MEMORANDUM

To: City Commissioners

From: Paul Kritz, City Attorney

Re: Proposed Increase of Court Costs

Date: January 14, 2016

Court costs in municipal court cases are currently $75/case for traffic cases and $100/case for non-traffic cases. By law (K.S.A. 12-4117), a portion of the costs is remitted to the State of Kansas and credited to various law enforcement training and other funds, including $22.00 for a judicial branch surcharge; $1.00 for a branch education fund; and $20.00 for the law enforcement training center fund. The total amount remitted to the state was recently increased by $0.50.

Court costs have not been adjusted since 2010. Staff believes it is appropriate to make a modest adjustment to help offset the increase in the state assessment as well as the costs to operate court. This is essentially a "user fee" that is only paid by convicted offenders.

A comparative table, which will give you an idea of what other cities charge for court costs, is included with your agenda packet.

ORDINANCE NO. G-16-01

AN ORDINANCE AMENDING CHAPTER 10 (COURTS), ARTICLE II (MUNICIPAL COURT), SECTION 10-18, (COURT COSTS), OF THE CODE OF ORDINANCES OF THE CITY OF COFFEYVILLE, KANSAS, AND REPEALING ANY CONFLICTING ORDINANCES OR PARTS THEREOF.

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

Section 1. That Chapter 10 (Courts), Article II (Municipal Court), Section 10-18 (Court Costs), of the Code of Ordinances of the City of Coffeyville, Kansas be and is hereby amended to read as follows:

"Sec. 10-18. Court Costs.

(a) Whenever a defendant, in a case before the Municipal Court of the City of Coffeyville, Kansas, 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 following amounts, to-wit: For misdemeanor violations, the sum of $105.00. For all other violations, the sum of $80.00. When a single case involves a misdemeanor, as well as other violations, the court costs for misdemeanor violations shall apply. Said sum shall be in addition to any fine that is imposed by the court for said violation.

(b) 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.

(c) For the purpose of determining the amount of court costs to be assessed in accordance with this ordinance, 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.

(d) 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.

(e) Court costs shall not be assessed on parking tickets, except those issued for violations of Ordinance No. G-06-01."

Section 2. That except as herein or otherwise amended, Chapter 10 of the Code of Ordinances shall remain in full force and effect.

Section 3. That Ordinance No. G-10-03 and any other conflicting ordinances, or parts thereof, are hereby repealed.

Section 4. This Ordinance shall be effective upon publication in the official city newspaper.

Passed and approved this 9th day of February 2016.

_____
Christopher V. Williams, Mayor

ATTEST:

_____
Cindy Price, City Clerk

APPROVED AS TO FORM:

_____
Paul Kritz, City Attorney

COURT COSTS BY CITY

	CITY	CITY FEES			STATE FEES	TOTAL CITY & STATE		
		Traffic Code	All Other Code	All Codes		Traffic	Other	All Codes
1	City of Junction City	$ 96.00	$ 106.00		$ 21.00	$ 117.00	$ 127.00	
2	Lenexa			$ 14.00	$ 21.00			$ 35.00
3	City of Seneca							$ 86.00
4	Topeka	$ 49.00	$ 116.00		$ 24.00	$ 73.00	$ 140.00	
5	Coffeyville					$ 75.00	$ 100.00	
6	Girard			$ 52.00	$ 22.50			$ 74.50
7	Mulvane			$ 56.00	$ 21.00			$ 77.00
8	Neodashea			$ 54.50	$ 21.00			$ 75.50
9	Greatbend			$ 39.00	$ 21.00			$ 60.00
10	Cimmarron			$ 87.00	$ 21.00			$ 108.00
11	Kinsley	$ 77.00	$ 147.00		$ 21.00	$ 98.00	$ 168.00	
12	Garden City	$ 54.00	$ 69.00		$ 21.00	$ 75.00	$ 90.00	
13	Lyons			$ 59.00	$ 21.00			$ 80.00
14	City of Holcomb							$ 70.00
15	Hesston			$ 81.00	$ 21.00			$ 102.00
16	City of Sterling			$ 50.00	$ 21.00			$ 71.00
17	Edwardsville			$ 45.00	$ 21.00			$ 66.00
18	Kechi			$ 60.00	$ 21.00			$ 81.00
19	Iola							$ 60.00
20	Eureka			$ 60.00	$ 21.00			$ 81.00

Some cities apply different costs to traffic violations vs criminal. Cities that don't are listed under ALL CODES.

If I didn't know if the amount stated included the state fee or not, there is no entry under CITY FEES & STATE FEES.