

## ORDINANCE NO. 2011-02

### **AN ORDINANCE ESTABLISHING A MUNICIPAL COURT JUVENILE CASE MANAGER FUND; PROVIDING FOR THE ASSESSMENT AND COLLECTION OF A MUNICIPAL COURT JUVENILE CASE MANAGER FEE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Article 102.0174 of the Texas Code of Criminal Procedures allows Texas municipalities to create a juvenile case manager fund; and

**WHEREAS**, a municipality may by ordinance charge up to five dollars (\$5.00) on fine-only offenses in a municipal court as a cost of court; and

**WHEREAS**, the City of Mabank would like to develop a juvenile case manager fund in order to help pay for a juvenile case manager.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MABANK, TEXAS THAT:**

**SECTION 1:** That Chapter 12, "Municipal Court", of the Code of Ordinances of the City of Mabank, Texas, is hereby amended, by adding Section 12-25, "Juvenile Case Manager Fund" as set out hereafter to read as follows:

#### **Juvenile Case Manager Fund**

- A. Definitions: For the purposes of this section, the following words shall have the meaning given herein:
1. Convicted – shall have the meaning as defined in Article 102.0174(e) of the Texas Code of Criminal Procedure, as amended.
  2. Fee – Shall mean the juvenile case manager fee established under this section.
  3. Fund – Shall mean the juvenile case manager fund established under this section.
- B. Pursuant to Article 102.0174 of the Texas Code of Criminal Procedure, as amended, there is  
Hereby established the juvenile case manager fund, which will be a separate fund in the city treasury to be administered by or under the direction of the Mabank City Council.
- C. Each defendant convicted of a fine-only misdemeanor offense in the Municipal Court shall pay a juvenile case manager fee of five dollars (\$5.00) as a cost of court in addition to any other fines, penalties, or court costs required by city ordinance or state or federal law. A separate fee must be paid for each separate conviction of a fine-only misdemeanor offense.

- D. The Municipal Judge may waive the juvenile case manager fee in the case of financial hardship.
- E. The Municipal Court Administrator shall collect the fee and pay it to the fee and pay it to the city treasury for deposit in the fund. The fund may be used only to finance the salary and benefits of a juvenile case manager employed under Article 45.056 of the Texas Code of Criminal Procedure, as amended.

**SECTION 2: Severability Clause**

That if any provisions of any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way effect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

**SECTION 3: Effective Date**

This ordinance shall be in full force and effect after its passage and publication as required by law.

**PASSED AND APPROVED this the 1<sup>st</sup> day of March 2011**

  
\_\_\_\_\_  
Mayor

**ATTEST**

  
\_\_\_\_\_  
Assistant City Secretary

ORDINANCE NO. 2011-03  
MUNICIPAL COURT BUILDING SECURITY FUND

**AN ORDINANCE PROVIDING FOR A “ MUNICIPAL COURT BUILDING SECURITY FUND” PROVIDING FOR ASSESSMENT AND COLLECTION OF A MUNICIPAL COURT BUILDING FEE: PROVIDING FOR SEVERABILITY: PROVIDING FOR PUBLICATION AND EFFECTIVE DATE: AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF.**

**WHEREAS**, the 74<sup>th</sup> Legislature of the State of Texas, meeting in Regular Session, passed Senate Bill 349, which inter alia, amended Article 102.017 of the Code of Criminal Procedure, to provide for (i) the establishment of a Municipal Court Building Security Fund and (ii) the assessment and collection of a Municipal Court Building Security Fee;

**WHEREAS**, Governor George W. Bush approved Senate Bill 349 after passage thereof,

**WHEREAS**, Senate Bill 349 took effect on or about September, 1995; and

**WHEREAS**, on the 1<sup>st</sup> day of March, 2011, the City Council of the City of Mabank, Texas called for public hearings on the establishment of a “Municipal Court Building Security Fund” and the imposition of a Municipal Court Building Security fee as set forth in Article 102.017, as amended, of the Code of Criminal Procedure;

**NOW, THEREFORE, BE IT ORDAINED BY THE** City Council of the City of Mabank, Texas read as follows:

**SECTION 1.** That Chapter\_\_\_\_, Section\_\_\_\_\_ of the Code of Ordinances of the City of Mabank, Texas reads as follows:

A. Municipal Court Building Security Fund

1. There is hereby created and established a Municipal Court Building Security Fund (the “Fund”) pursuant to Article 102.017 of the Code of Criminal Procedure.
2. The Municipal Court of the City of Mabank, Texas (the “Municipal Court”) is hereby authorized and required to assess a Municipal Court Building Security Fee (the “Fee”) in the amount of \$3.00 against all Defendants convicted of a misdemeanor offense by the Municipal Court. Each misdemeanor conviction shall be subject to a separate assessment of the Fee.
3. A person is considered to have been convicted in a case if:
  - a. Judgment, sentence, or both are imposed on the person;
  - b. The person receives deferred disposition; or
  - c. The Court defers final disposition or imposition of the judgment or sentence.
4. The Municipal Court clerk is hereby authorized and required to collect the Fee and pay it to the treasury of the City of Mabank, Texas. All Fees so collected

and paid over to treasury of the City of Mabank, Texas shall be segregated in the Fund.

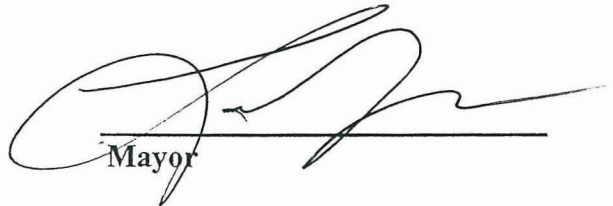
5. The Fund shall be used only for the purpose of financing the purchase of security devices and/or services for the building or buildings housing the Municipal Court of the City of Mabank, Texas. " Security devices and/or services" shall include any and all items described in Article 102.017 (d) of the Code of Criminal Procedure.
6. The Fund shall be administered by or under the direction of the City Council of the City of Mabank, Texas.

**SECTION 2:** If any provision, section, subsection, sentence, clause or phrase of this ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid (for any reason unenforceable), the validity of the remaining portions of this ordinance or the application to such other persons or set of circumstances shall not be affected thereby, it being the intent of the City Council of the City of Mabank, Texas in adopting this ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by any reason of unconstitutionality or invalidity of any other portion or provision.

**SECTION 3:** All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.

**SECTION 4:** This ordinance shall be published and become effective in accordance with state law.

**PASSED AND APPROVED this the 1<sup>st</sup> day of March 2011**

  
\_\_\_\_\_  
Mayor

**ATTEST**

  
\_\_\_\_\_  
Assistant City Secretary