

The K.A.C.M. Docket

Volume 61

July, 2010

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THE PRESIDENT'S CORNER

By Jeannine Hoheisel



Now, can we talk? LOL!!!

I just want to say that Fall Conference is fast approaching and you need to get your registration and room reserved soon! We will be in Hays where the wind turbines make electricity in the plains next to the cattle; the dinosaurs are in the Sternberg Museum, with Fort Hays nearby. It is an opportunity to enjoy the quietness of the prairie.

Two of the main speakers are Anna Eidson on staying positive and successful during these times of budget and staffing shortages. And the CASA director for Kansas will speak on the need for volunteers and the job that they do for the kids involved in the court system. There will be a Thursday evening dinner and entertainment for everyone to enjoy.

The fall conference will bring changes to the KACM committees. There will be a sign-up sheet past out allowing everyone a chance to help on a committee of their choice. Some are really active and others not as much. Please consider one of them and be a part of the decision making in KACM.

We are in need of a chairperson for the Hospitality committee, starting with the Spring Conference 2011. If you are interested, please contact Traci Dockery (tdockery@kc.rr.com) and visit with her about how her committee works. Enjoy the rest of your summer and I'll see you soon at the 2010 Fall Conference in Hays.

Jeannine Hoheisel



DMV Matters

Backlog: Currently, on tickets the DMV is about 8-10 weeks out on processing. For example, an MIP conviction submitted electronically won't appear on the defendant's DL record for a couple months.

New Restricted DL Option: The only other big piece of news I could think of is SB368. This bill allows a person to apply for restricted driving privileges to an ignition interlock after serving 45 days of the original one year suspension. It applies to person's whose driving privileges are already suspended.

However, the suspension has to be based on the DUI conviction, not chemical test failure or refusal. And the BAC has to be from .08 to less than .15. If approved, the person can only operate the vehicle equipped with the ignition interlock device for the purpose of getting to and from work, school, or an alcohol treatment program or to go to and from the ignition interlock provider. This limited restriction is effective for the remainder of the one year suspension. Afterwards, the person is restricted to the full ignition interlock restriction for the additional one year.

(Restricted DL option submitted by Jennifer Tabares. Thanks Jennifer.)

No-Report Conviction Codes: The seatbelt statutes (KSA 8-2003 & 8-2504) state, "No court shall report violation of this act to the department of revenue." Although there was a conviction code (F04) for "seatbelt not used properly as required," this code should be disregarded when reporting convictions.

As a side note: F04 is still used to record convictions for CDL drivers when the convictions are from another state.

Other codes that could be eliminated from sending are: E01, E70, F02, F66, M81 & M82.

If any of these codes are submitted now, they do not go on records. The compiled doc will be updated for the DMV Project at some point, hopefully by the end of the year to give courts time to tweak on their end.

Membership Committee Update

Nioma Cook – Andover - Chairman
ncook@andoverks.com

Hilary Pappan, Winfield
hpappan@winfieldks.org

Membership committee is processing registrations and will be announcing new members in the October newsletter.

Desperate Thief? An Amherst man accused of trying to steal dirty diapers from a home has been sentenced to 30 months of probation. Dillon Makuski, 20, was convicted of possession of burglary tools.

Makuski was detained by the homeowner after entering an Amherst home last September. A Portage County sheriff's deputy found six dirty diapers in Makuski's pockets.

The complaint said Makuski entered the house because he likes to wear diapers and thought there might be some in the house.

According to the complaint, when asked whether he intended to steal dirty diapers, Makuski said "yes."



http://news.yahoo.com/s/ap/20100604/ap_on_f_e_st/us_odd_diaper_thef

Legislative News

I have learned many things in my first year as your legislative guru; the most important of which is that, if someone asks you to serve on a committee and promises you it will be easy, you should run as far away from that jinx as fast as possible. (Just kidding, Jeannine; you know I love ya!)

OK, so on to the reasons you're reading this article. As you know, this past legislative session saw a vast number of changes to statutes that we as court clerks deal with every day. The Legislature didn't always make its intended purpose crystal-clear so it has left much subject to interpretation. Forgive me if some of these seem like old news by now; I wanted to try to be as thorough as possible.



