fines, court costs and any penalties within 30 days from the date of
3 mailing notice, the division of vehicles will be notified to suspend the
4 person's driving privileges. The district or municipal court may charge an
5 additional fee of \$5 for mailing such notice. Upon the person's failure to
6 comply within such 30 days of mailing notice, the district or municipal
7 court shall electronically notify the division of vehicles. Upon receipt of a
8 report of a failure to comply with a traffic citation under this subsection,
9 pursuant to K.S.A. 8-255, and amendments thereto, the division of
10 vehicles shall notify the violator and suspend the license of the violator
11 until satisfactory evidence of compliance with the terms of the traffic
12 citation has been furnished to the informing court. When the court
13 determines the person has complied with the terms of the traffic citation,
14 the court shall immediately electronically notify the division of vehicles of
15 such compliance. Upon receipt of notification of such compliance from the
16 informing court, the division of vehicles shall terminate the suspension or
17 suspension action.

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

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

1 ~~counseling or any place the person is required to go by a court. The~~
2 ~~provisions of this paragraph shall expire on January 1, 2012.~~

3 (c) Except as provided in subsection (d), when the district or
4 municipal court notifies the division of vehicles of a failure to comply with
5 a traffic citation pursuant to subsection (b), the court shall assess a
6 reinstatement fee of \$59 for each charge on which the person failed to
7 make satisfaction regardless of the disposition of the charge for which
8 such citation was originally issued and regardless of any application for
9 restricted driving privileges. Such reinstatement fee shall be in addition to
10 any fine, restricted driving privilege application fee, district or municipal
11 court costs and other penalties. The court shall remit all reinstatement fees
12 to the state treasurer in accordance with the provisions of K.S.A. 75-4215,
13 and amendments thereto. Upon receipt of each such remittance, the state
14 treasurer shall deposit the entire amount in the state treasury and shall
15 credit 42.37% of such moneys to the division of vehicles operating fund,
16 31.78% to the community alcoholism and intoxication programs fund
17 created by K.S.A. 41-1126, and amendments thereto, 10.59% to the
18 juvenile detention facilities fund created by K.S.A. 79-4803, and
19 amendments thereto, and 15.26% to the judicial branch nonjudicial salary
20 adjustment fund created by K.S.A. 2012 Supp. 20-1a15, and amendments
21 thereto.

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

40 (e) Except as provided further, the reinstatement fee established in
41 this section shall be the only fee collected or moneys in the nature of a fee
42 collected for such reinstatement. 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 ~~the effective date of this act~~
2 ~~through June 30, 2013~~ *July 1, 2013, through July 1, 2015*, the supreme
3 court may impose an additional charge, not to exceed \$22 per
4 reinstatement fee, to fund the costs of non-judicial personnel.

5 Sec. 4. K.S.A. 20-166 is hereby amended to read as follows: 20-166.

6 (a) There is hereby created in the state treasury the access to justice fund.
7 Money credited to the fund ~~pursuant to K.S.A. 20-362, and amendments~~
8 ~~thereto~~, shall be used solely for the purpose of making grants for operating
9 expenses to programs, including dispute resolution programs, which
10 provide access to the Kansas civil justice system for persons who would
11 otherwise be unable to gain access to civil justice. Such programs may
12 provide legal assistance to pro se litigants, legal counsel for civil and
13 domestic matters or other legal or dispute resolution services provided the
14 recipient of the assistance or counsel meets financial qualifications under
15 guidelines established by the program in accordance with grant guidelines
16 promulgated by the supreme court of Kansas.

17 (b) All expenditures from the access to justice fund shall be made in
18 accordance with appropriations acts upon warrants of the director of
19 accounts and reports issued pursuant to vouchers approved by the chief
20 justice of the Kansas supreme court or by a person or persons designated
21 by the chief justice.

22 (c) The chief justice may apply for, receive and accept money from
23 any source for the purposes for which money in the access to justice fund
24 may be expended. Upon receipt of each such remittance, the chief justice
25 shall remit the entire amount to the state treasurer in accordance with the
26 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
27 each such remittance, the state treasurer shall deposit the entire amount in
28 the state treasury to the credit of the access to justice fund.

29 (d) Grants made to programs pursuant to this section shall be based
30 on the number of persons to be served and such other requirements as may
31 be established by the Kansas supreme court in guidelines established and
32 promulgated to regulate grants made under authority of this section. The
33 guidelines may include requirements for grant applications, organizational
34 characteristics, reporting and auditing criteria and such other standards for
35 eligibility and accountability as are deemed advisable by the supreme
36 court.

37 Sec. 5. K.S.A. 2012 Supp. 20-362 is hereby amended to read as
38 follows: 20-362. The clerk of the district court shall remit all revenues
39 received from docket fees as follows:

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

42 (1) A sum equal to \$10 for each docket fee paid pursuant to K.S.A.
43 60-2001 and 60-3005, and amendments thereto, during the preceding

1 calendar month;

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

5 (3) a sum equal to \$5 for each \$26 docket fee paid pursuant to K.S.A.
6 61-4001 or K.S.A. 61-2704, and amendments thereto, during the preceding
7 calendar month.

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

11 (c) At least monthly to the county treasurer, for deposit in the county
12 treasury and credit to the prosecuting attorneys' training fund, a sum equal
13 to \$2 for each docket fee paid pursuant to K.S.A. 28-172a, and
14 amendments thereto, during the preceding calendar month for cases filed
15 in the county and a sum equal to \$1 for each fee paid pursuant to
16 subsection (c) of K.S.A. 28-170, and amendments thereto, during the
17 preceding calendar month for cases filed in the county.

18 ~~(d) To the state treasurer, in accordance with the provisions of K.S.A.~~
19 ~~75-4215, and amendments thereto, for deposit in the state treasury and~~
20 ~~credit to the indigents' defense services fund, a sum equal to \$.50 for each~~
21 ~~docket fee paid pursuant to K.S.A. 28-172a and subsection (d) of K.S.A.~~
22 ~~28-170, and amendments thereto, during the preceding calendar month.~~

23 ~~(e)~~ (e) To the state treasurer, in accordance with the provisions of K.S.A.
24 75-4215, and amendments thereto, for deposit in the state treasury and
25 credit to the law enforcement training center fund a sum equal to \$15 for
26 each docket fee paid pursuant to K.S.A. 28-172a, and amendments thereto,
27 during the preceding calendar month.

28 ~~(f) To the state treasurer, in accordance with the provisions of K.S.A.~~
29 ~~75-4215, and amendments thereto, for deposit in the state treasury and~~
30 ~~credit to the judicial branch surcharge fund a sum equal to the amount~~
31 ~~collected for credit to that fund, as provided by supreme court rule.~~

32 ~~(g)~~ (e) To the state treasurer, in accordance with the provisions of
33 K.S.A. 75-4215, and amendments thereto, for deposit in the state treasury
34 and distribution according to K.S.A. 20-367, and amendments thereto, a
35 sum equal to the balance which remains from all docket fees paid during
36 the preceding calendar month after deduction of the amounts specified in
37 subsections (a), (b), (c), (d), (e) and (f)}. ***Of the balance remitted to the***
38 ***state treasury pursuant to this subsection, the state treasurer shall***
39 ***credit .99% to the judicial council fund and the remainder} to the credit***
40 ***of the judicial branch docket fee fund.***

41 Sec. 6. K.S.A. 2012 Supp. 21-6614 is hereby amended to read as
42 follows: 21-6614. (a) (1) Except as provided in subsections (b), (c), (d) and
43 (e), any person convicted in this state of a traffic infraction, cigarette or

1 tobacco infraction, misdemeanor or a class D or E felony, or for crimes
2 committed on or after July 1, 1993, nondrug crimes ranked in severity
3 levels 6 through 10, or for crimes committed on or after July 1, 1993, but
4 prior to July 1, 2012, any felony ranked in severity level 4 of the drug grid,
5 or for crimes committed on or after July 1, 2012, any felony ranked in
6 severity level 5 of the drug grid may petition the convicting court for the
7 expungement of such conviction or related arrest records if three or more
8 years have elapsed since the person: (A) Satisfied the sentence imposed; or
9 (B) was discharged from probation, a community correctional services
10 program, parole, postrelease supervision, conditional release or a
11 suspended sentence.

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

17 (b) Except as provided in subsections (c), (d) and (e), no person may
18 petition for expungement until five or more years have elapsed since the
19 person satisfied the sentence imposed, the terms of a diversion agreement
20 or was discharged from probation, a community correctional services
21 program, parole, postrelease supervision, conditional release or a
22 suspended sentence, if such person was convicted of a class A, B or C
23 felony, or for crimes committed on or after July 1, 1993, if convicted of an
24 off-grid felony or any nondrug crime ranked in severity levels 1 through 5,
25 or for crimes committed on or after July 1, 1993, but prior to July 1, 2012,
26 any felony ranked in severity levels 1 through 3 of the drug grid, or for
27 crimes committed on or after July 1, 2012, any felony ranked in severity
28 levels 1 through 4 of the drug grid, or:

29 (1) Vehicular homicide, as defined in K.S.A. 21-3405, prior to its
30 repeal, or K.S.A. 2012 Supp. 21-5406, and amendments thereto, or as
31 prohibited by any law of another state which is in substantial conformity
32 with that statute;

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

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

41 (4) violating the provisions of the fifth clause of K.S.A. 8-142, and
42 amendments thereto, relating to fraudulent applications or violating the
43 provisions of a law of another state which is in substantial conformity with

1 that statute;

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

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

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

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

11 (c) No person may petition for expungement until 10 or more years
12 have elapsed since the person satisfied the sentence imposed, the terms of
13 a diversion agreement or was discharged from probation, a community
14 correctional services program, parole, postrelease supervision, conditional
15 release or a suspended sentence, if such person was convicted of a
16 violation of K.S.A. 8-1567, and amendments thereto, including any
17 diversion for such violation.

