

CRIMINAL/TRAFFIC
Rule No. 4.301

TRAFFIC

(a) CONTINUANCES

The initial time and date to appear for arraignment, as stated on the Uniform Traffic Complaint served upon the offender, may be extended once by the clerk of the court for a period not to exceed fourteen (14) additional days. All other extensions of time to appear, continuances of hearings, or trials shall be by orders of a judge of the district court.

(b) FINES

If a law enforcement officer should unintentionally enter an amount less than the statutory fine and costs, the court shall accept the amount as compliance by the defendant.

(c) REFUNDS OF OVERPAYMENTS

The Clerk of District Court shall not refund overpayments of less than \$30.00. Overpayments larger than \$30.00 shall be referred to the judge for determination of disposition of the overpayment.

CRIMINAL/TRAFFIC
Rule No. 4.302

ALCOHOL AND DRUG SAFETY ACTION PROGRAMS

Pursuant to K.S.A. 8-1008, the Fourth Judicial District will use only those providers approved by the Kansas Department of Aging and Disability Services, Department of Social and Rehabilitative Services.

The cost of any alcohol and drug evaluation pursuant to K.S.A. 8-1008 shall be paid by the person directly to the provider at the time of service. If the court finds that the person is indigent, the provider shall conduct the evaluation and agree to accept payment later as ordered by the court and the court shall order that the cost of any alcohol and drug evaluation be paid to the provider by such person as a part of judgment. The person receiving the evaluation shall provide proof of payment as ordered by the court.

CRIMINAL/TRAFFIC

Rule No. 4.303

FOURTH JUDICIAL DISTRICT ADMINISTRATIVE INCENTIVES AND SANCTIONS PROGRAM

Policy and Procedure

I. Mission Statement: To ensure appropriate, timely, and graduated rewards or consequences to a probationer's behaviors and actions as they relate to Court ordered supervision, the Fourth Judicial District will apply the use of administrative incentives and sanctions.

Incentives may be used to promote and recognize the exceptional performance of a probationer as they relate to following the orders of the Court, especially any obligations toward identified victims. Exceptional performance is defined as any achievement which exceeds the minimum requirements set by the Court.

Administrative sanctions may be used to address new misdemeanor convictions and/or technical violations which occur during the term of probation. Technical violations are defined as violations of court ordered supervision conditions, which do not result in a new violation of the law. These sanctions may be enacted without further order of the Court when accepted by the probationer.

Possible benefits of this program include; timely, immediate consequences and rewards for behavior, fewer revocation hearings, less disparity in the treatment of offenders, and a stronger focus on victims.

II. Policy Statement: It is the policy of the Fourth Judicial District Community Corrections and Court Services Departments to, when appropriate, utilize the Administrative Incentives and Sanctions Program to assist probationers placed under their supervision by the Court.

Once a sanction has been imposed and successfully completed the alleged violation may not be used as the basis for a probation violation filed by the Supervising Officer, but may be considered by the Court in the disposition of future violations. If the probationer fails to complete the sanction imposed, a motion to revoke the probation may be filed or additional sanctions may be imposed. The Supervising Officer has the option to file a revocation instead of utilizing administrative sanctions if prior sanctions have not been successfully completed at the time new violations occur or if extenuating circumstances would not be in the best interest of the client, public or probation office.

Sanctions may be imposed with the consent of the client at the discretion of the

Supervising Officer. The sanction will be tailored to fit the seriousness of the alleged violation, taking into consideration any previous sanctions imposed. Failure to participate in the Program may result in an affidavit being filed with the County Attorney's office for any alleged violation(s) of probation. However, refusal to participate in the Program will not be considered by the Court as a basis for revoking probation. Multiple sanctions may be imposed when appropriate. The cost of any and all sanctions imposed will be the responsibility of the probationer.

The Supervising Officer shall notify the County Attorney's office of any alleged violation which would constitute a felony by filing an affidavit requesting revocation of the probation. Sanctions are not considered appropriate for dealing with new felony violations. If the new conviction is for a misdemeanor or the probationer has failed to complete a previously imposed sanction; the Supervising Officer has the option of imposing an additional sanction or notifying the county Attorney's Office by filing an affidavit requesting revocation of the probation.

If the probationer is alleged or determined to have violated any Court ordered Obligation to a victim; (material failure to pay restitution, contact with the victim when ordered otherwise, making an apology to the victim, etc.) no sanctions will be available. The Supervising Officer shall notify the county attorney's office by filing an affidavit requesting revocation of the probation.

Placement with Community Corrections is viewed as the probationer's "last chance" because revocation from their program would result in imposition of sentence. It is therefore not considered an administrative sanction. If a probationer is found to be inappropriate for Court Services' level supervision, a revocation hearing will be requested.

III. Procedures:

A. Placement on Probation

1. At the time supervision requirements are discussed with the probationer, information will be provided outlining the objectives of the program (Client Information Form).
2. A signed copy of this form will be provided to the client and the original will remain in the Supervising Officer's files.

B. Violation: Administrative Sanctions may be enacted without further order of the Court after the following guidelines have been addressed.

1. The client has admitted to the alleged violation.
2. The Supervising Officer has fully explained how the administrative sanction will

be administered.

3. The probationer has been advised in writing and has signed a voluntary modification of the probation order, waiving his/her right to an evidentiary hearing. The Supervising Officer has signed the voluntary modification. A copy of the voluntary modification has been provided to the Court and the probationer.