

RESOLUTION NO. 33

A RESOLUTION ADOPTING A POLICY REGARDING VICTIMS OF CERTAIN CRIMES WHICH ARE VIOLATIONS OF ORDINANCES OF THE CITY OF OVERBROOK, KANSAS, PURSUANT TO CHAPTER 246 OF THE 1993 SESSION LAWS OF KANSAS.

WHEREAS, Article 15 of Section 15 of the Kansas Constitution and K.S.A. 74-7333 and K.S.A. 74-7335, as amended by Chapter 246 of the 1993 Session Laws of Kansas, provides certain rights to victims of crimes:

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF OVERBROOK, KANSAS:

SECTION 1. THE PROCEDURES HEREIN ADOPTED SHALL APPLY TO VICTIMS OF VIOLATIONS OF THE FOLLOWING PUBLIC OFFENSES OF THE CITY OF OVERBROOK:

(A) Sections 2.1, 2.2, 3.1, 3.2, 3.2.2, 3.3, 3.4, 3.5, 3.6, 3.7, 4.1, 4.3, 4.4, 4.5, 5.1, 5.2, 5.3 or 5.4 of the 1993 edition of the Uniform Public Offense Code.

(B) Violations of city ordinances which would be violations of state laws contained in Article 33 (anticipatory crimes); Article 34 (crimes against persons); Article 35 (sex offenses) or Article 36 (crimes affecting family relationships and children) of Chapter 21 of the Kansas Statutes Annotated.

SECTION 2. "Victim" and "Victims' family" shall be defined in K.S.A. 74-7333 and K.S.A. 74-7335, as amended (Chapter 246 of the 1993 Session Laws of Kansas).

SECTION 3. In cases where a city code or ordinance violation identified in Section 1 results in the prosecution of an alleged violator, the Municipal Court Clerk shall mail, by first class mail to the last known address of the victim or the victims' family if the victim is deceased, notification of the following:

(A) the date and time of the trial, sentencing, sentencing modification and expungement hearings;

(B) the procedure for requesting restitution for damages suffered;

(C) possible eligibility requirements and procedure for making claims to the crime victims compensation fund;

(D) possible civil remedies for recovery of damages;

(E) a request for the expression of the victims' view and concerns regarding the prosecution of the case; and

(F) health, social services and other relevant assistance that may be available to the victim.

SECTION 4. It shall be the responsibility of the Chief of Police and Municipal Court Clerk Administrator to ensure that training of those employees under their direction include training as to the legal rights of victims. The goal of such training shall be to ensure that all contact by city employees with victims shall conform both to the letter and spirit of the law so that victims will be treated with courtesy, compassion and respect for their dignity.

SECTION 5. Nothing in this Resolution shall be construed as creating a cause of action on behalf of any person against the city of Overbrook or its employees.

ADOPTED by the Governing Body of the City of Overbrook, Kansas, this 8th day of September, 1993.

Richard Hamit

Mayor

ATTEST:

Cheryl Brown

City Clerk