

ORDINANCE NO. CO08.19.12.12.E1

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AMENDING CITY OF CEDAR PARK CODE OF ORDINANCES CHAPTER 1 GENERAL ADMINISTRATION, ARTICLE 1.08 MUNICIPAL COURT, DIVISIONS 1 AND 4; REPEALING CHAPTER 1 GENERAL ADMINISTRATION, ARTICLE 1.08 MUNICIPAL COURT, DIVISIONS 2 AND 3, AND APPENDIX A FEE SCHEDULE, ARTICLE 6.000 MUNICIPAL COURT FEES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, on May 25, 2019, the Texas State Legislature passed SB 346, which will result in extensive changes to the assessing and collecting of municipal court costs, fees, and fines upon its effective date of January 1, 2020; and

WHEREAS, many of the affected municipal court costs, fees, and fines are mandatory and must be collected, remitted, allocated, and expended in accordance with state law; and

WHEREAS, the Cedar Park Code of Ordinances provisions currently addressing many of these mandatory court costs, fees, and fines are no longer necessary and/or require collection of the incorrect amount; and

WHEREAS, references to discretionary fines and fees must be amended to reflect changes made by SB 346; and

WHEREAS, pursuant to Texas Code of Criminal Procedure article 45.203, the governing body of the City of Cedar Park shall, by ordinance, prescribe rules to enforce the collection of fines imposed by a municipal court in accordance with all applicable laws.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS:

SECTION 1. That Cedar Park Code of Ordinances Chapter 1, General Administration, Article 1.08 Municipal Court is hereby amended in accordance with Exhibit A, attached hereto.

SECTION 2. That Cedar Park Code of Ordinances, Chapter 1 General Administration, Article 1.08 Municipal Court, Division 2 Building Security Fund, is hereby repealed and Article 1.08 is renumbered, accordingly.

SECTION 3. That Cedar Park Code of Ordinances, Chapter 1 General Administration, Article 1.08 Municipal Court, Division 3 Municipal Court Technology Fund is hereby repealed and Article 1.08 is renumbered, accordingly.

SECTION 4. That Cedar Park Code of Ordinances, Appendix A Fee Schedule, Article 6.000 Municipal Court Fees is hereby repealed.

SECTION 5. That the provisions of this ordinance are severable and the invalidity of any word, phrase, or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

SECTION 6. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 7. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place, and purpose of said meetings were given as required by law.

SECTION 8. That this Ordinance shall be and remain in full force and effect on January 1, 2020.

READ AND CONSIDERED ON FIRST READING by the City Council of Cedar Park at a regular meeting on the 5th day of December, 2019, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et seq. of the Government Code.

READ, CONSIDERED, PASSED AND APPROVED ON SECOND AND FINAL READING by the City Council of Cedar Park at a regular meeting on the 12th day of December, 2019, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et seq. of the Government Code.

CITY OF CEDAR PARK, TEXAS



Mel Kirkland, Mayor Pro Tem

ATTEST:



LeAnn M. Quinn, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:



J.P. LeCompte, City Attorney



ORDINANCE NO. CO08.19.12.12.E1

EXHIBIT A

CHAPTER 1

GENERAL ADMINISTRATION

ARTICLE 1.08 MUNICIPAL COURT*

Division 1. Generally

Sec. 1.08.001 **Collection of fines, fees, and costs**

The judge of the municipal court may enforce the collection of all fines, fees, and costs imposed by the court by all means authorized by the law, including execution against the property of the defendant or imprisonment of the defendant. In cases where fines are discharged in a manner other than by payment in cash, officer's fees shall be paid out of the general fund. (1998 Code, sec. 8.601)

Sec. 1.08.002 **Judge to assess fines, fees, and costs**

In all cases filed in the municipal court of the city, where convictions or judgments are entered, the judge shall assess fines, fees, and costs against the convicted parties in such amounts as may be provided by law for municipal courts. Provided that the judge, when in their opinion justice may be served and as permitted by law, may in any case order that no fine, fees, and costs be assessed against the convicted party. (1998 Code, sec. 8.602)

Sec. 1.08.003 **Fines, fees and costs to be deposited into general fund**

All fines, fees and costs collected in criminal cases filed in the municipal court shall go into the general fund of the city and shall be allocated, budgeted, and expended in accordance with all applicable laws and ordinances. (1998 Code, sec. 8.603)

Sec. 1.08.004 **Fine for Failure to Appear or Violation of Promise to Appear**

A fine of twenty-five dollars (\$25.00) shall be collected, after due notice, in all offenses filed in the municipal court under Section 38.10(e), Penal Code, or

under Section 543.009, Transportation Code, as they may be amended. Such fine shall be paid into the city treasury for the use and benefit of the city.

