

AN ORDINANCE REPEALING CHARTER ORDINANCE 2004-06 AND FURTHER EXEMPTING THE CITY OF LEOTI, KANSAS FROM K.S.A. 12-4112 AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS PERTAINING TO THE ASSESSMENT OF FEES AND COSTS ASSOCIATED WITH THE MUNICIPAL COURT.

WHEREAS, The Governing Body finds that, the current charter ordinance 2004-06 pertaining to municipal court costs is in need of updating.

THEREFORE, BE IT ORDAINED, by the governing body of the City of Leoti, Kansas as follows:

SECTION ONE: Charter Ordinance No. 2004-06 is hereby repealed.

SECTION TWO: The City of Leoti, Kansas, by the power vested in it by Article 12, Section 5, of the Constitution of the State of Kansas, hereby elects to make inapplicable to it and exempts itself from K.S.A. 12-4112 relating to municipal court costs, fees and assessments, which apply to said city but not uniformly to all cities, and to establish substitute and additional provisions on the same subject as hereinafter provided.

SECTION THREE: (a) In each case filed in the Municipal Court of Leoti, Kansas, charging a traffic infraction, misdemeanor or ordinance violation, where there is a finding of guilty or a plea of guilty, a plea of no contest, forfeiture of bond or a diversion, there shall be assessed, if deemed appropriate, against the person charged the following costs, assessments, and fees for the administration of justice in the Municipal Court of Leoti, Kansas:

1. A costs or docket fee may be assessed against defendants to fund the provision of general court operation and services;
2. Other fees, costs, or assessments as required or permitted by statute including a municipal court assessment as required by K.S.A. 12-4117, a judicial branch education fund assessment as required by K.S.A. 12-4116;
3. A booking or processing fee as allowed by K.S.A. 12-16,119;
4. Costs and fees may be assessed against each defendant who has failed to appear in court or to satisfy the financial or other requirements of the court's order. These costs shall be in addition to the reinstatement fees collected by the court pursuant to K.S.A. 8-2110(c) and amendments thereto. The court may assess these costs and fees for each case in which the person failed to appear or to make satisfaction regardless of the disposition of the case for which the complaint was originally issued;
5. A monitoring fee may be assessed against a defendant in any case in which the Municipal Court Judge orders the defendant placed on probation, parole or a suspended sentence;
6. A monitoring fee may be assessed against a defendant in any case in which the defendant is placed on diversion or given a suspended sentence;
7. Costs may be assessed for the operation of the victim assistance program;

8. A fee may be assessed for processing a motion for expungement, a motion to set aside judgment, a motion to revoke a probation or parole order or diversion agreement, or for entry of a nunc pro tunc order;
9. A fee may be assessed against a defendant in each case for which the Municipal Court Judge appoints counsel;
10. A fee may be assessed for fingerprinting a defendant as required by statute;
11. A daily incarceration cost may be assessed against a defendant for each day of incarceration pursuant to an order of the Municipal Court Judge;
12. Costs may be assessed for the operation of a community service program; and
13. Costs may be assessed for the processing of returned checks;

(b.) Charges originally filed as parking or safety belt violations are excluded from these assessments.

(c.) All of the above-named court costs, assessments and fees shall be established by resolution of the Governing Body. Such costs, assessments and fees may be revised as necessary by adoption of a new resolution. Copies of the current resolution establishing court costs, assessments and fees shall be on file in the offices of the City Clerk and the Municipal Court Clerk.

(d.) Such costs, assessments and fees may be assessed as part of a judgment, diversion agreement, suspension of sentence, amendment or order and, if assessed, shall be collected by the Municipal Court Clerk.

(e.) The costs, assessments and fees assessed pursuant to this section shall be separate from and in addition to any other costs, assessments, fees, fines, restitution, penalties or judgments imposed.

SECTION FOUR: This ordinance shall be published once each week for two consecutive weeks in the official city newspaper.

SECTION FIVE: This is a Charter Ordinance and shall take effect sixty-one (61) days after final publication unless within sixty (60) days of its final publication a petition signed by a number of electors of the City of Leoti equal to not less than ten percent (10%) of the number of electors who voted at the last preceding regular City election shall be filed in the office of the City Clerk of Leoti demanding an election on the Charter Ordinance, in which case the Charter Ordinance shall become effective only if and when approved by a majority of the electors voting thereon.

PASSED BY THE GOVERNING BODY, not less than two-thirds of the members elect voting in favor thereof, this 4th day of May, 2017.

Cheryl Green, Mayor

ATTEST:

Ashley Woods, City Clerk