18 (d) There shall be no expungement of convictions for the following
19 offenses or of convictions for an attempt to commit any of the following
20 offenses:

21 (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.
22 2012 Supp. 21-5503, and amendments thereto;

23 (2) indecent liberties with a child or aggravated indecent liberties
24 with a child, as defined in K.S.A. 21-3503 or 21-3504, prior to their repeal,
25 or K.S.A. 2012 Supp. 21-5506, and amendments thereto;

26 (3) criminal sodomy, as defined in subsection (a)(2) or (a)(3) of
27 K.S.A. 21-3505, prior to its repeal, or subsection (a)(3) or (a)(4) of K.S.A.
28 2012 Supp. 21-5504, and amendments thereto;

29 (4) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior
30 to its repeal, or K.S.A. 2012 Supp. 21-5504, and amendments thereto;

31 (5) indecent solicitation of a child or aggravated indecent solicitation
32 of a child, as defined in K.S.A. 21-3510 or 21-3511, prior to their repeal,
33 or K.S.A. 2012 Supp. 21-5508, and amendments thereto;

34 (6) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior
35 to its repeal, or K.S.A. 2012 Supp. 21-5510, and amendments thereto;

36 (7) aggravated incest, as defined in K.S.A. 21-3603, prior to its
37 repeal, or K.S.A. 2012 Supp. 21-5604, and amendments thereto;

38 (8) endangering a child or aggravated endangering a child, as defined
39 in K.S.A. 21-3608 or 21-3608a, prior to their repeal, or K.S.A. 2012 Supp.
40 21-5601, and amendments thereto;

41 (9) abuse of a child, as defined in K.S.A. 21-3609, prior to its repeal,
42 or K.S.A. 2012 Supp. 21-5602, and amendments thereto;

43 (10) capital murder, as defined in K.S.A. 21-3439, prior to its repeal,

1 or K.S.A. 2012 Supp. 21-5401, and amendments thereto;

2 (11) murder in the first degree, as defined in K.S.A. 21-3401, prior to
3 its repeal, or K.S.A. 2012 Supp. 21-5402, and amendments thereto;

4 (12) murder in the second degree, as defined in K.S.A. 21-3402, prior
5 to its repeal, or K.S.A. 2012 Supp. 21-5403, and amendments thereto;

6 (13) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to
7 its repeal, or K.S.A. 2012 Supp. 21-5404, and amendments thereto;

8 (14) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to
9 its repeal, or K.S.A. 2012 Supp. 21-5405, and amendments thereto;

10 (15) sexual battery, as defined in K.S.A. 21-3517, prior to its repeal,
11 or K.S.A. 2012 Supp. 21-5505, and amendments thereto, when the victim
12 was less than 18 years of age at the time the crime was committed;

13 (16) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to
14 its repeal, or K.S.A. 2012 Supp. 21-5505, and amendments thereto;

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

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

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

25 (f) (1) When a petition for expungement is filed, the court shall set a
26 date for a hearing of such petition and shall cause notice of such hearing to
27 be given to the prosecutor and the arresting law enforcement agency. The
28 petition shall state the:

29 (A) Defendant's full name;

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

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

33 (D) crime for which the defendant was arrested, convicted or
34 diverted;

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

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

38 (2) Except as otherwise provided by law, a petition for expungement
39 shall be accompanied by a docket fee in the amount of \$100. On and after
40 ~~April 12, 2012, through June 30, 2013~~ *July 1, 2013, through July 1, 2015*,
41 the supreme court may impose a charge, not to exceed \$19 per case, to
42 fund the costs of non-judicial personnel. The charge established in this
43 section shall be the only fee collected or moneys in the nature of a fee

1 collected for the case. Such charge shall only be established by an act of
2 the legislature and no other authority is established by law or otherwise to
3 collect a fee.

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

10 (g) At the hearing on the petition, the court shall order the petitioner's
11 arrest record, conviction or diversion expunged if the court finds that:

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

15 (2) the circumstances and behavior of the petitioner warrant the
16 expungement; and

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

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

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

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

32 (A) In any application for licensure as a private detective, private
33 detective agency, certification as a firearms trainer pursuant to K.S.A.
34 2012 Supp. 75-7b21, and amendments thereto, or employment as a
35 detective with a private detective agency, as defined by K.S.A. 75-7b01,
36 and amendments thereto; as security personnel with a private patrol
37 operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with
38 an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of
39 the *Kansas department of social and rehabilitation for aging and disability*
40 *services*;

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

43 (C) to aid in determining the petitioner's qualifications for

1 employment with the Kansas lottery or for work in sensitive areas within
2 the Kansas lottery as deemed appropriate by the executive director of the
3 Kansas lottery;

4 (D) to aid in determining the petitioner's qualifications for executive
5 director of the Kansas racing and gaming commission, for employment
6 with the commission or for work in sensitive areas in parimutuel racing as
7 deemed appropriate by the executive director of the commission, or to aid
8 in determining qualifications for licensure or renewal of licensure by the
9 commission;

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

15 (F) upon application for a commercial driver's license under K.S.A.
16 8-2,125 through 8-2,142, and amendments thereto;

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

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

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

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

27 (K) for applications received on and after July 1, 2006, to aid in
28 determining the petitioner's qualifications for a license to carry a concealed
29 weapon pursuant to the personal and family protection act, K.S.A. 2012
30 Supp. 75-7c01 et seq., and amendments thereto;

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

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

36 (5) upon commitment to the custody of the secretary of corrections,
37 any previously expunged record in the possession of the secretary of
38 corrections may be reinstated and the expungement disregarded, and the
39 record continued for the purpose of the new commitment.

40 (i) Whenever a person is convicted of a crime, pleads guilty and pays
41 a fine for a crime, is placed on parole, postrelease supervision or
42 probation, is assigned to a community correctional services program, is
43 granted a suspended sentence or is released on conditional release, the

1 person shall be informed of the ability to expunge the arrest records or
2 conviction. Whenever a person enters into a diversion agreement, the
3 person shall be informed of the ability to expunge the diversion.

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

12 (k) Whenever the record of any arrest, conviction or diversion has
13 been expunged under the provisions of this section or under the provisions
14 of any other existing or former statute, the custodian of the records of
15 arrest, conviction, diversion and incarceration relating to that crime shall
16 not disclose the existence of such records, except when requested by:

17 (1) The person whose record was expunged;

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

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

24 (4) ~~the secretary of social and rehabilitation~~ *for aging and disability*
25 *services*, or a designee of the secretary, for the purpose of obtaining
26 information relating to employment in an institution, as defined in K.S.A.
27 76-12a01, and amendments thereto, of the *Kansas* department ~~of social~~
28 ~~and rehabilitation~~ *for aging and disability* services of any person whose
29 record has been expunged;

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

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

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

41 (8) the Kansas lottery, and the request is accompanied by a statement
42 that the request is being made to aid in determining qualifications for
43 employment with the Kansas lottery or for work in sensitive areas within

1 the Kansas lottery as deemed appropriate by the executive director of the
2 Kansas lottery;

3 (9) the governor or the Kansas racing and gaming commission, or a
4 designee of the commission, and the request is accompanied by a
5 statement that the request is being made to aid in determining
6 qualifications for executive director of the commission, for employment
7 with the commission, for work in sensitive areas in parimutuel racing as
8 deemed appropriate by the executive director of the commission or for
9 licensure, renewal of licensure or continued licensure by the commission;

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

17 (11) the Kansas sentencing commission;

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

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

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

33 (15) a law enforcement agency and the request is accompanied by a
34 statement that the request is being made to aid in determining eligibility
35 for employment as a law enforcement officer as defined by K.S.A. 22-
36 2202, and amendments thereto;

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

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

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

1 amendments thereto; or

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

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

7 Sec. 7. K.S.A. 2012 Supp. 22-2410 is hereby amended to read as
8 follows: 22-2410. (a) Any person who has been arrested in this state may
9 petition the district court for the expungement of such arrest record.

10 (b) When a petition for expungement is filed, the court shall set a date
11 for hearing on such petition and shall cause notice of such hearing to be
12 given to the prosecuting attorney and the arresting law enforcement
13 agency. When a petition for expungement is filed, the official court file
14 shall be separated from the other records of the court, and shall be
15 disclosed only to a judge of the court and members of the staff of the court
16 designated by a judge of the district court, the prosecuting attorney, the
17 arresting law enforcement agency, or any other person when authorized by
18 a court order, subject to any conditions imposed by the order. Except as
19 otherwise provided by law, a petition for expungement shall be
20 accompanied by a docket fee in the amount of \$100. Except as provided
21 further, the docket fee established in this section shall be the only fee
22 collected or moneys in the nature of a fee collected for the docket fee.
23 Such fee shall only be established by an act of the legislature and no other
24 authority is established by law or otherwise to collect a fee. On and after
25 ~~the effective date of this act through June 30, 2013~~ *July 1, 2103, through*
26 *July 1, 2015*, the supreme court may impose an additional charge, not to
27 exceed \$19 per docket fee, to fund the costs of non-judicial personnel. The
28 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 of
38 identity theft under K.S.A. 21-4018, prior to its repeal, or subsection (a) of
39 K.S.A. 2012 Supp. 21-6107, and amendments thereto, or who has had
40 criminal charges dismissed because a court has found that there was no
41 probable cause for the arrest, the petitioner was found not guilty in court
42 proceedings or the charges have been dismissed. Any person who may
43 have relevant information about the petitioner may testify at the hearing.

