

**SENATE BILL No. 296**

By Committee on Ways and Means

3-14

10 AN ACT concerning docket fees; relating to compensation for certain  
11 judicial personnel; amending K.S.A. 75-3120f and 75-3120h and K.S.A.  
12 2004 Supp. 20-367, 21-4619, 22-2410, 28-172a, 60-2001, 61-2704, 61-  
13 4001, 75-3120g and 75-3120k and repealing the existing sections; also  
14 repealing K.S.A. 2003 Supp. 21-4619 as amended by section 59 of the  
15 2004 session laws of Kansas.

16

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

18 Section 1. K.S.A. 2004 Supp. 20-367 is hereby amended to read as  
19 follows: 20-367. Of the remittance of the balance of docket fees received  
20 by the state treasurer from clerks of the district court pursuant to sub-  
21 section (f) of K.S.A. 20-362, and amendments thereto, the state treasurer  
22 shall deposit and credit to the access to justice fund, a sum equal to ~~5.90%~~  
23 5.05% of the remittances of docket fees; to the juvenile detention facilities  
24 fund, a sum equal to ~~3.27%~~ 2.80% of the remittances of docket fees; to  
25 the judicial branch education fund, the state treasurer shall deposit and  
26 credit a sum equal to ~~2.52%~~ 2.16% of the remittances of docket fees; to  
27 the crime victims assistance fund, the state treasurer shall deposit and  
28 credit a sum equal to ~~.67%~~ .57% of the remittances of the docket fees;  
29 to the protection from abuse fund, the state treasurer shall deposit and  
30 credit a sum equal to ~~3.22%~~ 2.76% of the remittances of the docket fees;  
31 to the judiciary technology fund, the state treasurer shall deposit and  
32 credit a sum equal to ~~5.10%~~ 4.37% of the remittances of docket fees; to  
33 the dispute resolution fund, the state treasurer shall deposit and credit a  
34 sum equal to ~~.41%~~ .35% of the remittances of docket fees; to the Kansas  
35 juvenile delinquency prevention trust fund, the state treasurer shall de-  
36 posit and credit a sum equal to ~~1.49%~~ 1.28% of the remittances of docket  
37 fees; to the permanent families account in the family and children in-  
38 vestment fund, the state treasurer shall deposit and credit a sum equal to  
39 ~~.25%~~ .21% of the remittances of docket fees; to the trauma fund, a sum  
40 equal to ~~1.77%~~ 1.52% of the remittance of docket fees; to the judicial  
41 council fund, a sum equal to ~~1.33%~~ 1.14% of the remittance of docket  
42 fees; and to the judicial branch nonjudicial salary initiative fund, the state  
43 treasurer shall deposit and credit a sum equal to ~~21.41%~~ 18.33% of the

1 remittance of docket fees. The balance remaining of the remittances of  
2 docket fees shall be deposited and credited to the state general fund.

3 Sec. 2. K.S.A. 2004 Supp. 21-4619 is hereby amended to read as  
4 follows: 21-4619. (a) (1) Except as provided in subsections (b) and (c),  
5 any person convicted in this state of a traffic infraction, cigarette or to-  
6 bacco infraction, misdemeanor or a class D or E felony, or for crimes  
7 committed on or after July 1, 1993, nondrug crimes ranked in severity  
8 levels 6 through 10 or any felony ranked in severity level 4 of the drug  
9 grid, may petition the convicting court for the expungement of such con-  
10 viction or related arrest records if three or more years have elapsed since  
11 the person: (A) Satisfied the sentence imposed; or (B) was discharged  
12 from probation, a community correctional services program, parole, post-  
13 release supervision, conditional release or a suspended sentence.

