

As Amended by House Committee

Session of 2013

HOUSE BILL No. 2338

By Committee on Appropriations

2-13

1 AN ACT concerning docket fees; amending K.S.A. 5-517 and K.S.A. 2012
2 Supp. 20-362, 28-172a, 74-7325, 74-7334 and 75-7021 and repealing
3 the existing sections; also repealing K.S.A. 2012 Supp. 20-367.
4

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

6 Section 1. K.S.A. 5-517 is hereby amended to read as follows: 5-517.
7 There is hereby created the dispute resolution fund in the state treasury
8 which shall be administered by the judicial administrator. All expenditures
9 from the dispute resolution fund shall be for the purpose of carrying out
10 the dispute resolution act. ~~In addition to funds generated by remittances~~
11 ~~under K.S.A. 20-367, and amendments thereto,~~ Funds acquired through
12 grants, training fees, registration and approval fees, and other public or
13 private sources and designated for dispute resolution, shall be remitted to
14 the dispute resolution fund for carrying out the dispute resolution act. All
15 expenditures from the dispute resolution fund shall be made in accordance
16 with appropriation acts upon warrants of the director of accounts and
17 reports issued pursuant to vouchers approved by the judicial administrator
18 or by the judicial administrator's designee.

19 Sec. 2. K.S.A. 2012 Supp. 20-362 is hereby amended to read as
20 follows: 20-362. The clerk of the district court shall remit all revenues
21 received from docket fees as follows:

22 (a) At least monthly to the county treasurer, for deposit in the county
23 treasury and credit to the county general fund:

24 (1) A sum equal to \$10 for each docket fee paid pursuant to K.S.A.
25 60-2001 and 60-3005, and amendments thereto, during the preceding
26 calendar month;

27 (2) a sum equal to \$10 for each \$46 or \$76 docket fee paid pursuant
28 to K.S.A. 61-4001, or K.S.A. 61-2704 or 61-2709, and amendments
29 thereto; and

30 (3) a sum equal to \$5 for each \$26 docket fee paid pursuant to K.S.A.
31 61-4001 or K.S.A. 61-2704, and amendments thereto, during the preceding
32 calendar month.

33 (b) At least monthly to the board of trustees of the county law library
34 fund, for deposit in the fund, a sum equal to the library fees paid during the
35 preceding calendar month for cases filed in the county.

36 (c) At least monthly to the county treasurer, for deposit in the county

1 treasury and credit to the prosecuting attorneys' training fund, a sum equal
 2 to \$2 for each docket fee paid pursuant to K.S.A. 28-172a, and
 3 amendments thereto, during the preceding calendar month for cases filed
 4 in the county and a sum equal to \$1 for each fee paid pursuant to
 5 subsection (c) of K.S.A. 28-170, and amendments thereto, during the
 6 preceding calendar month for cases filed in the county.

7 (d) To the state treasurer, in accordance with the provisions of K.S.A.
 8 75-4215, and amendments thereto, for deposit in the state treasury and
 9 credit to the indigents' defense services fund, a sum equal to \$.50 for each
 10 docket fee paid pursuant to K.S.A. 28-172a and subsection (d) of K.S.A.
 11 28-170, and amendments thereto, during the preceding calendar month.

12 (e) To the state treasurer, in accordance with the provisions of K.S.A.
 13 75-4215, and amendments thereto, for deposit in the state treasury and
 14 credit to the law enforcement training center fund a sum equal to \$15 for
 15 each docket fee paid pursuant to K.S.A. 28-172a, and amendments thereto,
 16 during the preceding calendar month.

17 (f) To the state treasurer, in accordance with the provisions of K.S.A.
 18 75-4215, and amendments thereto, for deposit in the state treasury and
 19 credit to the judicial branch surcharge fund a sum equal to the amount
 20 collected for credit to that fund, as provided by supreme court rule.

