Chapter 14

COURTS AND JAILS

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ARTICLE I. IN GENERAL

Sec. 14-1. Certain papers, etc., filed with city clerk to be taken as evidence in all state courts.

Copies of all papers filed in the city clerk's office and the transcript from the records of the proceedings of the board of commissioners, including ordinances duly certified by the city clerk under the corporate seal of the city, shall be taken as evidence in all courts of the state without further proof.
(Code 1965, § 1-310; Code 1977, § 10-1)

Secs. 14-2—14-20. Reserved.

ARTICLE II. MUNICIPAL COURT*

Sec. 14-21. Jurisdiction; search warrants proscribed.

(a) The municipal court shall have jurisdiction to hear and determine cases involving violations of the ordinances of the city, including concurrent jurisdiction to hear and determine a violation of an ordinance when the elements of such ordinance violation are the same as the elements of a violation of one of the following state statutes and would constitute, and be punished as, a felony if charged in district court:

(1) K.S.A. 8-1567, and amendments thereto, driving under the influence;

(2) K.S.A. 21-5414, and amendments thereto, domestic battery;

(3) K.S.A. 21-5801, and amendments thereto, theft;

(4) K.S.A. 21-5821, and amendments thereto, giving a worthless check; or

(5) K.S.A. 21-5706(b)(3), and amendments thereto, possession of marijuana.

(b) Search warrants shall not issue out of a municipal court.
(Code 1977, § 10-12)
State law reference—Similar provisions, K.S.A. 12-4104.

Sec. 14-22. Procedure and proceedings.

The procedure and proceedings of the municipal court shall be as provided by state law.
(Code 1977, § 10-13)

***State law references**—Municipal courts generally, K.S.A. 12-4101 et seq.; appointment of a municipal judge, K.S.A. 12-1040.

Sec. 14-23. Fines to general fund.

All fines, penalties, fees, costs and forfeitures collected under or for offenses against the ordinances of the city shall be paid into the city treasury for the general revenue fund of the city. (Code 1977, § 10-14)

Sec. 14-24. Municipal judge; powers and duties.

(a) The municipal judge shall have the power to administer the oaths and enforce all orders, rules and judgments made by such municipal judge, and may fine or imprison for contempt in the same manner, and to the same extent, as a judge of the district court.

(b) The municipal judge shall have the power to hear and determine all cases properly brought before such municipal judge to: grant continuances; sentence those found guilty to a fine or confinement in jail, or both; commit accused persons to jail in default of bond; determine applications for parole; release on probation; grant time in which a fine may be paid; correct a sentence; suspend imposition of a sentence; set aside a judgment; permit time for post-trial motions; and discharge accused persons.

(c) The municipal judge shall maintain a docket in which every cause commenced before such municipal judge shall be entered. Such docket shall contain the names of the accused persons and complainant, the nature or character of the offense, the date of trial, the names of all witnesses sworn and examined, the finding of the court, the judgment and sentence, the date of payment, the date of issuing commitment, if any, and every other fact necessary to show the full proceedings in each case.

(d) The municipal judge shall promptly make such reports and furnish the information requested by any departmental justice or the judicial administrator, in the manner and form prescribed by the supreme court.

(e) The municipal judge shall ensure that information concerning dispositions of city ordinance violations that result in convictions comparable to convictions for offenses under state criminal statutes is forwarded to the state bureau of investigation central repository. This information shall be transmitted, on a form or in a format approved by the attorney general, within 30 days of final disposition.

(f) In all cases alleging a violation of a city ordinance prohibiting the acts prohibited by K.S.A. 8-2,144, 8-1567 or 32-1131 or K.S.A. 8-1025, 2-6419, or 21-6421, and amendments thereto, the municipal court judge shall ensure that the municipal court reports the filing and disposition of such case electronically to the state bureau of investigation central repository.

(g) In all cases in which a fine is imposed for a violation of a city ordinance prohibiting the acts prohibited by K.S.A. 8-2,144, 8-1567 or 32-1131 or K.S.A. 8-1025, 21-6419, or 21-6421 and amendments thereto, the municipal court judge shall ensure that the municipal court remits the appropriate amount of such fine to the state treasurer as provided in K.S.A. 12-4120, and amendments thereto.
(Code 1977, § 10-15)

State law reference—Similar provisions, K.S.A. 12-4106.

Sec. 14-25. Judge pro tempore.

(a) In the event the municipal judge is temporarily unable to preside due to absence, illness or disqualification, he shall designate an attorney or other qualified person to act as judge pro tempore. In the event the municipal judge fails to appoint the judge pro tempore, the judge pro tempore shall be appointed in the same manner as the municipal judge is selected.

(b) The judge pro tempore shall receive compensation as shall be provided by ordinance, payable in the same manner as the compensation of the regular municipal judge.
(Code 1977, § 10-16)

Sec. 14-26. Clerk of municipal court.

(a) The municipal judge shall appoint a clerk of the municipal court, or, if no clerk is provided for, the judge shall also serve as clerk.

(b) The clerk shall issue all process of the court, administer oaths, file and preserve all papers, docket cases and set same for trial and shall perform such further acts as may be necessary to carry out the duties and responsibilities of the court. The clerk shall receive, account for and pay to the city treasurer monthly all fines and forfeited bonds paid into the court. The clerk shall make reports to the judicial administrator and furnish the information when requested by him or a departmental justice on such forms furnished by the judicial administrator and approved by the supreme court.

(c) The clerk of the municipal court, or the municipal judge if no clerk is appointed, shall, within ten days after selection and before entering upon the duties of office, execute to the city a bond in an amount recommended by the city manager, which shall be approved by the board of commissioners, and filed in the office of the city clerk, conditioned for the faithful performance of the duties required of him by law, and for the faithful application and payment of all moneys that may come into his hands in the execution of the duties of the office. The city shall pay the cost of such bond.
(Code 1977, § 10-17)

State law reference—Similar provisions, K.S.A. 12-4108.

Sec. 14-27. Court costs.

(a) 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 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 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.

(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 section 40-104 regarding parking of vehicle on non-paved surfaces.
(Ord. No. G-92-11, § 1, 9-14-1992; Ord. No. G-02-03, § 1, 8-27-2002; Ord. No. G-06-04, § 1, 6-28-2006; Ord. No. G-16-01, § 1, 2-9-2016)

Chapter 15

RESERVED