

ORDINANCE NO. 2181

AN ORDINANCE AMENDING SECTION 9-108 OF THE CODE OF THE CITY OF CANEY, KANSAS, AUTHORIZING THE ASSESSMENT OF COURT COSTS IN CASES HEARD IN THE MUNICIPAL COURT OF CANEY, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CANEY, KANSAS, AS FOLLOWS:

Section One. That Section 9-108 of the Code of the City of Caney, Kansas, is hereby amended as follows:

- (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 \$83.50. Said sum shall be in addition to any fine that is imposed by the court for said violation.
- (b) 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.
- (c) Fingerprint fees. A fee in the amount of \$50.00 shall be assessed against any defendant convicted of violating a municipal ordinance that prohibits conduct comparable to a Class A or B misdemeanor, or assault as defined in K.S.A. 21-5412, and amendments thereto.
- (d) Record fees. Any costs incurred by the city to obtain records in support of a pending charge (e.g., a certified driving record; lab reports; etc.) shall, upon conviction, be assessed against the defendant.
- (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 Montgomery 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.

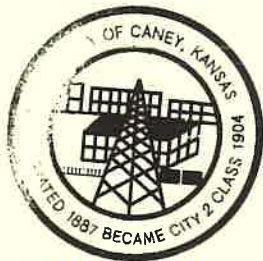
- (g) Expungement fees. In addition to any other costs, the municipal court shall assess the sum of \$100.00 for each expungement petition filed with the municipal clerk.
- (h) Warrant fees. The municipal court shall assess as additional court costs the sum of \$100.00 against each person for whom an arrest warrant has been issued for such person's failure to appear at a scheduled hearing.
- (i) 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.
- (j) 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.
- (k) If it appears to the court that the prosecution was instituted without probable cause and from malicious motives, the court may require the person initiating the prosecution to appear and answer concerning the motives of such person for instituting the prosecution. If, after such hearing, the court determines the prosecution was instituted without probable cause and from malicious motives, all costs in the case shall be assessed against the complaining witness or other person initiating the prosecution.
- (l) Court costs shall not be assessed on parking tickets.

Section Two. Except as herein or otherwise amended, Chapter 9 of the Code of Ordinances shall remain in full force and effect.

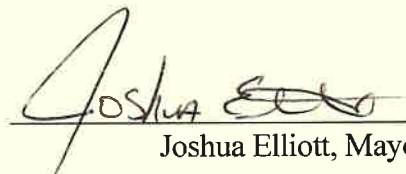
Section Three. Any ordinances conflicting herewith, or parts thereof, are hereby repealed.

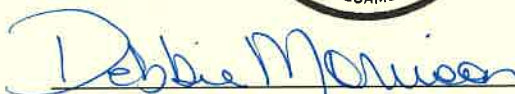
Section Four. This Ordinance shall be in force and effect from and after its adoption and approval by the Governing Body of the City of Caney, Kansas, and publication of a summary hereof in the official city newspaper.

PASSED AND APPROVED BY GOVERNING BODY OF THE CITY OF CANEY, KANSAS, this 17th day of January, 2022.



ATTEST:


Joshua Elliott, Mayor


Debbie Morrison, City Clerk