

CHARTER ORDINANCE NO. 47

**A CHARTER ORDINANCE EXEMPTING THE CITY OF HUTCHINSON, KANSAS, FROM THE PROVISIONS OF K.S.A. 12-4404 PERTAINING TO ARRAIGNMENT IN THE MUNICIPAL COURT PURSUANT TO THE KANSAS CODE OF PROCEDURE FOR MUNICIPAL COURTS AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THAT SUBJECT.**

**NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HUTCHINSON, KANSAS:**

**SECTION 1.** The City of Hutchinson, Kansas, a Mayor-Council City of the First Class, by the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas, hereby elects to exempt itself from, and make inapplicable to it, the provisions of K.S.A. 12-4404, and to provide substitute and additional provisions as hereinafter set forth in this Ordinance. Such referenced provision of Kansas law is either an enactment or part of an enactment which is applicable to this City, but is not applicable uniformly to all cities.

**SECTION 2. Arraignment.**

a. Arraignment shall be conducted in open Court and shall consist of reading the complaint or stating to the Defendant the substance of the charge and calling upon the Defendant to plead thereto. Except as provided in §(b), the Defendant must be personally present for arraignment or the Defendant may appear by counsel. The Court may direct any officer who has custody of the Defendant to bring the Defendant before the Court to be arraigned.

b. Arraignment may be conducted by two-way electronic audio/video communication between the Defendant and the Judge in lieu of personal presence of the Defendant or the Defendant's counsel in the courtroom. The Defendant may be accompanied by the Defendant's counsel during such arraignment. The Defendant shall be informed of the Defendant's right to be personally present in the courtroom during arraignment. Exercising the right to be present shall in no way prejudice the Defendant.

**SECTION 3.** This Charter Ordinance shall be published once each week for two (2) consecutive weeks in the official City newspaper.

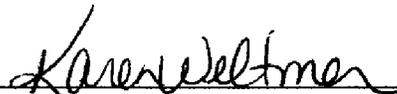
**SECTION 4.** This is a Charter Ordinance and shall take effect and be in force sixty-one (61) days after final publication, unless a sufficient petition for a referendum is filed, requiring a referendum to be held on this ordinance as provided in Article 12, Section 5, subdivision (c)(3) of the Constitution of the State of Kansas in which case this Charter Ordinance shall become effective upon approval by a majority of the electors voting thereon.

PASSED BY THE GOVERNING BODY, NOT LESS THAN TWO-THIRDS (2/3rds) OF  
THE MEMBERS-ELECT VOTING IN FAVOR THEREOF, this 20<sup>th</sup> day of  
July, 2010.

CITY OF HUTCHINSON

  
\_\_\_\_\_  
Cindy Proett, Mayor

ATTEST:

  
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Karen Weltmer, City Clerk