

(First Published in the Atchison Daily Globe 3-28, 2015)

ATCHISON COUNTY RESOLUTION NO. 2015-1406

A RESOLUTION OF BOARD OF COUNTY COMMISSIONERS
OF ATCHISON COUNTY, KANSAS AUTHORIZING THE COLLECTION
OF AN APPLICATION FEE FOR COURT APPOINTED COUNSEL

WHEREAS, The United States Supreme Court has ruled that no person may be imprisoned for any offense unless he or she was represented by counsel or knowingly and intelligently waived counsel at trial; and

WHEREAS, the Kansas Supreme Court has determined that each County is responsible to pay for appointed counsel for indigent persons charged with misdemeanors, traffic offenses, or infractions, if there is a possibility of a jail sentence being imposed; and

WHEREAS, Atchison County contracts with a slate of attorneys to provide representation in situations where the District Court appoints an attorney but there is no mechanism for the State to pay for the cost of such legal services; and

WHEREAS, the County expends considerable public funds to provide representation, and at least some of those for whom counsel is appointed are capable of reimbursing the County for such expenditure; and

WHEREAS, the State of Kansas imposes an application fee upon those seeking the appointment of counsel in felony cases;

NOW THEREFORE, BE IT RESOLVED:

1. Any defendant entitled to appointment of counsel in any case where the cost of appointed counsel is paid by the County shall pay an application fee in the amount of \$100 to the clerk of the district court at the time counsel is appointed. Such fee shall be paid regardless of whether the defendant has paid application fees in any other proceeding.
2. If it appears to the satisfaction of the court that payment of the application fee will impose manifest hardship on the defendant, the court may waive payment of all or part of the application fee.
3. All moneys received pursuant to this section shall be remitted to the County General Fund.
4. The Court shall retain discretion to assess the costs of appointed counsel against any party, but if the Court assesses those costs against a person for whom counsel was appointed hereunder, the Court shall give credit for any application fee paid hereunder.

THIS RESOLUTION shall become effective upon publication once in the official County newspaper.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS of Atchison County, Kansas, this 10 day of March, 2015.

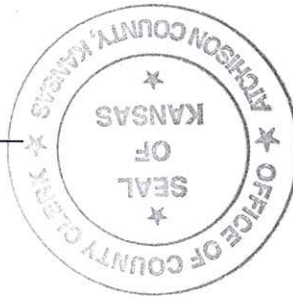
By: 
Jeffery D. Schuele, Chairman

By: 
Henry W. Pohl, Commissioner

By: 
Eric Noll, Commisisoner

ATTEST:


Pauline M. Lee, Atchison County Clerk



AFFIDAVIT OF PUBLICATION
Atchison Globe, 308 Commercial, Atchison, KS 66002

Reference: 114808 P.O. :
Ad ID: 6297058 DESC. :RESOLUTION 2015-1406

ATCHISON COUNTY CLERK
423 N 5TH
ATCHISON, KS 66002

County of Atchison
State of Kansas

I, Marilyn Andre, being first duly sworn, deposes and says: That she is the Office Manager of the ATCHISON GLOBE, a Newspaper printed in the State of Kansas, and published in and of general circulation in Atchison County, Kansas, with a general paid circulation on a Twice weekly basis in Atchison County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a Twice Weekly published on Wednesdays and Saturdays, has been published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Atchison in said county as second class matter. The affixed notice appeared in said news-

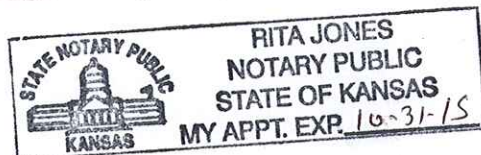
Run Dates: 03/28/15 to 03/28/15
Appearances: 1
AD SPACE: 140
TOTAL COST: \$118.02
FILED ON 03/30/15

(Signed) *Marilyn Andre*

Subscribed and sworn before me this

30th day of March 2015

Rita Jones
Notary Public



Official Publication
ATCHISON COUNTY
RESOLUTION NO. 2015-1406
A RESOLUTION OF BOARD OF
COUNTY COMMISSIONERS
OF ATCHISON COUNTY, KANSAS
AUTHORIZING THE COLLECTION
OF AN
APPLICATION FEE FOR COURT
APPOINTED COUNSEL

WHEREAS, The United States Supreme Court has ruled that no person may be imprisoned for any offense unless he or she was represented by counsel or knowingly and intelligently waived counsel at trial; and

WHEREAS, the Kansas Supreme Court has determined that each County is responsible to pay for appointed counsel for indigent persons charged with misdemeanors, traffic offenses, or infractions, if there is a possibility of a jail sentence being imposed; and

WHEREAS, Atchison County contracts with a slate of attorneys to provide representation in situations where the District Court appoints an attorney but there is no mechanism for the State to pay for the cost of such legal services; and

WHEREAS, the County expends considerable public funds to provide representation, and at least some of those for whom counsel is appointed are capable of reimbursing the County for such expenditure; and

WHEREAS, the State of Kansas imposes an application fee upon those seeking the appointment of counsel in felony cases; N O W THEREFORE, BE IT RESOLVED:

1. Any defendant entitled to appointment of counsel in any case where the cost of appointed counsel is paid by the County shall pay an application fee in the amount of \$100 to the clerk of the district court at the time counsel is appointed. Such fee shall be paid regardless of whether the defendant has paid application fees in any other proceeding.

2. If it appears to the satisfaction of the court that payment of the application fee will impose manifest hardship on the defendant, the court may waive payment of all or part of the application fee.

3. All moneys received pursuant to this section shall be remitted to the County General Fund.

4. The Court shall retain discretion to assess the costs of appointed counsel against any party, but if the Court assesses those costs against a person for whom counsel was appointed hereunder, the Court shall give credit for any application fee paid hereunder.

THIS RESOLUTION shall become effective upon publication once in the official County newspaper.
ADOPTED BY THE BOARD OF

COUNTY COMMISSIONERS of Atchison County, Kansas, this 10th day of March, 2015.
By:Jeffery D. Schuele, Chairman
By:Henry W. Pohl, Commissioner
By:Eric Noll, Commissioner
ATTEST: Pauline M. Lee, Atchison County Clerk
March 28, 2015