HB2130 – The Seatbelt Law (eff. 7-1-10)

- Every occupant (not just those in the front seat) of a passenger car manufactured with safety belts is now required to wear a safety belt.
- A law enforcement officer is authorized to stop a passenger car **solely** for a seat belt violation by anyone in the front seat and/or by anyone under age 18.
- If the only violation is that an adult passenger in the back seat is not wearing a seatbelt, then the traffic stop is not authorized.
- The bill retains exceptions to those required to wear safety belts, and it also does not change requirements for children under age 14 covered under the Child Passenger Safety Act (see KSA 8-1343 et seq.).
- The fine for violations of safety belt requirements by adults is \$5 from June 30, 2010, until July 1, 2011, and \$10 starting July 1, 2011; **no additional court costs are to be assessed.**
- The fine for a violation by someone ages 14 through 17, KSA 2009 Supp. 8-2503(b), would continue to be \$60, **no additional court costs.**
- Seat belt convictions are not to be reported to the Department of Revenue, so if you have that violation coded as one for which an abstract is to be electronically sent, then you should remove that code.

HB2221 – The Smoking Law (eff. 7-1-10)

Smoking in enclosed public areas, as defined by statute, is now prohibited. There are specific exceptions to the smoking ban (e.g., those not defined as an enclosed area), which are also enumerated in the statute.

Anyone who smokes where prohibited is guilty of a cigarette/tobacco infraction, punishable by a fine. Anyone who controls a place where smoking is prohibited is also guilty of a cigarette/tobacco infraction if:

- s/he is aware that people are smoking there and does nothing to put a stop to it; and/or
- s/he fails to comply with signage and notice requirements as established by the law.

Maximum fines are set by the law as follows:

- \$100 for the first violation,
- \$200 for the second violation within a one-year period of the first violation,
- \$500 for the third or subsequent violation within a one-year period after the first violation.

Each individual allowed to smoke by the person who controls the use of any public place or other area where smoking is prohibited is considered a separate violation for determining the number of violations that occurred.

SB373 – Court Costs (eff. 7-1-10) amends KSA 12-4117 to clarify that all municipal ordinance violations, except for nonmoving traffic violations, require the municipal court to charge a \$19 assessment. **BUT WAIT.....**

SB434 – Court Costs #2 (eff. 7-1-10) amends the law regarding unlawful sexual relations, traffic in contraband in a correctional institution or care and treatment facility, the Kansas Offender Registration Act, parole board hearings, and a special rule in sentencing regarding burglary. You may ask, "so what??" Well, the reason that this law is important to us is that, buried in the text of the statute, there's a provision creating the Department of Corrections Forensic Psychologist Fund. This fund is to be, well, "funded" by **increasing the previously-mentioned \$19 assessment to \$20** and giving the new fund the extra dollar. Your court software provider should have updated your software to make this change effective for citations written on/after July 1.

HB2482 – CDL Diversions (eff. 5-27-10) makes several changes to driver's license laws, including removing the requirement that we take a written examination on highway signs and knowledge of traffic laws prior to renewing a license. It also specifically amends the Kansas Uniform Commercial Driver's License Act regarding diversion agreements so that a person who held a CDL at the time a violation occurred cannot enter into such an agreement in lieu of criminal proceedings. On its face, this law appears to extend the prohibition on diversions to **any** kind of traffic violation in **any** kind of vehicle. Those courts with prosecutors who allow amendments/diversions on speeding tickets might want to discuss this law with your prosecutors for their interpretation.

HB2656 – Counting "Days" (eff. 7-1-10) amends virtually every civil/criminal procedure-related law that includes a 10-day time limitation for action to instead provide for a 14-day time limitation.



(continued next page...)

For our purposes, this includes:

- The 10-day time to appeal the denial of a request for a driver's license; and
- The 10-day time to request an admin D/L hearing following a DUI breath test refusal or failure (you should have received new DC-27 forms from the state by now, and destroyed any old versions you might still have around).

The 5-day time limit for submitting a DC-27, along with any D/L taken by an officer, to Driver Control is now extended to 7 days.

House Sub. for SB 300 (eff. 7-1-10) amends certain Kansas traffic laws, and enacts two new traffic infractions: covering a license plate, and texting while driving.

