

1 (Published in the Topeka Metro News October 25, 2006)

2  
3 ORDINANCE NO. 18734

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5 AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., relating to  
6 court costs and fees, search warrants, arrest procedures, and  
7 sentencing procedures, repealing City of Topeka Code §§ 50-47,  
8 50-49 and 50-50, amending City of Topeka Code §§ 50-26, 50-41,  
9 and 50-101, and repealing said original sections.

10  
11 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

12  
13 Section 1. Topeka City Code § 50-26, Court costs and fees, is hereby

14 amended to read as follows:

15 **Court costs and fees.**

16 The following costs and fees shall be charged in the municipal court:

17 (1) ~~Costs per case:~~ Unless otherwise prohibited by City ordinance or Kansas  
18 law, persons who plead no contest, plead guilty, or who are convicted shall be assessed  
19 costs for the administration of justice in any municipal court case, including:

20 a. Each case, except as described in ~~\$38.00~~61.00  
21 subsection b without regard to the  
22 number of counts. . . . .

23 b. Each criminal misdemeanor case ~~\$105.00~~128.00  
24 equivalent to an A or B  
25 misdemeanor as defined by state  
26 law or a misdemeanor defined by City ordinance

27 c. ~~Each continuance requested by~~ \_\_\_\_\_ ~~\$5.00~~  
28 defendant . . . . .



50 a. Judicial branch education fund  
51 (K.S.A. 12-4116 and  
52 amendments thereto): Each  
53 case, without regard to the  
54 number of counts, shall be  
55 assessed an amount fixed by  
56 order of the state supreme  
57 court. Funds collected pursuant  
58 to this assessment shall be  
59 distributed as required by state  
60 law.

61 b. Local law enforcement training  
62 center funds, local law  
63 enforcement reimbursement  
64 fund, juvenile detention facilities  
65 fund, protection from abuse  
66 fund, and crime victims  
67 assistance fund (as required by  
68 state law): Each case, without  
69 regard to the number of counts,  
70 charging a criminal or public  
71 offense or charging an offense

72 defined as a moving traffic  
73 offense pursuant to state law  
74 shall be assessed an amount  
75 fixed by state law. Funds  
76 collected shall be distributed as  
77 required by state law.

78 c. ~~Domestic violence shelter shall~~  
79 ~~be assessed an amount fixed~~  
80 ~~pursuant to state law. Funds~~  
81 ~~collected shall be distributed as~~  
82 ~~required by state law~~

83 (76) Crime Prevention Fund. . . . . \$3.50

84 (7) Police Department Equipment Fund. . . . . \$5.00

85 (8) Except as provided herein, the judge or clerk of the municipal court shall  
86 remit at least monthly the appropriate assessments received pursuant to this section as  
87 required by state law, supreme court order or City of Topeka ordinance.

88 (9) For the purpose of determining the amounts to be assessed according to  
89 this section, if more than one (1) complaint is filed against one (1) individual arising out  
90 of the same incident, all such complaints shall be considered as one (1) case.

91 Section 2. Topeka City Code § 50-41, Municipal judge; powers and duties,  
92 hereby amended to read as follows:

93

94           **Municipal judge; powers and duties.**

95           (a)    The municipal judge shall have the power to administer the oaths and  
96 enforce all orders, rules and judgments made by such municipal judge; may issue  
97 search warrants based on probable cause for violations of municipal ordinance,  
98 excluding warrants sought by the public works director or designated employees of that  
99 department; and may fine or imprison for contempt ~~committed in court or for failure to~~  
100 ~~obey process issued by such municipal judge, the city attorney or an assistant city~~  
101 ~~attorney, a law enforcement officer, an animal control officer, parking control officer as~~  
102 ~~specifically authorized by Topeka City Code section 142-429, property maintenance~~  
103 ~~inspectors as specifically authorized by Topeka City Code section 142-355 or a fire~~  
104 ~~department employee with authority to enforce the uniform fire code,~~ in the same  
105 manner and to the same extent as a judge of the district court.