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

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

28 (1) Vehicular homicide, as defined by K.S.A. 21-3405 and amend-  
29 ments thereto or as prohibited by any law of another state which is in  
30 substantial conformity with that statute;

31 (2) a violation of K.S.A. 8-1567 and amendments thereto, or a viola-  
32 tion of any law of another state, which declares to be unlawful the acts  
33 prohibited by that statute;

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

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

41 (5) 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 (6) any crime punishable as a felony wherein a motor vehicle was  
3 used in the perpetration of such crime;

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

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

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

11 (c) There shall be no expungement of convictions for the following  
12 offenses or of convictions for an attempt to commit any of the following  
13 offenses: (1) Rape as defined in subsection (a)(2) of K.S.A. 21-3502 and  
14 amendments thereto; (2) indecent liberties with a child as defined in  
15 K.S.A. 21-3503 and amendments thereto; (3) aggravated indecent liber-  
16 ties with a child as defined in K.S.A. 21-3504 and amendments thereto;  
17 (4) criminal sodomy as defined in subsection (a)(2) or (a)(3) of K.S.A. 21-  
18 3505 and amendments thereto; (5) aggravated criminal sodomy as defined  
19 in K.S.A. 21-3506 and amendments thereto; (6) indecent solicitation of a  
20 child as defined in K.S.A. 21-3510 and amendments thereto; (7) aggra-  
21 vated indecent solicitation of a child as defined in K.S.A. 21-3511 and  
22 amendments thereto; (8) sexual exploitation of a child as defined in K.S.A.  
23 21-3516 and amendments thereto; (9) aggravated incest as defined in  
24 K.S.A. 21-3603 and amendments thereto; (10) endangering a child as  
25 defined in K.S.A. 21-3608 and amendments thereto; (11) abuse of a child  
26 as defined in K.S.A. 21-3609 and amendments thereto; (12) capital mur-  
27 der as defined in K.S.A. 21-3439 and amendments thereto; (13) murder  
28 in the first degree as defined in K.S.A. 21-3401 and amendments thereto;  
29 (14) murder in the second degree as defined in K.S.A. 21-3402 and  
30 amendments thereto; (15) voluntary manslaughter as defined in K.S.A.  
31 21-3403 and amendments thereto; (16) involuntary manslaughter as de-  
32 fined in K.S.A. 21-3404 and amendments thereto; (17) involuntary man-  
33 slaughter while driving under the influence of alcohol or drugs as defined  
34 in K.S.A. 2004 Supp. 21-3442 and amendments thereto; (18) sexual bat-  
35 tery as defined in K.S.A. 21-3517 and amendments thereto; (19) aggra-  
36 vated sexual battery as defined in K.S.A. 21-3518 and amendments  
37 thereto; or (20) any conviction for any offense in effect at any time prior  
38 to the effective date of this act, that is comparable to any offense as  
39 provided in this subsection.

40 (d) When a petition for expungement is filed, the court shall set a  
41 date for a hearing of such petition and shall cause notice of such hearing  
42 to be given to the prosecuting attorney and the arresting law enforcement  
43 agency. *Except as otherwise provided by law, a petition for expungement*

1 *shall be accompanied by payment of a docket fee in the amount of \$100.*

2 The petition shall state: (1) The defendant's full name;

3 (2) the full name of the defendant at the time of arrest, conviction or  
4 diversion, if different than the defendant's current name;

5 (3) the defendant's sex, race and date of birth;

6 (4) the crime for which the defendant was arrested, convicted or  
7 diverted;

8 (5) the date of the defendant's arrest, conviction or diversion; and

9 (6) the identity of the convicting court, arresting law enforcement  
10 authority or diverting authority. ~~There shall be no docket fee for filing a~~

11 ~~petition pursuant to this section.~~ All petitions for expungement shall be  
12 docketed in the original criminal action. Any person who may have rel-  
13 evant information about the petitioner may testify at the hearing. The  
14 court may inquire into the background of the petitioner and shall have  
15 access to any reports or records relating to the petitioner that are on file  
16 with the secretary of corrections or the Kansas parole board.

17 (e) At the hearing on the petition, the court shall order the peti-  
18 tioner's arrest record, conviction or diversion expunged if the court finds  
19 that:

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

23 (2) the circumstances and behavior of the petitioner warrant the  
24 expungement; and

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

26 (f) When the court has ordered an arrest record, conviction or diver-  
27 sion expunged, the order of expungement shall state the information re-  
28 quired to be contained in the petition. The clerk of the court shall send  
29 a certified copy of the order of expungement to the Kansas bureau of  
30 investigation which shall notify the federal bureau of investigation, the  
31 secretary of corrections and any other criminal justice agency which may  
32 have a record of the arrest, conviction or diversion. After the order of  
33 expungement is entered, the petitioner shall be treated as not having been  
34 arrested, convicted or diverted of the crime, except that:

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

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

40 (A) In any application for licensure as a private detective, private  
41 detective agency, certification as a firearms trainer pursuant to K.S.A.  
42 2004 Supp. 75-7b21, and amendments thereto, or employment as a de-  
43 tective with a private detective agency, as defined by K.S.A. 75-7b01 and

- 1 amendments thereto; as security personnel with a private patrol operator,  
2 as defined by K.S.A. 75-7b01 and amendments thereto; or with an insti-  
3 tution, as defined in K.S.A. 76-12a01 and amendments thereto, of the  
4 department of social and rehabilitation services;
- 5 (B) in any application for admission, or for an order of reinstatement,  
6 to the practice of law in this state;
- 7 (C) to aid in determining the petitioner's qualifications for employ-  
8 ment with the Kansas lottery or for work in sensitive areas within the  
9 Kansas lottery as deemed appropriate by the executive director of the  
10 Kansas lottery;
- 11 (D) to aid in determining the petitioner's qualifications for executive  
12 director of the Kansas racing commission, for employment with the com-  
13 mission or for work in sensitive areas in parimutuel racing as deemed  
14 appropriate by the executive director of the commission, or to aid in  
15 determining qualifications for licensure or renewal of licensure by the  
16 commission;
- 17 (E) upon application for a commercial driver's license under K.S.A.  
18 8-2,125 through 8-2,142, and amendments thereto;
- 19 (F) to aid in determining the petitioner's qualifications to be an em-  
20 ployee of the state gaming agency;
- 21 (G) to aid in determining the petitioner's qualifications to be an em-  
22 ployee of a tribal gaming commission or to hold a license issued pursuant  
23 to a tribal-state gaming compact;
- 24 (H) in any application for registration as a broker-dealer, agent, in-  
25 vestment adviser or investment adviser representative all as defined in  
26 ~~K.S.A. 17-1252~~ *section 2 of chapter 154 of the 2004 session laws of Kansas*  
27 and amendments thereto; or
- 28 (I) in any application for a commercial guide permit or associate  
29 guide permit under K.S.A. 32-964, and amendments thereto; or
- 30 (J) in any application for employment as a law enforcement officer as  
31 defined in K.S.A. 22-2202 or 74-5602, and amendments thereto;
- 32 (3) the court, in the order of expungement, may specify other cir-  
33 cumstances under which the conviction is to be disclosed;
- 34 (4) the conviction may be disclosed in a subsequent prosecution for  
35 an offense which requires as an element of such offense a prior conviction  
36 of the type expunged; and
- 37 (5) upon commitment to the custody of the secretary of corrections,  
38 any previously expunged record in the possession of the secretary of cor-  
39 rections may be reinstated and the expungement disregarded, and the  
40 record continued for the purpose of the new commitment.
- 41 (g) Whenever a person is convicted of a crime, pleads guilty and pays  
42 a fine for a crime, is placed on parole, postrelease supervision or proba-  
43 tion, is assigned to a community correctional services program, is granted

1 a suspended sentence or is released on conditional release, the person  
2 shall be informed of the ability to expunge the arrest records or conviction.  
3 Whenever a person enters into a diversion agreement, the person  
4 shall be informed of the ability to expunge the diversion.

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

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

- 19 (1) The person whose record was expunged;
- 20 (2) a private detective agency or a private patrol operator, and the  
21 request is accompanied by a statement that the request is being made in  
22 conjunction with an application for employment with such agency or operator  
23 by the person whose record has been expunged;
- 24 (3) a court, upon a showing of a subsequent conviction of the person  
25 whose record has been expunged;
- 26 (4) the secretary of social and rehabilitation services, or a designee of  
27 the secretary, for the purpose of obtaining information relating to employment  
28 in an institution, as defined in K.S.A. 76-12a01 and amendments thereto, of the  
29 department of social and rehabilitation services of any person whose record  
30 has been expunged;
- 31 (5) a person entitled to such information pursuant to the terms of the  
32 expungement order;
- 33 (6) a prosecuting attorney, and such request is accompanied by a  
34 statement that the request is being made in conjunction with a prosecution  
35 of an offense that requires a prior conviction as one of the elements  
36 of such offense;
- 37 (7) the supreme court, the clerk or disciplinary administrator thereof,  
38 the state board for admission of attorneys or the state board for discipline  
39 of attorneys, and the request is accompanied by a statement that the  
40 request is being made in conjunction with an application for admission,  
41 or for an order of reinstatement, to the practice of law in this state by the  
42 person whose record has been expunged;
- 43 (8) the Kansas lottery, and the request is accompanied by a statement