1 The court may inquire into the background of the petitioner.

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

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

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

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

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

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

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

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

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

40 (5) in any application for a commercial driver's license under K.S.A.
41 8-2,125 through 8-2,142, and amendments thereto;

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

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

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

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

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

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

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

19 (h) Whenever a petitioner's arrest records have been expunged as
20 provided in this section, the custodian of the records of arrest,
21 incarceration due to arrest or court proceedings related to the arrest, shall
22 not disclose the arrest or any information related to the arrest, except as
23 directed by the order of expungement or when requested by the person
24 whose arrest record was expunged.

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

28 Sec. 8. K.S.A. 2012 Supp. 23-2510 is hereby amended to read as
29 follows: 23-2510. (a) The judge or clerk of the district court shall collect
30 from the applicant for a marriage license a fee of \$59.

31 (b) The clerk of the court shall remit all fees prescribed by this
32 section to the state treasurer in accordance with the provisions of K.S.A.
33 75-4215, and amendments thereto. Upon receipt of each such remittance,
34 the state treasurer shall deposit the entire amount in the state treasury. Of
35 each remittance, the state treasurer shall credit 38.98% to the protection
36 from abuse fund, 15.19% to the family and children trust account of the
37 family and children investment fund created by K.S.A. 38-1808, and
38 amendments thereto, 16.95% to the crime victims assistance fund created
39 by K.S.A. 74-7334, and amendments thereto, 15.25% to the judicial
40 branch nonjudicial salary adjustment fund created by K.S.A. 2012 Supp.
41 20-1a15, and amendments thereto, and the remainder to the state general
42 fund.

43 (c) Except as provided further, the marriage license fee established in

1 this section shall be the only fee collected or moneys in the nature of a fee
 2 collected for a marriage license. Such fee shall only be established by an
 3 act of the legislature and no other authority is established by law or
 4 otherwise to collect a fee. On and after ~~the effective date of this act~~
 5 ~~through June 30, 2013~~ *July 1, 2013, through July 1, 2015*, the supreme
 6 court may impose an additional charge, not to exceed \$26.50 per marriage
 7 license fee, to fund the costs of non-judicial personnel.

8 Sec. 9. K.S.A. 2012 Supp. 28-170 is hereby amended to read as
 9 follows: 28-170. (a) The docket fee prescribed by K.S.A. 60-2001, and
 10 amendments thereto, and the fees for service of process, shall be the only
 11 costs assessed for services of the clerk of the district court and the sheriff
 12 in any case filed under chapter 60 or chapter 61 of the Kansas Statutes
 13 Annotated, and amendments thereto, except that no fee shall be charged
 14 for an action filed under K.S.A. 60-3101 et seq., and under K.S.A. 60-
 15 31a01 et seq., and amendments thereto. For services in other matters in
 16 which no other fee is prescribed by statute, the following fees shall be
 17 charged and collected by the clerk. Only one fee shall be charged for each
 18 bond, lien or judgment:

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

26 (b) The fees for entries, certificates and other papers required in
 27 naturalization cases shall be those prescribed by the federal government
 28 and, when collected, shall be disbursed as prescribed by the federal
 29 government. The clerk of the court shall remit to the state treasurer at least
 30 monthly all moneys received from fees prescribed by subsection (a) or (b)
 31 or received for any services performed which may be required by law. The
 32 state treasurer shall deposit the remittance in the state treasury and credit
 33 the entire amount to the state general fund.

34 (c) In actions pursuant to the revised Kansas code for care of
 35 children, K.S.A. 2012 Supp. 38-2201 et seq., and amendments thereto, the
 36 revised Kansas juvenile justice code, K.S.A. 2012 Supp. 38-2301 et seq.,
 37 and amendments thereto, the act for treatment of alcoholism, K.S.A. 65-
 38 4001 et seq., and amendments thereto, the act for treatment of drug abuse,
 39 K.S.A. 65-5201 et seq., and amendments thereto, or the care and treatment
 40 act for mentally ill persons, K.S.A. 59-2945 et seq., and amendments
 41 thereto, the clerk shall charge an additional fee of \$1 which shall be
 42 deducted from the docket fee and credited to the prosecuting attorneys'
 43 training fund as provided in K.S.A. 28-170a, and amendments thereto.

1 (d) In actions pursuant to the revised Kansas code for care of
 2 children, K.S.A. 2012 Supp. 38-2201 et seq., and amendments thereto, the
 3 revised Kansas juvenile justice code, K.S.A. 2012 Supp. 38-2301 et seq.,
 4 and amendments thereto, the act for treatment of alcoholism, K.S.A. 65-
 5 4001 et seq., and amendments thereto, the act for treatment of drug abuse,
 6 K.S.A. 65-5201 et seq., and amendments thereto, or the care and treatment
 7 act for mentally ill persons, K.S.A. 59-2945 et seq., and amendments
 8 thereto, the clerk shall charge an additional fee of \$.50 which shall be
 9 deducted from the docket fee and credited to the indigents' defense
 10 services fund as provided in K.S.A. 28-172b, and amendments thereto.

11 (e) Except as provided further, the bond, lien or judgment fee
 12 established in subsection (a) shall be the only fee collected or moneys in
 13 the nature of a fee collected for such bond, lien or judgment. Such fee shall
 14 only be established by an act of the legislature and no other authority is
 15 established by law or otherwise to collect a fee. On and after the effective
 16 date of this act through June 30, 2013 July 1, 2013, through July 1, 2015,
 17 the 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. 10. K.S.A. 2012 Supp. 28-172a is hereby amended to read as
 20 follows: 28-172a. (a) Except as otherwise provided in this section,
 21 whenever the prosecuting witness or defendant is adjudged to pay the costs
 22 in a criminal proceeding in any county, a docket fee shall be taxed as
 23 follows:

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

25 Murder or manslaughter.....	\$182.50
26 Other felony.....	173.00
27 Misdemeanor.....	138.00
28 Forfeited recognizance.....	74.50
29 Appeals from other courts.....	74.50

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

31 Murder or manslaughter.....	\$180.50
32 Other felony.....	171.00
33 Misdemeanor.....	136.00
34 Forfeited recognizance.....	72.50
35 Appeals from other courts.....	72.50

36 (b) (1) Except as provided in paragraph (2), in actions involving the
 37 violation of any of the laws of this state regulating traffic on highways,
 38 including those listed in subsection (c) of K.S.A. 8-2118, and amendments
 39 thereto, a cigarette or tobacco infraction, any act declared a crime pursuant
 40 to the statutes contained in chapter 32 of the Kansas Statutes Annotated,
 41 and amendments thereto, or any act declared a crime pursuant to the
 42 statutes contained in article 8 of chapter 82a of the Kansas Statutes
 43 Annotated, and amendments thereto, whenever the prosecuting witness or

1 defendant is adjudged to pay the costs in the action, ~~on and after July 1,~~
2 ~~2009 through June 30, 2013, a docket fee of \$76 shall be charged, and on~~
3 ~~and after July 1, 2013, a docket fee of \$74 shall be charged. When an~~
4 ~~action is disposed of under subsections (a) and (b) of K.S.A. 8-2118 or~~
5 ~~subsection (f) of K.S.A. 79-3393, and amendments thereto, on and after~~
6 ~~July 1, 2009 through June 30, 2013, the docket fee to be paid as court costs~~
7 ~~shall be \$76, and on and after July 1, 2013, the docket fee to be paid as~~
8 ~~court costs shall be \$74.~~

9 (2) In actions involving the violation of a moving traffic violation
10 under K.S.A. 8-2118, and amendments thereto, as defined by rules and
11 regulations adopted under K.S.A. 8-249, and amendments thereto,
12 whenever the prosecuting witness or defendant is adjudged to pay the costs
13 in the action, ~~on and after July 1, 2009 through June 30, 2013, a docket fee~~
14 ~~of \$76 shall be charged, and on and after July 1, 2013, a docket fee of \$74~~
15 ~~shall be charged. When an action is disposed of under subsection (a) and~~
16 ~~(b) of K.S.A. 8-2118, and amendments thereto, on and after July 1, 2009~~
17 ~~through June 30, 2013, the docket fee to be paid as court costs shall be~~
18 ~~\$76, and on and after July 1, 2013, the docket fee to be paid as court costs~~
19 ~~shall be \$74.~~

