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ORDINANCE NO. 50-154

AN ORDINANCE AMENDING SECTIONS 1.04.070 AND 1.04.075 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO COSTS, WITNESS FEES AND MOTION FEES IN CASES BEFORE THE MUNICIPAL COURT AND REPEALING THE ORIGINAL OF SAID SECTIONS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. Section 1.04.070 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Costs and witness fees in cases before the Municipal Court.

(a) Court costs shall be assessed against each person charged with a violation of any of the ordinances of this city, unless found not guilty. Court costs shall include all costs required by K.S.A. 12-4116 and K.S.A.12-4117, as well as a local court cost of \$32.00, a \$7.00 domestic violence program fee and a \$6.00 public defender fee. However, this subsection shall not apply to persons who make payment to avoid prosecution of a charge that involves either a parking violation as provided in Section 11.92.040 of this Code or failure to use seat belts or child safety restraints.

(b) The sum of \$2.00 shall be assessed as a court technology fee against each person charged with such a violation of any of the ordinances of this city, unless found not guilty. The court technology fee is to be used by the court to help offset the cost to maintain, utilize and/or purchase technology enhancements and systems, including but not limited to computer systems, computer networks, computer hardware, computer software, imaging systems, electronic kiosks, electronic ticket writers, electronic monitoring systems, and docket management systems for the City of Wichita Municipal Court System. However, this subsection shall not apply to persons who make payment to avoid prosecution of a charge that involves either a parking violation as provided in Section 11.92.040 of this Code or failure to use seat belts or child safety restraint belts.

(c) For each person who is charged with a violation of any of the ordinances of this city and such matter is set for appearance, a charge of ten dollars will be assessed, unless found not guilty.

(d) For each continuance of any pre-trial appearance, trial, sentencing, disposition, or pre-sentence investigation granted at the request of the accused person, a cost of \$10.00 shall be assessed against such accused person unless found not guilty.

(e) A cost of \$10.00 shall be assessed for each extension of time to pay any fine, penalty or costs granted by the clerk of the municipal court at the request of an accused person.

(f) For each trial date attributable to the accused person for which subpoenas have been issued, and in addition to other costs provided for in this

section, the sum of \$25.00 shall be assessed as court costs against such accused person, unless found not guilty by the court.

(g) In addition to other costs provided for in this section, the sum of \$10.00 shall be assessed as court costs against each accused person who is found guilty and files a notice of appeal in district court.

(h) In addition to other court costs assessed pursuant to this section, fees and mileage for subpoenaed witnesses shall be assessed at the rate of \$10.00 per day and \$0.40 per mile actually driven in excess of twenty miles.

(i) A cost of \$50.00 shall be assessed against each person for whom a municipal court bench warrant, show cause/probation violation warrant or citation warrant is ordered by the court for either failure to appear or failure to comply.

(j) In addition to other court costs assessed pursuant to this section, the sum of \$20.00 shall be assessed as court costs against each accused person who fails to comply with a traffic citation, as set forth in Section 11.42.040(a) of this Code.

(k) In addition to any other court costs assessed pursuant to this section, the sum of \$5.00 shall be assessed as court costs against each accused person who fails to comply with a traffic citation as set forth in Section 11.42.040(a) of this Code. This assessment shall be in addition to the reinstatement fee collected by the court pursuant to K.S.A. 8-2110(c) and amendments thereto, and as set forth in Section 11.42.040(c) of this Code. This fee shall be retained by the municipal court to be used to reimburse expenses for mailing notice as mandated by Section 11.42.040(b) of this Code, and K.S.A. 8-2110(b), and amendments thereto.

(l) A fee equal to the hourly rate billed to the City of Wichita by Sedgwick County for each hour incarcerated shall be assessed against a defendant in each case in which the defendant is incarcerated pursuant to an order of a municipal court judge.

(m) A processing fee in the amount of \$10.00 will be assessed against a defendant in each case in which the defendant is booked into the Sedgwick County Adult Detention Facility pursuant to an arrest for a violation of any ordinances of the City of Wichita or pursuant to an order of a municipal court judge.

(n) Each person placed under supervision of a probation officer shall pay a probation fee of \$150.00 for each probation, re-instatement or extension of probation for each case supervised, except that in any case in which there is a determination of indigency, the fee specified may be reduced or waived by the judge.

(o) For those misdemeanor offenses as set out in K.S.A. 21-2501 that require the individual be fingerprinted before final disposition of the case, a \$20.00 fingerprint fee will be assessed as costs.

(p) Should the court order urinalysis testing, a fee of \$20.00 per test shall be assessed to the defendant as costs.

(q) Should the court order house arrest, or electronic monitoring, in lieu of a period of incarceration or as a condition of probation or bond, and order that the fees for such electronic monitoring be paid by the city directly to the vendor of such technology on behalf of the defendant, the fees paid by the city for such

monitoring shall be assessed against the defendant as a court cost owed to the City of Wichita for payment of the technology costs by the City.

(r) Should the court order a presentence or diversion investigation, a fee of \$200.00 shall be assessed to the defendant as costs.

(s) The assessment and imposition of the court costs pursuant to this section shall be mandatory and the court shall not waive, remit, suspend, parole, or otherwise excuse the payment thereof.

(t) All court costs assessed and imposed by this section shall be paid no later than 60 days following imposition; provided that the court may extend the time for such payment to 120 days for good cause shown. In no case shall the court order the time for payment of court costs assessed pursuant to this section extended beyond 120 days from the date of initial imposition.

(u) All court costs collected pursuant to this section shall be accounted for by the clerk of the municipal court and deposited to the general fund of the city and special trust fund with the exception of the \$2.00 court technology fee, which shall be deposited into the Court Technology Project Account.

(v) All costs and fees shall be assessed as part of the judgment and shall be collected by the court clerk or court administrator of the Municipal Court.

(w) The costs and fees assessed pursuant to this section shall be in addition to the fine imposed.”

SECTION 2. Section 1.04.075 of the Code of the City of Wichita, Kansas is hereby amended to read as follows:

“Post conviction remedies in cases before the Municipal Court.

There is established the following costs for all post conviction remedies in cases before the Municipal Court.

(a) Whenever any motions or applications for post- conviction remedies are filed, the cost for filing such motion or application shall be seventy-five dollars and shall be paid by the person filing such motion or application. The filing fee for an expungement motion shall be ninety dollars and shall be paid by the person filing the expungement motion. Provided however, that if it be shown to the Court that the person filing such motion or application is indigent, the Court may, in its discretion, waive the costs provided for herein and the Court shall make a finding of indigency and shall note upon the motion, application or order resulting therefrom that the costs referred to herein have been waived.

(b) The assessment and imposition of the court costs pursuant to this section shall be mandatory and the court shall not waive, remit, suspend, parole, or otherwise excuse the payment thereof except as set forth in subparagraph (s) of Section 1.04.070 of the Code of the City of Wichita.

(c) All court costs assessed and imposed by this section shall be paid no later than sixty days following imposition; provided that the court may extend the time for such payment to one hundred twenty days for good cause shown. In no case shall the court order the time for payment of court costs assessed pursuant to this section extended beyond one hundred twenty days from the date of initial imposition.

(d) All court costs collected pursuant to this section shall be accounted for by the clerk of the municipal court and deposited to the general fund of the city.

SECTION 3. The originals of Section 1.04.070 and 1.04.075 of the Code of the City of Wichita, Kansas, are hereby repealed.

SECTION 4. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas, this 23rd day of February, 2016.

Jeff Longwell, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Jennifer L. Magaña
Director of Law