

(Published in the Topeka Metro News October 29, 2008)

ORDINANCE NO. 19175

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending City of Topeka Code § 50-26 and § 50-82 concerning court costs and fees and witness expenses and specifically repealing said original sections.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

Section 1. That section 50-26, 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 ~~shall be charged~~ may be charged in the municipal court:

(1) Mandatory Costs. Unless otherwise prohibited by City ordinance or Kansas law, ~~persons who plead no contest, plead guilty, or defendants who are~~ convicted shall be assessed costs for the administration of justice in any ~~municipal court~~ case, ~~including~~ as follows:

a. ~~Each case, except as described in subsection b. without regard to the number of counts . . . \$61.00~~

b. ~~Each criminal misdemeanor case equivalent to an A or B misdemeanor as defined by state law or a misdemeanor defined by city ordinance . . . 128.00~~

(2) ~~For mileage, subpoena and witness costs for defense witnesses:~~

a. ~~Per day or any part thereof for an appearance . . . 5.00~~

b. ~~Plus, per mile actually driven over ten (10) miles (Reimbursement consistent with Internal Revenue Service allowed rate)~~

~~(3) For mileage driven by a law enforcement officer to serve a subpoena or warrant or to transport a person arrested or detained in the state under a warrant issued by the municipal court, per mile actually driven over ten (10) miles outside the city limits (Reimbursement consistent with Internal Revenue Service allowed rate)~~

~~(4) For each warrant issued . . . 25.00~~

~~(5) State mandated fees:~~

~~a. Judicial branch education fund (K.S.A. 12-4116 and amendments thereto): Each case, without regard to the number of counts, shall be assessed an amount fixed by order of the state supreme court. Funds collected pursuant to this assessment shall be distributed as required by state law.~~

~~b. Local law enforcement funds, (as required by state law): Each case, without regard to the number of counts, charging a criminal or public offense or charging an offense defined as a moving traffic offense pursuant to state law shall be assessed an amount fixed by state law. Funds collected shall be distributed as required by state law.~~

~~(6) Crime prevention fund . . . 3.50~~

~~(7) Police Department Equipment Fund . . . 5.00~~

<u>Description</u>	<u>Traffic – Moving Violations & Other Infractions</u>	<u>Parking Violations</u>	<u>Traffic – Non- moving</u>	<u>Class A or B Misdemeanors or Class C Assault</u>	<u>Adult Seatbelt Violations</u>
<u>Judicial Education Fund</u>	<u>.50</u>		<u>.50</u>	<u>.50</u>	
<u>Local Law Enforcement</u>	<u>1.00</u>			<u>1.00</u>	

<u>Training Fund</u>					
<u>Law Enforcement Center Training Fund</u>	<u>11.50</u>			<u>11.50</u>	
<u>Commission on Peace Officer Standards and Training Fund</u>	<u>2.50</u>			<u>2.50</u>	
<u>Juvenile Detention Facility</u>	<u>2.00</u>			<u>2.00</u>	
<u>Protection From Abuse Fund</u>	<u>.50</u>			<u>.50</u>	
<u>Crime Victims Assistance Fund</u>	<u>.50</u>			<u>.50</u>	
<u>Trauma Fund</u>	<u>1.00</u>			<u>1.00</u>	
<u>Crime Prevention Fund</u>	<u>3.50</u>	<u>3.50</u>	<u>3.50</u>	<u>3.50</u>	
<u>Seatbelt</u>					<u>None</u>
<u>General Fund</u>	<u>43.00</u>	<u>62.50</u>	<u>62.00</u>	<u>110.00</u>	
<u>TOTAL</u>	<u>66.00</u>	<u>66.00</u>	<u>66.00</u>	<u>133.00</u>	<u>-0-</u>

(2) Additional Costs. In addition, defendants who are convicted may be assessed the following costs:

A. Warrant Fees

For each warrant issued, unless waived for good cause by the judge . . . \$25.00

B. Incarceration Expenses

Unless waived for good cause by the judge, a fee for incarceration

56 expenses shall be assessed against a defendant in each case in which
57 said defendant is incarcerated pursuant to an order of the municipal court
58 judge. The incarceration fee referenced in this subsection shall be
59 determined by multiplying the then current daily rate of incarceration
60 charged to the City of Topeka by Shawnee County Department of
61 Corrections by the numbers of days actually served by the defendant.

62 C. Court Appointed Attorneys

63 Unless waived or reduced for good cause by the judge, court
64 appointed attorney fees shall be assessed by the court against a
65 defendant in each case in which a municipal court judge appoints counsel
66 for said defendant.

67 D. Mileage. Mileage, subpoena and witness costs for defense
68 witnesses shall be as set forth in § 50-82 of this code.

69 E. Miscellaneous Fees and Costs

70 Additional costs and fees may be assessed by the municipal court
71 for service of process, for transcripts and depositions, commission on
72 collections and credit/debit card transaction fees.

73 (83) Except as provided herein, the judge or clerk of the municipal court shall
74 remit at least monthly the appropriate assessments received pursuant to this section as
75 required by state law, supreme court order or City of Topeka ordinance.

76 (94) For the purpose of determining the amounts to be assessed according to
77 this section, if more than one (1) complaint is filed against one (1) individual arising out
78 of the same incident, all such complaints shall be considered as one (1) case.

79 Section 2. That section 50-82, Subpoenas; witnesses' expenses; abuse of
80 subpoenas, costs, of The Code of the City of Topeka, Kansas, is hereby amended by to
81 read as follows:

82 **Subpoenas; witnesses' expenses; abuse of subpoenas, costs.**

83 All parties shall be entitled to the use of subpoenas to compel attendance of
84 witnesses within the state. The municipal judge or clerk shall issue a subpoena which
85 may be served by any law enforcement officer, the city attorney or an assistant city
86 attorney, the municipal judge, or the clerk of the municipal court upon the named
87 person. Disobedience may constitute contempt.

88 Fees and mileage of witnesses shall be ~~\$2.50~~ \$10.00 per day or any part thereof
89 for an appearance and ~~\$0.10~~ reimbursement per mile actually driven over ten miles.
90 Said mileage reimbursement rate shall be consistent with the then current Internal
91 Revenue Service allowed rate. The fees and mileage for the attendance of witnesses
92 shall be borne by the party calling the witness, excluding City police officers who are
93 exempt from receiving witness fees pursuant to this provision, except that if an accused
94 person is found not guilty, the city shall pay all such expenses: Provided, the municipal
95 judge may direct that fees and mileage of witnesses subpoenaed by the accused
96 person be charged against such person, if the judge finds that there has been an abuse
97 of the use of subpoenas by the accused person.

98 Section 3. That original § 50-26 and § 50-82 of the Code of the City of
99 Topeka, Kansas, are hereby specifically repealed.

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

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PASSED AND APPROVED by the City Council October 21, 2008.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk