

**ORDINANCE NO. 8898**

**AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, AMENDING CHAPTER XII, ARTICLE 1, CODE OF THE CITY OF LAWRENCE, KANSAS, 2013 EDITION, AND AMENDMENTS THERETO, BY ADDING SECTION 12-105.1 PERTAINING TO THE ASSESSMENT OF RECOUPMENT COSTS IN MUNICIPAL COURT.**

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

**SECTION 1:** Chapter XII, Article 1, Section 12-105 of the Code of the City of Lawrence, Kansas, 2013 Edition, and amendments thereto, is hereby amended to read as follows:

12-105

**COURT COSTS.**

Pursuant to Charter Ordinance No. 17, whenever any person is convicted of a violation of any provisions of this Code, the offender shall be assessed costs for the administration of their case in Municipal Court. The court costs in each case shall be \$39.50, and when applicable, \$150.00 for supervised probation; and \$10.00 for fingerprinting performed in Municipal Court. ~~The Municipal Court Judge shall assess the jail costs the City incurs for each day or portion of a day that the convicted person serves in jail at the rate the City is charged for the jail time by Douglas County. The current rate charged the City for jail time shall be included as an entry in the Municipal Court's fine schedule.~~ In addition thereto, the Judge of the Municipal Court shall assess all State imposed fees as required by statute.

**SECTION 2:** The Code of the City of Lawrence, Kansas, 2013 Edition, is hereby amended by adding Chapter XII, Article 1, Section 12-105.1 which reads as follows:

12-105.1

**RECOUPMENT FEES.**

In addition to court costs under 12-105, whenever any defendant is convicted of a violation of any provisions of this Code, the Judge of the Municipal Court may order the defendant to pay recoupment fees. Such recoupment fees include, but are not limited to, costs the City incurs for each day or portion of a day that the convicted person serves in jail at the rate the City is charged for the jail time by Douglas County, and the reasonable cost of public defender fees in each case for which the Judge of the Municipal Court appoints counsel, including those cases in which the defendant obtains diversion. 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 upon the defendant and the defendant's immediate family. 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 Municipal Court to waive payment of such sum or of any unpaid portion thereof. Upon such petition, if it appears to the satisfaction of the Judge of the Municipal 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 amount or method of payment.

**SECTION 3:** If any section, clause, sentence, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

**SECTION 4:** This ordinance shall take effect and be in force after its passage and publication as provided by law.

**PASSED** by the Governing Body of the City of Lawrence, Kansas, this \_\_\_\_ day of September, 2013.

**APPROVED:**

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Michael Dever  
Mayor

**ATTEST:**

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Jonathan M. Douglass  
City Clerk

**APPROVED AS TO FORM AND LEGALITY:**

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Toni R. Wheeler  
City Attorney

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**NOTICE TO PUBLISHER**