  **Sec. 1.08.005 Fine for City parking ordinance violation**

A fine of five dollars (\$5.00) shall be assessed on each violation of any City parking ordinance, in accordance with Texas Code of Criminal Procedure Art. 102.014(b), as amended.

  **Secs. 1.08.006—1.08.030 Reserved**



  **Division 2. Juvenile Case Manager**

  **Sec. 1.08.031 Juvenile case manager**

The City Council hereby authorizes the Municipal Court to employ one or more full-time or part-time Juvenile Case Managers to provide services in cases involving juvenile offenders before the court, (including cases brought under [section 25.093](#) of the Texas Education Code and Section 65.003 of the Texas Family Code, as they may be amended), consistent with the court's statutory powers.

(Ordinance CO02-08-10-09-C2 adopted 10/9/08)

  **Secs. 1.08.032—1.08.090 Reserved**

  **Division 3. Juror Reimbursement**

  **Sec. 1.08.091 Juror reimbursement**

A person who, in response to a jury summons from the Municipal Court, is selected for jury service, and is not excused through the voir dire process, is entitled to receive as reimbursement for travel and other expenses, the amount of:

(1) \$10.00 per day for each day or fraction of each day the person is in attendance in court in response to the jury summons and discharges the person's duty for that day.

  **Sec. 1.08.092 Verification**

The Municipal Court clerk is hereby directed to present to the finance department a list of jurors entitled to receive compensation from the City following jury trial.

(Ordinance CO06-08-11-20-C1 adopted 11/20/08)

CHAPTER 1

GENERAL ADMINISTRATION

ARTICLE 1.08 MUNICIPAL COURT*

Division 1. Generally

Sec. 1.08.001 Collection of fines, fees, and costs

~~All persons convicted of any offense and punished by fine shall be committed into the hands of the chief of police until the costs and fine are paid, or until such fine has been discharged in a manner provided by the laws of the State of Texas. The judge of the municipal court may enforce the collection of all fines, fees, and costs imposed by the court by all means authorized by the law, including execution against the property of the defendant or imprisonment of the defendant.~~ In cases where fines are discharged in a manner other than by payment in cash, officer's fees shall be paid out of the general fund. (1998 Code, sec. 8.601)

Sec. 1.08.002 Judge to assess fines, fees, and costs

In all cases filed in the municipal court of the city, where convictions or judgments shall be had are entered, the judge shall assess fines, fees, and costs against the convicted parties in such amounts as may be provided by law for ~~justice-municipal~~ courts. Provided that the judge, when in ~~his~~their opinion justice may be served and as permitted by law, may in any case order that no fine, fees, and costs be assessed against the convicted party. (1998 Code, sec. 8.602)

Sec. 1.08.003 Fines, fees and costs to be deposited into general fund

All fines, fees and costs collected in criminal cases filed in the municipal court shall go into the general fund of the city ~~out of which and~~ shall be ~~paid to the officers of the court such fees as they may be entitled to by~~ allocated, budgeted, and expended in accordance with all applicable laws and ordinances. (1998 Code, sec. 8.603)

Sec. 1.08.004 Special expense ~~Fine for~~ Failure to Appear or Violation of Promise to Appear ~~issuance and service of arrest warrant~~

~~(a) — A fine of twenty-five dollars (\$25.00) shall be collected, after due notice, in all person who is arrested after issuance and service of an arrest warrant for an offenses filed in the municipal court under Section 38.10(e)4, Penal Code, or under Section 543.009, Transportation Code, as they may be amended 149, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes), shall be assessed a special expense by the judge of the municipal court in the amount of twenty five dollars (\$25.00). Such special expense~~ fine shall be paid into the city treasury for the use and benefit of the city.

~~(b) — After due notice of default of personal bond, a person who is arrested after issuance and service of an arrest warrant for failure to appear under Article 17.04, Code of Criminal Procedure, shall be assessed a special expense by the judge of the municipal court in the amount of twenty five dollars (\$25.00). Such special expense shall be paid into the city treasury for the use and benefit of the city.~~

~~(1998 Code, sec. 8.604)~~



~~Sec. 1.08.005 — Defensive driving administrative fee~~

~~Any defendant in a traffic offense being prosecuted in Cedar Park Municipal Court who requests and is granted dismissal of the charges against him by taking defensive driving pursuant to Article 6701(d), Section 143, V.T.C.S., shall pay a fee as provided for in the fee schedule found in the appendix of this code to the court to cover administrative and handling costs incurred by the court. (1998 Code, sec. 8.605)~~



