



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

January 14, 1976

ATTORNEY GENERAL OPINION NO. 76- 11

Bradley E. Runyan
Cloud County Undersheriff
Concordia, Kansas

RE: Fees and Salaries - In All Counties -- Costs
Assessed in Criminal Proceedings.

SYNOPSIS: The examination costs charged by hospitals
for the administration of blood alcohol tests
in the investigation of a DWI case may be
assessed as additional court costs.

* * *

Dear Undersheriff Runyan:

You have asked whether examination costs charged by hospitals for the administration of blood alcohol tests in the investigation of DWI cases may be assessed as additional court costs.

K.S.A. 1975 Supp. 28-172a, a copy of which is enclosed, specifically provides that additional costs may be assessed upon court approval in criminal cases. This statute also contains a non-exclusive list of additional fees. Included in this list are doctors fees, examination fees and evaluation fees.

Therefore, with court approval as a condition precedent, the examination costs you have asked about may be charged.

Very truly yours,

CURT T. SCHNEIDER
Attorney General

CTS:JAW:en
Enclosure