

(First Published in the Wichita Eagle on 07/28/2009)

Ordinance No. 48-386

AN ORDINANCE AMENDING SECTION 1.04.070 OF THE CODE OF THE CITY OF WICHITA, KANSAS PERTAINING TO COSTS AND WITNESS FEES IN CASES BEFORE THE MUNICIPAL COURT

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

Section 1. 1.04.070. Costs and witness fees in cases before the Municipal Court. There is established the following schedule of costs for all municipal court cases.

(a) The sum of fifty-eight dollars shall be assessed as court costs against each person charged with such a violation of any of the ordinances of this city, unless found not guilty. The fifty-eight dollars in court costs shall include all costs required by state statute, as well as a three dollar domestic violence program fee and a four dollar public defender fee. However, this subsection shall not apply to persons who make payment to avoid prosecution of a charge that involves a parking violation as provided in Section 11.92.040 of this Code.

(b) The sum of two dollars 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 and/or purchase technology enhancements, including but not limited to computer systems, computer networks, computer hardware, computer software, imaging systems, electronic kiosks, electronic ticket writers 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 a parking violation as provided in Section 11.92.040 of this Code.

(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 ten dollars shall be assessed against such accused person unless found not guilty.

(e) A cost of ten dollars 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 twenty-five dollars 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 ten dollars 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 ten dollars per day and forty cents per mile actually driven in excess of twenty miles.

(i) A cost of thirty-five dollars fifty dollars shall be assessed against each person for whom a municipal court bench warrant or show cause/probation violation warrant is ordered by the court for either failure to appear or failure to comply.

(j) A cost of fifty dollars shall be assessed against each person for whom a warrant is issued for failure to pay any fine, penalty or costs as provided in subsection (a) of this section.

(k) In addition to other court costs assessed pursuant to this section, the sum of twenty dollars 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) as amended, and as set forth in Section 11.42.040(c) of this Code, and shall be retained by the municipal court to be used to reimburse the court for expenses incurred in complying with the procedures required by state law. Such sum shall be assessed for each charge on which the person fails to make satisfaction, regardless of the disposition of the charge for which the citation was originally issued.

(l) In addition to any other court costs assessed pursuant to this section, the sum of five dollars 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.

(m) Each person placed under supervision of a probation officer shall pay a probation fee of one hundred fifty dollars for each probation 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.

(n) 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 twenty dollar fingerprint fee will be assessed as costs.

(o) Should the court order urinalysis testing, a fee of twenty dollars per test shall be assessed to the defendant as costs.

(p) 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 (r).

(q) 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.

(r) In lieu of payment of court costs assessed pursuant to this section, the court may order that the defendant perform community service specified by the court only after the defendant has filed an affidavit of such defendant's financial condition in accordance with Section 1.04.210(e), and the court has found from the information contained in the affidavit that the defendant is financially unable to pay the court

costs required herein. If the court also finds that such indigent defendant is unable to perform community service work, then the court may enter an order suspending the court costs imposed by this section.

(s) 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 two dollars court technology fee, which shall be deposited into the Court Technology Project Account.

Section 2. The original of Section 1.04.070 of the Code of the City of Wichita, Kansas, is hereby repealed.

Section 3. 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 28 day of July, 2009

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Gary E. Rebenstorf
Director of Law and City Attorney