

(Published in the Topeka Metro News July 26, 2010)

**ORDINANCE NO. 19447**

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending City of Topeka Code § 2.110.010 concerning court costs and fees and specifically repealing said original section.

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

Section 1. That section 2.110.010, 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 in the municipal court:

(a) **Mandatory Costs.** Unless otherwise prohibited by city ordinance or Kansas law, defendants who are convicted shall be assessed costs for the administration of justice in any case as follows:

<b>Description</b>	<b>Traffic Moving Violations and Other Infractions</b>	<b>Parking Violations</b>	<b>Traffic Nonmoving</b>	<b>Class A or B Misdemeanors or Class C Assault</b>	<b>Adult Seatbelt Violations</b>
Judicial Education Fund	.50		.50	.50	
Local Law Enforcement Training Fund	1.00			1.00	
Law Enforcement Center Training Fund	11.50			11.50	
Commission on Peace Officer Standards and Training Fund	2.50			2.50	
Juvenile Detention Facility	2.00			2.00	
Protection from Abuse Fund	.50			.50	
Crime Victims	.50			.50	

Assistance Fund					
Trauma Fund	1.00			1.00	
Crime Prevention Fund	3.50	3.50	3.50	3.50	
<u>Forensic Psychologist Fund</u>	<u>1.00</u>			<u>1.00</u>	
Seatbelt					None
General Fund	43.00	62.50	62.00	110.00	
TOTAL	<del>66.00</del> <u>67.00</u>	66.00	66.00	<del>133.00</del> <u>134.00</u>	-0-

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

(1) Warrant Fees. For each warrant issued, unless waived for good cause by the judge \$25.00

(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 numbers of days actually served by the defendant.

(3) Court Appointed Attorneys. Unless waived or reduced for good cause by the judge, court appointed attorney fees shall be assessed by the court against a defendant in each case in which a municipal court judge appoints counsel for said defendant.

(4) Mileage. Mileage, subpoena and witness costs for defense witnesses shall be as set forth in TMC 2.110.450.

(5) Miscellaneous Fees and Costs. Additional costs and fees may be assessed by the municipal court for service of process, for transcripts and depositions, commission on collections and credit/debit card transaction fees.

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

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

Section 2. That original § 20.110.010 of The Code of the City of Topeka, Kansas, is hereby specifically repealed.

Section 3. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

Section 4. All ordinances, resolutions or rules, or portions thereof, inconsistent with the provisions of this ordinance are hereby rescinded or repealed.

Section 5. 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 July 20, 2010

CITY OF TOPEKA, KANSAS

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William W. Bunten, Mayor

ATTEST:

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Brenda Younger, City Clerk