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

24 (d) ~~Statutory charges for law library funds, the law enforcement~~
25 ~~training center fund, the prosecuting attorneys' training fund, the juvenile~~
26 ~~detention facilities fund, the judicial branch education fund, the emergency~~
27 ~~medical services operating fund and the judiciary technology fund made~~
28 ~~pursuant to the provisions of K.S.A. 20-362, and amendments thereto, shall~~
29 ~~be paid from the docket fee; the family violence and child abuse and~~
30 ~~neglect assistance and prevention fund fee shall be paid from criminal~~
31 ~~proceedings docket fees. All other fees and expenses to be assessed as~~
32 ~~additional court costs shall be approved by the court, unless specifically~~
33 ~~fixed by statute. Additional fees shall include, but are not limited to, fees~~
34 ~~for Kansas bureau of investigation forensic or laboratory analyses, fees for~~
35 ~~detention facility processing pursuant to K.S.A. 12-16,119, and~~
36 ~~amendments thereto, fees for the sexual assault evidence collection kit,~~
37 ~~fees for conducting an examination of a sexual assault victim, fees for~~
38 ~~service of process outside the state, witness fees, fees for transcripts and~~
39 ~~depositions, costs from other courts, doctors' fees and examination and~~
40 ~~evaluation fees. No sheriff in this state shall charge any district court of~~
41 ~~this state a fee or mileage for serving any paper or process.~~

42 (e) In each case charging a violation of the laws relating to parking of
43 motor vehicles on the statehouse grounds or other state-owned or operated

1 property in Shawnee county, Kansas, as specified in K.S.A. 75-4510a, and
2 amendments thereto, or as specified in K.S.A. 75-4508, and amendments
3 thereto, the clerk shall tax a fee of \$2 which shall constitute the entire costs
4 in the case, except that witness fees, mileage and expenses incurred in
5 serving a warrant shall be in addition to the fee. Appearance bond for a
6 parking violation of K.S.A. 75-4508 or 75-4510a, and amendments
7 thereto, shall be \$3, unless a warrant is issued. The judge may order the
8 bond forfeited upon the defendant's failure to appear, and \$2 of any bond
9 so forfeited shall be regarded as court costs.

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

18 Sec. 11. K.S.A. 2012 Supp. 28-172b is hereby amended to read as
19 follows: 28-172b. (a) There is hereby established in the state treasury an
20 indigents' defense services fund.

21 ~~(b) The clerk of the district court shall charge a fee of \$.50 in each~~
22 ~~criminal case, to be deducted from the docket fee as provided in K.S.A.~~
23 ~~28-172a, and amendments thereto, and shall charge a fee of \$.50 in each~~
24 ~~case pursuant to the revised Kansas code for care of children or the revised~~
25 ~~Kansas juvenile justice code and each mental illness, drug abuse or~~
26 ~~alcoholism treatment action as provided by subsection (d) of K.S.A. 28-~~
27 ~~170, and amendments thereto. The clerk of the district court shall remit all~~
28 ~~such fees received to the state treasurer in accordance with the provisions~~
29 ~~of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such~~
30 ~~remittance, the state treasurer shall deposit the entire amount in the state~~
31 ~~treasury to the credit of the indigents' defense services fund.~~

32 (e) Moneys in the indigents' defense services fund shall be used
33 exclusively to provide counsel and related services for indigent
34 defendants. Expenditures from such fund shall be made in accordance with
35 appropriation acts upon warrants of the director of accounts and reports
36 issued pursuant to vouchers approved by the chairperson of the state board
37 of indigents' defense services or a person designated by the chairperson.

38 Sec. 12. K.S.A. 2012 Supp. 28-177 is hereby amended to read as
39 follows: 28-177. (a) Except as provided in this section and K.S.A. 2012
40 Supp. 28-178, and amendments thereto, the fees established by legislative
41 enactment shall be the only fee collected or moneys in the nature of a fee
42 collected for court procedures. Such fee shall only be established by an act
43 of the legislature and no other authority is established by law or otherwise

1 to collect a fee. Court procedures shall include docket fees, filing fees or
2 other fees related to access to court procedures. On and after ~~the effective~~
3 ~~date of this act through June 30, 2013~~ *July 1, 2013, through July 1, 2015*,
4 the supreme court may impose an additional charge, not to exceed \$26.50
5 per fee or the amount established by the applicable statute, whichever
6 amount is less, to fund the costs of non-judicial personnel.

7 (b) Such additional charge imposed by the court pursuant to K.S.A. 8-
8 2107, 8-2110, 22-2410, ~~23-108a~~, 28-170, 28-172a, 59-104, 60-2001, 60-
9 2203a, 61-2704, 61-4001 and 65-409 and K.S.A. 2012 Supp. 21-6614, 23-
10 2510, 28-178, 28-179, 32-1049a, 38-2215, 38-2312 and 38-2314, and
11 amendments thereto, shall be remitted to the state treasurer in accordance
12 with the provisions of K.S.A. 75-4215, and amendments thereto. Upon
13 receipt of each such remittance, the state treasurer shall deposit the entire
14 amount in the state treasury to the credit of the judicial branch ~~surcharge~~
15 *docket fee* fund, which is hereby created in the state treasury.

16 (c) ~~All~~ Moneys credited to the judicial branch ~~surcharge docket fee~~
17 ~~fund shall be used for compensation of non-judicial personnel and shall~~
18 ~~not be expended for compensation of judges or justices of the judicial~~
19 ~~branch.~~

20 (d) All expenditures from the judicial branch ~~surcharge docket fee~~
21 fund shall be made in accordance with appropriation acts and upon
22 warrants of the director of accounts and reports issued pursuant to ~~payrolls~~
23 *vouchers* approved by the chief justice of the Kansas supreme court or by
24 a person or persons designated by the chief justice.

25 (e) *Expenditures may be made from the judicial branch docket fee*
26 *fund to provide services and programs for the purpose of educating and*
27 *training judicial branch officers and employees, administering the*
28 *training, testing and education of municipal judges as provided in K.S.A.*
29 *12-4114, and amendments thereto, and for educating and training*
30 *municipal judges and municipal court and support staff, including*
31 *official hospitality. The judicial administrator is hereby authorized to*
32 *fix, charge and collect fees for such services and programs. Such fees*
33 *may be fixed to cover all or part of the operating expenditures incurred*
34 *in providing such services and programs, including official hospitality.*
35 *All fees received for such purposes and programs, including official*
36 *hospitality, shall be deposited in the state treasury in accordance with*
37 *the provisions of K.S.A. 75-4215, and amendments thereto, and shall be*
38 *credited to the judicial branch docket fee fund.*

39 ~~(e)~~ (f) *On the effective date of this act:*

40 (1) *The director of accounts and reports shall transfer all moneys in*
41 *the judicial branch surcharge fund to the judicial branch docket fee fund;*

42 (2) *all liabilities of the judicial branch surcharge fund existing prior*
43 *to that date are hereby imposed on the judicial branch docket fee fund;*

1 *and*

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

3 Sec. 13. K.S.A. 2012 Supp. 28-178 is hereby amended to read as
4 follows: 28-178. (a) In addition to any other fees specifically prescribed by
5 law, on and after ~~the effective date of this act through June 30, 2013~~ *July*
6 *1, 2013, through July 1, 2015*, the supreme court may impose a charge, not
7 to exceed \$12.50 per fee, to fund the costs of non-judicial personnel, on
8 the following:

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

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

13 (3) A person requesting an order for garnishment pursuant to article 7
14 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto,
15 or article 35 of chapter 61 of the Kansas Statutes Annotated, and
16 amendments thereto.

17 (4) Persons who request a writ or order of sale pursuant to K.S.A. 60-
18 2401 or 61-3602, and amendments thereto.

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

21 (6) A person who requests an attachment against the property of a
22 defendant or any one or more of several defendants pursuant to K.S.A. 60-
23 701 or 61-3501, and amendments thereto.

24 (b) The clerk of the district court shall remit all revenues received
25 from the fees imposed pursuant to subsection (a) to the state treasurer, in
26 accordance with the provisions of K.S.A. 75-4215, and amendments
27 thereto. Upon receipt of each such remittance, the state treasurer shall
28 deposit the entire amount in the state treasury to the credit of the judicial
29 branch ~~surcharge~~ *docket fee* fund.

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

34 Sec. 14. K.S.A. 2012 Supp. 28-179 is hereby amended to read as
35 follows: 28-179. (a) No post-decree motion petitioning for a modification
36 or termination of separate maintenance, for a change in legal custody,
37 residency, visitation rights or parenting time or for a modification of child
38 support shall be filed or docketed in the district court without payment of a
39 docket fee in the amount of ~~\$42 on and after July 1, 2009 through June 30,~~
40 ~~2013,~~ and \$40 on and after July 1, 2013, to the clerk of the district court.

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

43 (c) The docket fee shall be the only costs assessed in each case for

1 services of the clerk of the district court and the sheriff. The docket fee
2 shall be disbursed in accordance with subsection (f) (e) of K.S.A. 20-362,
3 and amendments thereto.

4 (d) 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 act of
7 the legislature and no other authority is established by law or otherwise to
8 collect a fee. On and after ~~the effective date of this act through June 30,~~
9 ~~2013~~ *July 1, 2013, through July 1, 2015*, the supreme court may impose an
10 additional charge, not to exceed \$22 per docket fee, to fund the costs of
11 non-judicial personnel.

12 Sec. 15. K.S.A. 2012 Supp. 32-1049a is hereby amended to read as
13 follows: 32-1049a. (a) Failure to comply with a wildlife, parks and tourism
14 citation means failure to:

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

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

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

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

26 (b) The term "citation" means any complaint, summons, notice to
27 appear, ticket, warrant, penalty assessment or other official document
28 issued for the prosecution of the wildlife, parks and tourism laws or rules
29 and regulations of this state.

