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INTRODUCED: June 17, 1986
PASSED: June 24, 1986
1st PUBLICATION: June 28, 1986
2nd PUBLICATION: July 5, 1986

CHARTER ORDINANCE NO. 25

A CHARTER ORDINANCE EXEMPTING THE CITY OF HUTCHINSON, KANSAS, FROM THE PROVISIONS OF K.S.A. 1984 SUPP. 12-4112, RELATING TO IMPOSITION OF COSTS IN CONNECTION WITH CASES PROSECUTED IN THE MUNICIPAL COURT, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SUBJECT.

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

SECTION 1. The City of Hutchinson, Kansas, a commission-manager 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. 1984 Supp. 12-4112, 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 a part of an enactment which is applicable to this city, but is not applicable uniformly to all cities.

SECTION 2. MUNICIPAL COURT COSTS. Costs may be assessed against accused persons for the administration of justice in any Municipal Court case where the accused person is found guilty or where the accused person pleads guilty or nolo contendere. The costs to be so assessed shall be fixed from time to time by ordinance of the City.

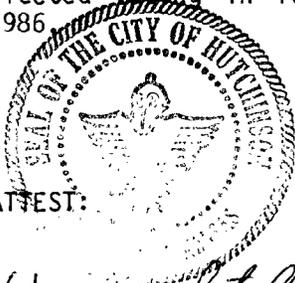
If it appears to the court that the prosecution was instituted without probable cause and for malicious motives, the court may require the complaining witness or other person instituting the prosecution to appear and answer concerning his motives for instituting the prosecution. If upon hearing, the court determines that 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.

At the conclusion of each municipal case, the court shall, where applicable, assess the costs against the party responsible for payment and shall cause to be delivered to such responsible party a complete statement of such costs.

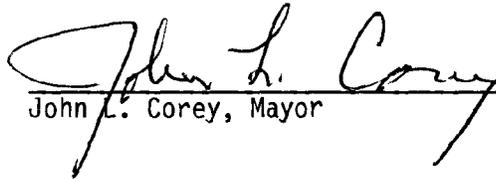
SECTION 3. This ordinance shall be published once each week for two consecutive weeks in the official City newspaper.

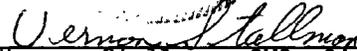
SECTION 4. This is a Charter Ordinance and shall take effect sixty-one (61) days after final publication unless a sufficient petition for a referendum is filed requiring a referendum to be held on the ordinance as provided in Article 12, Section 5, Subdivision (c)(3) of the Constitution of the State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

PASSED BY THE GOVERNING BODY, not less than two-thirds of the members elected voting in favor thereof, this 24 day of June, 1986.



ATTEST:


John L. Corey, Mayor


Vernon Stallman, CMC, City Clerk