- **Tag Visibility:** Displaying a vehicle license plate that is covered with any material that affects the plate's visibility or reflectivity is an infraction with a statutory fine of \$60.
- **"Texting while driving"** is defined as using a wireless communications device to write, send, or read a written communication while operating a motor vehicle on a public road or highway. The prohibition makes exceptions:
 - For law enforcement officers or emergency service personnel acting within the course and scope of their employment,
 - When the motor vehicle is stopped off the regular traveled portion of the roadway,
 - Using the wireless communications device to make or receive a phone call; receive an emergency, traffic, or weather alert message; or receive a message related to the operation or navigation of the vehicle,
 - Reporting current or ongoing illegal activity to law enforcement,
 - Preventing imminent injury to a person or property; and
 - Relaying information between a transit or for-hire operator and the operator's dispatcher, if the device is permanently affixed to the motor vehicle.



The "texting" law provides for warnings only until January 1, 2011; after that date, citations can be issued. The statutory fine for unlawful text messaging is \$60.

- **Cycle Helmet Under 18:** It is now a violation of Kansas law to allow or permit any person under the age of 18 to operate or ride on a motorcycle or motorized bicycle without a helmet or on a motorcycle without eye protection.

Senate Sub. for HB2476 – DL Reinstatement Fee (eff. 4-15-10) increases and extends to June 30, 2011, the judicial surcharge the Legislature authorized in 2009 SB 66 to fund

non-judicial personnel. For our purposes, this is important because it increases the surcharge from \$10 to \$17.50 on D/L reinstatements.

HB2661 - Drug Laws Fixed (eff. 4-15-10) corrects a number of accidental errors made when the drug code was re-codified in 2009 HB 2332. It adds a specific reference to subsection (b)(3) of KSA 21-36a06 (possession of marijuana) giving municipal courts jurisdiction, or concurrent jurisdiction, to hear and determine cases.

HB2605 – KBI Lab Fee (eff. 7-1-10) continues the requirement that a court order a defendant to pay \$400 for forensic lab fees when s/he is found guilty of a crime and evidence of that crime was tested by a forensic lab. It adds a provision that the court is not authorized to lessen or waive the fee unless the court determines that the person is indigent and the basis for that determination is reflected in the court's order.

SB386 – Video Lab Testimony (eff. 4-15-10) authorizes district and municipal courts, in any hearing or trial with a forensic examination report, to use two-way interactive video technology to take testimony from the person who prepared the report, if requested by either the prosecution or defense. The use of any two-way interactive video technology must be in accordance with requirements and guidelines established by the Office of Judicial Administration.

SB533 – e-Tickets (eff. 7-1-10) provides for the use of an electronic citation system to issue citations, complaints, and notices to appear.

HB2528 – Appearance Bond (eff. 7-1-10) amends the law on court procedure for the forfeiture of an appearance bond. Specifically, the new law:

- Establishes that an appearance bond is revoked by the execution of a warrant for the defendant's arrest for violating a bond condition;
- Gives a court discretion to set aside a forfeiture, prior to the judgment of default, if the surety can provide a sworn affidavit that the defendant is incarcerated somewhere within the United States;
- Requires that no judgment may be entered against the obligor in an appearance bond until more than 60 days after notice is served on the clerk of the court; and
- Provides that no judgment may be entered against the obligor in an appearance bond more than two years after the defendant's failure to appear.



(continued next page...)

SB368 – DUI Penalties & DL Restriction (eff. 6-3-10) extends the effective date of the new penalties for DUI violations from 7-1-10 to 7-1-11. It also provides for a 1-year DL suspension when convicted of DUI #2. This can be modified after a 45-day hard suspension and application to the DMV. If so modified, then the person's driving privileges are restricted for the remainder of 1 year to driving only a motor vehicle equipped with an ignition interlock device, and to driving to and from work, school, treatment, or the ignition interlock provider. The person's driving privilege is restricted for an additional year to driving only a motor vehicle equipped with an ignition interlock device.

HB2668 – Criminal Code Recodified (eff. 7-1-2011) recodifies the entire Kansas Criminal Code as follows:

- revises the statutory language to add clarity;
- reorganizes the statutes to place them in a more user-friendly order;
- reorders statutes to reduce their number; and
- repeals statutory language no longer in use.
-

KACM Leadership Opportunity: As you can tell from the Wanted Poster on the next page, KACM is in need of a new chairperson and committee for the hospitality committee. If you are interested and have questions for Traci, please feel free to contact her!