106           (b)    The municipal judge shall have the power to hear and determine all cases  
107 properly brought before such municipal judge and to: issue search or arrest warrants for  
108 violations of municipal ordinance, excluding warrants sought by the environmental code  
109 services director or employees of that agency; grant continuances; sentence those  
110 found guilty to a fine or confinement in jail, or both; commit accused persons to jail in  
111 default of bond; determine applications for parole; release on probation; grant time in  
112 which a fine may be paid; correct a sentence; suspend imposition of a sentence; set  
113 aside a judgment; permit time for post trial motions; and discharge accused persons.

114           (c)    The municipal judge shall maintain a docket in which every cause  
115 commenced before such municipal judge shall be entered. Such docket shall contain

116 the names of the accused persons and complainant, the nature or character of the  
117 offense, the date of trial, the names of all witnesses sworn and examined, the finding of  
118 the court, the judgment and sentence, the date of payment, the date of issuing  
119 commitment, if any, and every other fact necessary to show the full proceedings in each  
120 case.

121 (d) The municipal judge shall promptly make such reports and furnish the  
122 information requested by any departmental justice or the judicial administrator, in the  
123 manner and form prescribed by the ~~S~~supreme ~~C~~court.

124 (e) The municipal judge shall ensure that information concerning dispositions  
125 of city ordinance violations that result in convictions comparable to convictions for class  
126 A and B misdemeanors under Kansas Criminal Statutes is forwarded to the Kansas  
127 Bureau of Investigation central repository. This information shall be transmitted, on a  
128 form or in a format approved by the attorney general, within thirty (30) days of final  
129 disposition.

130 Section 3. Topeka City Code § 50-47, Costs, is hereby specifically repealed:

131 **~~Costs.~~**

132 ~~Persons who plead no contest, plead guilty, or who are convicted shall be~~  
133 ~~assessed costs for the administration of justice in any municipal court case, including,~~  
134 ~~but not limited to: witness fees and mileage as set forth in K.S.A. 12-4411, and~~  
135 ~~amendments thereto; the assessments required by K.S.A. 1998 Supp. 20-1a11 for the~~  
136 ~~Judicial Branch Education Fund; the assessment required by K.S.A. 1998 Supp. 12-~~

137 ~~4117 and amendments thereto for the Law Enforcement Training Center Fund~~  
138 ~~established pursuant to K.S.A. 74-5619 and amendments thereto; the Local Law~~  
139 ~~Enforcement Training Reimbursement Fund established pursuant to K.S.A. 74-5620;~~  
140 ~~the Juvenile Detention Facilities Fund as provided in K.S.A. 1998 Supp. 12-4117 and~~  
141 ~~amendments thereto; and for the assessment required by K.S.A. 1998 Supp. 12-16,~~  
142 ~~119, and amendments thereto, for the detention facility processing fee.~~

143 Section 4. Topeka City Code § 50-49, Judicial branch education fund;  
144 assessments against municipal cases, is hereby specifically repealed.

145 **~~Judicial branch education fund; assessments against municipal cases.~~**

146 ~~In each case filed in municipal court where there is a finding of guilty or a plea of~~  
147 ~~guilty, a plea of no contest, forfeiture of bond, or a diversion, a sum in an amount not to~~  
148 ~~exceed \$1.00 shall be assessed for the training, testing and continuing judicial~~  
149 ~~education of municipal judges as provided in K.S.A. 12-4114, and amendments thereto.~~  
150 ~~Except as provided herein, the judge or clerk of the municipal court shall remit at least~~  
151 ~~monthly all assessments received pursuant to this section to the state treasurer for~~  
152 ~~deposit in the state treasury to the credit of the judicial branch education fund. If the~~  
153 ~~amount of assessments collected in a month are less than \$250.00, the municipal court~~  
154 ~~may delay remitting its assessments until a month in which the cumulative amount of~~  
155 ~~assessments collected equals or exceeds \$250.00. If the cumulative amount of~~  
156 ~~assessments collected never equals or exceeds \$250.00 for the year, the amount of~~  
157 ~~assessments collected and on hand on December 31 of the year shall be remitted to the~~  
158 ~~state treasurer. The specific amount of the assessment shall be fixed by order of the~~

159 ~~supreme court. For the purpose of determining the amount to be assessed according to~~  
160 ~~this section, if more than one complaint is filed against one individual arising out of the~~  
161 ~~same incident, all such complaints shall be considered as one case. For the purpose of~~  
162 ~~this section, parking violations shall not be considered as cases.~~

