

REVISED
SESSION OF 2012

SUPPLEMENTAL NOTE ON SENATE BILL NO. 425

As Amended by Senate Committee on Judiciary

Brief*

SB 425, as amended, would authorize the Kansas Supreme Court, on and after July 1, 2012, to impose a fee to fund the cost of establishing, operating, and maintaining electronic document filing, storage, and management for the Kansas court system (e-filing). The Court would be permitted to charge the fee for electronic case filing, motion filing, record access, and document access, in an amount not to exceed 10 cents per page accessed or \$10 per document filed. The moneys collected *via* the e-filing fee would be deposited in the existing Judiciary Technology Fund, and the statute establishing this Fund would be amended to incorporate the e-filing program and to strike a cost prohibition on electronic access to court records. Various docket fee statutes would be amended to allow the implementation of the e-filing fee, with a sunset date of June 30, 2013.

(Note: the bill appears to make additional changes, including increases in surcharge amounts, amendments to offender registration, and amendments to criminal history disclosure provisions. These amendments are already current law but are included in this bill to reconcile different versions of the statutes in which they appear.)

Background

The Senate Judiciary Committee introduced SB 425 at

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

the request of the Kansas Judicial Branch. In the Senate Judiciary Committee, Chief Judge James Fleetwood, 18th Judicial District, testified on behalf of the Kansas District Judges' Association in support of the bill. Chief Judge Tom Foster, 10th Judicial District, submitted written testimony supporting the bill. District Magistrate Judge Mike Freelove submitted written opponent testimony on behalf of the Kansas District Magistrate Judges' Association. The Kansas Credit Attorneys Association and a Topeka attorney also submitted written opponent testimony.

The Committee amended the bill to set a cap on the amount of the fee of 10 cents per page accessed or \$10 per document filed, add a sunset date of June 30, 2013, and add the fee provision to the wildlife and parks reinstatement fee statute. The Committee recommended the bill be passed as amended.

The fiscal note on the bill states the Office of Judicial Administration indicates the bill would have no fiscal effect on expenditures. Any potential revenue from e-filing is dependent on a requested allocation for funding to implement a statewide e-filing system. The Kansas Department of Revenue indicates passage would have no fiscal effect on state highway funds.