30 (c) In addition to penalties of law applicable under subsection (a)
31 when a person fails to comply with a wildlife, parks and tourism citation
32 or sentence for a violation of wildlife, parks and tourism laws or rules and
33 regulations, the district court in which the person should have complied
34 shall mail a notice to the person that if the person does not appear in the
35 district court or pay all fines, court costs, assessments or fees, and any
36 penalties imposed within 30 days from the date of mailing, the Kansas
37 department of wildlife, parks and tourism shall be notified to forfeit or
38 suspend any license, permit, stamp or other issue of the department. Upon
39 receipt of a report of a failure to comply with a wildlife, parks and tourism
40 citation under this section, and amendments thereto, the department shall
41 notify the violator and suspend or forfeit the license, permit, stamp or
42 other issue of the department held by the violator until satisfactory
43 evidence of compliance with the wildlife, parks and tourism citation or

1 sentence of the district court for violation of the wildlife, parks and
2 tourism laws or rules and regulations of this state are furnished to the
3 informing court. Upon receipt of notification of such compliance from the
4 informing court, the department shall terminate the suspension action,
5 unless the violator is otherwise suspended.

6 (d) Except as provided in subsection (e), when the district court
7 notifies the department of a failure to comply with a wildlife, parks and
8 tourism citation or failure to comply with a sentence of the district court
9 imposed on violation of a wildlife, parks and tourism law or rule and
10 regulation, the court shall assess a reinstatement fee of \$50 for each charge
11 or sentence on which the person failed to make satisfaction, regardless of
12 the disposition of the charge for which such citation was originally issued.
13 Such reinstatement fee shall be in addition to any fine, court costs and
14 other assessments, fees or penalties. The court shall remit all reinstatement
15 fees to the state treasurer in accordance with the provisions of K.S.A. 75-
16 4215, and amendments thereto. Upon receipt of each remittance, the state
17 treasurer shall deposit the entire amount in the state treasury and shall
18 credit such moneys to the state general fund.

19 (e) The district court shall waive the reinstatement fee provided for in
20 subsection (d), if the failure to comply with a wildlife, parks and tourism
21 citation was the result of such person enlisting in or being drafted into the
22 armed services of the United States of America, being called into service
23 as a member of a reserve component of the military service of the United
24 States of America, or volunteering for such active duty or being called into
25 service as a member of the Kansas national guard or volunteering for such
26 active duty and being absent from Kansas because of such military service.
27 The state treasurer and the director of accounts and reports shall prescribe
28 procedures for all such reimbursement payments and shall create
29 appropriate accounts, make appropriate accounting entries and issue such
30 appropriate vouchers and warrants as may be required to make such
31 reimbursement payments.

32 (f) Except as provided further, the reinstatement fee established in
33 subsection (d) shall be the only fee collected or moneys in the nature of a
34 fee collected for such reinstatement. Such fee shall only be established by
35 an act of the legislature and no other authority is established by law or
36 otherwise to collect a fee. On and after ~~the effective date of this act~~
37 ~~through June 30, 2013~~ *July 1, 2013, through July 1, 2015*, the supreme
38 court may impose an additional charge, not to exceed \$22 per
39 reinstatement fee, to fund the costs of non-judicial personnel.

40 Sec. 16. K.S.A. 2012 Supp. 38-2215 is hereby amended to read as
41 follows: 38-2215. (a) *Docket fee*. The docket fee for proceedings under
42 this code, if one is assessed as provided in this section, shall be \$34. Only
43 one docket fee shall be assessed in each case. Except as provided further,

1 the docket fee established in this section shall be the only fee collected or
2 moneys in the nature of a fee collected for the docket fee. Such fee shall
3 only be established by an act of the legislature and no other authority is
4 established by law or otherwise to collect a fee. On and after ~~the effective~~
5 ~~date of this act through June 30, 2013~~ *July 1, 2013, through July 1, 2015*,
6 the supreme court may impose an additional charge, not to exceed \$22 per
7 docket fee, to fund the costs of non-judicial personnel.

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

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

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

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

42 Sec. 17. K.S.A. 2012 Supp. 38-2312 is hereby amended to read as
43 follows: 38-2312. (a) Except as provided in subsection (b) and (c), any

1 records or files specified in this code concerning a juvenile may be
2 expunged upon application to a judge of the court of the county in which
3 the records or files are maintained. The application for expungement may
4 be made by the juvenile, if 18 years of age or older or, if the juvenile is
5 less than 18 years of age, by the juvenile's parent or next friend.

6 (b) There shall be no expungement of records or files concerning acts
7 committed by a juvenile which, if committed by an adult, would constitute
8 a violation of K.S.A. 21-3401, prior to its repeal, or K.S.A. 2012 Supp. 21-
9 5402, and amendments thereto, murder in the first degree; K.S.A. 21-3402,
10 prior to its repeal, or K.S.A. 2012 Supp. 21-5403, and amendments
11 thereto, murder in the second degree; K.S.A. 21-3403, prior to its repeal,
12 or K.S.A. 2012 Supp. 21-5404, and amendments thereto, voluntary
13 manslaughter; K.S.A. 21-3404, prior to its repeal, or K.S.A. 2012 Supp.
14 21-5405, and amendments thereto, involuntary manslaughter; K.S.A. 21-
15 3439, prior to its repeal, or K.S.A. 2012 Supp. 21-5401, and amendments
16 thereto, capital murder; K.S.A. 21-3442, prior to its repeal, or subsection
17 (a)(3) of K.S.A. 2012 Supp. 21-5405, and amendments thereto,
18 involuntary manslaughter while driving under the influence of alcohol or
19 drugs; K.S.A. 21-3502, prior to its repeal, or K.S.A. 2012 Supp. 21-5503,
20 and amendments thereto, rape; K.S.A. 21-3503, prior to its repeal, or
21 subsection (a) of K.S.A. 2012 Supp. 21-5506, and amendments thereto,
22 indecent liberties with a child; K.S.A. 21-3504, prior to its repeal, or
23 subsection (b) of K.S.A. 2012 Supp. 21-5506, and amendments thereto,
24 aggravated indecent liberties with a child; K.S.A. 21-3506, prior to its
25 repeal, or subsection (b) of K.S.A. 2012 Supp. 21-5504, and amendments
26 thereto, aggravated criminal sodomy; K.S.A. 21-3510, prior to its repeal,
27 or subsection (a) of K.S.A. 2012 Supp. 21-5508, and amendments thereto,
28 indecent solicitation of a child; K.S.A. 21-3511, prior to its repeal, or
29 subsection (b) of K.S.A. 2012 Supp. 21-5508, and amendments thereto,
30 aggravated indecent solicitation of a child; K.S.A. 21-3516, prior to its
31 repeal, or K.S.A. 2012 Supp. 21-5510, and amendments thereto, sexual
32 exploitation; K.S.A. 21-3603, prior to its repeal, or subsection (b) of
33 K.S.A. 2012 Supp. 21-5604, and amendments thereto, aggravated incest;
34 K.S.A. 21-3608, prior to its repeal, or subsection (a) of K.S.A. 2012 Supp.
35 21-5601, and amendments thereto, endangering a child; K.S.A. 21-3609,
36 prior to its repeal, or K.S.A. 2012 Supp. 21-5602, and amendments
37 thereto, abuse of a child; or which would constitute an attempt to commit a
38 violation of any of the offenses specified in this subsection.

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

1 offender registration act.

2 (d) When a petition for expungement is filed, the court shall set a date
3 for a hearing on the petition and shall give notice thereof to the county or
4 district attorney. The petition shall state: (1) The juvenile's full name; (2)
5 the full name of the juvenile as reflected in the court record, if different
6 than (1); (3) the juvenile's sex and date of birth; (4) the offense for which
7 the juvenile was adjudicated; (5) the date of the trial; and (6) the identity
8 of the trial court. Except as otherwise provided by law, a petition for
9 expungement shall be accompanied by a docket fee in the amount of \$100.
10 On and after ~~the effective date of this act through June 30, 2013~~ *July 1,*
11 *2013, through July 1, 2015,* the supreme court may impose a charge, not to
12 exceed \$19 per case, to fund the costs of non-judicial personnel. All
13 petitions for expungement shall be docketed in the original action. Any
14 person who may have relevant information about the petitioner may testify
15 at the hearing. The court may inquire into the background of the petitioner.

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

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

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

25 (C) the circumstances and behavior of the petitioner warrant
26 expungement.

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

29 (f) Upon entry of an order expunging records or files, the offense
30 which the records or files concern shall be treated as if it never occurred,
31 except that upon conviction of a crime or adjudication in a subsequent
32 action under this code the offense may be considered in determining the
33 sentence to be imposed. The petitioner, the court and all law enforcement
34 officers and other public offices and agencies shall properly reply on
35 inquiry that no record or file exists with respect to the juvenile. Inspection
36 of the expunged files or records thereafter may be permitted by order of
37 the court upon petition by the person who is the subject thereof. The
38 inspection shall be limited to inspection by the person who is the subject of
39 the files or records and the person's designees.

40 (g) A certified copy of any order made pursuant to subsection (a) or
41 (d) shall be sent to the Kansas bureau of investigation, which shall notify
42 every juvenile or criminal justice agency which may possess records or
43 files ordered to be expunged. If the agency fails to comply with the order

1 within a reasonable time after its receipt, such agency may be adjudged in
2 contempt of court and punished accordingly.