21 (g) To the state treasurer, in accordance with the provisions of K.S.A.
 22 75-4215, and amendments thereto, for deposit in the state treasury ~~and~~
 23 ~~distribution according to K.S.A. 20-367, and amendments thereto, a sum~~
 24 ~~equal to the balance which remains from all docket fees paid during the~~
 25 ~~preceding calendar month after deduction of the amounts specified in~~
 26 ~~subsections (a), (b), (c), (d), (e) and (f) to the credit of the state general~~
 27 ~~fund.~~

28 Sec. 3. K.S.A. 2012 Supp. 28-172a is hereby amended to read as
 29 follows: 28-172a. (a) Except as otherwise provided in this section,
 30 whenever the prosecuting witness or defendant is adjudged to pay the costs
 31 in a criminal proceeding in any county, a docket fee shall be taxed as
 32 follows:

33 (1) ~~On and after July 1, 2009 through June 30, 2013:~~

34	Murder or manslaughter.....	\$182.50
35	Other felony.....	173.00
36	Misdemeanor.....	138.00
37	Forfeited recognizance.....	74.50
38	Appeals from other courts.....	74.50

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 40 (2) ~~On and after July 1, 2013:~~

41	Murder or manslaughter.....	\$180.50
42	Other felony.....	171.00
43	Misdemeanor.....	136.00

1 Forfeited recognizance.....72.50
 2 Appeals from other courts.....72.50

3
 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 amendments
 7 thereto, a cigarette or tobacco infraction, any act declared a crime pursuant
 8 to the statutes contained in chapter 32 of the Kansas Statutes Annotated,
 9 and amendments thereto, or any act declared a crime pursuant to the
 10 statutes contained in article 8 of chapter 82a of the Kansas Statutes
 11 Annotated, and amendments thereto, whenever the prosecuting witness or
 12 defendant is adjudged to pay the costs in the action, ~~on and after July 1,~~
 13 ~~2009 through June 30, 2013, a docket fee of \$76 shall be charged, and on~~
 14 ~~and after July 1, 2013, a docket fee of \$74 shall be charged. When an~~
 15 ~~action is disposed of under subsections (a) and (b) of K.S.A. 8-2118 or~~
 16 ~~subsection (f) of K.S.A. 79-3393, and amendments thereto, on and after~~
 17 ~~July 1, 2009 through June 30, 2013, the docket fee to be paid as court costs~~
 18 ~~shall be \$76, and on and after July 1, 2013, the docket fee to be paid as~~
 19 ~~court costs shall be \$74.~~

20 (2) In actions involving the violation of a moving traffic violation
 21 under K.S.A. 8-2118, and amendments thereto, as defined by rules and
 22 regulations adopted under K.S.A. 8-249, and amendments thereto,
 23 whenever the prosecuting witness or defendant is adjudged to pay the costs
 24 in the action, ~~on and after July 1, 2009 through June 30, 2013, a docket fee~~
 25 ~~of \$76 shall be charged, and on and after July 1, 2013, a docket fee of \$74~~
 26 ~~shall be charged. When an action is disposed of under subsection (a) and~~
 27 ~~(b) of K.S.A. 8-2118, and amendments thereto, on and after July 1, 2009~~
 28 ~~through June 30, 2013, the docket fee to be paid as court costs shall be~~
 29 ~~\$76, and on and after July 1, 2013, the docket fee to be paid as court costs~~
 30 ~~shall be \$74.~~

31 (c) If a conviction is on more than one count, the docket fee shall be
 32 the highest one applicable to any one of the counts. The prosecuting
 33 witness or defendant, if assessed the costs, shall pay only one fee. Multiple
 34 defendants shall each pay one fee.

35 (d) ~~Statutory charges for law library funds, the law enforcement~~
 36 ~~training center fund, the prosecuting attorneys' training fund, the juvenile~~
 37 ~~detention facilities fund, the judicial branch education fund, the emergency~~
 38 ~~medical services operating fund and the judiciary technology fund made~~
 39 ~~pursuant to the provisions of K.S.A. 20-362, and amendments thereto, shall~~
 40 ~~be paid from the docket fee; the family violence and child abuse and~~
 41 ~~neglect assistance and prevention fund fee shall be paid from criminal~~
 42 ~~proceedings docket fees. All other fees and expenses to be assessed as~~
 43 ~~additional court costs shall be approved by the court, unless specifically~~

1 fixed by statute. Additional fees shall include, but are not limited to, fees
2 for Kansas bureau of investigation forensic or laboratory analyses, fees for
3 detention facility processing pursuant to K.S.A. 12-16,119, and
4 amendments thereto, fees for the sexual assault evidence collection kit,
5 fees for conducting an examination of a sexual assault victim, fees for
6 service of process outside the state, witness fees, fees for transcripts and
7 depositions, costs from other courts, doctors' fees and examination and
8 evaluation fees. No sheriff in this state shall charge any district court of
9 this state a fee or mileage for serving any paper or process.

