

CHARTER ORDINANCE NO. 32

A CHARTER ORDINANCE EXEMPTING THE CITY OF GARDEN PLAIN, KANSAS FROM THE PROVISIONS OF K.S.A. 12-4112 REGARDING ASSESSED COSTS FOR THE ADMINISTRATION OF JUSTICE IN MUNICIPAL COURT CASES.

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

Section 1. EXEMPTION

The City of Garden Plain, Kansas, by virtue of the power vested in it by Article 12, Section 5 of the constitution of the State of Kansas, hereby does exempt itself and make inapplicable to it K.S.A. 12-4112 which applies to this City but does not apply uniformly to all cities.

Section 2. **ASSESSED COSTS FOR THE ADMINISTRATION OF JUSTICE IN MUNICIPAL COURT CASES.**

The municipal court costs of the city of Garden Plain, Kansas shall be assessed as follows:

In every Garden Plain Municipal Court case, except parking violations, municipal court costs of \$100.00 shall be assessed against each accused person who, by findings of the court is found guilty, enters a plea of guilty or nolo contendere, or is diverted on charges in said municipal court case. The Garden Plain Municipal Court Clerk shall remit said court costs to the Garden Plain Treasurer for deposit of \$95.00 into the city's General Fund and \$5.00 to the Garden Plain Police Department Training Fund.

The court may assess witness fees and mileage as set forth in K.S.A. 12-4411 and amendments thereto; the assessments set forth in K.S.A. 12-4122 and amendments thereto; and shall also assess other court fees as required by the Statute of the State of Kansas.

In the event the defendant has failed to appear at the original court date, the court judge may issue a Notice to Appear and double all fines and court costs.

Additionally, the following costs and fees may be charged in the municipal court:

Incarceration Expenses. Unless waived for good cause by the judge, a fee for incarceration expenses shall be assessed against a defendant in each case in which said defendant is incarcerated pursuant to an order of the municipal court judge. The incarceration fee referenced in this subsection shall be determined by multiplying the then current hourly rate of incarceration

charged to the city of Garden Plain by Sedgwick County Detention Facility by the number of hours served by the defendant.

Court Appointed Attorneys. If the defendant is convicted and, unless waived or reduced for good cause by the judge, court-appointed attorney fees shall be assessed by the court against a defendant in each case in which a municipal court judge appoints counsel for said defendant.

Miscellaneous Fees and Costs. If the defendant is convicted, additional costs and fees may be assessed by the municipal court for service of process, transcripts and depositions, commission on collections and credit/debit card transactions.

Except as provided herein, the judge or clerk of the municipal court shall remit at least monthly the appropriate assessments received pursuant to this section as required by state law, Kansas Supreme court rule or City of Garden Plain policy or ordinance.

For the purpose of determining the amounts to be assessed according to this section, if more than one complaint is filed against an individual arising out of the same incident, all such complaints shall be considered as one case.

Section 2. DIVERSION FEES.

The application fee for the diversion program of the City of Garden Plain, Kansas, shall be assessed as follows:

For each diversion requested by an accused person, there shall be a non-refundable fee up to \$500.00 assessed and payable when the application is submitted.

Additionally, there shall be a Diversion Fee up to \$1,000 assessed for anyone accepted into the diversion program.

Section 3. DISCOVERY.

Requests for discovery/police reports shall be as follows:

All requests for police reports shall be made by Motion and Order for Production of Records which shall be executed by the defendant, attorney for the defendant and shall be approved by the judge of the municipal court of the city. A fee of up to \$50.00 for police reports shall be assessed and remitted with the Motion and Order. A fee of up to \$100.00 shall be assessed for duplicate copies of video recordings.

Section 4. PUBLICATION.

This Charter Ordinance shall be published once each week for two consecutive weeks in the official city newspaper.

Section 5. EFFECTIVE DATE.

This Charter Ordinance shall take effect 61 days after last publication in the official city newspaper.

Passed and approved by the Governing Body of the City of Garden Plain, Kansas this 5th day of August 2026.



Kevin Hammond

Kevin Hammond, Mayor

ATTEST:

Kimberly McCormick

Kimberly McCormick, City Clerk