

**ORDINANCE NO. 2016-06-4411**

**AN ORDINANCE MODIFYING THE MUNICIPAL CODE OF THE CITY OF ARKANSAS CITY REGARDING COURT COSTS.**

**WHEREAS**, state statute, Kan. Stat. Ann. 12-4117, requires the City of Arkansas City to pay the state \$20 for every case wherein someone pleads guilty, no contest, or enters into a diversion agreement in Arkansas City Municipal Court; and

**WHEREAS**, effective July 1, 2016, this statute will be amended to require the City to remit \$22.50 for every such case, or an increase of \$2.50; and

**WHEREAS**, the Governing Body desires to increase the amount of administrative fee on every Municipal Court matter to fund this increased amount it must remit to the state.

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

**SECTION ONE: AMENDMENT TO MUNICIPAL CODE.**

The Governing Body of the City of Arkansas City hereby amends Section 2-361 of the Arkansas City Municipal Code to read as follows (deleted provisions struck through, new provisions in italics):

**Sec. 2-361. - Assessments and fees.**

(a) There shall be a ~~\$93.00~~ *\$96.00* assessment taxed to each case filed in the municipal court of the city where there is a finding of guilty, a plea of guilty, a plea of no contest, forfeiture of bond, or a diversion (in addition to all witness fees, mileage and other costs as authorized by state law).

(1) The municipal court shall remit to the appropriate state official, agencies or funds, all state-mandated fees assessed as municipal court costs, including but not limited to, law enforcement training, judicial branch education and municipal judge training, domestic violence and abuse, victim's assistance fund and trauma registry fund, all as required by state statute.

(2) The municipal court shall remit to the city treasurer the remaining assessment to be allocated as required by law, with any remainder paid to the city's general fund.

(b) In addition to the foregoing municipal court assessments, bench warrant costs as set by resolution by the board of city commissioners are authorized to be assessed against a defendant for each bench warrant issued by the municipal court judge.

(c) Discovery fees. Each defendant requesting discovery from the city prosecutor shall pay any and all fees imposed by the city records production policy adopted by resolution of the board of city commissioners.

(d) Fingerprint fees. Each defendant shall pay a fingerprint fee, in an amount set by resolution of the board of city commissioners, for every case filed in the municipal court where there is a finding of guilty, a plea of guilty, or a plea of no contest, and the court orders the defendant's fingerprints taken by the city police department.

(e) Expungement fee. A filing fee in an amount set by resolution of the board of city commissioners shall accompany every motion for expungement, for each case sought to be expunged.

(f) The foregoing assessments shall be designated as court costs and shall be in addition to any other fines or orders of restitution imposed by the municipal court judge.

**SECTION TWO: PUBLICATION; EFFECTIVE DATE.** This ordinance, or a summary thereof, shall be published one time in the official city newspaper, and shall take effect and be in force from and after said publication.

**PASSED AND ORDAINED** by the Governing Body of the City of Arkansas City, Kansas this 21st day of June, 2016.

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Duane L. Oestmann, Mayor

ATTEST:

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Lesley Shook, City Clerk

DRAFTED AND APPROVED AS TO FORM:

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Tamara L. Niles, City Attorney

**CERTIFICATE**

I, hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 2016-06-4411 of the City of Arkansas City, Kansas adopted by the City Commission on June 21, 2016 as the same appears of record in my office.

DATED: \_\_\_\_\_.

\_\_\_\_\_  
Lesley Shook, City Clerk