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

21 (f) Except as provided further, the docket fee established in this
22 section shall be the only fee collected or moneys in the nature of a fee
23 collected for the docket fee. Such fee shall only be established by an act of
24 the legislature and no other authority is established by law or otherwise to
25 collect a fee. On and after the effective date of this act through June 30,
26 2013, the supreme court may impose an additional charge, not to exceed
27 \$22 per docket fee, to fund the costs of non-judicial personnel.

28 Sec. 4. K.S.A. 2012 Supp. 74-7325 is hereby amended to read as
29 follows: 74-7325. (a) There is hereby created in the state treasury the
30 protection from abuse fund. All moneys credited to the fund shall be used
31 solely for the purpose of making grants to programs providing: (1)
32 Temporary emergency shelter for adult victims of domestic abuse or
33 sexual assault and their dependent children; (2) counseling and assistance
34 to those victims and their children; or (3) educational services directed at
35 reducing the incidence of domestic abuse or sexual assault and
36 diminishing its impact on the victims. All moneys credited to the fund
37 pursuant to ~~K.S.A. 20-367, and amendments thereto~~, shall be used only for
38 on-going operating expenses of domestic violence programs. All moneys
39 credited to the fund pursuant to any increase in docket fees as provided by
40 this act as described in ~~K.S.A. 20-367~~ and 60-2001, and amendments
41 thereto, shall not be awarded to programs until July 1, 2003, and shall be
42 used for ongoing operating expenses of domestic violence or sexual
43 assault programs.

1 (b) All expenditures from the protection from abuse fund shall be
2 made in accordance with appropriation acts upon warrants of the director
3 of accounts and reports issued pursuant to vouchers approved by the
4 attorney general or by a person or persons designated by the attorney
5 general.

6 (c) The attorney general may apply for, receive and accept moneys
7 from any source for the purposes for which moneys in the protection from
8 abuse fund may be expended. Upon receipt of any such moneys, the
9 attorney general shall remit the entire amount to the state treasurer in
10 accordance with the provisions of K.S.A. 75-4215, and amendments
11 thereto. Upon receipt of each such remittance, the state treasurer shall
12 deposit the entire amount in the state treasury to the credit of the protection
13 from abuse fund.

14 (d) Grants made to programs pursuant to this section shall be based
15 on the numbers of persons served by the program and shall be made only
16 to the city of Wichita or to agencies which are engaged, as their primary
17 function, in programs aimed at preventing domestic violence or sexual
18 assault or providing residential services or facilities to family or household
19 members who are victims of domestic violence or sexual assault. In order
20 for programs to qualify for funding under this section, they must:

21 (1) Meet the requirements of section 501(c) of the internal revenue
22 code of 1986;

23 (2) be registered and in good standing as a nonprofit corporation;

24 (3) meet normally accepted standards for nonprofit organizations;

25 (4) have trustees who represent the racial, ethnic and socioeconomic
26 diversity of the county or counties served;

27 (5) have received 50% or more of their funds from sources other than
28 funds distributed through the fund, which other sources may be public or
29 private and may include contributions of goods or services, including
30 materials, commodities, transportation, office space or other types of
31 facilities or personal services;

32 (6) demonstrate ability to successfully administer programs;

33 (7) make available an independent certified audit of the previous
34 year's financial records;

35 (8) have obtained appropriate licensing or certification, or both;

36 (9) serve a significant number of residents of the county or counties
37 served;

38 (10) not unnecessarily duplicate services already adequately provided
39 to county residents; and

40 (11) agree to comply with reporting requirements of the attorney
41 general.