163 Section 5. Topeka City Code § 50-50, Municipal Court assessments, is hereby  
164 specifically repealed.

165 **~~Municipal court assessments.~~**

166 ~~(a) In each case filed in municipal court charging a criminal or public offense~~  
167 ~~or charging an offense defined to be a moving violation by rules and regulations~~  
168 ~~adopted pursuant to K.S.A. 8-249 and amendments thereto, where there is a finding of~~  
169 ~~guilty or a plea of guilty, a plea of no contest, forfeiture of bond or a diversion, a sum in~~  
170 ~~the amount of \$10.50 shall be assessed and such assessment shall be credited as~~  
171 ~~follows:~~

172 ~~One dollar to the Local Law Enforcement Training Reimbursement Fund~~  
173 ~~established pursuant to K.S.A. 74-5620 and amendments thereto, \$2.00 to the Law~~  
174 ~~Enforcement Training Center Fund established pursuant to K.S.A. 74-5619 and~~  
175 ~~amendments thereto, \$2.00 to the Juvenile Detention Facilities Fund established~~  
176 ~~pursuant to K.S.A. 79-4803 and amendments thereto to be expended for operational~~  
177 ~~costs of facilities for the detention of juveniles, \$0.50 to the Protection from Abuse Fund~~  
178 ~~established pursuant to K.S.A. 74-7325 and amendments thereto, \$0.50 to the Crime~~  
179 ~~Victims Assistance Fund established pursuant to K.S.A. 74-7334 and amendments~~  
180 ~~thereto, and \$1.00 to the Trauma Fund established pursuant to K.S.A. 1999 Supp. 75-~~

181 ~~5670, and amendments thereto, and \$3.50 to the Crime Prevention Fund established~~  
182 ~~pursuant to City of Topeka Code [section] 2-231.~~

183 ~~(b) The judge or clerk of the municipal court shall remit at least monthly the~~  
184 ~~appropriate assessments received pursuant to this section to the city treasurer for~~  
185 ~~deposit in the Crime Prevention Fund or to the state treasurer for deposit in the state~~  
186 ~~treasury to the credit of the Local Law Enforcement Training Reimbursement Fund, the~~  
187 ~~Law Enforcement Training Center Fund, the Juvenile Detention Facilities Fund, the~~  
188 ~~Crime Victims Assistance Fund and the Trauma Fund, as provided in this section.~~

189 ~~(c) For the purpose of determining the amount to be assessed according to~~  
190 ~~this section, if more than one complaint is filed in the municipal court against one~~  
191 ~~individual arising out of the same incident, all such complaints shall be considered as~~  
192 ~~one case.~~

193 Section 6. Topeka City Code § 50-101, Parole, is hereby amended to read as  
194 follows:

195 **Parole.**

196 Except as otherwise provided by law, the municipal judge may parole any person  
197 confined to jail as a result of a conviction of a violation of a city ordinance. The judge  
198 may set such conditions and restrictions as ~~he or she~~ the judge sees fit to impose for a  
199 term of parole not exceeding ~~one year~~ two (2) years and may at any time discharge  
200 such person for good cause shown. The term of parole ordered by the court is subject  
201 to renewal and extension for additional periods not exceeding an additional two (2)

202 years for any misdemeanor case upon the municipal court's finding that the defendant  
203 has not yet successfully completed the conditions imposed therein within the original  
204 term of such parole.

205 After notice and hearing, the municipal judge may ~~terminate~~ revoke such parole  
206 for violation of conditions by directing the proper authority to execute the sentence and  
207 again confine the accused person to jail for the time specified by the court, which shall  
208 not exceed the initial jail sentence imposed, less the time served.

209 Section 7. That original City of Topeka Code §§ 50-26, 50-41, 50-47, 50-49,  
210 50-50, and 50-101 are hereby specifically repealed.

211 Section 8. This Ordinance shall take effect and be in force from and after its  
212 passage, approval and publication in the official City newspaper.

213 PASSED AND APPROVED by the Council of the City of Topeka October 17,  
214 2006.

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William W. Bunten, Mayor

ATTEST:

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Iris E. Walker, City Clerk