1 that the request is being made to aid in determining qualifications for  
2 employment with the Kansas lottery or for work in sensitive areas within  
3 the Kansas lottery as deemed appropriate by the executive director of the  
4 Kansas lottery;

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

12 (10) the Kansas sentencing commission;

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

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

24 (13) the department of wildlife and parks and the request is accom-  
25 panied by a statement that the request is being made to aid in determining  
26 qualifications for a permit as a commercial guide or associate guide under  
27 K.S.A. 32-964, and amendments thereto;

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

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

36 (j) *The docket fee collected at the time the petition for expungement*  
37 *is filed shall be disbursed in accordance with K.S.A. 20-362, and amend-*  
38 *ments thereto.*

39 Sec. 3. K.S.A. 2004 Supp. 22-2410 is hereby amended to read as  
40 follows: 22-2410. (a) Any person who has been arrested in this state may  
41 petition the district court for the expungement of such arrest record.

42 (b) When a petition for expungement is filed, the court shall set a  
43 date for hearing on such petition and shall cause notice of such hearing

1 to be given to the prosecuting attorney and the arresting law enforcement  
2 agency. When a petition for expungement is filed, the official court file  
3 shall be separated from the other records of the court, and shall be dis-  
4 closed only to a judge of the court and members of the staff of the court  
5 designated by a judge of the district court, the prosecuting attorney, the  
6 arresting law enforcement agency, or any other person when authorized  
7 by a court order, subject to any conditions imposed by the order. *Except*  
8 *as otherwise provided by law, a petition for expungement shall be accom-*  
9 *panied by a docket fee in the amount of \$100.* The petition shall state: (1)  
10 The petitioner's full name;  
11 (2) the full name of the petitioner at the time of arrest, if different  
12 than the petitioner's current name;  
13 (3) the petitioner's sex, race and date of birth;  
14 (4) the crime for which the petitioner was arrested;  
15 (5) the date of the petitioner's arrest; and  
16 (6) the identity of the arresting law enforcement agency.  
17 ~~There shall be no docket fee for filing a petition pursuant to this sec-~~  
18 ~~tion.~~ Any person who may have relevant information about the petitioner  
19 may testify at the hearing. The court may inquire into the background of  
20 the petitioner.  
21 (c) At the hearing on a petition for expungement, the court shall order  
22 the arrest record and subsequent court proceedings, if any, expunged  
23 upon finding: (1) The arrest occurred because of mistaken identity;  
24 (2) a court has found that there was no probable cause for the arrest;  
25 (3) the petitioner was found not guilty in court proceedings; or  
26 (4) the expungement would be in the best interests of justice and (A)  
27 Charges have been dismissed; or (B) no charges have been or are likely  
28 to be filed.  
29 (d) When the court has ordered expungement of an arrest record and  
30 subsequent court proceedings, if any, the order shall state the information  
31 required to be stated in the petition and shall state the grounds for  
32 expungement under subsection (c). The clerk of the court shall send a  
33 certified copy of the order to the Kansas bureau of investigation which  
34 shall notify the federal bureau of investigation, the secretary of corrections  
35 and any other criminal justice agency which may have a record of the  
36 arrest. If an order of expungement is entered, the petitioner shall be  
37 treated as not having been arrested.  
38 (e) If the ground for expungement is as provided in subsection (c)(4),  
39 the court shall determine whether, in the interests of public welfare, the  
40 records should be available for any of the following purposes: (1) In any  
41 application for employment as a detective with a private detective agency,  
42 as defined in K.S.A. 75-7b01 and amendments thereto; as security per-  
43 sonnel with a private patrol operator, as defined by K.S.A. 75-7b01 and

1 amendments thereto; or with an institution, as defined in K.S.A. 76-12a01  
2 and amendments thereto, of the department of social and rehabilitation  
3 services;

