

(Published in the Topeka Metro News November 7, 2022)

ORDINANCE NO. 20384

AN ORDINANCE introduced by City Manager Stephen Wade, concerning municipal court costs and fees, amending § 2.40.010 and 3.25.130 of the Topeka Municipal Code and repealing original section.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS:

Section 1. That section 2.40.010, Court costs and fees, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Court costs and fees.

The following costs and fees may be charged the Municipal Court:

(a) *Mandatory Costs.* Except as provided in subsection (e), upon a finding of guilty, a plea of guilty, a plea of no contest, forfeiture of bond, or diversion, the Court shall assess the following court costs:

Description	Traffic – Moving Violations and Other Infractions	Parking Violations	Traffic – Nonmoving	Class A or B Misdemeanors or Class C Assault	Adult Seatbelt Violations	<u>Class C Unclassified Misdemeanors</u>
Judicial Education Fund	1.00		1.00	1.00		<u>1.00</u>
Local Law Enforcement Training Fund	1.00			1.00		<u>1.00</u>
Law Enforcement Center Training Fund	11.50			11.50		<u>11.50</u>
Commission on Peace Officer Standards and Training Fund	5.00			5.00		<u>5.00</u>

Juvenile Detention Facility	2.00			2.00		<u>2.00</u>
Protection from Abuse Fund	.50			.50		<u>.50</u>
Crime Victims Assistance Fund	.50			.50		<u>.50</u>
Trauma Fund	1.00			1.00		<u>1.00</u>
Crime Prevention Fund <u>Law Enforcement Special Revenue Fund</u>	3.50	3.50	3.50	3.50		<u>3.50</u>
Forensic Psychologist Fund	1.00			1.00		<u>1.00</u>
Seatbelt					None	
Court Technology Fund	5.00	5.00	5.00	5.00		<u>5.00</u>
General Fund	44.00	67.50	66.50	111.00		<u>44.00</u>
TOTAL	76.00	76.00	76.00	143.00	-0-	<u>76.00</u>

(b) *Additional Costs.* In addition, defendants may be assessed the following costs:

(1) *Warrant Fees.* For each warrant issued, unless waived for good cause by the judge, a fee of \$25.00 shall be assessed.

(2) *Incarceration Expenses.* Unless waived for good cause by the judge, a fee for incarceration expenses shall be assessed against a defendant in each case in which said defendant is incarcerated pursuant to an order of the Municipal Court judge. The incarceration fee referenced in this subsection shall be determined by multiplying the then current daily rate of incarceration charged to the City of Topeka by Shawnee County Department of Corrections by the number of days actually served by the defendant.

27 (3) *Court-Appointed Attorneys.* If the defendant is convicted and, unless
28 waived or reduced for good cause by the judge, court-appointed attorney fees shall
29 be assessed by the court against a defendant in each case in which a Municipal
30 Court judge appoints counsel for said defendant.

31 (4) *Mileage.* Mileage, subpoena and witness costs for defense witnesses
32 shall be as set forth in TMC 2.40.450.

33 (5) *Probation Fee.* A probation fee as set forth in TMC 2.40.610.

34 (6) *Miscellaneous Fees and Costs.* If the defendant is convicted, additional
35 costs and fees may be assessed by the Municipal Court for service of process,
36 transcripts and depositions, commission on collections and credit/debit card
37 transactions.

38 (c) Except as provided herein, the judge or clerk of the Municipal Court shall remit
39 at least monthly the appropriate assessments received pursuant to this section as
40 required by State law, Kansas Supreme Court rule or City of Topeka policy or ordinance.

41 (d) For the purpose of determining the amounts to be assessed according to this
42 section, if more than one complaint is filed against an individual arising out of the same
43 incident, all such complaints shall be considered as one case.

44 (e) A person charged with a violation of the International Property Maintenance
45 Code, adopted pursuant to TMC 8.60.010, shall pay court costs identified in subsections
46 (a) and (b) unless found not guilty. However, upon a finding by the court that payment of
47 court costs will impose manifest hardship on the accused person or the person's
48 immediate family, the court may waive payment of all or part of the amount due.

49 Section 2. That section 3.25.130, Law enforcement special revenue fund, of The

Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Law enforcement special revenue fund.

(a) There is hereby created a law enforcement special revenue fund. This fund is established for the purpose of providing a depository for money received from court fees, warrant fees, forfeited drug funds, proceeds from other forfeited assets and other designated fees. Monies in this fund will be used for crime prevention activities, health benefits for members of the Police Department, and for training and equipment purchases. Expenditures will be appropriated as part of the City's budget process.

(b) The fund shall receive the sum of \$3.50 from the court costs assessed in each case filed in Municipal Court charging a criminal or public offense or charging an offense defined to be a moving violation by rules and regulations adopted pursuant to K.S.A. 8-249 and amendments thereto, where, except for TMC 2.40.010(e), there is a finding of guilty or plea of guilty, a plea of no contest, forfeiture of bond or a diversion, along with such other grants or donations from either public or private sources, interest on the monies held in the fund, and may receive budgeted transfers from any other fund having available resources and legal authority to be so deposited or transferred. All such transfers shall be subject to budget appropriations.

~~(c) Any remaining balance in the crime prevention fund as of January 1, 2010, shall be transferred to the law enforcement special reserve fund.~~

Section 3. That original § 2.40.010 and § 3.25.130 of The Code of the City of Topeka, Kansas, are hereby specifically repealed.

Section 4. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

Section 5. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 6. Should any section, clause or phrase of this ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

PASSED AND APPROVED by the City Council on November 1, 2022.

CITY OF TOPEKA, KANSAS

ATTEST:

Michael A. Padilla, Mayor

Brenda Younger, City Clerk