

(Published in the Topeka Metro News January 17, 2011)

ORDINANCE NO. 19502

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., adding a court technology fee to mandatory court costs and fees by amending § 2.110.010 of the Code of the City of Topeka and specifically repealing said original section as well as creating § 3.25.170.

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

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:

Description	Traffic – Moving Violations and Other Infractions	Parking Violations	Traffic – Nonmoving	Class A or B Misdemeanors or Class C Assault	Adult Seatbelt Violations
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	2.00			2.00	

Facility					
Protection from Abuse Fund	.50			.50	
Crime Victims Assistance Fund	.50			.50	
Trauma Fund	1.00			1.00	
Crime Prevention Fund	3.50	3.50	3.50	3.50	
Forensic Psychologist Fund	1.00			1.00	
Seatbelt					None
<u>Court Technology Fund</u>	<u>\$5.00</u>	<u>\$5.00</u>	<u>\$5.00</u>	<u>\$5.00</u>	
General Fund	43.00	62.50 <u>63.50</u>	62.00 <u>63.00</u>	110.00	
TOTAL	67.00 <u>72.00</u>	66.00 <u>72.00</u>	66.00 <u>72.00</u>	134.00 <u>139.00</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 number 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

34 against a defendant in each case in which a municipal court judge appoints
35 counsel for said defendant.

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

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

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

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

47 Section 2. That the Code of the City of Topeka is hereby amended by adding
48 a section to be numbered 3.25.170, which said section reads as follows:

49 **Court technology fund.**

50 (a) There is hereby created a Court Technology Fund. This fund is
51 established to provide a depository for certain designated fees received from paid court
52 costs. Monies in this fund will be used for upgrading and keeping current the court's
53 electronic records and payment systems and such other similar or comparable
54 purposes as may be determined by the Municipal Judge.

55 (b) The fund shall receive any cost or fee assessed from each case filed in
56 municipal court which results in a conviction or a diversion and in which court costs are

57 assessed.

58 (c) Notwithstanding subsection (a) above, if at the end of any fiscal year the
59 balance in the fund less any committed future expenditures exceeds the amount of
60 contributions made during such fiscal year, up to one-half of the ending balance may at
61 the election of the City Manager be transferred to the City's general fund.

62 Section 3. That original § 2.110.010 is hereby specifically repealed.

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

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

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

70 PASSED AND APPROVED by the City Council January 11, 2011.

71 CITY OF TOPEKA, KANSAS

72 No Signature by the Mayor
73 _____
74 William W. Bunten, Mayor

75 ATTEST:

76 _____
77 Brenda Younger, City Clerk
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80 ***This ordinance shall go into effect without the signature of the Mayor pursuant to***
81 ***City of Topeka Charter Ordinance No. 98 Section 2(a)(ix); and City of Topeka***
82 ***Ordinance No. 19258 Section 1(a)(1).***