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

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

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

12 (k) Whenever the records or files of any adjudication have been
13 expunged under the provisions of this section, the custodian of the records
14 or files of adjudication relating to that offense shall not disclose the
15 existence of such records or files, except when requested by:

16 (1) The person whose record was expunged;

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

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

23 (4) the secretary of ~~social and rehabilitation~~ *for aging and disability*
24 services, or a designee of the secretary, for the purpose of obtaining
25 information relating to employment in an institution, as defined in K.S.A.
26 76-12a01, and amendments thereto, of the ~~Kansas department of social~~
27 ~~and rehabilitation~~ *for aging and disability* services of any person whose
28 record has been expunged;

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

31 (6) the Kansas lottery, and the request is accompanied by a statement
32 that the request is being made to aid in determining qualifications for
33 employment with the Kansas lottery or for work in sensitive areas within
34 the Kansas lottery as deemed appropriate by the executive director of the
35 Kansas lottery;

36 (7) the governor or the Kansas racing commission, or a designee of
37 the commission, and the request is accompanied by a statement that the
38 request is being made to aid in determining qualifications for executive
39 director of the commission, for employment with the commission, for
40 work in sensitive areas in parimutuel racing as deemed appropriate by the
41 executive director of the commission or for licensure, renewal of licensure
42 or continued licensure by the commission;

43 (8) the Kansas sentencing commission; or

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

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

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

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

10 Sec. 18. K.S.A. 2012 Supp. 38-2314 is hereby amended to read as
11 follows: 38-2314. (a) *Docket fee*. The docket fee for proceedings under
12 this code, if one is assessed as provided by this section, shall be \$34. Only
13 one docket fee shall be assessed in each case. Except as provided further,
14 the docket fee established in this section shall be the only fee collected or
15 moneys in the nature of a fee collected for the docket fee. Such fee shall
16 only be established by an act of the legislature and no other authority is
17 established by law or otherwise to collect a fee. On and after ~~the effective~~
18 ~~date of this act through June 30, 2013~~ *July 1, 2013, through July 1, 2015*,
19 the supreme court may impose an additional charge, not to exceed \$22 per
20 docket fee, to fund the costs of non-judicial personnel.

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

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

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

34 (3) *Prohibited assessment*. Docket fees or expenses shall not be
35 assessed against the state, a political subdivision of the state, an agency of
36 the state or of a political subdivision of the state or a person acting in the
37 capacity of an employee of the state or of a political subdivision of the
38 state.

39 (d) *Cases in which venue is transferred*. If venue is transferred from
40 one county to another, the court from which the case is transferred shall
41 send to the receiving court a statement of expenses paid from the general
42 fund of the sending county. If the receiving court collects any of the
43 expenses owed in the case, the receiving court shall pay to the sending

1 court an amount proportional to the sending court's share of the total
 2 expenses owed to both counties. The expenses of the sending county shall
 3 not be an obligation of the receiving county except to the extent that the
 4 sending county's proportionate share of the expenses is collected by the
 5 receiving court. Unless otherwise ordered by the court, all amounts
 6 collected shall first be applied toward payment of restitution, then toward
 7 the payment of the docket fee.

8 Sec. 19. K.S.A. 2012 Supp. 59-104 is hereby amended to read as
 9 follows: 59-104. (a) *Docket fee.* (1) Except as otherwise provided by law,
 10 no case shall be filed or docketed in the district court under the provisions
 11 of chapter 59 of the Kansas Statutes Annotated, and amendments thereto,
 12 or of articles 40 and 52 of chapter 65 of the Kansas Statutes Annotated,
 13 and amendments thereto, without payment of an appropriate docket fee as
 14 follows:

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

16 ~~Treatment of mentally ill~~

17
 18 \$59.00

19 ~~Treatment of alcoholism or drug abuse-~~

20
 21 36.50

22 ~~Determination of descent of property-~~

23
 24 51.50

25 ~~Termination of life estate~~

26
 27 50.50

28 ~~Termination of joint tenancy-~~

29
 30 50.50

31 ~~Refusal to grant letters of administration-~~

32
 33 50.50

34 ~~Adoption-~~

35
 36 50.50

37 ~~Filing a will and affidavit under K.S.A. 59-618a~~

38
 39 50.50

40 ~~Guardianship-~~

41
 42 71.50

43 ~~Conservatorship~~

1	.....
2	71.50
3	Trusteeship
4	.....
5	71.50
6	Combined guardianship and conservatorship
7	.....
8	71.50
9	Certified probate proceedings under K.S.A. 59-213,
10	and amendments thereto
11	.....
12	25.50
13	Decrees in probate from another state
14	.....
15	110.50
16	Probate of an estate or of a will
17	.....
18	111.50
19	Civil commitment under K.S.A. 59-29a01 et seq.
20	.....
21	35.50
22	(B) On and after July 1, 2013:
23	Treatment of mentally ill
24	.....
25	34.50
26	Treatment of alcoholism or drug abuse
27	.....
28	34.50
29	Determination of descent of property
30	.....
31	49.50
32	Termination of life estate
33	.....
34	48.50
35	Termination of joint tenancy
36	.....
37	48.50
38	Refusal to grant letters of administration
39	.....
40	48.50
41	Adoption
42	.....
43	48.50

1 Filing a will and affidavit under K.S.A. 59-618a
 2
 3 48.50
 4 Guardianship
 5
 6 69.50
 7 Conservatorship
 8
 9 69.50
 10 Trusteeship
 11
 12 69.50
 13 Combined guardianship and conservatorship
 14
 15 69.50
 16 Certified probate proceedings under K.S.A. 59-213,
 17 and amendments thereto
 18
 19 23.50
 20 Decrees in probate from another state
 21
 22 108.50
 23 Probate of an estate or of a will
 24
 25 109.50
 26 Civil commitment under K.S.A. 59-29a01 et seq.
 27
 28 33.50

29 (2) Except as provided further, the docket fee established in this
 30 section shall be the only fee collected or moneys in the nature of a fee
 31 collected for the docket fee. Such fee shall only be established by an act of
 32 the legislature and no other authority is established by law or otherwise to
 33 collect a fee. On and after ~~the effective date of this act through June 30,~~
 34 ~~2013~~ July 1, 2013, through July 1, 2015, the supreme court may impose an
 35 additional charge, not to exceed \$22 per docket fee, to fund the costs of
 36 non-judicial personnel.

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

41 (c) *Disposition of docket fee.* Statutory charges for the law library and
 42 for the prosecuting attorneys' training fund shall be paid from the docket
 43 fee. The remainder of the docket fee shall be paid to the state treasurer in

1 accordance with K.S.A. 20-362, and amendments thereto.

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

12 Sec. 20. K.S.A. 2012 Supp. 60-2001 is hereby amended to read as
13 follows: 60-2001. (a) *Docket fee.* Except as otherwise provided by law, no
14 case shall be filed or docketed in the district court, whether original or
15 appealed, without payment of a docket fee in the amount of ~~\$156 on and~~
16 ~~after July 1, 2009 through June 30, 2013, and~~ \$154 on and after July 1,
17 2013, to the clerk of the district court. Except as provided further, the
18 docket fee established in this subsection shall be the only fee collected or
19 moneys in the nature of a fee collected for the docket fee. Such fee shall
20 only be established by an act of the legislature and no other authority is
21 established by law or otherwise to collect a fee. On and after ~~the effective~~
22 ~~date of this act through June 30, 2013~~ July 1, 2013, through July 1, 2015,
23 the supreme court may impose an additional charge, not to exceed \$22 per
24 docket fee, to fund the costs of non-judicial personnel.

25 (b) *Poverty affidavit in lieu of docket fee.* (1) *Effect.* In any case
26 where a plaintiff by reason of poverty is unable to pay a docket fee, and an
27 affidavit so stating is filed, no fee will be required. An inmate in the
28 custody of the secretary of corrections may file a poverty affidavit only if
29 the inmate attaches a statement disclosing the average account balance, or
30 the total deposits, whichever is less, in the inmate's trust fund for each
31 month in: (A) The six-month period preceding the filing of the action; or
32 (B) the current period of incarceration, whichever is shorter. Such
33 statement shall be certified by the secretary. On receipt of the affidavit and
34 attached statement, the court shall determine the initial fee to be assessed
35 for filing the action and in no event shall the court require an inmate to pay
36 less than \$3. The secretary of corrections is hereby authorized to disburse
37 money from the inmate's account to pay the costs as determined by the
38 court. If the inmate has a zero balance in such inmate's account, the
39 secretary shall debit such account in the amount of \$3 per filing fee as
40 established by the court until money is credited to the account to pay such
41 docket fee. Any initial filing fees assessed pursuant to this subsection shall
42 not prevent the court, pursuant to subsection (d), from taxing that
43 individual for the remainder of the amount required under subsection (a) or

1 this subsection.

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

4 State of Kansas, _____ County.

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

8 (c) *Disposition of fees.* The docket fees and the fees for service of
9 process shall be the only costs assessed in each case for services of the
10 clerk of the district court and the sheriff. For every person to be served by
11 the sheriff, the persons requesting service of process shall provide proper
12 payment to the clerk and the clerk of the district court shall forward the
13 service of process fee to the sheriff in accordance with K.S.A. 28-110, and
14 amendments thereto. The service of process fee, if paid by check or money
15 order, shall be made payable to the sheriff. Such service of process fee
16 shall be submitted by the sheriff at least monthly to the county treasurer
17 for deposit in the county treasury and credited to the county general fund.
18 The docket fee shall be disbursed in accordance with K.S.A. 20-362, and
19 amendments thereto.