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

6 (3) to aid in determining the petitioner’s qualifications for employ-  
7 ment with the Kansas lottery or for work in sensitive areas within the  
8 Kansas lottery as deemed appropriate by the executive director of the  
9 Kansas lottery;

10 (4) to aid in determining the petitioner’s qualifications for executive  
11 director of the Kansas racing commission, for employment with the com-  
12 mission or for work in sensitive areas in parimutuel racing as deemed  
13 appropriate by the executive director of the commission, or to aid in  
14 determining qualifications for licensure or renewal of licensure by the  
15 commission;

16 (5) in any application for a commercial driver’s license under K.S.A.  
17 8-2,125 through 8-2,142 and amendments thereto;

18 (6) to aid in determining the petitioner’s qualifications to be an em-  
19 ployee of the state gaming agency;

20 (7) to aid in determining the petitioner’s qualifications to be an em-  
21 ployee of a tribal gaming commission or to hold a license issued pursuant  
22 to a tribal-state gaming compact; or

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

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

29 (g) Whenever a petitioner’s arrest records have been expunged as  
30 provided in this section, the custodian of the records of arrest, incarcer-  
31 ation due to arrest or court proceedings related to the arrest, shall not  
32 disclose the arrest or any information related to the arrest, except as  
33 directed by the order of expungement or when requested by the person  
34 whose arrest record was expunged.

35 (h) *The docket fee collected at the time the petition for expungement*  
36 *is filed shall be disbursed in accordance with K.S.A. 20-362, and amend-*  
37 *ments thereto.*

38 Sec. 4. K.S.A. 2004 Supp. 28-172a is hereby amended to read as  
39 follows: 28-172a. (a) Except as otherwise provided in this section, when-  
40 ever the prosecuting witness or defendant is adjudged to pay the costs in  
41 a criminal proceeding in any county, a docket fee shall be taxed as follows:

42 Murder or manslaughter.....	\$164.50
43 Other felony.....	<del>147.00</del> 155.00

1	Misdemeanor.....	<del>112.00</del> 120.00
2	Forfeited recognizance .....	62.50
3	Appeals from other courts.....	62.50
4	(b) (1) Except as provided in paragraph (2), in actions involving the	
5	violation of any of the laws of this state regulating traffic on highways	
6	(including those listed in subsection (c) of K.S.A. 8-2118, and amend-	
7	ments thereto), a cigarette or tobacco infraction, any act declared a crime	
8	pursuant to the statutes contained in chapter 32 of Kansas Statutes An-	
9	notated and amendments thereto or any act declared a crime pursuant	
10	to the statutes contained in article 8 of chapter 82a of the Kansas Statutes	
11	Annotated, and amendments thereto, whenever the prosecuting witness	
12	or defendant is adjudged to pay the costs in the action, a docket fee of	
13	<del>\$55</del> \$59 shall be charged. When an action is disposed of under subsections	
14	(a) and (b) of K.S.A. 8-2118 or subsection (f) of K.S.A. 79-3393, and	
15	amendments thereto, whether by mail or in person, the docket fee to be	
16	paid as court costs shall be <del>\$55</del> \$59.	
17	(2) In actions involving the violation of a moving traffic violation un-	
18	der K.S.A. 8-2118, and amendments thereto, as defined by rules and	
19	regulations adopted under K.S.A. 8-249, and amendments thereto, when-	
20	ever the prosecuting witness or defendant is adjudged to pay the costs in	
21	the action, a docket fee of <del>\$55</del> \$59 shall be charged. When an action is	
22	disposed of under subsection (a) and (b) of K.S.A. 8-2118, and amend-	
23	ments thereto, whether by mail or in person, the docket fee to be paid	
24	as court costs shall be <del>\$55</del> \$59.	
25	(c) If a conviction is on more than one count, the docket fee shall be	
26	the highest one applicable to any one of the counts. The prosecuting	
27	witness or defendant, if assessed the costs, shall pay only one fee. Multiple	
28	defendants shall each pay one fee.	
29	(d) Statutory charges for law library funds, the law enforcement train-	
30	ing center fund, the prosecuting attorneys' training fund, the juvenile	
31	detention facilities fund, the judicial branch education fund, the emer-	
32	gency medical services operating fund and the judiciary technology fund	
33	shall be paid from the docket fee; the family violence and child abuse and	
34	neglect assistance and prevention fund fee shall be paid from criminal	
35	proceedings docket fees. All other fees and expenses to be assessed as	
36	additional court costs shall be approved by the court, unless specifically	
37	fixed by statute. Additional fees shall include, but are not limited to, fees	
38	for Kansas bureau of investigation forensic or laboratory analyses, fees for	
39	detention facility processing pursuant to K.S.A. 12-16,119, and amend-	
40	ments thereto, fees for the sexual assault evidence collection kit, fees for	
41	conducting an examination of a sexual assault victim, fees for service of	
42	process outside the state, witness fees, fees for transcripts and depositions,	
43	costs from other courts, doctors' fees and examination and evalu-	

