

## Ordinance 1373

AN ORDINANCE AMENDING ARTICLE 1, CHAPTER 9 OF THE CODE OF THE CITY OF GIRARD, KANSAS BY AMENDING SECTION 9-112 PERTAINING MUNICIPAL COURT COSTS OF THE CITY OF GIRARD, KANSAS. AND ADDING SECTION 9-113 PERTAINING TO THE DESIGNATIONS OF SUCH FUNDS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GIRARD, KANSAS:  
AMENDING SECTION 9-112 AND ADDING SECTION 9-113.

### SECTION 1. COURT COSTS

- (a) General Costs. In addition to other assessments made by the Municipal Court of Girard, Kansas, there is hereby established a court cost of \$85.00 (eighty-five dollars) to be assessed against each person who enters a plea of guilty or no contest to or is found guilty of, or forfeits a bond or is granted a diversion for the violation of any provision of the Code of the City of Girard, Kansas; provided that no such cost shall be assessed for a violation or charge for violating a section of the Code which involves a parking violation, other than a charge for a violation of a regulation relating to handicapped parking. The court cost paid to the city shall be allocated as follows:
1. to the Law Enforcement Training Center Fund established pursuant to K.S.A 74-5619, and amendments thereto, the sum of \$22.50 (twenty-two dollars and fifty cents)
  2. to the Judicial Branch Education Fund established pursuant to K.S.A 12-4116, and amendments thereto, the sum of \$1.00 (one dollar).
- (b) Attorney's Fees. As part of the court costs, the Municipal Court shall assess to the Defendant, if convicted, the amount of attorney fees and costs expended by the City if the was represented by court-appointed counsel. In determining the amount and method of payment of such sum, the court shall take account of 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 at any time petition the court which sentence the defendant to waive payment of such sum or of any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may waive payment of all or part of the amount due or modify the method of payment.
- (c) Incarceration Fees. As part of the court costs, a fee in the amount of \$25 (twenty-five dollars) per day will be assessed against a defendant in each case in which said defendant is incarcerated pursuant to an order of the Municipal Court Judge for a maximum period of 10 (ten) days. In the event a defendant is ordered to serve a jail sentence in excess of ten (10) days with respect to a specific case, the twenty-five per day fee will be assessed for the first ten (10) days only, with respect to that specific case.
- (d) Expungement Fees. As part of the court costs, the Municipal Court shall assess the sum of \$85.00 (eighty-five dollars) for each expungement ordered by the Court.

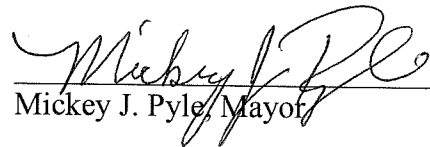
- (e) Warrant Fees. The Municipal Court shall assess as court costs the sum of \$50.00 (fifty dollars) against each person named or described in an arrest warrant made by the Municipal Court Judge directed to any law enforcement officer commanding the officer to arrest the person named or described in it.

**SECTION 2. SAME; MONEYS COLLECTED; REMITTANCE**

- (a) The judge or clerk of the municipal court shall remit the appropriate assessments received in sub-sections (a)(1) and (a)(2) of Section 9-112 and above to the state treasurer in accordance with the provisions of K.S.A 74-4215, and amendments thereto.
- (b) All other money collected by the court not specifically delegated to a fund pursuant to Section 9-112 herein, shall be distributed as follows by the court:
- a. to the Kansas Bureau of Investigation, any laboratory fee received; and,
  - b. all other money shall be paid to the city clerk for credit to the general fund.

**SECTION 3. EFFECTIVE DATE.** This Ordinance shall be in full force and effect upon its passage, approval and publication according to law.

PASSED AND APPROVED THIS 22<sup>nd</sup> DAY OF MAY 2023.

  
Mickey J. Pyle, Mayor

ATTEST:

  
Karen E Buck, CMC, CPM, City Clerk