20 (d) *Additional court costs.* Other fees and expenses to be assessed as
21 additional court costs shall be approved by the court, unless specifically
22 fixed by statute. Other fees shall include, but not be limited to, witness
23 fees, appraiser fees, fees for service of process, fees for depositions,
24 alternative dispute resolution fees, transcripts and publication, attorney
25 fees, court costs from other courts and any other fees and expenses
26 required by statute. All additional court costs shall be taxed and billed
27 against the parties as directed by the court. No sheriff in this state shall
28 charge any mileage for serving any papers or process.

29 Sec. 21. K.S.A. 2012 Supp. 60-2203a is hereby amended to read as
30 follows: 60-2203a. (a) After the commencement of any action in any
31 district court of this state, or the courts of the United States in the state of
32 Kansas or in any action now pending heretofore commenced in such
33 courts, which does not involve title to real estate, any party to such action
34 may give notice in any other county of the state of the pendency of the
35 action by filing for record with the clerk of the district court of such other
36 county a verified statement setting forth the parties to the action, the nature
37 of the action, the court in which it is pending, and the relief sought, which
38 shall impart notice of the pendency of the action and shall result in the
39 same lien rights as if the action were pending in that county. The lien shall
40 be effective from the time the statement is filed, but not to exceed four
41 months prior to the entry of judgment except as provided in subsection (c).
42 The party filing such notice shall within 30 days after any satisfaction of
43 the judgment entered in such action, or any other final disposition thereof,

1 cause to be filed with such clerk of the district court a notice that all claims
2 in such action are released. If the party filing fails or neglects to do so after
3 reasonable demand by any party in interest, such party shall be liable in
4 damages in the same amounts and manner as is provided by law for failure
5 of a mortgagee to enter satisfaction of a mortgage. Upon the filing of such
6 a notice of the pendency of an action the clerk shall charge a fee of \$14
7 and shall enter and index the action in the same manner as for the filing of
8 an original action. Upon the filing of a notice of release, the notice shall
9 likewise be entered on the docket. Except as provided further, the fee
10 established in this subsection shall be the only fee collected or moneys in
11 the nature of a fee collected for the court procedure. Such fee shall only be
12 established by an act of the legislature and no other authority is established
13 by law or otherwise to collect a fee. On and after ~~the effective date of this~~
14 ~~act through June 30, 2013~~ *July 1, 2013, through July 1, 2015*, the supreme
15 court may impose an additional charge, not to exceed \$22 per fee, to fund
16 the costs of non-judicial personnel.

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

22 (c) Notwithstanding the foregoing provisions of this section, the
23 filing of a notice of the pendency of an action pursuant to subsection (a)
24 shall create no lien rights against the property of an employee of the state
25 or a municipality prior to the date judgment is rendered if the pleadings in
26 the pending action allege a negligent or wrongful act or omission of the
27 employee while acting within the scope of such employee's employment,
28 regardless of whether or not it is alleged in the alternative that the
29 employee was acting outside of such employee's employment. A judgment
30 against an employee shall become a lien upon such employee's property in
31 the county where notice is filed pursuant to subsection (a) when the
32 judgment is rendered only if it is found that: (1) The employee's negligent
33 or wrongful act or omission occurred when the employee was acting
34 outside the scope of such employee's employment; or (2) the employee's
35 conduct which gave rise to the judgment was because of actual fraud or
36 actual malice of the employee. In such cases the lien shall not be effective
37 prior to the date judgment was rendered. As used in this subsection (c),
38 "employee" shall have the meaning ascribed to such term in K.S.A. 75-
39 6102, and amendments thereto.

40 Sec. 22. K.S.A. 2012 Supp. 61-2704 is hereby amended to read as
41 follows: 61-2704. (a) An action seeking the recovery of a small claim shall
42 be considered to have been commenced at the time a person files a written
43 statement of the person's small claim with the clerk of the court if, within

1 90 days after the small claim is filed, service of process is obtained or the
2 first publication is made for service by publication. Otherwise, the action
3 is deemed commenced at the time of service of process or first publication.

4 An entry of appearance shall have the same effect as service.

5 (b) Upon the filing of a plaintiff's small claim, the clerk of the court
6 shall require from the plaintiff a docket fee of ~~\$39 on and after July 1,~~
7 ~~2009 through June 30, 2013,~~ and \$37 on and after July 1, 2013, if the
8 claim does not exceed \$500; or ~~\$59 on and after July 1, 2009 through June~~
9 ~~30, 2013,~~ and \$57 on and after July 1, 2013, if the claim exceeds \$500;
10 unless for good cause shown the judge waives the fee. The docket fee shall
11 be the only costs required in an action seeking recovery of a small claim.
12 No person may file more than 20 small claims under this act in the same
13 court during any calendar year.

14 (c) Except as provided further, the docket fee established in this
15 section shall be the only fee collected or moneys in the nature of a fee
16 collected for the docket fee. Such fee shall only be established by an act of
17 the legislature and no other authority is established by law or otherwise to
18 collect a fee. On and after ~~the effective date of this act through June 30,~~
19 ~~2013 July 1, 2013, through July 1, 2015,~~ the supreme court may impose an
20 additional charge, not to exceed \$12.50 per docket fee, to fund the costs of
21 non-judicial personnel.

22 Sec. 23. K.S.A. 2012 Supp. 61-4001 is hereby amended to read as
23 follows: 61-4001. (a) Docket fee. (1) No case shall be filed or docketed
24 pursuant to the code of civil procedure for limited actions without the
25 payment of a docket fee in the amount of ~~\$37 on and after July 1, 2009,~~
26 ~~through June 30, 2013,~~ and \$35 on and after July 1, 2013, if the amount in
27 controversy or claimed does not exceed \$500; ~~\$57 on and after July 1,~~
28 ~~2009, through June 30, 2013,~~ and \$55 on and after July 1, 2013, if the
29 amount in controversy or claimed exceeds \$500 but does not exceed
30 \$5,000; or ~~\$103 on and after July 1, 2009, through June 30, 2013,~~ and
31 \$101 on and after July 1, 2013, if the amount in controversy or claimed
32 exceeds \$5,000. If judgment is rendered for the plaintiff, the court also
33 may enter judgment for the plaintiff for the amount of the docket fee paid
34 by the plaintiff.

35 (2) Except as provided further, the docket fee established in this
36 section shall be the only fee collected or moneys in the nature of a fee
37 collected for the docket fee. Such fee shall only be established by an act of
38 the legislature and no other authority is established by law or otherwise to
39 collect a fee. On and after ~~the effective date of this act through June 30,~~
40 ~~2013 July 1, 2013, through July 1, 2015,~~ the supreme court may impose an
41 additional charge, not to exceed \$19 per docket fee, to fund the costs of
42 non-judicial personnel.

43 (b) Poverty affidavit; additional court costs; exemptions for the state

1 and municipalities. The provisions of subsections (b), (c) and (d) of K.S.A.
2 60-2001 and 60-2005, and amendments thereto, shall be applicable to
3 lawsuits brought under the code of civil procedure for limited actions.

4 Sec. 24. K.S.A. 2012 Supp. 65-409 is hereby amended to read as
5 follows: 65-409. (a) The clerk of the district court shall charge a fee of \$14
6 for entering and filing a lien statement under this act.

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

15 Sec. 25. K.S.A. 2012 Supp. 74-7325 is hereby amended to read as
16 follows: 74-7325. (a) There is hereby created in the state treasury the
17 protection from abuse fund. All moneys credited to the fund shall be used
18 solely for the purpose of making grants to programs providing: (1)
19 Temporary emergency shelter for adult victims of domestic abuse or
20 sexual assault and their dependent children; (2) counseling and assistance
21 to those victims and their children; or (3) educational services directed at
22 reducing the incidence of domestic abuse or sexual assault and
23 diminishing its impact on the victims. All moneys credited to the fund
24 ~~pursuant to K.S.A. 20-367, and amendments thereto,~~ shall be used only for
25 on-going operating expenses of domestic violence programs. All moneys
26 credited to the fund pursuant to any increase in docket fees as provided by
27 this act as described in K.S.A. ~~20-367~~ and 60-2001, and amendments
28 thereto, shall not be awarded to programs until July 1, 2003, and shall be
29 used for ongoing operating expenses of domestic violence or sexual
30 assault programs.

31 (b) All expenditures from the protection from abuse fund shall be
32 made in accordance with appropriation acts upon warrants of the director
33 of accounts and reports issued pursuant to vouchers approved by the
34 attorney general or by a person or persons designated by the attorney
35 general.

36 (c) The attorney general may apply for, receive and accept moneys
37 from any source for the purposes for which moneys in the protection from
38 abuse fund may be expended. Upon receipt of any such moneys, the
39 attorney general shall remit the entire amount to the state treasurer in
40 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 protection
43 from abuse fund.