1 ation fees. No sheriff in this state shall charge any district court of this  
2 state a fee or mileage for serving any paper or process.

3 (e) In each case charging a violation of the laws relating to parking  
4 of motor vehicles on the statehouse grounds or other state-owned or  
5 operated property in Shawnee county, Kansas, as specified in K.S.A. 75-  
6 4510a, and amendments thereto, or as specified in K.S.A. 75-4508, and  
7 amendments thereto, the clerk shall tax a fee of \$2 which shall constitute  
8 the entire costs in the case, except that witness fees, mileage and expenses  
9 incurred in serving a warrant shall be in addition to the fee. Appearance  
10 bond for a parking violation of K.S.A. 75-4508 or 75-4510a, and amend-  
11 ments thereto, shall be \$3, unless a warrant is issued. The judge may  
12 order the bond forfeited upon the defendant's failure to appear, and \$2  
13 of any bond so forfeited shall be regarded as court costs.

14 Sec. 5. K.S.A. 2004 Supp. 60-2001 is hereby amended to read as  
15 follows: 60-2001. (a) *Docket fee*. Except as otherwise provided by law, no  
16 case shall be filed or docketed in the district court, whether original or  
17 appealed, without payment of a docket fee in the amount of ~~\$106~~ \$145  
18 to the clerk of the district court.

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

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

41 State of Kansas, \_\_\_\_\_ County.

42 In the district court of the county: I do solemnly swear that the claim set forth in the  
43 petition herein is just, and I do further swear that, by reason of my poverty, I am unable to

1 pay a docket fee.

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

14 (d) *Additional court costs.* Other fees and expenses to be assessed as  
15 additional court costs shall be approved by the court, unless specifically  
16 fixed by statute. Other fees shall include, but not be limited to, witness  
17 fees, appraiser fees, fees for service of process, fees for depositions, al-  
18 ternative dispute resolution fees, transcripts and publication, attorney  
19 fees, court costs from other courts and any other fees and expenses re-  
20 quired by statute. All additional court costs shall be taxed and billed  
21 against the parties as directed by the court. No sheriff in this state shall  
22 charge any mileage for serving any papers or process.

23 Sec. 6. K.S.A. 2004 Supp. 61-2704 is hereby amended to read as  
24 follows: 61-2704. (a) An action seeking the recovery of a small claim shall  
25 be considered to have been commenced at the time a person files a writ-  
26 ten statement of the person's small claim with the clerk of the court if,  
27 within 90 days after the small claim is filed, service of process is obtained  
28 or the first publication is made for service by publication. Otherwise, the  
29 action is deemed commenced at the time of service of process or first  
30 publication. An entry of appearance shall have the same effect as service.

31 (b) Upon the filing of a plaintiff's small claim, the clerk of the court  
32 shall require from the plaintiff a docket fee of ~~\$26~~ \$28, if the claim does  
33 not exceed \$500; or ~~\$46~~ \$48, if the claim exceeds \$500; unless for good  
34 cause shown the judge waives the fee. The docket fee shall be the only  
35 costs required in an action seeking recovery of a small claim. No person  
36 may file more than 10 small claims under this act in the same court during  
37 any calendar year.

