

(Published in the Topeka Metro News December 21, 2015)

ORDINANCE NO. 19982

AN ORDINANCE introduced by City Manager Jim Colson, concerning court costs and fees, amending City of Topeka Code Section 2.110.010 and repealing original section.

BE IT ORDAINED BY THE GOVERNING BODY 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~~ Upon a finding of guilty, a plea of guilty, a plea of no contest, forfeiture of bond, or diversion:

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	501.00		501.00	501.00	
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 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
Court Technology Fund	5.00	5.00	5.00	5.00	
General Fund	43.00 <u>50</u>	63 <u>4.50</u>	63.00 <u>50</u>	110.00 <u>50</u>	
TOTAL	72 <u>3.00</u>	72 <u>3.00</u>	72 <u>3.00</u>	139 <u>40.00</u>	-0-

(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.

(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 Supreme Court 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 on January 1, 2016 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.

56 PASSED AND APPROVED by the Council on December 15, 2015.

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58 CITY OF TOPEKA, KANSAS

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64 Larry E. Wolgast, Mayor

65 ATTEST:

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69 Brenda Younger, City Clerk