

ORDINANCE NO. 1737

AN ORDINANCE AMENDING SECTION 16-24 OF CHAPTER 16 OF THE NEODESHA CITY CODE DEALING WITH MUNICIPAL COURT COSTS, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

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

Section 1: Section 16-24 of Chapter 16 of the Neodesha City Code is hereby amended to read as follows:

Sec. 16-24 – Court Costs and fees.

- (a) *General costs.* Whenever a defendant, in a case before the municipal court of the city is convicted of a violation of a municipal ordinance, or ordinances, or enters into a diversion agreement concerning a violation thereof, said defendant shall be assessed court costs in the amount of \$80 plus \$23.50 state-assessed fees. Said sum shall be in addition to any fine that is imposed by the court for said violation.
- (b) *Driver's license reinstatement fees.* The municipal court judge shall assess reinstatement costs in the amount of \$122 to any defendant whose driver's license was suspended for such person's failure to appear at a scheduled hearing or to whom a driver's license suspension was ordered in sentencing.
- (c) *Diversion fees.* Whenever a defendant enters into a diversion agreement concerning a violation, a diversion fee of \$200 shall be assessed by the municipal judge as part of sentencing. Said sum shall be in addition to any fine that is imposed by the court for said violation.
- (d) *Attorney fees.* As part of the court costs, the municipal judge shall also assess to the defendant, upon conviction, the amount of attorney fees and costs expended by the city if the defendant was represented by court-appointed counsel. In determining the amount and method of payment of such sum, the court shall take into account the financial resources of the defendant and the nature of the burden that payment of such sum will impose. A defendant who has been required to pay such sum and who is not willfully in default in the payment thereof may petition the court to waive payment of such sum or any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will constitute a hardship on the defendant or the defendant's immediate family, the court may waive payment of all or a portion of the amount due, or modify the payment amount or due date.
- (e) *Incarceration fees.* The municipal court judge shall assess the jail costs the city incurs for each day, or portion thereof, that a convicted defendant is required to serve in jail in an amount equal to the rate the city is charged for the jail time by the Wilson County Department of Corrections.
- (f) *Medical fees.* Any costs incurred by the city for the provision of medical treatment of a defendant who is arrested and/or incarcerated pursuant to a city ordinance, or due to an order of the municipal court judge, shall be assessed against the defendant.
- (g) *Expungement fees.* In addition to any other costs, the municipal court shall assess an expungement processing fee of \$100 for each expungement petition filed with the municipal clerk.
- (h) *Notice to appear fees.* For a notice to appear issued to an individual charged in Neodesha Municipal Court, an additional fee of \$35 shall be charged to that individual to assist in the recovery of costs associated with enforcing the notice to appear.
- (i) *Warrant fees.* For a warrant issued to an individual charged in Neodesha Municipal Court for failure to appear for court, an additional fee of \$60 shall be charged to that individual to assist in the recovery of costs associated with law enforcement serving and enforcing the warrant.
- (j) *Witness fees.* All witnesses compelled to appear in the Municipal Court of the City of Neodesha, Kansas by subpoena or order of the Court shall be entitled to a witness fee of \$10 per day for any person compelled to appear in the Municipal Court. Additionally, witnesses shall be entitled to a mileage fee at a rate used by the

State of Kansas actually driven in excess of fifteen (15) miles. All such fees shall be paid by the party calling the witness except in the event the defendant is found not guilty, then all fees shall be paid by the City.

- (k) If the defendant is unable to pay the costs assessed, there shall be and remain a judgment against the defendant, which may be enforced as a judgment for payment of money in civil cases.
- (l) For the purpose of determining the amount of court costs to be assessed in accordance with this article, if more than one complaint is filed against one individual arising out of the same incident, all such complaints shall be considered as one case for assessment purposes.

Section 2: Old Section 16-24, of Chapter 16 of the Neodesha City Code and all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3: This ordinance shall take effect on December 1, 2020 after publication once in the official city newspaper.

Passed by the Governing Body of the City of Neodesha, Kansas and signed by the Mayor this 11th day of November, 2020.

ATTEST:

/s/ Devin Johnson

Devin Johnson, Mayor

/s/ Stephanie Fyfe

Stephanie Fyfe, City Clerk

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