



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