



2012 SC 29

IN THE SUPREME COURT OF THE STATE OF KANSAS

**Re: Kansas Judicial Branch Fiscal Year 2012 and Fiscal Year 2013 Surcharge and  
Application to Reinstatement Fees Assessed by Municipal Courts**

**Amending 2011 SC 36**

WHEREAS, the Legislature authorized assessing a Judicial Branch Surcharge in 2009 Senate Bill 66, extended and increased that authority in 2010 Senate Substitute for House Bill 2476, further extended and increased that authority in 2011 Senate Bill 97; and extended the authority in 2012 SB 322; 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 May 7, 2012, which continues in effect the \$22.00 Judicial Branch Surcharge to be assessed by municipal courts on drivers' license reinstatement payments collected.

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. 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 directs;
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 reduce the deficit in the budget; and

6. This order shall be effective on and after May 7, 2012, and shall continue until June 30, 2013, unless rescinded or amended by the Kansas Supreme Court.

7. On the effective date of this order, 2011 SC 36 is hereby amended in accordance with this order.

BY ORDER OF THE COURT the 3 day of May, 2012.



Lawton R. Nuss  
Chief Justice

Attachment

## FY 2012 and FY 2013 DOCKET FEE and SURCHARGE CHART

(Effective May 7, 2012, through June 30, 2013)

In addition to the statutes noted, 2012 Senate Bill No. 322 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	\$22.00	\$178.00
<b>Domestic:</b>	60-2001	\$156.00	\$22.00	\$178.00
Post Decree Motion	28-179; 60-1621	\$42.00	\$22.00	\$64.00
<b>Limited Actions:</b>				
<=\$500	61-4001	\$37.00	\$19.00	\$56.00
>\$500 or <=\$5,000	61-4001	\$57.00	\$19.00	\$76.00
>\$5,000 or <=\$25,000	61-4001	\$103.00	\$19.00	\$122.00
<b>Small Claims:</b>				
<=\$500	61-2704	\$39.00	\$12.50	\$51.50
>\$500 or <=\$4,000	61-2704	\$59.00	\$12.50	\$71.50
<b>Transfer Limited to Civil</b>				
Original \$37.00	61-2910; 60-2001	\$119.00	\$22.00	\$141.00
Original \$57.00	61-2910; 60-2001	\$99.00	\$22.00	\$121.00
Original \$103.00	61-2910; 60-2001	\$53.00	\$22.00	\$75.00
Order or Writ of Execution	28-178; 60-2401	0.00	\$12.50	\$12.50
Hearing in Aid of Execution	28-178; 60-2419; 61-3604	0.00	\$12.50	\$12.50
Order for Garnishment	28-178; 60-729; 61-3502	0.00	\$12.50	\$12.50
Writ or Order of Sale	28-178; 60-2401; 61-3602	0.00	\$12.50	\$12.50
<b>BONDS, LIENS, JUDGMENTS</b>				
<b>Post-Judgment Promotion of Ch. 61 to Ch. 60</b>	28-170	\$24.00	\$22.00	\$46.00
<b>Foreign Judgment (another state)</b>	60-2001; 60-3005	\$156.00	\$22.00	\$178.00
<b>Foreign Judgment (another county)</b>	60-2203a	\$14.00	\$22.00	\$36.00
<b>Tax Warrant</b>	28-170; 79-3235	\$24.00	\$22.00	\$46.00
<b>Personal Property Tax Warrant</b>	28-170; 79-2101	\$14.00	\$22.00	\$36.00
<b>Statutory Bond</b>	28-170; 60-1110	\$14.00	\$22.00	\$36.00
<b>Hospital Lien</b>	65-409	\$14.00	\$22.00	\$36.00
<b>Lis Pendens</b>	28-170; 60-2203a	\$14.00	\$22.00	\$36.00
<b>Mechanic's Lien</b>	28-170; 60-1102	\$14.00	\$22.00	\$36.00
<b>Notice of Intent to Perform</b>	28-170; 60-1103	\$14.00	\$22.00	\$36.00
<b>Oil &amp; Gas Mechanic's Lien</b>	28-170; 55-209	\$14.00	\$22.00	\$36.00

TYPE OF FEE	STATUTE	DOCKET FEE	SURCHARGE	TOTAL
<b>CRIMINAL</b>				
Murder/Manslaughter	28-172a	\$182.50	\$22.00	\$204.50
Felony	28-172a	\$173.00	\$22.00	\$195.00
Misdemeanor	28-172a	\$138.00	\$22.00	\$160.00
Forfeited Recognizance	28-172a	\$74.50	\$22.00	\$96.50
Expungement (conviction)	21-6614	\$100.00	\$19.00	\$119.00
Expungement (arrest)	22-2410	\$100.00	\$19.00	\$119.00
<b>TRAFFIC</b>				
	28-172a	\$76.00	\$22.00	\$98.00
DL Reinstatement	8-2110	\$59.00	\$22.00	\$81.00
Appearance Bond	8-2107	\$75.00	\$22.00	\$97.00
<b>FISH &amp; GAME</b>				
	28-172a	\$76.00	\$22.00	\$98.00
WP Reinstatement	32-1049a	\$50.00	\$22.00	\$72.00
<b>JUVENILE</b>				
Offender	38-2314	\$34.00	\$22.00	\$56.00
Child in Need of Care	38-2215	\$34.00	\$22.00	\$56.00
Juvenile Tobacco	28-172a	\$76.00	\$22.00	\$98.00
Expungement	38-2312	\$100.00	\$19.00	\$119.00
<b>PROBATE</b>				
Conservatorship &/or Guardianship	59-104	\$71.50	\$22.00	\$93.50
Trusteeship	59-104	\$71.50	\$22.00	\$93.50
Filing Will & Affidavit	59-104	\$50.50	\$22.00	\$72.50
Determination of Descent	59-104	\$51.50	\$22.00	\$73.50
Probate of Estate or Will	59-104	\$111.50	\$22.00	\$133.50
Refusal to Grant Letters of Administration	59-104	\$50.50	\$22.00	\$72.50
Termination of Joint Tenancy	59-104	\$50.50	\$22.00	\$72.50
Termination of Life Estate	59-104	\$50.50	\$22.00	\$72.50
Adoption	59-104	\$50.50	\$22.00	\$72.50
Certified Probate Proceedings (out of county)	59-104	\$25.50	\$22.00	\$47.50
Decrees in Probate from Another State	59-104	\$110.50	\$22.00	\$132.50
Care and Treatment:				
Alcoholism or Drug Abuse	59-104	\$36.50	\$22.00	\$58.50
Mentally Ill	59-104	\$59.00	\$22.00	\$81.00
Commitment of Sexually Violent Predator	59-104	\$35.50	\$22.00	\$57.50
Marriage License	23-2510	\$59.00	\$26.50	\$85.50
<b>APPEALS</b>				
Municipal Court Appeal	28-172a	\$74.50	\$22.00	\$96.50
Appellate Courts	S.C.R. 2.04	\$125.00	\$10.00	\$135.00