

The K.A.C.M. Docket

Volume 29

February 18, 2002

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PRESIDENT'S CORNER

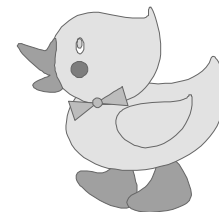


Well, as I'm writing this, the State of Kansas is under threat of a storm. Winter has FINALLY arrived!

Of course, it decides to arrive when we scheduled an all-important KACM Board of Directors meeting in Lindsborg. If I had known that was all it would take to get snow and/or rain ~ I would have done this in November or December!!! Anyway, hopefully, your area received some much-needed moisture.

Planning is down to the finishing touches for the 2002 Spring Conference in Great Bend. We can look forward to discussions about ethics, open records, the appeal process, the collection of fines and the community service option, the legislative update and the always-welcome-much-needed visit from Marcy and Harry!

Plus, there was something about *ducks* , , , , going *quackers* , , , , being *quackers* , , , , huh??? hmmm... what is it all about??? Guess we will have to wait and see!



April 12th is the date (unless you are coming for training the day before); Great Bend is the place to be; ready to relax, learn and let your hair down, , , , , or is it feathers this time? Hmmm.

DATES TO REMEMBER:

**Spring Conference April
11-12, 2002 in Great Bend**

**KACM Fall Conference
September 19-20, 2002
in Emporia**

QUESTIONS AND ANSWERS FROM THE MOTOR VEHICLE DEPARTMENT

(These were questions asked by the clerks at last falls Conference in Pittsburg, and sent to MVD for answers)



Q. If a subject had a DUI conviction 10 years ago, will it show up on his driving record?

A. No - Starting with 1996, DUI convictions will have a lifetime retention, but if the court can find that

10-year-old conviction, any new DUI would be processed as a second conviction.

Q. Should we send the speeding citation to the state if it is written for 75 MPH in a 70 MPH or within the Buffer zone?

A. Yes - KSA 8-2115 requires the court to submit all convictions to DMV.

Q. Certified driving record - will there be a time when the city's name will be on the record?

A. If electronically submitted - yes, but only for Fail to Appear or Pay Suspensions.

Q. Minor in Possession - Should the court fill out the suspension order?

A. Send in the abstract and DMV will execute the suspension -

must indicate on order to suspend for 30 days.

Q. Clarify the 55 - 70 MPH Speeding buffer.

A. If the speed limit is 55 and someone is ticketed for 65, the charge will not be recorded on their record. The same is applicable for a 65 MPH and 70 MPH posted speeds - there is a 10 MPH buffer.

Q. If a subject is cited for Minor in Possession in a city park or public place, is the ticket sent to the State.

A. Yes - Submit conviction and order DMV to suspend for 30 days.

Q. If a defendant is suspended for 30 days, is that suspension 30 days from date of conviction?

A. No - the suspension will commence from the time of receipt and processing at DMV.

Q. What is the procedure to set up the electronic transfer of court proceedings?

A. Call DMV for instructions.

Q. If a defendant asks "How will this ticket effect my license - should I ask for a diversion", what should Be the response?

A. If the ticket is a moving violation and would go on the record, contact DMV Subject could ask to speak to the prosecutor about a possible diversion.

Q. Is there a buffer of 5 -10 MPH if the infraction occurs within the city limits?

A. No.

Q. Should we send an abstract of conviction for seat belt and no driver's license convictions?

A. Don't send the seat belt but continue to send the No DL.

Q. Do you suspend on DUI or DWS diversions?

A. No - Send a copy of the diversion agreement to DMV. There is one diversion allowed for a lifetime.

Q. Can DUI's be expunged?

A. Yes -They can be hid for DMV but not for the PD or the court.

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(Continued from page 2)

Q. Should we send copies of the diversion agreement for any thing other than DUI?

A. No



Q. Should we send any nonmoving violation convictions?

A. Go ahead and send them and DMV will make the determination of recording purposes.

Q. If we have not sent the diversion agreement, are they still recorded?

A. Yes

Q. If someone receives a DUI and it's the second one in 15 years, would a new conviction be a third?

A. The DMV would count it as a first conviction.

Q. If a speeding ticket has been amended to a non-moving

violation, do you want it sent to DMV?

