

IN THE SUPREME COURT OF THE STATE OF KANSAS

**Re: Kansas Judicial Branch Fiscal Year 2010 and FY 2011 Surcharge and
Application to Reinstatement Fees Assessed by Municipal Courts**

Amending 2009 SC 31 and 2009 SC 43

WHEREAS, the Legislature authorized assessing a Judicial Branch Surcharge in 2009 Senate Bill 66 and has extended and increased that authority in 2010 Senate Substitute for House Bill 2476; and

WHEREAS, approximately \$15.9 million was cut from the Judicial Branch's FY 2010 maintenance budget, and the FY 2011 budget recommendations to date would severely underfund the Judicial Branch; and

WHEREAS, it has been determined that, without additional funding, the Judicial Branch cannot perform its constitutional and statutory duties;

IT IS THEREFORE ORDERED that a Judicial Branch Surcharge shall be assessed in accordance with the attached schedule, effective April 20, 2010, which includes a \$17.50 Judicial Branch Surcharge to be assessed by municipal courts on drivers' license reinstatement payments collected, effective April 20, 2010.

IT IS FURTHER ORDERED that the following terms and conditions shall apply:

1. The district, municipal, and appellate courts may waive all or part of the Judicial Branch Surcharge set forth in this order on motion of the party to be charged, and upon a showing that such surcharge will result in undue hardship to the petitioning party;
2. The district, municipal, and appellate court clerks shall monthly remit surcharge funds to the state treasurer as provided by K.S.A. 75-4215 and 2010 Senate Substitute for House Bill 2476. Upon receipt of such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the Judicial Branch Surcharge Fund. All expenditures from such fund shall be made in accordance with appropriations acts and upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the Chief Justice of the Kansas Supreme Court or by a person or persons designated by the Chief Justice;
3. Notwithstanding the provisions of Supreme Court Administrative Order No. 41 or local rules pertaining to the order of payment in criminal cases, funds received in criminal cases shall first be credited to the Judicial Branch Surcharge Fund in the amount required, then shall be credited to other funds or entities as Supreme Court Administrative Order No. 41 or local rule direct;

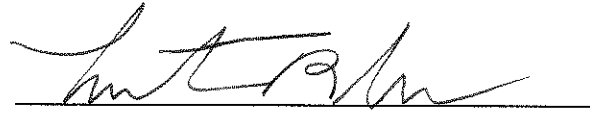
4. In criminal and civil cases where a party is ordered to pay court costs, the Judicial Branch Surcharge shall be considered a portion of such court costs;

5. The Judicial Branch Surcharge is not a service or operations charge and funds will be utilized solely to make up the deficit in the maintenance budget; and

6. This order shall be effective on and after April 20, 2010, and shall continue until June 30, 2011, unless rescinded or amended by the Kansas Supreme Court.

7. On the effective date of this order, 2009 SC 31 and 2009 SC 43 are hereby amended in accordance with this order.

BY ORDER OF THE COURT the 14 day of April, 2010.



Lawton R. Nuss
Justice

Attachment

2010 and 2011 DOCKET FEE and SURCHARGE CHART

(Effective April 20, 2010 through June 30, 2011)

(Revised April 15, 2010)

* In addition to the statutes provided, K.S.A. 2009 Supp. 28-177 provides authority for the Judicial Branch Surcharge Fund.

