

IN THE MUNICIPAL COURT FOR THE CITY OF HERINGTON, KANSAS
GENERAL ORDER: STANDARD CONDITIONS OF PROBATION

Effective immediately, it is hereby ORDERED and DIRECTED that, until the further order of this Court, all probations granted to defendants shall be subject to the following Standard General Conditions of Probation, including where applicable the following Standard Special Conditions of Probation; provided, however, that the Court reserves the right and option in any case to waive or amend any such conditions, and to add further or additional conditions.

1. **Standard General Conditions of Probation.** The following terms and conditions are hereby established as “Standard Conditions of Probation” applicable to every defendant placed on probation, in the absence of a specific order or direction of the Court otherwise:
 - (a) **Primary and Extended Term.** Once commenced, the probation shall be for a “primary term” of 12 months from the date probation is granted by the Court, plus an “extended term” of an additional 30 days after the end of the primary term. During the primary term the defendant shall comply with all probation requirements. The extended term is for the purpose of allowing the Court to verify compliance, and for the filing of a motion to revoke the probation as to any violations found.
 - (b) **Suspension and Extension of Term.** The running of the probation term shall be suspended by an amount of time equal to any period of incarceration occurring during the probation, unless the probation is revoked. The Court may grant an extension of the probation term for good cause, such as the defendant being granted additional time in which to fulfill the conditions of probation. The Court may condition the granting of an extension of the probation term upon the payment by the defendant of a probation extension fee in the amount as established under separate standing order of the Court as then in effect.
 - (c) **Probation Revocation Proceedings.** At any time during the primary or extended term of the probation, the City may file a motion to revoke the probation based upon violation by the defendant of any probation condition, with the defendant to be given prompt notice thereof. The filing of any such revocation proceedings shall suspend the running of the term of probation, provided that those proceedings shall be conducted in an expeditious manner and without undue delay by the prosecution. If the Court finds that the probation conditions have been violated, the defendant may be ordered to commence serving the sentence imposed herein, which may be ordered to be served either consecutively or concurrently with a sentence imposed in any other pending case in this Court for which defendant may also be on probation or may have been separately convicted. The Court shall also have the option of reinstating the probation upon the same or different terms, conditioned upon payment of a probation reinstatement fee in the amount as established under separate standing order of the Court as then in effect.
 - (d) **General Probation Conditions and Requirements.** During the term of the probation, the defendant shall abide by the following conditions and requirements, to wit:
 - (1) The defendant shall pay all of the assessed fines, court costs and other applicable costs, fees and restitution according to a schedule set by the court, and all court-appointed attorney fees, all of which shall be paid in full by the end of the primary term of the probation. If a payment plan is so established, the defendant shall make all such payments as they become due. The court shall have the authority to modify the payment plan during the probation term.
 - (2) The defendant shall throughout the primary and extended term keep the court notified of the defendant’s current residence and address and other contact information. The defendant when at all reasonably possible shall give the court advance notice of any planned change of residence. All such notifications shall be made in writing.
 - (3) The defendant shall not throughout the primary and extended term commit any violations of any federal or state law, or of any law of the City of Herington, or of any law of any other city which is the equivalent of a Kansas statute.
 - (4) The defendant shall submit to fingerprinting by or on behalf of the City when such is required by any law.

2. Standard Special Conditions of Probation. Probations as to convictions of any of the following offenses shall also include the following special terms and conditions of probation:

- (a) **Drug/Alcohol Offense:** Any defendant on probation as to a conviction of any offense involving the illegal use or possession of drugs or alcohol shall be subject to the following conditions and requirements:
 - (1) **Drug/Alcohol Evaluation.** The defendant shall obtain a substance abuse evaluation from a designated provider as directed by the court, shall follow all recommendations from the evaluation, and shall pay the cost of the evaluation as well as the cost of any recommended programs.
 - (2) **No Drug/Alcohol Possession or Use.** Throughout the primary and extended term: the defendant shall abstain from any possession or use of alcohol and or any mood/mind altering substances (excluding use of prescription medication according to a physician's order); the defendant shall not enter or patronize any drinking establishments; and the defendant shall submit to a breath, blood, saliva, or urine test immediately upon request of the court, counselor or any law enforcement officer, and pay the costs of such tests.
- (b) **Driving Under the Influence:** Any defendant on probation as to a conviction of driving under the influence of intoxicating liquor or drugs (STO 30; 30.1) shall attend and successfully complete the DUI Victim Impact program as directed by the court, and shall pay the cost thereof.
- (c) **Driving Under the Influence, Second Conviction:** Any defendant on probation as to a conviction of driving under the influence of intoxicating liquor or drugs (STO 30; 30.1), which conviction is a second such conviction, shall provide proof to the court that each motor vehicle that the defendant owns or leases has been impounded, immobilized or equipped with an ignition interlock device in accordance with Kansas statutes (K.S.A. 8-1567), and shall not own or lease any vehicle for a period of two years which are not similarly impounded, immobilized or equipped with an ignition interlock device. Upon request, the defendant shall during the probation term provide proof that such compliance is continuing.
- (d) **Battery:** Any defendant on probation from a conviction of any form of battery (UPOC 3.1 or 3.2) shall attend and successfully complete the Anger Management program as directed by the Probation Officer, and shall pay the cost thereof.
- (e) **Domestic Violence:** Any defendant on probation from a conviction of any form of Domestic Violence (UPOC 3.1.1) shall attend and successfully complete the Batterer Intervention Program ("BIP"), and the Anger Management Program when specified, as directed by the court and shall pay the cost thereof. Police reports shall be released to the BIP.
- (f) **No Insurance:** Any defendant on probation from a conviction of failing to maintain required automobile insurance (STO 200) shall obtain such insurance prior to operating any motor vehicle owned by defendant, shall provide proof thereof to the court upon request, and shall keep such insurance in full force and effect throughout the primary and extended term.