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Ordinance No. 48-387

AN ORDINANCE CREATING SECTION 1.04.075 OF THE CODE OF THE CITY OF WICHITA, KANSAS PERTAINING TO COSTS FOR POST CONVICTION REMEDIES IN CASES BEFORE THE MUNICIPAL COURT

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

Section 1. 1.04.075. 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. 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 2. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication in the official city paper and upon the effective date of Charter Ordinance 210.

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