1 (d) Grants made to programs pursuant to this section shall be based
2 on the numbers of persons served by the program and shall be made only
3 to the city of Wichita or to agencies which are engaged, as their primary
4 function, in programs aimed at preventing domestic violence or sexual
5 assault or providing residential services or facilities to family or household
6 members who are victims of domestic violence or sexual assault. In order
7 for programs to qualify for funding under this section, they must:

8 (1) Meet the requirements of section 501(c) of the internal revenue
9 code of 1986;

10 (2) be registered and in good standing as a nonprofit corporation;

11 (3) meet normally accepted standards for nonprofit organizations;

12 (4) have trustees who represent the racial, ethnic and socioeconomic
13 diversity of the county or counties served;

14 (5) have received 50% or more of their funds from sources other than
15 funds distributed through the fund, which other sources may be public or
16 private and may include contributions of goods or services, including
17 materials, commodities, transportation, office space or other types of
18 facilities or personal services;

19 (6) demonstrate ability to successfully administer programs;

20 (7) make available an independent certified audit of the previous
21 year's financial records;

22 (8) have obtained appropriate licensing or certification, or both;

23 (9) serve a significant number of residents of the county or counties
24 served;

25 (10) not unnecessarily duplicate services already adequately provided
26 to county residents; and

27 (11) agree to comply with reporting requirements of the attorney
28 general.

29 The attorney general may adopt rules and regulations establishing
30 additional standards for eligibility and accountability for grants made
31 pursuant to this section.

32 (e) As used in this section:

33 (1) "Domestic abuse" means abuse as defined by the protection from
34 abuse act~~),~~ K.S.A. 60-3101 et seq., and amendments thereto).

35 (2) "Sexual assault" means acts defined in article 35 of chapter 21 of
36 the Kansas Statutes Annotated, prior to their repeal, or article 55 of chapter
37 21 of the Kansas Statutes Annotated, or K.S.A. 2012 Supp. 21-6419
38 through 21-6421, and amendments thereto.

39 (f) On or before the 10th day of each month, the director of accounts
40 and reports shall transfer from the state general fund to the protection from
41 abuse fund interest earnings based on:

42 (1) The average daily balance of moneys in the protection from abuse
43 fund for the preceding month; and

1 (2) the net earnings rate for the pooled money investment portfolio
2 for the preceding month.

3 Sec. 26. K.S.A. 2012 Supp. 74-7334 is hereby amended to read as
4 follows: 74-7334. (a) There is hereby created in the state treasury the
5 crime victims assistance fund. All moneys credited to the fund pursuant to
6 K.S.A. 12-4117, 19-101e; *and* 19-4707~~—and 20-367~~, and amendments
7 thereto, shall be used solely for the purpose of making grants for on-going
8 operating expenses of programs, including court-appointed special
9 advocate programs, providing: (1) Temporary emergency shelter for
10 victims of child abuse and neglect; (2) counseling and assistance to those
11 victims; or (3) educational services directed at reducing the incidence of
12 child abuse and neglect and diminishing its impact on the victim. The
13 remainder of moneys credited to the fund shall be used for the purpose of
14 supporting the operation of state agency programs which provide services
15 to the victims of crime and making grants to existing programs or to
16 establish and maintain new programs providing services to the victims of
17 crime.

18 (b) All expenditures from the crime victims assistance fund shall be
19 made in accordance with appropriations acts upon warrants of the director
20 of accounts and reports issued pursuant to vouchers approved by the
21 attorney general or by a person or persons designated by the attorney
22 general.

23 (c) The attorney general may apply for, receive and accept moneys
24 from any source for the purposes for which moneys in the crime victims
25 assistance fund may be expended. Upon receipt of any such moneys, the
26 attorney general shall remit the entire amount to the state treasurer in
27 accordance with the provisions of K.S.A. 75-4215, and amendments
28 thereto. Upon receipt of each such remittance, the state treasurer shall
29 deposit the entire amount in the state treasury to the credit of the crime
30 victims assistance fund.

31 (d) Grants made to programs with funds derived from K.S.A. 12-
32 4117, 19-101e; *and* 19-4707~~—and 20-367~~, and amendments thereto, shall be
33 based on the numbers of persons served by the program and shall be made
34 only to programs aimed at preventing child abuse and neglect or providing
35 residential services or facilities to victims of child abuse or neglect. In
36 order for programs to qualify for funding under this section, they must:

37 (1) Meet the requirements of section 501(c) of the internal revenue
38 code of 1986;

39 (2) be registered and in good standing as a nonprofit corporation;

40 (3) meet normally accepted standards for nonprofit organizations;

41 (4) have trustees who represent the racial, ethnic and socioeconomic
42 diversity of the county or counties served;

43 (5) have received 50% or more of their funds from sources other than

1 funds distributed through the fund, which other sources may be public or
2 private and may include contributions of goods or services, including
3 materials, commodities, transportation, office space or other types of
4 facilities or personal services;

5 (6) demonstrate ability to successfully administer programs;

6 (7) make available an independent certified audit of the previous
7 year's financial records;

8 (8) have obtained appropriate licensing or certification, or both;

9 (9) serve a significant number of residents of the county or counties
10 served;

11 (10) not unnecessarily duplicate services already adequately provided
12 to county residents; and

13 (11) agree to comply with reporting requirements of the attorney
14 general.

15 The attorney general may adopt rules and regulations establishing
16 additional standards for eligibility and accountability for grants made
17 pursuant to this section.

18 (e) All moneys credited to the fund pursuant to K.S.A. 2012 Supp.
19 23-2510, and amendments thereto, shall be set aside to use as matching
20 funds for meeting any federal requirement for the purpose of establishing
21 child exchange and visitation centers as provided in K.S.A. 75-720, and
22 amendments thereto. If no federal funds are made available to the state for
23 the purpose of establishing such child exchange and visitation centers, then
24 such moneys may be used as otherwise provided in this section. Only
25 those moneys credited to the fund pursuant to K.S.A. 2012 Supp. 23-2510,
26 and amendments thereto, may be used for such matching funds. No state
27 general fund moneys shall be used for such matching funds.

28 Sec. 27. K.S.A. 2012 Supp. 75-7021 is hereby amended to read as
29 follows: 75-7021. (a) There is hereby created in the state treasury the
30 Kansas juvenile delinquency prevention trust fund. Money credited to the
31 Kansas juvenile delinquency prevention trust fund ~~pursuant to K.S.A. 20-~~
32 ~~367, and amendments thereto, or by any other lawful means~~ shall be used
33 solely for the purpose of making grants to further the purpose of juvenile
34 justice reform, including rational prevention programs and programs for
35 treatment and rehabilitation of juveniles and to further the partnership
36 between state and local communities. Such treatment and rehabilitation
37 programs should aim to combine accountability and sanctions with
38 increasingly intensive treatment and rehabilitation services with an aim to
39 provide greater public safety and provide intervention that will be uniform
40 and consistent.

41 (b) All expenditures from the Kansas juvenile delinquency prevention
42 trust fund shall be made in accordance with appropriations acts upon
43 warrants of the director of accounts and reports issued pursuant to

1 vouchers approved by the commissioner of juvenile justice or by a person
2 or persons designated by the commissioner.

3 (c) The commissioner of juvenile justice may apply for, receive and
4 accept money from any source for the purposes for which money in the
5 Kansas juvenile delinquency prevention trust fund may be expended.
6 Upon receipt of any such money, the commissioner shall remit the entire
7 amount to the state treasurer in accordance with the provisions of K.S.A.
8 75-4215, and amendments thereto. Upon receipt of each such remittance,
9 the state treasurer shall deposit the entire amount in the state treasury to
10 the credit of the Kansas juvenile delinquency prevention trust fund.

11 (d) Grants made to programs pursuant to this section shall be based
12 on the number of persons to be served and such other requirements as may
13 be established by the Kansas advisory group on juvenile justice and
14 delinquency prevention in guidelines established and promulgated to
15 regulate grants made under authority of this section. The guidelines may
16 include requirements for grant applications, organizational characteristics,
17 reporting and auditing criteria and such other standards for eligibility and
18 accountability as are deemed advisable by the Kansas advisory group on
19 juvenile justice and delinquency prevention.

20 (e) On or before the 10th of each month, the director of accounts and
21 reports shall transfer from the state general fund to the Kansas juvenile
22 delinquency prevention trust fund interest earnings based on:

23 (1) The average daily balance of moneys in the Kansas juvenile
24 delinquency prevention trust fund for the preceding month; and

25 (2) the net earnings rate of the pooled money investment portfolio for
26 the preceding month.

27 (f) On and after the effective date of this act, the Kansas endowment
28 for youth trust fund created by this section prior to amendment by this act
29 is hereby redesignated as the Kansas juvenile delinquency prevention trust
30 fund. On and after the effective date of this act, whenever the Kansas
31 endowment for youth trust fund created by this section prior to amendment
32 by this act, or words of like effect, is referred to or designated by a statute,
33 contract or other document such reference or designation shall be deemed
34 to apply to the Kansas juvenile delinquency prevention trust fund.

35 Sec. 28. K.S.A. 5-517 and 20-166 and K.S.A. 2012 Supp. 8-2107, 8-
36 2110, 20-362, 20-367, 21-6614, 22-2410, 23-2510, 28-170, 28-172a, 28-
37 172b, 28-177, 28-178, 28-179, 32-1049a, 38-2215, 38-2312, 38-2314, 59-
38 104, 60-2001, 60-2203a, 61-2704, 61-4001, 65-409, 74-7325, 74-7334 and
39 75-7021 are hereby repealed.

40 Sec. 29. This act shall take effect and be in force from and after its
41 publication in the statute book.