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Kansas Laws to Eliminate Deficit Spending

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District Court Docket Fees

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Kansas Legislator Briefing Book 2015

State Finance

R-3 District Court Docket Fees

Docket Fees. Kansas has had a uniform system of district court docket fees since 1974. The docket fee system implemented in 1974 involved a uniform fee paid to the court for the cost of services. The original docket fees were \$35 for civil cases and varying fees for criminal cases, depending upon the nature of the crime. From 1984 to 1995, local law libraries could charge differing library fees that were in addition to statutorily set docket fees, which caused docket fees to be non-uniform.

In 1996, the Legislature enacted legislation that returned docket fees to a uniform level and also added docket fees for filing post-divorce motions for changes in child custody, modifications of child support orders, or changes in visitation. The 2006 Legislature enacted legislation specifying that only the Legislature can establish fees or moneys for court procedures including docket fees, filing fees, or other fees related to access to court procedures.

The 2006 Legislature raised docket fees for four purposes: to provide additional funding for the State General Fund associated with an approved judicial salary increase, to provide an increase in funding for the Kansas Law Enforcement Training Center Fund, to provide funding for the Kansas Judicial Council's judicial performance evaluation process, and for the Child Exchange and Visitation Centers Fund.

The 2009 Legislature raised docket fees to provide funding for the first phase of a statewide non-judicial personnel salary adjustment and raised the docket fee in criminal cases by \$1 to fund a \$1 increase to the Prosecuting Attorneys' Training Fund.

The 2014 Legislature redirected docket fees from state agencies to the Judicial Branch starting in FY 2014. Starting in FY 2015 docket fees are being deposited in three places; the Judicial Council, the Electronic Filing Management Fund, and the Judicial Branch Docket Fee Fund. Through FY 2017 the Electronic Filing Management Fund will receive the first \$3.1 million in clerk's fees. From FY 2018 forward that amount will be reduced to \$1.0 million for annual maintenance and upkeep.

The Office of Judicial Administration collected \$18.3 million in district court docket fees for the State Treasury in FY 2014.

Fines, Penalties, and Forfeitures. In FY 2014, the Judicial Branch collected \$17.4 million in fines, penalties, and forfeitures. 33.6 percent of funds collected are earmarked for assisting victims of crime, alcohol, and drug abuse programs, children's services, and other law enforcement-

related activities. The remainder is transferred to the State General Fund for general operations.

Other Fees. In addition to Docket Fees, the Judicial Branch also imposes other fees and assessments on individuals who avail themselves of the judicial system. The Judicial Branch collected \$16.4 million in other fees and assessment in FY 2014. These fees support law enforcement related activities within the Kansas Bureau of Investigation, Office of the Attorney General, Board of Indigents' Defense Services, and the Department of Corrections.

The 2009 Legislature authorized the Supreme Court to enact a new surcharge in FY 2009. The surcharge is approved on a year-to-year basis by the Legislature. In FY 2011, the Legislature extended the surcharge through FY 2012 and increased the surcharge by 25.0 percent. The Legislature abolished the Surcharge Fund and directed that all docket fees generated by the Surcharge be deposited in the Docket Fee fund. The Legislature also extended the surcharge through FY 2015.