Jeannine Hoheisel or Barb Inselman would love to hear from you if you'd like the job!

Hospitality Committee

- Responsible for purchasing snacks and drinks for the hospitality room.
- Setting up, staying with, and taking down the room.
- Time commitment: Extreme – Must be at both conference and the day before!



Google Old Newsletters:

Did you know it is possible to search old newsletters using Google? This is a quick way to find some piece of information you remember from an article back in... well... hmmm...

Click the “Advanced Search” link on Google’s search page (see above), then enter your search keywords and our website address (see right).

CALLING ALL COWPOKES

Wanted



Hospitality Chairperson

COME ON IN AND BEND AN ELBOW
FOR A BIT OF KACM HOSPITALITY

MOSEY ON OVER
AROUND SUNDOWN (6PM-ISH)
WEDNESDAY NIGHT
&
THURSDAY NIGHT
IMMEDIATELY FOLLOWING



**Silent Auction to be held at the Fall Conference in
Hays, KS
Sept. 23rd and 24th, 2010**

Proceeds will be used to pay for KACM Scholarships for the Fall Conference. Donations are greatly appreciated, examples include...crafts, sports memorabilia, Kansas goods or products, tickets to sporting events, theatre tickets and any other items of your choice. If you plan to bring an auction item to the fall conference, please complete the form below and fax to:

Kellie Barker (Bel Aire) Fax: 316-744-3639

Name _____ Phone _____

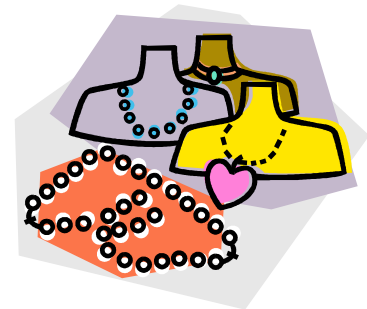
City _____ E-Mail: _____

Space Size Needed _____

I will mail the item to one of the committee members. Yes No

For more information on the silent auction, please call or e-mail:

Kellie Barker
316-744-2451 Ext. 134
municourt@belaireks.gov



KANSAS ASSOCIATION FOR COURT MANAGEMENT

HAYS RAMADA CONFERENCE CENTER

September 23 & 24, 2010

Fall Conference Itinerary

Thursday, September 23

- 7:00 am Breakfast
- 8:00 am Welcome KACM attendees!
- 8:30 am Attitude is Contagious: Make Sure Yours is Worth Catching!
Anna Eidson
- 10:00 am Break Time with Vendors!
- 10:30 am Anna Eidson
- 12:00 pm Lunch Time with Vendors!
- 1:30 pm Fighting Dirty Self Defense for Women
Mickey DeHook
- 2:30 pm Break Time with Vendors!
- 3:00 pm Mickey DeHook
- 4:00 pm KACM Ambassadors Breakout Session
- 5:00 pm **Silent Auction Ends!**
- 6:00 pm Western evening - dinner and entertainment
Casual dress - jeans & boots!
Cash bar available



Friday, September 24

- 7:30 am Breakfast
- 8:30 am Opening
Kansas Court Appointed Special Advocates (CASA)
Janette Meis, State Director
- 9:30 am KACM Business Meeting
- 10:30 am Break
- 11:00 am DMV - with Marcy Ralston, Chief of Driver Control
- 12:00 pm Conference adjourns
Turn in Conference Evaluation Form
- 12:30 pm KACM Board meeting

Thank you for attending the 2010 fall KACM conference.

Have a safe trip home!

KANSAS ASSOCIATION FOR COURT MANAGEMENT

Scholarship Application for 2010 Fall KACM Conference
September 23rd and 24th 2010
In Hays, Kansas

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 at the Spring Conference (those new clerks who have been appointed within the last two years). The orientation is a basic course geared toward new clerks.

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, waive the membership fee for the year, pay for the motel room and possibly mileage.

This document must be completed in its entirety and submitted by **September 1, 2010.**

Date: _____

Name: _____

Title: _____

Court Name: _____

Court Address: _____

City/State/Zip: _____

Court Phone Number _____ Court Fax Number _____

Please answer the following questions:

1. If selected, would your City pay for you to attend the Fall Conference the following year?
Yes No
2. If you choose to become a regular member, would you serve on a committee or as a board member?
Yes No
3. Please state why we should select your application.

