

As Amended by House Committee

Session of 2010

HOUSE BILL No. 2637

By Committee on Corrections and Juvenile Justice

2-3

10 AN ACT concerning court fees; relating to fees for the Kansas bureau  
11 of investigations DNA database; amending K.S.A. 2009 Supp. 75-724  
12 and repealing the existing section.  
13

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

15 Section 1. K.S.A. 2009 Supp. 75-724 is hereby amended to read as  
16 follows: 75-724. (a) Any person ~~required to submit a sample pursuant to~~  
17 ~~subsection (c) of K.S.A. 21-2511, and amendments thereto, upon convic-~~  
18 ~~tion or adjudication shall pay a separate court cost of \$100 as a Kansas~~  
19 ~~bureau of investigation DNA database fee.~~ *convicted or adjudicated of an*  
20 *offense that, pursuant to K.S.A. 21-2511, and amendments thereto, re-*  
21 *quires submission of a DNA sample upon arrest, charging or placement*  
22 *in custody, shall pay a separate court cost of \$100 as a Kansas bureau of*  
23 *investigation DNA database fee for every individual offense upon convic-*  
24 *tion or adjudication.*

25 (b) *The court shall order such fees regardless of whether the person's*  
26 *DNA sample was already on file with the Kansas bureau of investigation*  
27 *at the time such person was arrested, charged or placed in custody, unless*  
28 **the defendant can prove to the court that the defendant has paid**  
29 **such fees in connection with a previous conviction or adjudication.**

30 (c) *The court shall not lessen or waive such fees unless the court has*  
31 *determined such person is indigent and the basis for the court's deter-*  
32 *mination is reflected in the court's order.*

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

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

- 39 (1) Providing DNA laboratory services;
- 40 (2) the purchase and maintenance of equipment for use by the lab-  
41 oratory in performing DNA analysis; and
- 42 (3) education, training and scientific development of Kansas bureau  
43 of investigation personnel regarding DNA analysis.

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

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

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

12    Sec. 2. K.S.A. 2009 Supp. 75-724 is hereby repealed.

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