~~Sec. 1.08.0056 — Miscellaneous court costs~~ Fine for City parking ordinance violation

~~(a) — Local court costs as provided for in the fee schedule found in the appendix of this code shall be collected from any offender convicted of:~~

- ~~(1) — A violation of V.A.C.S., Article 6701d which occurs within a school crossing zone;~~
- ~~(2) — A violation of Article 6701d, Section 104 (overtaking and passing a school bus); or~~
- ~~(3) — A violation of Education Code, Section 4.25 (thwarting compulsory attendance).~~

~~(b) — Local court costs as provided for in the fee schedule found in the appendix of this code~~ A fine of five dollars (\$5.00) shall be collected upon conviction assessed on each

violation of any eCity parking ordinance, in accordance with Texas Code of Criminal Procedure Art. 102.014(b), as amended.

~~(e) Additional local court costs as provided for in the fee schedule found in the appendix of this code shall be collected from any offender convicted of an offense under V.A.C.S., Article 6701d except those where a higher cost is provided by this section.~~

~~(d) Except in those instances in which higher court costs are provided by this section, court costs as provided for in the fee schedule found in the appendix of this code shall be collected on Penal Code Class C misdemeanors punishable by fine in accordance with the general penalty provision found in section 1.01.009 of this code and court costs as provided for in the fee schedule found in the appendix of this code shall be collected on such misdemeanors punishable by fine in excess of five hundred dollars (\$500.00).~~

~~(e) A court cost as provided for in the fee schedule found in the appendix of this code shall be assessed upon conviction of an offense under V.A.C.S., 6687b-2, the Texas Commercial Driver's License Act. The fee shall be divided with the State of Texas as provided by state law. All interest earned on such fee shall be retained by the city.~~

~~(1998 Code, sec. 8.606)~~

~~↓ Secs. 1.08.0067—1.08.030 Reserved~~

~~↓ Division 2. Building Security Fund*~~

~~↓ Sec. 1.08.031 Creation~~

~~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. (1998 Code, sec. 8.301)~~

~~↓ Sec. 1.08.032 Fee amount~~

~~The municipal court of the city (the "municipal court") is hereby authorized and required to assess a municipal court building security fee (the "fee") in the amount as provided for in the fee schedule found in the appendix of this code against all defendants convicted in a trial of a misdemeanor offense by the municipal court. Each misdemeanor conviction shall be subject to a separate assessment of the fee. (1998 Code, sec. 8.302)~~

~~↓ Sec. 1.08.033 Collection~~

~~The municipal court clerk is hereby authorized and required to collect the fee and to pay same to the treasury of the city. All fees so collected and paid over to the treasury of the city shall be segregated in the fund. (1998 Code, sec. 8.303)~~

~~  **Sec. 1.08.034 — Use of fund**~~

~~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. "Security devices and/or services" shall include any and all items described in Article 102.017(d) of the Code of Criminal Procedure. (1998 Code, sec. 8.304)~~

~~  **Sec. 1.08.035 — Administration**~~

~~The fund shall be administered by or under the direction of the City Council. (1998 Code, sec. 8.305)~~

~~  **Sec. 1.08.036 — 1.08.050 — Reserved**~~

~~  **Division 3. Municipal Court Technology Fund^a**~~

~~  **Sec. 1.08.051 — Created**~~

~~There is hereby created and established a municipal court technology fund (the "fund") pursuant to article 102.0172 of the Code of Criminal Procedure. The fund shall be maintained in an interest bearing account.~~

~~  **Sec. 1.08.052 — Fee**~~

~~The municipal court of the city (the "municipal court") is hereby authorized and required to assess a municipal court technology fee (the "fee") in an amount provided for in the fee schedule found in the appendix of this code, against all defendants convicted by the municipal court in a trial of any misdemeanor offense committed on or after the effective date hereof. Each misdemeanor conviction shall be subject to a separate assessment of the fee.~~

~~  **Sec. 1.08.053 — Collection**~~

~~The municipal court clerk is hereby authorized and required to collect the fee and to pay same to the treasury of the city. All fees so collected and paid over to the treasury of the city shall be segregated in the fund.~~

  ~~Sec. 1.08.054 — Purpose~~

~~The fund shall be used only for the purpose of financing the purchase of technological enhancements for the municipal court of the city including, but not limited to:~~

- ~~(1) — Computer systems;~~
- ~~(2) — Computer networks;~~
- ~~(3) — Computer hardware;~~
- ~~(4) — Computer software;~~
- ~~(5) — Imaging systems;~~
- ~~(6) — Electronic kiosks;~~
- ~~(7) — Electronic ticket writers; and~~
- ~~(8) — Docket management systems.~~

