

IN THE SUPREME COURT OF THE STATE OF KANSAS

**Re: Kansas Judicial Branch Fiscal Year 2010 Surcharge**

WHEREAS, approximately \$15.9 million has been cut from the Judicial Branch's 2010 maintenance budget; and

WHEREAS, it has been determined that, without restoration of the maintenance budget cut, the Judicial Branch cannot perform its constitutional and statutory duties; and

WHEREAS, the Legislature has authorized assessing a Judicial Branch Surcharge in 2009 Senate Bill 66;

IT IS THEREFORE ORDERED that a Judicial Branch Surcharge shall be assessed in accordance with the attached schedule, effective July 1, 2009.

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

1. The district 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 and appellate court clerks shall monthly remit surcharge funds to the state treasurer as provided in 2009 Senate Bill 66 and K.S.A. 75-4215. 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 appropriation 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

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6. This order shall be effective on and after July 1, 2009, and shall continue until June 30, 2010, unless rescinded or amended by the Kansas Supreme Court.

BY ORDER OF THE COURT the 3rd day of June, 2009.



Robert E. Davis  
Chief Justice

Attachment

## 2009 DOCKET FEE and SURCHARGE CHART

Effective July 1, 2009 through June 30, 2010

Amended June 29, 2009

\* In addition to the statutes provided, 2009 SB 66 provides authority for the Judicial Branch Surcharge Fund.

TYPE OF FEE	STATUTE	DOCKET FEE	SURCHARGE	TOTAL
<b>CIVIL</b>				
<b>Chapter 60</b>	60-2001	\$156.00	\$10.00	\$166.00
<b>Domestic:</b>	60-2001	\$156.00	\$10.00	\$166.00
Post Decree Motion	60-1621	\$42.00	\$10.00	\$52.00
<b>Limited Actions:</b>				
<=\$500	61-4001	\$37.00	\$10.00	\$47.00
>\$500 or <=\$5,000	61-4001	\$57.00	\$10.00	\$67.00
>=\$5,000 or <=\$25,000	61-4001	\$103.00	\$10.00	\$113.00
<b>Small Claims:</b>				
<=\$500	61-2704	\$39.00	\$10.00	\$49.00
>=\$500 or <=\$4,000	61-2704	\$59.00	\$10.00	\$69.00
<b>Transfer Limited to Civil</b>				
Original \$37.00	61-2910; 60-2001	\$119.00	\$10.00	\$129.00
Original \$57.00	61-2910; 60-2001	\$99.00	\$10.00	\$109.00
Original \$103.00	61-2910; 60-2001	\$53.00	\$10.00	\$63.00
Order or Writ of Execution	60-2401	0.00	\$10.00	\$10.00
Hearing in Aid of Execution/Alias Order for Hearing	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	61-3602	0.00	\$10.00	\$10.00
<b>BONDS, LIENS, JUDGMENTS</b>				
Post-Judgment Promotion of Ch. 61 to Ch. 60	28-170	\$24.00	\$10.00	\$34.00
Foreign Judgment (another state)	60-2001; 60-3005	\$156.00	\$10.00	\$166.00
Foreign Judgment (another county)	60-2203a	\$14.00	\$10.00	\$24.00
Tax Warrant	28-170; 79-3235	\$24.00	\$10.00	\$34.00
Personal Property Tax Warrant	28-170; 79-2101	\$14.00	\$10.00	\$24.00
Statutory Bond	28-170; 60-1110	\$14.00	\$10.00	\$24.00
Hospital Lien	28-170; 65-407	\$14.00	\$10.00	\$24.00
Lis Pendens	28-170; 60-2203a	\$14.00	\$10.00	\$24.00
Mechanic's Lien	28-170; 60-1102	\$14.00	\$10.00	\$24.00
Notice of Intent to Perform	28-170; 60-1103	\$14.00	\$10.00	\$24.00
Oil & Gas Mechanic's Lien	28-170; 55-209	\$14.00	\$10.00	\$24.00

TYPE OF FEE	STATUTE	DOCKET FEE	SURCHARGE	TOTAL
<b>CRIMINAL</b>				
Murder/Manslaughter	28-172a	\$182.50	\$10.00	\$192.50
Felony	28-172a	\$173.00	\$10.00	\$183.00
Misdemeanor	28-172a	\$138.00	\$10.00	\$148.00
Forfeited Recognizance	28-172a	\$74.50	\$10.00	\$84.50
Expungement (conviction)	21-4619	0.00	\$10.00	\$10.00
Expungement (arrest)	22-2410	\$100.00	\$10.00	\$110.00
<b>TRAFFIC</b>				
DL Reinstatement	28-172a	\$76.00	\$10.00	\$86.00
	8-2110	\$59.00	\$10.00	\$69.00
<b>FISH &amp; GAME</b>				
WP Reinstatement	28-172a	\$76.00	\$10.00	\$86.00
	32-1049a	\$50.00	0.00	\$50.00
<b>JUVENILE</b>				
Offender	38-2314	\$34.00	\$10.00	\$44.00
Child in Need of Care	38-2215	\$34.00	\$10.00	\$44.00
Juvenile Tobacco	28-172a	\$76.00	\$10.00	\$86.00
Expungement	38-1610	0.00	0.00	0.00
<b>PROBATE</b>				
Conservatorship &/or Guardianship	59-104	\$71.50	\$10.00	\$81.50
Trusteeship	59-104	\$71.50	\$10.00	\$81.50
Filing Will & Affidavit	59-104	\$50.50	\$10.00	\$60.50
Determination of Descent of Property	59-104	\$51.50	\$10.00	\$61.50
Probate of Estate or Will	59-104	\$111.50	\$10.00	\$121.50
Refusal to Grant Letters of Administration	59-104	\$50.50	\$10.00	\$60.50
Termination of Joint Tenancy	59-104	\$50.50	\$10.00	\$60.50
Termination of Life Estate	59-104	\$50.50	\$10.00	\$60.50
Adoption	59-104	\$50.50	\$10.00	\$60.50
Certified Probate Proceedings (out of county)	59-104	\$25.50	\$10.00	\$35.50
Decrees In Probate from Another State	59-104	\$110.50	\$10.00	\$120.50
Care and Treatment:				
Alcoholism or Drug Abuse	59-104	\$36.50	\$10.00	\$46.50
Mentally Ill	59-104	\$59.00	\$10.00	\$69.00
Commitment of Sexually Violent Predator	59-104	\$35.50	\$10.00	\$45.50
Marriage License	23-108a	\$59.00	\$10.00	\$69.00
<b>APPEALS</b>				
Municipal Court Appeal	28-172a	\$74.50	\$10.00	\$84.50
Appellate Courts	S.C.R. 2.04	\$125.00	\$10.00	\$135.00