42 The attorney general may adopt rules and regulations establishing
43 additional standards for eligibility and accountability for grants made

1 pursuant to this section.

2 (e) As used in this section:

3 (1) "Domestic abuse" means abuse as defined by the protection from
4 abuse act, K.S.A. 60-3101 et seq., and amendments thereto).

5 (2) "Sexual assault" means acts defined in article 35 of chapter 21 of
6 the Kansas Statutes Annotated, prior to their repeal, or article 55 of chapter
7 21 of the Kansas Statutes Annotated, or K.S.A. 2012 Supp. 21-6419
8 through 21-6421, and amendments thereto.

9 (f) On or before the 10th day of each month, the director of accounts
10 and reports shall transfer from the state general fund to the protection from
11 abuse fund interest earnings based on:

12 (1) The average daily balance of moneys in the protection from abuse
13 fund for the preceding month; and

14 (2) the net earnings rate for the pooled money investment portfolio
15 for the preceding month.

16 Sec. 5. K.S.A. 2012 Supp. 74-7334 is hereby amended to read as
17 follows: 74-7334. (a) There is hereby created in the state treasury the
18 crime victims assistance fund. All moneys credited to the fund pursuant to
19 K.S.A. 12-4117, 19-101e; ~~and 19-4707~~ ~~and 20-367~~, and amendments
20 thereto, shall be used solely for the purpose of making grants for on-going
21 operating expenses of programs, including court-appointed special
22 advocate programs, providing: (1) Temporary emergency shelter for
23 victims of child abuse and neglect; (2) counseling and assistance to those
24 victims; or (3) educational services directed at reducing the incidence of
25 child abuse and neglect and diminishing its impact on the victim. The
26 remainder of moneys credited to the fund shall be used for the purpose of
27 supporting the operation of state agency programs which provide services
28 to the victims of crime and making grants to existing programs or to
29 establish and maintain new programs providing services to the victims of
30 crime.

31 (b) All expenditures from the crime victims assistance fund shall be
32 made in accordance with appropriations acts upon warrants of the director
33 of accounts and reports issued pursuant to vouchers approved by the
34 attorney general or by a person or persons designated by the attorney
35 general.

36 (c) The attorney general may apply for, receive and accept moneys
37 from any source for the purposes for which moneys in the crime victims
38 assistance fund may be expended. Upon receipt of any such moneys, the
39 attorney general shall remit the entire amount to the state treasurer in
40 accordance with the provisions of K.S.A. 75-4215, and amendments
41 thereto. Upon receipt of each such remittance, the state treasurer shall
42 deposit the entire amount in the state treasury to the credit of the crime
43 victims assistance fund.

1 (d) Grants made to programs with funds derived from K.S.A. 12-
2 4117, 19-101e; ~~and 19-4707 and 20-367~~, and amendments thereto, shall be
3 based on the numbers of persons served by the program and shall be made
4 only to programs aimed at preventing child abuse and neglect or providing
5 residential services or facilities to victims of child abuse or neglect. In
6 order for programs to qualify for funding under this section, they must:

7 (1) Meet the requirements of section 501(c) of the internal revenue
8 code of 1986;

9 (2) be registered and in good standing as a nonprofit corporation;

10 (3) meet normally accepted standards for nonprofit organizations;

11 (4) have trustees who represent the racial, ethnic and socioeconomic
12 diversity of the county or counties served;

13 (5) have received 50% or more of their funds from sources other than
14 funds distributed through the fund, which other sources may be public or
15 private and may include contributions of goods or services, including
16 materials, commodities, transportation, office space or other types of
17 facilities or personal services;

18 (6) demonstrate ability to successfully administer programs;

19 (7) make available an independent certified audit of the previous
20 year's financial records;

21 (8) have obtained appropriate licensing or certification, or both;

22 (9) serve a significant number of residents of the county or counties
23 served;

24 (10) not unnecessarily duplicate services already adequately provided
25 to county residents; and

26 (11) agree to comply with reporting requirements of the attorney
27 general.

28 The attorney general may adopt rules and regulations establishing
29 additional standards for eligibility and accountability for grants made
30 pursuant to this section.