Please return application to:

Kellie Barker
7651 E. Central Park Ave
Bel Aire, KS 67226
Phone: 316-744-2451 Ext. 134
Fax: 316-744-3639
municourt@belaireks.gov

KANSAS ASSOCIATION FOR COURT MANAGEMENT

2010 FALL CONFERENCE

SEPTEMBER 23rd & 24th

HAYS RAMADA CONVENTION CENTER

3603 Vine Street
 Hays, Kansas 67601
 785-625-7371

Please print:

Name: _____

Title: _____

Address: _____

City: _____

Zip: _____ Telephone: _____

Email: _____

Member – current member of KACM:

- Early Bird \$50** registering on or before **August 20th**
- Regular \$70** registering on or before **September 8th**
- Delayed \$125** registering on-site or **after September 8th**
- I'm a NEW member of KACM!**

Non-Member – not a current member of KACM:

- Regular \$100** Includes KACM membership through June 2011 and conference registration. For questions regarding KACM membership, contact Nioma Cook in Andover at 316-733-4510.

I plan to attend:

	Attendee	No. of Guests
Thursday breakfast	<input type="checkbox"/>	_____ @ \$12 each = \$ _____
Thursday lunch	<input type="checkbox"/>	_____ @ \$18 each = \$ _____
Thursday dinner	<input type="checkbox"/>	_____ @ \$22 each = \$ _____
Friday breakfast	<input type="checkbox"/>	_____ @ \$12 each = \$ _____

\$ _____ TOTAL DUE KACM

Please make checks payable to **Kansas Association for Court Management**. Registration fee must be **postmarked by August 20, 2010 to receive Early Bird registration rate**.

Mail to: KRISTI ORBIN, KACM TREASURER Olathe Municipal Court
 913-971-7564 1200 S Harrison Street
 Olathe, KS 66061

HOTEL RESERVATIONS MUST BE MADE BY SEPTEMBER 8th

The Hays Ramada Convention Center will hold a block of rooms at the conference rate of \$59 per night plus applicable taxes for reservations made by September 8th.

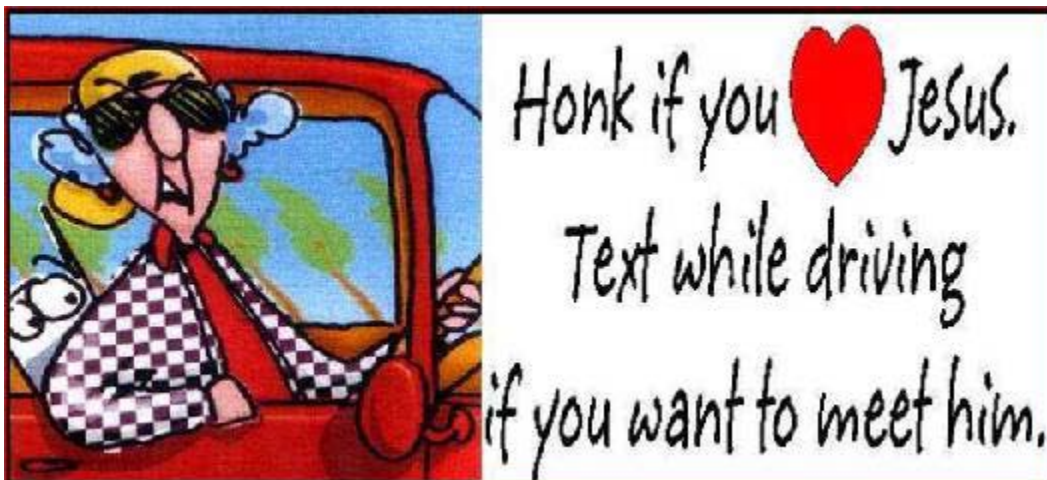
No guarantee for room reservation or conference rate after September 8.
 Tax exempt certificate required for waiver of applicable sales tax.

Call for reservations: 785-625-7371 and ask for KACM group rate.

Ambassador Committee News: At the Fall conference, we will be having breakout sessions. Each region will meet with the region co-chairs and can submit questions and discuss how other courts in your area conduct court as we are all different but accomplish the same goal. If you are unsure what region you are in, there will be a map which outlines each region by county.

