

IN THE SUPREME COURT OF THE STATE OF KANSAS

Re: Kansas Judicial Branch Fiscal Year 2016 and Fiscal Year 2017 Surcharge and Application to Reinstatement Fees Assessed by Municipal Courts **FILED**

Rescinding 2014 SC 59

JUN 30 2015

**HEATHER L. SMITH
CLERK OF APPELLATE COURTS**

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; extended the authority in 2012 SB 322 and 2013 HB 2204; extended the authority in 2014 Senate Substitute for House Bill 2338; again extended the authority in 2015 House Bill 2005; 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 July 1, 2015, which also 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. 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 applied to the Judicial Branch Surcharge in the amount required, then shall be credited to other charges or entities as Supreme Court Administrative Order No. 41 or local rule directs;
3. In criminal and civil cases in which a party is ordered to pay court costs, the Judicial Branch Surcharge shall be considered a portion of such court costs;
4. 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
5. This order shall be effective on and after July 1, 2015, and shall continue until June 30, 2017, unless rescinded or amended by the Kansas Supreme Court.
6. On the effective date of this order, 2014 SC 59 is hereby rescinded.

BY ORDER OF THE COURT the 29 day of June, 2015.



Lawton R. Nuss
Chief Justice

FY 2016 AND FY 2017 SURCHARGE CHART

(Effective July 1, 2015, through June 30, 2017)

Surcharge amounts remain unchanged from those assessed by 2014 Supreme Court Order 59.

TYPE OF FEE	STATUTE	SURCHARGE
<u>CIVIL</u>		
Chapter 60	60-2001	\$22.00
Domestic:	60-2001	\$22.00
Post Decree Motion	28-179	\$22.00
Limited Actions:		
<=\$500	61-4001	\$19.00
>\$500 or <=\$5,000	61-4001	\$19.00
>\$5,000 or <=\$25,000	61-4001	\$19.00
Small Claims:		
<=\$500	61-2704	\$12.50
>\$500 or <=\$4,000	61-2704	\$12.50
Transfer Limited to Civil		
Original \$35.00 (\$500 or less)	61-2910; 60-2001	\$22.00
Original \$55.00 (over \$500)	61-2910; 60-2001	\$22.00
Original \$101.00 (over \$5,000)	61-2910; 60-2001	\$22.00
Order or Writ of Execution	28-178; 60-2401; K.S.A. 61-3602	\$12.50
Hearing in Aid of Execution	28-178; 60-2419; 61-3604	\$12.50
Order for Garnishment Chapter 60	28-178; 60-729	\$12.50
Order for Garnishment	28-178; 61-3502	\$12.50
Writ or Order of Sale	28-178; 60-2401; 61-3602	\$12.50
Attachment Order	28-178; 60-701; 61-3501	\$12.50
<u>BONDS, LIENS, JUDGMENTS</u>		
Post-Judgment Promotion of Ch. 61 to Ch. 60	28-170	\$22.00
Foreign Judgment (another state)	60-2001; 60-3005	\$22.00
Foreign Judgment (another county)	28-170; 60-2202	\$22.00
Tax Warrant	28-170; 79-3235	\$22.00
Personal Property Tax Warrant	28-170; 79-2101	\$22.00
Statutory Bond	28-170; 60-1110	\$22.00
Hospital Lien	65-409	\$22.00
Lis Pendens	28-170; 60-2203a	\$22.00
Mechanic's Lien	28-170; 60-1102	\$22.00
Notice of Intent to Perform	28-170; 60-1103	\$22.00
Oil & Gas Mechanic's Lien	28-170; 55-209	\$22.00
<u>CRIMINAL</u>		
Murder/Manslaughter	28-172a	\$22.00
Felony	28-172a	\$22.00
Misdemeanor	28-172a	\$22.00
Forfeited Recognizance	28-172a	\$22.00
Expungement (conviction)	21-6614	\$19.00
Expungement (arrest)	22-2410	\$19.00
<u>TRAFFIC</u>		
DL Reinstatement	8-2110	\$22.00

TYPE OF FEE	STATUTE	SURCHARGE
Appearance Bond	8-2107	\$22.00
<u>FISH & GAME</u>	28-172a	\$22.00
WP Reinstatement	32-1049a	\$22.00
<u>JUVENILE</u>		
Offender	38-2314	\$22.00
Child in Need of Care	38-2215	\$22.00
Juvenile Tobacco	28-172a	\$22.00
Expungement	38-2312	\$19.00
<u>PROBATE</u>		
Conservatorship &/or Guardianship	59-104	\$22.00
Trusteeship	59-104	\$22.00
Filing Will & Affidavit	59-104	\$22.00
Determination of Descent	59-104	\$22.00
Probate of Estate or Will	59-104	\$22.00
Refusal to Grant Letters of Administration		
	59-104	\$22.00
Termination of Joint Tenancy	59-104	\$22.00
Termination of Life Estate	59-104	\$22.00
Adoption	59-104	\$22.00
Certified Probate Proceedings (out of county)		
	59-104	\$22.00
Decrees in Probate from Another State		
	59-104	\$22.00
Care and Treatment:		
Alcoholism or Drug Abuse	59-104	\$22.00
Mentally Ill	59-104	\$22.00
Commitment of Sexually Violent Predator		
	59-104; 59-29a01	\$22.00
Marriage License	23-2510	\$26.50
<u>APPEALS</u>		
Municipal Court Appeal	28-172a	\$22.00
Appellate Courts	20-3021	\$10.00