

HOUSE BILL No. 2291

By Committee on Judiciary

2-11

AN ACT concerning district courts; relating to the jurisdiction of district magistrate judges; amending K.S.A. 2002 Supp. 20-302b and repealing the existing section.

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

Section 1. K.S.A. 2002 Supp. 20-302b is hereby amended to read as follows: 20-302b. (a) A district magistrate judge shall have the jurisdiction and power, in any case in which a violation of the laws of the state is charged, to conduct the trial of traffic infractions, cigarette or tobacco infractions or misdemeanor charges, to conduct the preliminary examination of felony charges and to hear felony arraignments subject to assignment pursuant to K.S.A. 20-329 and amendments thereto. Except as otherwise provided, in civil cases, a district magistrate judge shall have jurisdiction over actions filed under the code of civil procedure for limited actions, K.S.A. 2002 Supp. 61-2801 *et seq.*, and amendments thereto, and concurrent jurisdiction, powers and duties with a district judge. Except as otherwise specifically provided in subsection (b), a district magistrate judge shall not have jurisdiction or cognizance over the following actions:

(1) Any action, other than an action seeking judgment for an unsecured debt not sounding in tort and arising out of a contract for the provision of goods, services or money, in which the amount in controversy, exclusive of interests and costs, exceeds \$10,000. The provisions of this subsection shall not apply to actions filed under the code of civil procedure for limited actions, K.S.A. 2002 Supp. 61-2801 *et seq.*, and amendments thereto. In actions of replevin, the affidavit in replevin or the verified petition fixing the value of the property shall govern the jurisdiction. Nothing in this paragraph shall be construed as limiting the power of a district magistrate judge to hear any action pursuant to the Kansas probate code or to issue support orders as provided by paragraph (6) of this subsection;

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

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

(4) actions in which title to real estate is sought to be recovered or in which an interest in real estate, either legal or equitable, is sought to

1 be established. Nothing in this paragraph shall be construed as limiting
2 the right to bring an action for forcible detainer as provided in the acts
3 contained in K.S.A. 2002 Supp. 61-3801 through 61-3808, and amend-
4 ments thereto. Nothing in this paragraph shall be construed as limiting
5 the power of a district magistrate judge to hear any action pursuant to
6 the Kansas probate code;

7 (5) actions to foreclose real estate mortgages or to establish and fore-
8 close liens on real estate as provided in the acts contained in article 11 of
9 chapter 60 of the Kansas Statutes Annotated, and amendments thereto;

10 (6) actions for divorce, separate maintenance or custody of minor
11 children. Nothing in this paragraph shall be construed as limiting the
12 power of a district magistrate judge to: (A) *Except as provided in subsec-*
13 *tion (e)*, hear any action pursuant to the Kansas code for care of children
14 or the Kansas juvenile justice code; (B) establish, modify or enforce orders
15 of support, including, but not limited to, orders of support pursuant to
16 the Kansas parentage act, K.S.A. 23-9,101 *et seq.*, 39-718b, 39-755 or 60-
17 1610 or K.S.A. 23-4,105 through 23-4,118, 23-4,125 through 23-4,137,
18 38-1542, 38-1543 or 38-1563, and amendments thereto; or (C) enforce
19 orders granting visitation rights or parenting time;

20 (7) habeas corpus;

21 (8) receiverships;

22 (9) change of name;

23 (10) declaratory judgments;

24 (11) mandamus and quo warranto;

25 (12) injunctions;

26 (13) class actions;

27 (14) rights of majority; and

28 (15) actions pursuant to K.S.A. 59-29a01 *et seq.* and amendments
29 thereto.

30 (b) Notwithstanding the provisions of subsection (a), in the absence,
31 disability or disqualification of a district judge, a district magistrate judge
32 may:

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

35 (2) appoint a receiver, as provided in K.S.A. 60-1301 and amend-
36 ments thereto; and

37 (3) make any order authorized by K.S.A. 60-1607 and amendments
38 thereto.

39 (c) In accordance with the limitations and procedures prescribed by
40 law, and subject to any rules of the supreme court relating thereto, any
41 appeal permitted to be taken from an order or final decision of a district
42 magistrate judge shall be tried and determined *de novo* by a district judge,
43 except that in civil cases where a record was made of the action or pro-

1 ceeding before the district magistrate judge, the appeal shall be tried and
2 determined on the record by a district judge.

3 (d) Upon motion of a party, the chief judge may reassign an action
4 from a district magistrate judge to a district judge.

5 (e) *A district magistrate judge shall not have jurisdiction or cogni-*
6 *zance over a petition or motion filed under the Kansas code for care of*
7 *children requesting the termination of parental rights pursuant to K.S.A.*
8 *38-1581 through 38-1587, and amendments thereto.*

9 Sec. 2. K.S.A. 2002 Supp. 20-302b is hereby repealed.

10 Sec. 3. This act shall take effect and be in force from and after its
11 publication in the statute book.

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