REGION	NAME	CITY	PHONE	EMAIL
I	Kaylene Nickelson	Wakeeney	785.743.5511	knlegalassist@yahoo.com
	Linda Engel	Oakley	785.672.3611	oakleyap@ruraltel.net
II	Jerry Sperling	Lindsborg	785.227.3355	jls@lindsborgcity.org
	Jane Eilers	Salina	785.826.7230	jane.eilers@salina.org
III	Janeice Rawles	Edgerton	913.893.6231	edgertonkcourt@yahoo.com
	Barb Inselman	Lenexa	913.477.7600	binselman@ci.lenexa.ks.us
IV	Theresa Durler	DodgeCity	620.225.8107	theresad@dodgecity.org
	Doris Kohn	DodgeCity	620.225.8107	dorisk@dodgecity.org
V	Jo Johnson	Clearwater	620-584-2317	johbj@clearwaterks.org
	Debbie Plew	Mulvane	316-777-9515	DPlew@MulvaneKansas.com
VI	Sherri Adams	Pittsburg	620.231.9880	sherri.adams@police.pittks.org
	Diane Clay	Fort Scott	620-223-0550	dclay@fscity.org

This will be a great way to connect with other clerks in your area as well as meet someone new. You might also find a new and easier way to conduct your day-to-day business just by visiting and listening to others.



K.A.C.M Blackboard

Shelley Allenbach, Moundridge, has a new granddaughter, Grace Ellen. Her daughter, Amanda is the new Mom. Grace was born June 10th, 6 pounds and 1.7 ounces, 19 inches long. Everyone is doing well.

Lenexa's **Shawna Wright** has a new baby, Brooke Elizabeth Wright. Brooke joined her Mom, Dad and little brother, Jesse, on April 14, 2010 weighing in at 7 lb. 11 oz & 19 inches long.



Mary Milam, Goddard, had back surgery in April. We wish for her continued good recovery.



Anyone Retiring Soon? Please let us know if a clerk from your city is retiring so we might recognize their years of service. Send an email to Barb Nelson at bnelson@ottawapd.org.

Joy Sarapa is leaving Hope City as court clerk to embark on a new adventure at a bank.

Welcome **Amy Rutz** as the court clerk there.

Anita Goertzen, City Clerk of Goessel, has served in that capacity 20 years as of April 20! Please congratulate her on this milestone if you know Anita! Hope she serves another 20 years!

Thank You: I thank each and every one of you for your assistance during my time at the City of Bentley. I have accepted a position at Catholic Charities in Wichita and my last day in the Bentley Office is July 22. In my short 2 ½ years as Municipal Court Clerk I have grown as a person because of you. Jeannine your wealth of information and sense of humor is appreciated more than you can possibly know. May God be with you all and if you feel like it give him thanks for my new path!

Love to you all!

Carolyn Armendariz,

MISCELLANEOUS ITEMS

KACM has a list serve where you can ask questions or have comments and get a quick response through email: court@list.ink.org. To sign up for the list, please email Greg Nickel at gnickel@newtonkansas.com.

KACM website you can find information on the organization, membership list, current conference, registration, membership information and our newsletter, present and past. www.ksmunicipalcourts.org

Our Goals

Find out more about KACM on our website at www.ksmunicipalcourts.com, which includes a listing of our goals as follows:

- Continuing education for Court Managers, Clerks, Administrators, and Assistants
- Interaction between members with problem-solving ideas
- Organization input into Legislation that will affect Municipal Courts
- An organized voice to State agencies
- Consistency within the Municipal Courts
- Promoting public trust and confidence

Your Board Members



Board Members & Trustees



**Jeannine Hoheisel
President**



**Barb Insleman
Vice President**



**Kristi Orbin
Treasurer**



**Shellina Adams
Secretary**



**Rick Voisin
Sgt at Arms**

KANSAS ASSOCIATION FOR COURT MANAGEMENT

Newsletter Editor Greg Nickel
704 E 4th
Newton, KS 67114

Visit our website at:

www.ksmunicipalcourts.com

Upcoming Dates:

Fall Conference

Hays

Sept 23 & 24, 2010

Membership

Renewal

ASAP – Due Now