31 (e) All moneys credited to the fund pursuant to K.S.A. 2012 Supp.
32 23-2510, and amendments thereto, shall be set aside to use as matching
33 funds for meeting any federal requirement for the purpose of establishing
34 child exchange and visitation centers as provided in K.S.A. 75-720, and
35 amendments thereto. If no federal funds are made available to the state for
36 the purpose of establishing such child exchange and visitation centers, then
37 such moneys may be used as otherwise provided in this section. Only
38 those moneys credited to the fund pursuant to K.S.A. 2012 Supp. 23-2510,
39 and amendments thereto, may be used for such matching funds. No state
40 general fund moneys shall be used for such matching funds.

41 Sec. 6. K.S.A. 2012 Supp. 75-7021 is hereby amended to read as
42 follows: 75-7021. (a) There is hereby created in the state treasury the
43 Kansas juvenile delinquency prevention trust fund. Money credited to the

1 Kansas juvenile delinquency prevention trust fund ~~pursuant to K.S.A. 20-~~
2 ~~367, and amendments thereto, or by any other lawful means~~ shall be used
3 solely for the purpose of making grants to further the purpose of juvenile
4 justice reform, including rational prevention programs and programs for
5 treatment and rehabilitation of juveniles and to further the partnership
6 between state and local communities. Such treatment and rehabilitation
7 programs should aim to combine accountability and sanctions with
8 increasingly intensive treatment and rehabilitation services with an aim to
9 provide greater public safety and provide intervention that will be uniform
10 and consistent.

11 (b) All expenditures from the Kansas juvenile delinquency prevention
12 trust fund shall be made in accordance with appropriations acts upon
13 warrants of the director of accounts and reports issued pursuant to
14 vouchers approved by the commissioner of juvenile justice or by a person
15 or persons designated by the commissioner.

16 (c) The commissioner of juvenile justice may apply for, receive and
17 accept money from any source for the purposes for which money in the
18 Kansas juvenile delinquency prevention trust fund may be expended.
19 Upon receipt of any such money, the commissioner shall remit the entire
20 amount to the state treasurer in accordance with the provisions of K.S.A.
21 75-4215, and amendments thereto. Upon receipt of each such remittance,
22 the state treasurer shall deposit the entire amount in the state treasury to
23 the credit of the Kansas juvenile delinquency prevention trust fund.

24 (d) Grants made to programs pursuant to this section shall be based
25 on the number of persons to be served and such other requirements as may
26 be established by the Kansas advisory group on juvenile justice and
27 delinquency prevention in guidelines established and promulgated to
28 regulate grants made under authority of this section. The guidelines may
29 include requirements for grant applications, organizational characteristics,
30 reporting and auditing criteria and such other standards for eligibility and
31 accountability as are deemed advisable by the Kansas advisory group on
32 juvenile justice and delinquency prevention.

33 (e) On or before the 10th of each month, the director of accounts and
34 reports shall transfer from the state general fund to the Kansas juvenile
35 delinquency prevention trust fund interest earnings based on:

36 (1) The average daily balance of moneys in the Kansas juvenile
37 delinquency prevention trust fund for the preceding month; and

38 (2) the net earnings rate of the pooled money investment portfolio for
39 the preceding month.

40 (f) On and after the effective date of this act, the Kansas endowment
41 for youth trust fund created by this section prior to amendment by this act
42 is hereby redesignated as the Kansas juvenile delinquency prevention trust
43 fund. On and after the effective date of this act, whenever the Kansas

1 endowment for youth trust fund created by this section prior to amendment
2 by this act, or words of like effect, is referred to or designated by a statute,
3 contract or other document such reference or designation shall be deemed
4 to apply to the Kansas juvenile delinquency prevention trust fund.

5 Sec. 7. K.S.A. 5-517 and K.S.A. 2012 Supp. 20-362, 20-367, 28-
6 172a, 74-7325, 74-7334 and 75-7021 are hereby repealed.

7 Sec. 8. This act shall take effect and be in force from and after **July 1,**
8 **2014, and** its publication in the statute book.