

SENATE BILL No. 507

By Committee on Judiciary

2-3

11 AN ACT concerning court costs; relating to a fee upon request for jury;
12 amending K.S.A. 60-2001 and repealing the existing section.

13

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

15 Section 1. K.S.A. 60-2001 is hereby amended to read as follows: 60-
16 2001. (a) *Docket fee.* Except as otherwise provided by law, no case shall
17 be filed or docketed in the district court, whether original or appealed,
18 without payment of a docket fee in the amount of \$106 to the clerk of
19 the district court.

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

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

42 State of Kansas, _____ County.

43 In the district court of the county: I do solemnly swear that the claim set forth in the

1 petition herein is just, and I do further swear that, by reason of my poverty, I am unable to
2 pay a docket fee.

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

15 (d) *Additional court costs.* Except as provided in subsection (e), other
16 fees and expenses to be assessed as additional court costs shall be ap-
17 proved by the court, unless specifically fixed by statute. Other fees shall
18 include, but not be limited to, witness fees, appraiser fees, fees for service
19 of process, fees for depositions, alternative dispute resolution fees, tran-
20 scripts and publication, attorney fees, court costs from other courts and
21 any other fees and expenses required by statute. All additional court costs
22 shall be taxed and billed against the parties as directed by the court. No
23 sheriff in this state shall charge any mileage for serving any papers or
24 process.

25 (e) *Request for a jury.* When a jury is requested **in a civil case**, a
26 nonrefundable jury fee in the amount of \$349 shall be paid to the clerk
27 of the district court. Such jury fee is due and payable when the jury trial
28 request is made pursuant to K.S.A. 60-247, and amendments thereto. Such
29 jury fee shall be submitted by the clerk of the district court for deposit in
30 the county treasury and credited to the county jury fee fund. Disburse-
31 ments from the county jury fee fund may only be made to pay jurors' fees
32 pursuant to K.S.A. 43-171, and amendments thereto.

33 Sec. 2. K.S.A. 60-2001 is hereby repealed.

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