A. Yes - KSA 8-2115 requires all traffic convictions be submitted to DMV.

Q. What is required if someone is suspended for No Insurance?

A. They must file an SR-22 if they have been suspended, which could be a result of an accident, traffic Violation or failing to file a SR-22. Proof must be provided to MVD.

Q. If a minor is cited for Minor in Possession, does the court take the DL?

A. No - Advise defendant that they will be suspended and they will receive notice from DMV

Q. If we have an out of state violator, why do we send the notice to DMV?

A. Because that's the way the law is written for the Non Resident Violator Compact

Q. How long does someone have to file a SR-22?

A. One year

Q. What happens when the defendant wins at the administrative hearing on the chemical test?

A. Nothing, but if driver is convicted of DUI from same arrest - license is subject to suspension.

Q. Would we be overstepping our bounds if we explain the filing of a SR-22?

A. Please suggest that they call DMV.

Q. If the officer issues a Suspended DL citation and takes the persons DL, should we mail it to DMV?

A. Yes

Q. Do you want an order of Diversion Dismissal sent to your office?

A. Yes

Q. What do you do with the Diversion agreements?

A. KSA Statute requires that they be included in the driver's folder.

Q. Are you going to require that we mail in the DL on a DWS conviction?

A. Yes



KACM COMMITTEE REPORTS

Here are a few committee reports to pass along to our members, The planned Board meeting was canceled due to bad weather, the board meeting will be rescheduled but unfortunately not before the publication of this Newsletter, so a complete copy of the minutes will be given to our members at a later time.

Treasurer Report-

February 11, 2002

An audit was performed by Bettina Jamerson (Prairie Village) and Janet Mitchell (Overland Park). The audit showed all payments with corresponding receipts in order.

Suggestions:

On September 21, 2001, \$23.41 was paid from the cash bags for sandwiches. The receipt was entered in the receipt book. Notation of this could be included in the check registry for bookkeeping purposes.

Check 1112 was destroyed. The voided checks should be retained for record keeping.

A complete Treasurer's report will be included with the minutes to be handed out at a later time.

Membership Report-

As of February 4, 2002 KACM has 209 cities, 307 active members and 12 lifetime members.

Promotions Report-

There will be some new and fun things for sale at the Spring Conference. If anyone has any suggestions for new sale items be sure to let Dee Heath know.

Newsletter Report-

Thanks to those of you who sent in stuff for the newsletter, and please if anyone has any news of any of our members please share it with me.

Education Report-

Jerry Sperling, chairperson for the education committee has ask me to get a

Message to our KACM members regarding the accommodations for the fall conference in Emporia. Apparently if we have a very big turnout there may be a problem with having enough rooms, the manager has asked us to get with the membership and see if there would be clerks willing to buddy up and share rooms, most of the rooms have two beds in them. The manager also informed Jerry that if there was not enough rooms available, and we had to seek rooms at another facility that he could not guarantee the good rate at the other places.....So girls sounds like a slumber party to me! So pack your good jammies and the fingernail polish and lets have some fun!



LEGISLATIVE REPORT

The following are some of the bills of interest to Municipal Courts provided by Phil Martin, Legislative committee chairperson that have come up in this session of the Kansas Legislature. This is only a synopsis of each bill and does not include everything, only the pertinent information.

Senate Bill 131– This bill would make refusal of a preliminary breath test a class C misdemeanor instead of a traffic infraction.

Senate Bill 208– This bill changes the DUI statute to include urine test with blood test and includes inhalants as drugs. It also creates a traffic infraction for persons under 21 who test between .02-.08, with provisions for a \$200 fine and suspension of license for one year.