TYPE OF FEE	STATUTE	DOCKET FEE	SURCHARGE	TOTAL
CIVIL				
Chapter 60	60-2001	\$156.00	\$17.50	\$173.50
Domestic:	60-2001	\$156.00	\$17.50	\$173.50
Post Decree Motion	60-1621	\$42.00	\$17.50	\$59.50
Limited Actions:				
<=\$500	61-4001	\$37.00	\$15.00	\$52.00
>\$500 or <=\$5,000	61-4001	\$57.00	\$15.00	\$72.00
>=\$5,000 or <=\$25,000	61-4001	\$103.00	\$15.00	\$118.00
Small Claims:				
<=\$500	61-2704	\$39.00	\$10.00	\$49.00
>=\$500 or <=\$4,000	61-2704	\$59.00	\$10.00	\$69.00
Transfer Limited to Civil				
Original \$37.00	61-2910; 60-2001	\$119.00	\$17.50	\$136.50
Original \$57.00	61-2910; 60-2001	\$99.00	\$17.50	\$116.50
Original \$103.00	61-2910; 60-2001	\$53.00	\$17.50	\$70.50
Order or Writ of Execution	60-2401	0.00	\$10.00	\$10.00
Hearing in Aid of Execution	60-2419; 61-3604	0.00	\$10.00	\$10.00
Order for Garnishment	60-729; 61-3502	0.00	\$10.00	\$10.00
Writ or Order of Sale	60-2401; 61-3602	0.00	\$10.00	\$10.00
BONDS, LIENS, JUDGMENTS				
Post-Judgment Promotion of Ch. 60 to Ch. 61	28-170	\$24.00	\$17.50	\$41.50
Foreign Judgment (another state)	60-2001; 60-3005	\$156.00	\$17.50	\$173.50
Foreign Judgment (another county)	60-2203a	\$14.00	\$17.50	\$31.50
Tax Warrant	28-170; 79-3235	\$24.00	\$17.50	\$41.50
Personal Property Tax Warrant	28-170; 79-2101	\$14.00	\$17.50	\$31.50
Statutory Bond	28-170; 60-1110	\$14.00	\$17.50	\$31.50
Hospital Lien	65-409	\$5.00	0.00	\$5.00
Lis Pendens	28-170; 60-2203a	\$14.00	\$17.50	\$31.50
Mechanic's Lien	28-170; 60-1102	\$14.00	\$17.50	\$31.50
Notice of Intent to Perform	28-170; 60-1103	\$14.00	\$17.50	\$31.50
Oil & Gas Mechanic's Lien	28-170; 55-209	\$14.00	\$17.50	\$31.50

TYPE OF FEE	STATUTE	DOCKET FEE	SURCHARGE	TOTAL
CRIMINAL				
Murder/Manslaughter	28-172a	\$182.50	\$17.50	\$200.00
Felony	28-172a	\$173.00	\$17.50	\$190.50
Misdemeanor	28-172a	\$138.00	\$17.50	\$155.50
Forfeited Recognizance	28-172a	\$74.50	\$17.50	\$92.00
Expungement (conviction)	21-4619	\$100.00	\$15.00	\$115.00
Expungement (arrest)	22-2410	\$100.00	\$15.00	\$115.00
TRAFFIC				
DL Reinstatement	28-172a	\$76.00	\$17.50	\$93.50
	8-2110	\$59.00	\$17.50	\$76.50
FISH & GAME				
WP Reinstatement	28-172a	\$76.00	\$17.50	\$93.50
	32-1049a	\$50.00	0.00	\$50.00
JUVENILE				
Offender	38-2314	\$34.00	\$17.50	\$51.50
Child in Need of Care	38-2215	\$34.00	\$17.50	\$51.50
Juvenile Tobacco	28-172a	\$76.00	\$17.50	\$93.50
Expungement	38-2312	\$100.00	\$15.00	\$115.00
PROBATE				
Conservatorship &/or Guardianship	59-104	\$71.50	\$17.50	\$89.00
Trusteeship	59-104	\$71.50	\$17.50	\$89.00
Filing Will & Affidavit	59-104	\$50.50	\$17.50	\$68.00
Determination of Descent of Property	59-104	\$51.50	\$17.50	\$69.00
Probate of Estate or Will	59-104	\$111.50	\$17.50	\$129.00
Refusal to Grant Letters of Administration	59-104	\$50.50	\$17.50	\$68.00
Termination of Joint Tenancy	59-104	\$50.50	\$17.50	\$68.00
Termination of Life Estate	59-104	\$50.50	\$17.50	\$68.00
Adoption	59-104	\$50.50	\$17.50	\$68.00
Certified Probate Proceedings (out of county)	59-104	\$25.50	\$17.50	\$43.00
Decrees in Probate from Another State	59-104	\$110.50	\$17.50	\$128.00
Care and Treatment:				
Alcoholism or Drug Abuse	59-104	\$36.50	\$17.50	\$54.00
Mentally Ill	59-104	\$59.00	\$17.50	\$76.50
Commitment of Sexually Violent Predator	59-104	\$35.50	\$17.50	\$53.00
Marriage License	23-108a	\$59.00	\$21.00	\$80.00
APPEALS				
Municipal Court Appeal	28-172a	\$74.50	\$17.50	\$92.00
Appellate Courts	S.C.R. 2.04	\$125.00	\$10.00	\$135.00