38 Sec. 7. K.S.A. 2004 Supp. 61-4001 is hereby amended to read as  
39 follows: 61-4001. (a) Docket fee. No case shall be filed or docketed pur-  
40 suant to the code of civil procedure for limited actions without the pay-  
41 ment of a docket fee in the amount of ~~\$26~~ \$28, if the amount in contro-  
42 versy or claimed does not exceed \$500; ~~\$46~~ \$48, if the amount in  
43 controversy or claimed exceeds \$500 but does not exceed \$5,000; or ~~\$76~~

1 \$92, if the amount in controversy or claimed exceeds \$5,000. If judgment  
2 is rendered for the plaintiff, the court also may enter judgment for the  
3 plaintiff for the amount of the docket fee paid by the plaintiff.

4 (b) Poverty affidavit; additional court costs. The provisions of subsec-  
5 tions (b), (c) and (d) of K.S.A. 60-2001, and amendments thereto, shall  
6 be applicable to lawsuits brought under the code of civil procedure for  
7 limited actions.

8 Sec. 8. K.S.A. 75-3120f is hereby amended to read as follows: 75-  
9 3120f. (a) The annual salary of the chief justice of the supreme court and  
10 each of the other justices of the supreme court shall be paid in equal  
11 installments each payroll period in accordance with this section.

12 (b) Except as otherwise provided in K.S.A. 75-3120l and amendments  
13 thereto, the annual salary of the chief justice of the supreme court shall  
14 be ~~\$84,278~~ ~~\$133,528~~ **[\$130,389]**.

15 (c) Except as otherwise provided in K.S.A. 75-3120l and amendments  
16 thereto, the annual salary of other justices of the supreme court shall be  
17 ~~\$82,005~~ ~~\$130,033~~ **[\$127,212]**.

18 Sec. 9. K.S.A. 2004 Supp. 75-3120g is hereby amended to read as  
19 follows: 75-3120g. (a) The annual salary of district judges shall be paid in  
20 equal installments each payroll period in accordance with this section.

21 (b) Except as otherwise provided in K.S.A. 75-3120l and amendments  
22 thereto, the annual salary of district judges, other than district judges  
23 designated as chief judges, shall be ~~\$71,291~~ ~~\$113,555~~ **[\$112,232]**.

24 (c) Except as otherwise provided in K.S.A. 75-3120l and amendments  
25 thereto, the annual salary of district judges designated as chief judges  
26 shall be ~~\$72,105~~ ~~\$117,005~~ **[\$113,368]**.

27 (d) No county may supplement the salary of, or pay any compensation  
28 to, any district judge.

29 Sec. 10. K.S.A. 75-3120h is hereby amended to read as follows: 75-  
30 3120h. (a) The annual salary of the chief judge of the court of appeals  
31 and each of the other judges of the court of appeals shall be paid in equal  
32 installments each payroll period in accordance with this section.

33 (b) Except as otherwise provided in K.S.A. 75-3120l and amendments  
34 thereto, the annual salary of the chief judge of the court of appeals shall  
35 be ~~\$81,235~~ ~~\$128,847~~ **[\$126,134]**.

36 (c) Except as otherwise provided in K.S.A. 75-3120l and amendments  
37 thereto, the annual salary of the other judges of the court of appeals shall  
38 be ~~\$79,079~~ ~~\$125,530~~ **[\$123,118]**.

39 Sec. 11. K.S.A. 2004 Supp. 75-3120k is hereby amended to read as  
40 follows: 75-3120k. (a) The annual salary of district magistrate judges shall  
41 be paid in equal installments each payroll period in accordance with this  
42 section.

43 (b) Subject to the provisions of subsection (c) and except as otherwise

1 provided in K.S.A. 75-3120l and amendments thereto, the annual salary  
2 of district magistrate judges shall be ~~\$47,416~~ ~~\$53,722~~ [**\$57,838**].

3 (c) Within the limits of the appropriations therefor, the county or  
4 counties comprising the judicial district may supplement the salary of, or  
5 pay any compensation to, any district magistrate judge.

6 Sec. 12. K.S.A. 2003 Supp. 21-4619 as amended by section 59 of  
7 chapter 54 of the 2004 session laws of Kansas and K.S.A. 75-3120f and  
8 75-3120h and K.S.A. 2004 Supp. 20-367, 21-4619, 22-2410, 28-172a, 60-  
9 2001, 61-2704, 61-4001, 75-3120g and 75-3120k are hereby repealed.

10 Sec. 13. This act shall take effect and be in force from and after its  
11 publication in the statute book.