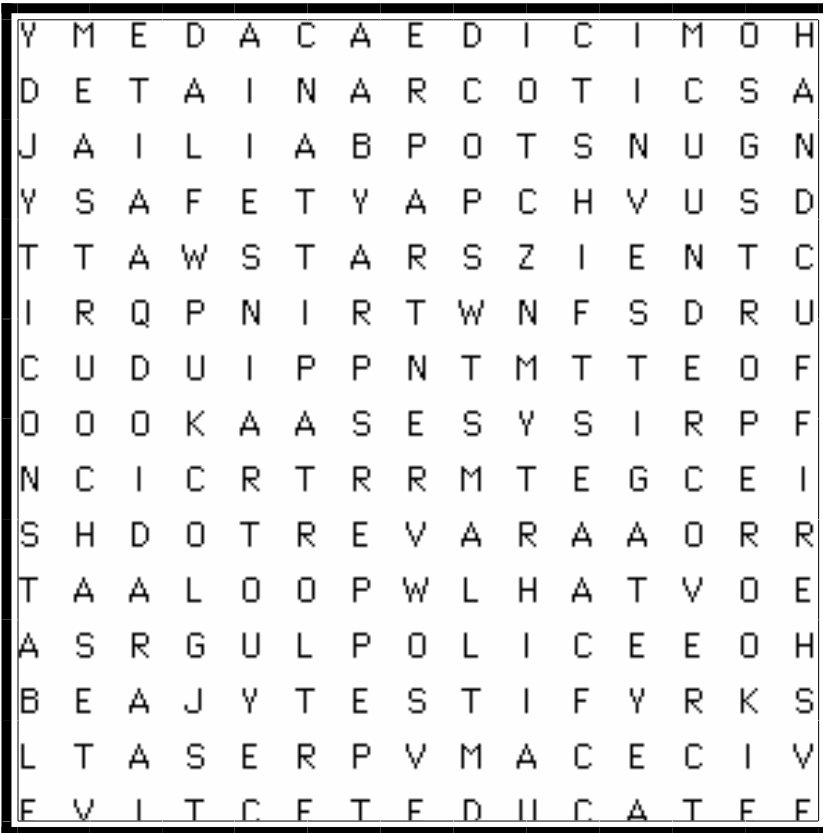
Senate Bill 215– This bill makes a chemical test refusal a class B misdemeanor and increases, in increments based on prior occurrences, the length of suspensions for refusals and failures. It calls for an increase in minimum jail time on a 2nd and 3rd to 10 and 120 days respectively. Alcohol education programs are specifically excluded as a "treatment program" in respect to 2nd and 3rd DUI's.

Senate Bill 391– This bill specifies that a license suspension for failure to comply with the terms of a traffic citation is immediately terminated when the Division of Vehicles receives notice of compliance.

House Bill 2334– This bill resurrects the question of electing Municipal Judges.

House Bill 2429– This bill makes a 3rd attempt to elude charge a felony.

House Bill 2443– This bill allows for the deletion of fingerprints concerning cases where the arrest has been expunged.



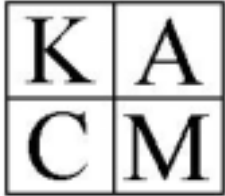
LAW ENFORCEMENT PUZZLE

- | | | |
|------------------|---------------------|-------------------|
| ACADEMY | GUN | RADIO |
| BAIL | HANDCUFF | REPORTS |
| CHASE | HOMICIDE | ROOKIE |
| CITY | INTERROGATE | SAFETY |
| CONSTABLE | INVESTIGATE | SHERIFF |
| COPS | JAIL | SHIFTS |
| COUNTY | LOCKUP | STATE |
| COURTS | MACE | SWAT |
| DETAIN | NARCOTICS | TASER |
| DETECTIVE | PARTNER | TESTIFY |
| DUI | PATROL | TRAIN |
| EDUCATE | PEPPER SPRAY | UNDERCOVER |
| FIREARM | POLICE | VICE |

Barbara Bergren from the KBI has provided us with a list of disposition codes for the CCH4 Kansas Adult Disposition Report Form that was requested by some of our Court Clerks at the Fall Conference in Pittsburg.

Disposition Codes

- 1 Convicted
- 2 Guilty of lesser or included offense
- 3 Guilty of charge as amended by prosecution
- 4 Guilty of charge as amended by court
- 10 Acquitted
- 20 Diversion terminated
- 21 Diversion successfully completed
- 22 Dismissed with prejudice
- 23 Dismissed without prejudice
- 24 Dismissed by alternative charging
- 25 Probation without verdict
- 26 Diversion period extended
- 27 Diversion revoked and charges reinstated
- 28 Dismissed (no further details)
- 30 Guilty but mentally ill
- 31 Not guilty by reason of insanity
- 32 Not competent to stand trial
- 40 Other
- 41 Forfeiture of bond (conviction)
- 42 Forfeiture of bond; bench warrant issued
- 43 Probation terminated
- 44 Probation revoked
- 50 Court action pending
- 60 Prosecutor declined to prosecute
- 61 Charges filed; later withdrawn by prosecutor
- 62 Case transferred to Civil Court
- 63 Change of venue



**KANSAS ASSOCIATION
FOR COURT MANAGEMENT**

Scholarship Application

Regular membership shall be open to any appointed Court Clerk/Court Administrator or any municipal Court in the State of Kansas. Any Assistant Court Clerk/Assistant Court Administrator or any person serving in a management position in any Municipal Court in the State of Kansas shall be eligible for regular membership in the corporation.