Name of Fund	Administering Authority	FY 2013		FY 2014	
		Percent of Fees	Revenue to Fund	Percent of Fees	Revenue to Fund (Est.)
Docket Fees					
Access to Justice Fund	Chief Justice, Kansas Supreme Court	0.00 %	\$ 0	0.00 %	\$ 0
Electronic Filing Management Fund	Chief Justice, Kansas Supreme Court	N/A	0	N/A	3,100,000
Judicial Branch Nonjudicial Salary Initiative Fund (Clerk's Fees)	Chief Justice, Kansas Supreme Court	0.00	0	0.00	0
Judicial Branch Education Fund (Clerk's Fees)	Chief Justice, Kansas Supreme Court	0.00	0	0.00	0
Judicial Technology Fund	Chief Justice, Kansas Supreme Court	0.00	0	0.00	0
Dispute Resolution Fund	Judicial Administrator, OJA	0.00	0	0.00	0
Judicial Council Fund	Judicial Council	0.99	180,719	0.99	258,761
Judicial Performance Fund	Judicial Council	0.00	0	0.00	0
Crime Victims Assistance Fund	Attorney General	0.00	0	0.00	0
Protection from Abuse Fund	Attorney General	0.00	0	0.00	0
Kansas Juvenile Delinquency Prevention Trust Fund	Commissioner of Juvenile Justice*	0.00	0	0.00	0
Juvenile Detention Facilities Fund	Commissioner of Juvenile Justice*	0.00	0	0.00	0
Trauma Fund	Secretary of Health and Environment	0.00	0	0.00	0
Permanent Families Account in the Family and Children Investment Fund (Clerk's Fees)	Judicial Administrator, OJA	0.00	0	0.00	0
Child Exchange and Visitation Center	Attorney General	0.00	0	0.00	0
Judicial Branch Nonjudicial Salary Adjustment Fund	Chief Justice, Kansas Supreme Court	0.00	0	0.00	0
Judicial Branch Docket Fee Fund	Chief Justice, Kansas Supreme Court	99.04	18,079,220	99.01	22,778,667
State General Fund	Kansas State Legislature	0.00	0	0.00	0
Docket Fee Total		100.00 %	\$ 18,254,463	100.00 %	\$ 26,137,428

* ERO No. 42 abolished the Juvenile Justice Authority and assigned duties of the Commissioner to the Secretary of Corrections.

Name of Fund	Administering Authority	FY 2013		FY 2014	
		Percent of Fees	Revenue to Fund	Percent of Fees	Revenue to Fund (Est.)
Fines, Penalties and Forfeitures					
Crime Victim's Compensation Fund	Attorney General	10.94 %	\$ 2,011,094	10.94 %	\$ 2,011,094
Crime Victim's Assistance Fund	Attorney General	2.24	411,778	2.24	411,778
Comm. Alcoholism and Intoxication Programs Fund	Social and Rehabilitation Services*	2.75	505,531	2.75	505,531
Dept of Corr. Alcohol and Drug Abuse Treatment Fund	Department of Corrections	7.65	1,406,295	7.65	1,406,295
Boating Fee Fund	Department of Wildlife, Parks and Tourism	0.16	29,413	0.16	29,413
Children's Advocacy Center Fund	Attorney General	1.10	202,212	1.10	202,212
EMS Revolving Fund	Emergency Medical Services Board	2.28	419,131	2.28	419,131
Trauma Fund	Secretary of Health and Environment	2.28	419,131	2.28	419,131
Traffic Records Enhancement Fund	Department of Transportation	2.28	419,131	2.28	419,131
Criminal Justice Information Systems Line Fund	Kansas Bureau of Investigations	2.91	534,944	2.91	534,944
State General Fund	Kansas State Legislature	66.40	12,206,276	66.40	12,206,276
Fines, Penalties and Forfeitures Total		100.00 %	\$ 18,382,946	100.00 %	\$ 18,382,946

* ERO No. 41 abolished the Department of Social and Rehabilitation Services and transferred administration of this fund to the Department for Aging and Disability Services.

Name of Fund	Administering Authority	FY 2013		FY 2014	
		Percent of Fees	Revenue to Fund	Percent of Fees	Revenue to Fund (Est.)
Other Fees and Assessments					
State General Fund	Various	Fee	\$ 177,645	Fee	\$ 177,645
Judicial Branch Surcharge Fund	Various		9,090,168	Fee	0
Law Enforcement Training Center Fund	Various	Fee	2,203,159	Fee	2,203,159
Marriage License Fees	Various	Fee	1,065,556	Fee	1,065,556
Correctional Supervision Fund	Various	Fee	963,042	Fee	963,042
Drivers License Reinstatement Fees	Various	Fee	878,805	Fee	878,805
KBI-DNA Database Fees	Various	Fee	620,001	Fee	620,001
Community Corrections Supervision Fee Fund	Various	Fee	498,561	Fee	498,561
Indigent Defense Services Application Fee	Various		459,481	Fee	459,481
Indigent Defense Services Bond Forfeiture Fees	Various		267,572	Fee	267,572
Other (Law Library, Court Reporter, Interest, etc.)	Various		157,562	Fee	157,562
Other Fees and Assessments Total			\$ 16,381,552		\$ 7,291,384
Grand Total of all Fees, Fines, Penalties and Forfeitures Assessed			\$ 52,063,666		\$ 50,856,463

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