

HOUSE BILL No. 2605

AN ACT concerning court fees; relating to fees for investigations conducted by the Kansas bureau of investigation and other forensic and scientific laboratories; fees for the Kansas bureau of investigation DNA database; amending K.S.A. 2009 Supp. 28-176 and 75-724 and repealing the existing sections.

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

Section 1. K.S.A. 2009 Supp. 28-176 is hereby amended to read as follows: 28-176. ~~(a) Any person convicted or diverted, or adjudicated or diverted under a preadjudication program, pursuant to K.S.A. 22-2906 et seq., K.S.A. 2009 Supp. 38-2346 et seq., or 12-4414 et seq., and amendments thereto, of a misdemeanor or felony contained in chapters 21, 41 or 65 of the Kansas Statutes Annotated, or a violation of K.S.A. 8-1567 and amendments thereto, shall pay a separate court cost of: (1) \$400 as a Kansas bureau of investigation laboratory analysis fee for each offense if forensic science or laboratory services are rendered or administered by the Kansas bureau of investigation in connection with the case, and (2) \$400 for each offense if forensic science or laboratory services are rendered or administered by the Sedgwick county regional forensic science center, the Johnson county sheriff's laboratory or the heart of America regional computer forensics laboratory.~~

~~—(b) Such fees shall be in addition to and not in substitution for any and all fines and penalties otherwise provided for by law for such offense.~~

~~—(c) Disbursements from the Kansas bureau of investigation laboratory analysis fee deposited into the forensic laboratory and materials fee fund of the Kansas bureau of investigation shall be made for the following:~~

~~—(1) Providing criminalistic laboratory services;~~

~~—(2) the purchase and maintenance of equipment for use by the laboratory in performing analysis;~~

~~—(3) education, training and scientific development of Kansas bureau of investigation personnel; and~~

~~—(4) the destruction of seized property and chemicals as prescribed in K.S.A. 22-2512 and 60-4117, and amendments thereto.~~

~~—(d) Fees received into this fund shall be supplemental to regular appropriations to the Kansas bureau of investigation.~~

~~—(e) The fee for services rendered or administered by the Sedgwick county regional forensic science center shall be deposited in the Sedgwick county general fund, the fee for services rendered or administered by the Johnson county sheriff's laboratory shall be deposited in the Johnson county general fund and the fee for services rendered or administered by the heart of America regional computer forensics laboratory shall be deposited in the general treasury account maintained by the heart of America regional computer forensics laboratory and disbursed for the following:~~

~~—(1) Providing criminalistic laboratory services;~~

~~—(2) the purchase and maintenance of equipment for use by the center or laboratory in performing analysis; and~~

~~—(3) education, training and scientific development of the center's or laboratory's personnel.~~

(a) The court shall order any person convicted or diverted, or adjudicated or diverted under a preadjudication program pursuant to K.S.A. 22-2906 et seq., K.S.A. 2009 Supp. 38-2346 et seq., or 12-4414, and amendments thereto, of a misdemeanor or felony contained in chapters 21, 41 or 65 of the Kansas Statutes Annotated, and amendments thereto, or a violation of K.S.A. 8-1567, and amendments thereto, or a violation of a municipal ordinance prohibiting the acts prohibited by such statutes, unless the municipality has an agreement with the laboratory providing services that sets a restitution amount to be paid by the person that is directly related to the cost of laboratory services, to pay a separate court cost of \$400 for every individual offense if forensic science or laboratory services or forensic computer examination services are provided, in connection with the investigation, by:

(1) The Kansas bureau of investigation;

(2) the Sedgwick county regional forensic science center;

(3) the Johnson county sheriff's laboratory;

(4) the heart of America regional computer forensics laboratory; or

(5) the Wichita-Sedgwick county computer forensics crimes unit.

(b) Such fees shall be in addition to and not in substitution for any and all fines and penalties otherwise provided for by law for such offense.

(c) The court shall not lessen or waive such fees unless the court has

determined such person is indigent and the basis for the court's determination is reflected in the court's order.

(d) Such fees shall be deposited into the designated fund of the laboratory or forensic science or computer center that provided such services. Fees for services provided by:

(1) The Kansas bureau of investigation shall be deposited in the Kansas bureau of investigation forensic laboratory and materials fee fund;

(2) the Sedgwick county regional forensic science center shall be deposited in the Sedgwick county general fund;

(3) the Johnson county sheriff's laboratory shall be deposited in the Johnson county sheriff's laboratory analysis fee fund;

(4) the heart of America regional computer forensics laboratory shall be deposited in the general treasury account maintained by such laboratory; and

(5) the Wichita-Sedgwick county computer forensic crimes unit shall be retained by the Sedgwick county sheriff. All funds retained by the sheriff pursuant to the provisions of this section shall be credited to a special fund of the sheriff's office.

(e) Disbursements from the funds and accounts described in subsection (d) shall be made for the following:

(1) Forensic science or laboratory services;

(2) forensic computer examination services;

(3) purchase and maintenance of laboratory equipment and supplies;

(4) education, training and scientific development of personnel; and

(5) from the Kansas bureau of investigation forensic laboratory and materials fee fund, the destruction of seized property and chemicals as described in K.S.A. 22-2512 and 60-4117, and amendments thereto.

Sec. 2. K.S.A. 2009 Supp. 75-724 is hereby amended to read as follows: 75-724. (a) Any person ~~required to submit a sample pursuant to subsection (c) of K.S.A. 21-2511, and amendments thereto, upon conviction or adjudication shall pay a separate court cost of \$100 as a Kansas bureau of investigation DNA database fee. convicted or adjudicated of an offense that, pursuant to K.S.A. 21-2511, and amendments thereto, requires submission of a DNA sample upon arrest, charging or placement in custody, shall pay a separate court cost of \$200 as a Kansas bureau of investigation DNA database fee upon conviction or adjudication.~~

(b) The court shall order such fees regardless of whether the person's DNA sample was already on file with the Kansas bureau of investigation at the time such person was arrested, charged or placed in custody, unless the person can prove to the court that the person: (1) Has paid such fees in connection with a prior conviction or adjudication; and (2) did not submit specimens of blood or an oral or other biological sample authorized by the Kansas bureau of investigation to the Kansas bureau of investigation for the current offense of conviction or adjudication.

(c) The court shall not lessen or waive such fees unless the court has determined such person is indigent and the basis for the court's determination is reflected in the court's order.

~~(b)~~ (d) Such fees shall be in addition to and not in substitution for any and all fines and penalties otherwise provided for by law for such offense.

~~(c)~~ (e) Disbursements from the Kansas bureau of investigation DNA database fee deposited into the DNA database fee fund of the Kansas bureau of investigation shall be made for the following:

(1) Providing DNA laboratory services;

(2) the purchase and maintenance of equipment for use by the laboratory in performing DNA analysis; and

(3) education, training and scientific development of Kansas bureau of investigation personnel regarding DNA analysis.

~~(d)~~ (f) Expenditures from the DNA database fee fund shall be made upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the attorney general or by a person or persons designated by the attorney general.

~~(e)~~ (g) All fees shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the DNA database fee fund, which is hereby established in the state treasury.

~~(f)~~ (h) Fees received into this fund shall be supplemental to regular appropriations to the Kansas bureau of investigation.

Sec. 3. K.S.A. 2009 Supp. 28-176 and 75-724 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the HOUSE, and passed that body

HOUSE adopted
Conference Committee Report _____

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE
as amended _____

SENATE adopted
Conference Committee Report _____

President of the Senate.

Secretary of the Senate.

APPROVED _____

Governor.