The Kansas Association of Court Management offers new clerk orientation (those new clerks who have been appointed within the last two years). The orientation is a basic course geared toward new clerks.

Municipal Court Clerks attending the Municipal Court Clerks' Conference in the Spring will be reimbursed directly to the Court Clerk (one clerk per city) by the Supreme Court. These reimbursements include mileage, lodging, and meals served at the Conference.

This scholarship is being offered to Court Clerks who have never been able to attend a KACM conference before. If your application is accepted, then KACM will waive registration fees, pay for the motel room and possibly mileage.

This document must be completed in its entirety and submitted before the Fall conference each year.

Date: _____

Name: _____

Title: _____

Court Name: _____

Court Address: _____

City/State/Zip: _____

Please Answer the following questions:

1. If selected, would you attend the Spring Conference? (Expenses reimbursed by Supreme Court).
Yes No
2. If selected, would your City pay for you to attend the Fall Conference the following year?
Yes No
3. If you choose to become a regular member, would you serve on a committee or as a board member?
Yes No
4. Please State why we should select your application.

PLEASE RETURN APPLICATION TO:
Bettina Jamerson Municipal Court Clerk
7700 Mission Rd
Prairie Village, KS 66208
913-385-4680



Attention KACM Members:

If anyone would like to submit an article, see a specific topic addressed or if you might have a special occasion or event coming up that you would like to see in the newsletter please either contact Leslie Felts at 620-221-5515 or email information to lfelts@kscable.com.



The newsletter is printed every quarter, so all articles need to be sent in no later than the last month of each quarter.

Web Sources

Looking for information on the latest bills introduced for this Legislative session? Check out these sources.....

The Kansas Association for Court Managements has a website the address is www.ksmunicipalcourts.com Please bare with us while we get all of the links working and the new information out there.

The League of Kansas Municipalities web site can be accessed on the web at www.lkmonline.org

Another excellent source is accessKansas (formerly INK) sponsored by the Information network of Kansas, it can be found at www.accesskansas.org. Just click on the 2001 Legislation Session from the Home page. Some searches do require a fee, so you will want to set up an account.

Information provided by the Kansas Association for Municipal Judges Newsletter - The Verdict.



KACM Bulletin Board



Congratulations to Belen Carrete of Overland Park on the birth of her baby girl Miranda born on February 8, 2002. Also to Victor Coleman of Overland Park on the birth of his baby girl Cassandra also born on February 8, 2002. I hear that Victor's wife and Belen were just two doors away from each other in the hospital....They really are a tight group in Overland Park, aren't they.....

Also a Hope You Are Feeling Better to Toni Rogers of Haysville and Karen Kuffler of Parsons.....

Application for Membership to the Kansas Association for Court Management

Any appointed or elected Court Clerk/Court Administrator or Assistant Court Clerk/Administrator or any person serving in a management position in any Municipal Court of the State of Kansas shall be eligible for Regular membership.

Any person interested in the improvement of administration of justice may be eligible for Associate membership.

Any person enrolled full time in a degree program in the field of court administration, business administration, public administration, law, criminal justice or other related field and not presently employed full time in a court may become a student member.

Membership is for individuals, not for the court.

Name: _____

Title: _____

Mailing Address: _____

Type of Membership Requested:

- Regular Membership \$50.00
 Associate Membership \$30.00
 Student Membership \$15.00

PLEASE MAKE CHECK PAYABLE TO THE KANSAS ASSOCIATION
FOR COURT MANAGEMENT (KACM).

Return check and membership application to :

Jane Eilers, Treasurer
255 North 10th St.
Salina, KS 67401

If you have a question as to whether or not you are currently a member please contact Jane at 785-826-7230

Leslie Felts
P.O. Box 646
Winfield, KS 67156
Phone: 620-221-5515
Fax: 620-221-5593
Email: lfelts@winfieldks.org



**Kansas Association for
Court Management**

*K.A.C.M. Board of Directors' goal is to provide
each Municipal Court Clerk in the state of
Kansas with quality education and training.*

We're on the Webb!
Address: ksmunicipalcourts.com



Happy St. Patrick's Day!