

(Published in the Topeka Metro News August 27, 2012)

ORDINANCE NO. 19755

AN ORDINANCE introduced by Pamela S. Simecka, Interim City Attorney, amending City of Topeka Code § 2.110.010, concerning imposition of warrant fees to existing court costs and fees and specifically repealing said original section.

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 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	
Forensic Psychologist Fund	1.00			1.00	
Seatbelt					None
Court Technology Fund	5.00	5.00	5.00	5.00	
General Fund	43.00	63.50	63.00	110.00	
TOTAL	72.00	72.00	72.00	139.00	-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, 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.

(3) Court-Appointed Attorneys. If the defendant is convicted and, ~~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. If the defendant is convicted,
Additional costs and fees may be assessed by the municipal court for service of
process, transcripts and depositions, commission on collections and credit/debit
card transactions.

(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, Kansas ~~s~~Supreme ~~e~~Court ~~order~~Rule or city of Topeka policy or
ordinance.

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

Section 2. That original § 2.110.010 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. This ordinance shall supersede all ordinances, resolutions or rules,
or portions thereof, which are in conflict with the provisions of this ordinance.

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 August 21, 2012.

CITY OF TOPEKA, KANSAS

William W. Buntten, Mayor

ATTEST:

Brenda Younger, City Clerk