

HOUSE BILL No. 2499

By Committee on Appropriations

2-22

9 AN ACT concerning courts; prescribing and fixing certain surcharges;
10 establishing the judicial branch surcharge fund.

11

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

13 Section 1. (a) There is hereby created in the state treasury the ju-
14 dicial branch surcharge fund. The chief justice of the Kansas supreme
15 court shall remit any moneys received that are attributable to surcharges
16 imposed under section 2, and amendments thereto, to the state treasurer
17 in accordance with the provisions of K.S.A. 75-4215, and amendments
18 thereto. Upon receipt of such remittance, the state treasurer shall deposit
19 the entire amount in the state treasury to the credit of the judicial branch
20 surcharge fund. Moneys in the judicial branch surcharge fund shall be
21 used exclusively for the business of the judicial branch in the state of
22 Kansas. All expenditures from the judicial branch surcharge fund shall be
23 made in accordance with appropriation acts upon warrants of the director
24 of accounts and reports issued pursuant to vouchers approved by the chief
25 justice of the Kansas supreme court or by a person or persons designated
26 by the chief justice.

27 (b) The district court or appellate court, as the case may be, shall
28 administer, charge and collect surcharges imposed by section 2, and
29 amendments thereto.

30 (c) District and appellate courts may waive all or part of the surcharge
31 imposed by section 2, and amendments thereto, upon motion of the party
32 to be charged and upon showing that such surcharge will result in undue
33 hardship to the petitioning party.

34 (d) Surcharges imposed by section 2, and amendments thereto, shall
35 be assessed in the same manner as docket fees and court costs are col-
36 lected pursuant to law in cases filed in, county or state courts.

37 Sec. 2. (a) In addition to any other fees prescribed by law, there is
38 hereby imposed a \$5 surcharge on persons filing or docketing a case
39 pursuant to the code of civil procedure for limited actions, which shall be
40 deposited to the credit of the judicial branch surcharge fund.

41 (b) In addition to any other fees prescribed by law, there is hereby
42 imposed a \$5 surcharge on persons filing a small claim pursuant to K.S.A.
43 61-2701, *et seq.*, and amendments thereto, which shall be deposited to

1 the credit of the judicial branch surcharge fund.

2 (c) In addition to any other fees prescribed by law, there is hereby
3 imposed a \$5 surcharge on a person filing a petition under article 16 of
4 chapter 60 of the Kansas Statutes Annotated, and amendments thereto,
5 which shall be deposited to the credit of the judicial branch surcharge
6 fund.

7 (d) In addition to any other fees prescribed by law, there is hereby
8 imposed a \$5 surcharge on persons filing a post-decree motion petitioning
9 for a change in legal custody, residency, visitation rights or parenting time
10 or for modification of child support, which shall be deposited to the credit
11 of the judicial branch surcharge fund.

12 (e) In addition to any other fees prescribed by law, there is hereby
13 imposed a \$5 surcharge on persons who request a hearing in aid of exe-
14 cution pursuant to K.S.A. 60-2419, and amendments thereto, which shall
15 be deposited to the credit of the judicial branch surcharge fund.

16 (f) In addition to any other fees prescribed by law, there is hereby
17 imposed a \$5 surcharge on a person who requests a hearing in aid of
18 execution, pursuant to K.S.A. 2004 Supp. 61-3604, and amendments
19 thereto, which shall be deposited to the credit of the judicial branch
20 surcharge fund.

21 (g) In addition to any other fees prescribed by law, there is hereby
22 imposed a \$5 surcharge on a person who requests an order or writ of
23 execution, pursuant to K.S.A. 60-2401, and amendments thereto, or an
24 alias order for hearing pursuant to K.S.A. 60-2419, and amendments
25 thereto, which shall be deposited to the credit of the judicial branch
26 surcharge fund.

27 (h) In addition to any other fees prescribed by law, there is hereby
28 imposed a \$5 surcharge on persons who request a writ or order of sale
29 pursuant to K.S.A. 2004 Supp. 61-3602, and amendments thereto, which
30 shall be deposited to the credit of the judicial branch surcharge fund.

31 (i) In addition to any other fees prescribed by law, there is hereby
32 imposed a \$5 surcharge on all cases in which a judgment is rendered
33 pursuant to the code of civil procedure for limited actions in which the
34 party in whose favor judgment is rendered files pursuant to K.S.A. 60-
35 2418 or 60-2202, and amendments thereto, which shall be deposited to
36 the credit of the judicial branch surcharge fund.

37 (j) In addition to any other fees prescribed by law, there is hereby
38 imposed a \$5 surcharge on a person who files a petition for attachment
39 under K.S.A. 60-703 or K.S.A. 2004 Supp. 61-3501, and amendments
40 thereto, which shall be deposited to the credit of the judicial branch
41 surcharge fund.

42 (k) In addition to any other fees prescribed by law, there is hereby
43 imposed a \$5 surcharge on a person requesting an order for garnishment

1 pursuant to K.S.A. 2004 Supp. 61-3503 and 61-3504, and amendments
2 thereto, which shall be deposited to the credit of the judicial branch
3 surcharge fund.

4 (l) In addition to any other fees prescribed by law, there is hereby
5 imposed a \$5 surcharge on a prosecuting witness or defendant adjudged
6 to pay the costs in a criminal proceeding in any county for a felony, mur-
7 der or manslaughter, a misdemeanor and forfeited recognizance, which
8 shall be deposited to the credit of the judicial branch surcharge fund.

9 (m) In addition to any other fees prescribed by law, there is hereby
10 imposed a \$50 surcharge on a person who files a petition for expungement
11 pursuant to K.S.A. 21-4619, 38-1610 or K.S.A. 2004 Supp. 22-2410, and
12 amendments thereto, which shall be deposited to the credit of the judicial
13 branch surcharge fund.

