

CHARTER ORDINANCE NO. 28

A CHARTER ORDINANCE AMENDING SECTIONS 2  
AND 7 OF CHARTER ORDINANCE NO. 15 AND  
SECTION 1 OF CHARTER ORDINANCE NO. 18  
RELATING TO COURT COSTS IN MUNICIPAL COURT.

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

SECTION 1. Section 2 of Charter Ordinance No. 15 and Section 1 of Charter Ordinance No. 18 are hereby amended to read as follows:

"In lieu of the provisions of K.S.A. 12-411, the City adopts the following schedule of Court costs and fees to be charged and collected in all actions and cases filed and docketed in the Municipal Court:

A. In any case set on the trial docket or in which the defendant either is required or requests that the matter be set on the Court's appearance docket, ten dollars (\$10.00);

B. In any case in which the defendant executes a waiver of trial and an authorization to enter a plea of guilty without a Court appearance, five dollars (\$5.00);

C. In any case in which the defendant is approved for or placed in any diversion program on a deferred prosecution docket, seventy-five dollars (\$75.00);

D. In any case in which a pre-sentence investigation is conducted, an additional cost of fifty dollars (\$50.00);

E. For furnishing a transcript or judgment of appeal to be charged against the defendant if said judgment appealed from is affirmed, thirty-five dollars (\$35.00);

F. In any case in which a laboratory witness is required to be called by the City and the City is charged a fee by the agency employing said witness, the actual amount of fee;

G. Except as provided by Subsection H of this Section, in all other cases in which probation is granted to a defendant in lieu of a sentence, a probation fee of twenty-five dollars (\$25.00);

H. In all cases in which the defendant is convicted of a violation of Section 30 of Ordinance No. 1311 and amendments thereto, or who enters into a diversion agreement in lieu of further criminal proceedings on a complaint alleging a violation of said ordinance, an assessment of one hundred ten dollars (\$110.00), which shall be in lieu of any assessment under Subsections D or G of this Section; and

I. In connection with the filing of a petition for expungement of any Municipal Court conviction, twenty-five dollars (\$25.00)."

Section 2. All fees collected pursuant to Subsections C, D, G and I of Section 1 of this Ordinance shall be paid into a fund hereby created known as the "Alcohol and Drug Safety Action Fund", which fund shall be subject to the administration of the judge of the Municipal Court. All fees collected from the categories described above after June 1, 1987, shall be paid into the Fund after this Ordinance becomes effective.

Section 3. Section 7 of Charter Ordinance No. 15 and Section 1 of Charter Ordinance No. 20 are hereby amended to read as follows:

"All Court costs and fees assessed by this ordinance are to be collected by the Municipal Court Clerk and except those fees collected pursuant to Subsections C, D, G and H of Section 1 of this Ordinance, shall be paid into the Municipal Court fund and shall be maintained by the Municipal Court Clerk to be disbursed upon proper voucher for the following purposes:

A. For payment of attorney fees properly charged against said fund for representation of indigent defendants as provided by law;

B. For payment of costs of seminars attended by Court officers, clerks and judicial officers of the City;

C. For payment of equipment and supplies as required and approved by the Municipal Court;

D. To transfer any excess to the City general fund once each year as ordered by the governing body."

SECTION 4. Sections 2 and 7 of Charter Ordinance No. 15 and Section 1 of Charter Ordinance No. 18 as originally enacted are hereby repealed.

SECTION 5. This Charter Ordinance shall be published once each week for two consecutive weeks in the official City newspaper.

SECTION 6. This is a Charter Ordinance, and shall take effect sixty-one (61) days after final publication, unless a sufficient petition for a referendum is filed and a referendum held on the ordinance, as provided in Article 12, Section 5, Subdivision c(3) of the Constitution of the State of Kansas, in which case the ordinance shall become effective if 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 16th day of June, 1987.

  
MAYOR

Attest:

  
City Clerk