14 (n) In addition to any other fees prescribed by law, there is hereby
15 imposed a \$5 surcharge on persons filing or docketing a case pursuant to
16 article 40 or 52 of chapter 65 of the Kansas Statutes Annotated, and
17 amendments thereto, for treatment of alcoholism or drug abuse, which
18 shall be deposited to the credit of the judicial branch surcharge fund.

19 (o) In addition to any other fees prescribed by law, there is hereby
20 imposed a \$5 surcharge on persons filing or docketing a case under the
21 provisions of chapter 59 of the Kansas Statutes Annotated, and amend-
22 ments thereto, for treatment of mentally ill, treatment of alcohol, treat-
23 ment of drug, determination of descent of property, refusal to grant let-
24 ters of administration, guardianship, conservatorship, combined
25 guardianship and conservatorship, annual reports, annual accounting of
26 conservatorship, closing conservatorship or closing guardianship, termi-
27 nation of joint tenancy, termination of life estate, closing trusteeship, trus-
28 teeship, decrees in probate from another state, probate of an estate or of
29 a will and filing a will and affidavit under K.S.A. 59-618a, and amend-
30 ments thereto, which shall be deposited to the credit of the judicial branch
31 surcharge fund.

32 (p) In addition to any other fees prescribed by law, there is hereby
33 imposed a \$5 surcharge on a person adjudged to pay the costs in a pro-
34 ceeding under the Kansas juvenile justice code, which shall be deposited
35 to the credit of the judicial branch surcharge fund.

36 (q) In addition to any other fees prescribed by law, there is hereby
37 imposed a \$5 surcharge on a prosecuting witness or defendant adjudged
38 to pay the costs in a juvenile tobacco proceeding, which shall be deposited
39 to the credit of the judicial branch surcharge fund.

40 (r) In addition to any other fees prescribed by law, there is hereby
41 imposed a \$5 surcharge on persons entering and filing a lien statement
42 pursuant to K.S.A. 65-409, and amendments thereto, which shall be de-
43 posited to the credit of the judicial branch surcharge fund.

- 1 (s) In addition to any other fees prescribed by law, there is hereby
2 imposed a \$5 surcharge on matters in which no other fee is prescribed
3 by statute pursuant to K.S.A. 2004 Supp. 28-170, and amendments
4 thereto, which shall be deposited to the credit of the judicial branch
5 surcharge fund.
- 6 (t) In addition to any other fees prescribed by law, there is hereby
7 imposed a \$5 surcharge on persons filing a notice of pendency of an action
8 pursuant to K.S.A. 60-2203a, and amendments thereto, which shall be
9 deposited to the credit of the judicial branch surcharge fund.
- 10 (u) In addition to any other fees prescribed by law, there is hereby
11 imposed a \$25 surcharge on an applicant for a marriage license pursuant
12 to K.S.A. 23-108a, and amendments thereto, which shall be deposited to
13 the credit of the judicial branch surcharge fund.
- 14 (v) In addition to any other fees prescribed by law, there is hereby
15 imposed a \$5 surcharge on all persons assessed a driver's license rein-
16 statement fee pursuant to K.S.A. 8-2110, and amendments thereto, which
17 shall be deposited to the credit of the judicial branch surcharge fund.
- 18 (w) In addition to any other fees prescribed by law, there is hereby
19 imposed a \$5 surcharge on a prosecuting witness or defendant adjudged
20 to pay the costs in an action involving violation of a traffic violation under
21 K.S.A. 8-2118, and amendments thereto, which shall be deposited to the
22 credit of the judicial branch surcharge fund.
- 23 (x) In addition to any other fees prescribed by law, there is hereby
24 imposed a \$5 surcharge on any prosecuting witness or defendant ad-
25 judged to pay the costs in an action involving a violation of any of the
26 wildlife and parks laws of this state or of the provisions of article 11 of
27 chapter 32, of the Kansas Statutes Annotated, and amendments thereto,
28 which shall be deposited to the credit of the judicial branch surcharge
29 fund.
- 30 (y) In addition to any other fees prescribed by law, there is hereby
31 imposed a \$5 surcharge on persons filing a municipal court appeal or
32 appeal under the code of civil procedure for limited action pursuant to
33 K.S.A. 60-2001, and amendments thereto, or an appeal to the appellate
34 courts, pursuant to K.S.A. Supp. 60-2103, and amendments thereto,
35 which shall be deposited to the credit of the judicial branch surcharge
36 fund.
- 37 (z) In addition to any other fees prescribed by law, there is hereby
38 imposed a \$5 surcharge on persons filing or docketing a case pursuant to
39 the code of civil procedure pursuant to article 2 of chapter 60 of the
40 Kansas Statutes Annotated, and amendments thereto, which shall be de-
41 posited to the credit of the judicial branch surcharge fund.
- 42 (aa) In addition to any other fees prescribed by law, there is hereby
43 imposed a \$5 surcharge on persons adjudged to pay the costs under the

1 Kansas code for care of children under K.S.A. 38-1501, et seq., and
2 amendments thereto, which shall be deposited to the credit of the judicial
3 branch surcharge fund.

4 (bb) In addition to any other fees prescribed by law, there is hereby
5 imposed a \$5 surcharge on any person required to register as a sex of-
6 fender under K.S.A. 2004 Supp. 22-4901, et seq., and amendments
7 thereto, and any sex offender who is adjudged to pay the costs in an action
8 pursuant to K.S.A. 2004 Supp. 22-4903, and amendments thereto, which
9 shall be deposited to the credit of the judicial branch surcharge fund.
10 Sec. 3. This act shall take effect and be in force from and after its
11 publication in the statute book.