  ~~Sec. 1.08.055 — Administration~~

~~The fund shall be administered by or under the direction of the City Council of the city.~~

~~(Ordinance 99-034 adopted 10/14/99)~~

~~Editor's note Former section 1.08.056 pertaining to the expiration of the municipal court technology fund was deleted in its entirety by Ordinance CO12-08-04-10-3A adopted by the city on April 10, 2008.~~

  ~~Secs. 1.08.056 — 1.08.070 — Reserved~~

  **Division 24. Juvenile Case Manager Fund**

  ~~Sec. 1.08.071 — Creation of juvenile case manager fee~~

~~There is hereby established a juvenile case manager fee, as authorized by Texas Code of Criminal Procedure sections 102.0174 and 45.056, as amended by H.B. 1575, 79th Tex. Leg. 2005. The juvenile case manager fee shall be \$5.00, unless a greater sum is allowed by state law, in which case the amount of the fee shall be the maximum amount allowed by state law.~~

  ~~Sec. 1.08.072~~ **Applicability**

~~(a) Except as otherwise provided in this division, a defendant who is convicted of a fine only misdemeanor offense in municipal court shall pay the juvenile case manager fee established in section 1.08.071 as a cost of court. For purposes of this section, a person is considered convicted of an offense if:~~

~~(1) A sentence is imposed on the defendant by the court; or~~

~~(2) The defendant receives deferred disposition from the court, including deferred proceedings under article 45.052 or 45.053 of the Texas Code of Criminal Procedure.~~

~~(b) The Municipal Court judge may waive the Juvenile Case Manager fee in cases of demonstrated financial hardship on the part of a convicted defendant if the defendant is indigent, has insufficient resources or income to pay the fee, or is otherwise unable to pay all or part of the underlying fine or costs.~~

  ~~Sec. 1.08.073~~ **Juvenile case manager fund**

~~(a) There is hereby created the Juvenile Case Manager fund. The fund shall be administered by or under the direction of the City Council.~~

~~(b) All Juvenile Case Manager fees collected by the Municipal Court shall be deposited into the Juvenile Case Manager fund established under subsection (a) above.~~

~~(c) The juvenile case management fund may be used only to finance the salary and benefits of a Juvenile Case Manager that is employed by the Municipal Court under section 1.08.074 below and Texas Code of Criminal Procedure, article 45.056(a).~~

  ~~Sec. 1.08.03174~~ **Juvenile case manager**

The City Council hereby authorizes the Municipal Court to employ one or more full-time or part-time Juvenile Case Managers to provide services in cases involving juvenile offenders before the court, (including cases brought under sections 25.093 and 25.094 of the Texas Education Code and Section 65.003 of the Texas Family Code, as they may be amended), consistent with the court's statutory powers.

(Ordinance CO02-08-10-09-C2 adopted 10/9/08)

  ~~Secs. 1.08.03275–1.08.090~~ **Reserved**

  **Division 35. Juror Reimbursement**

  **Sec. 1.08.091 Juror reimbursement**

A person who, in response to a jury summons from the Municipal Court, is selected for jury service, and is not excused through the voir dire process, is entitled to receive as reimbursement for travel and other expenses, the amount of:

- (1) \$10.00 per day for each day or fraction of each day the person is in attendance in court in response to the jury summons and discharges the person's duty for that day.

  **Sec. 1.08.092 Verification**

The Municipal Court clerk is hereby directed to present to the finance department a list of jurors entitled to receive compensation from the City following jury trial.

(Ordinance CO06-08-11-20-C1 adopted 11/20/08)

 **APPENDIX A**

FEE SCHEDULE

  **ARTICLE 6.000 MUNICIPAL COURT FEES**

  **~~Sec. 6.100—Municipal court building security fund~~**

~~The municipal court of the city is hereby authorized and required to assess a municipal court building security fee (the “fee”) in the amount of three dollars (\$3.00) against all defendants convicted in a trial of a misdemeanor offense by the municipal court. Each misdemeanor conviction shall be subject to a separate assessment of the fee. (1998 Code, sec. 6.100)~~

  **~~Sec. 6.200—Defensive driving administrative fee~~**

~~Any defendant in a traffic offense being prosecuted in Cedar Park Municipal Court who requests and is granted dismissal of the charges against him by taking defensive~~

~~driving pursuant to Article 6701(d), Section 143, V.T.C.S., shall pay a fee as provided for in the fee schedule found in the appendix of this code to the court to cover administrative and handling costs incurred by the court. (1998 Code, sec. 6.200)~~

~~**Editor's note**—The fee referenced in this section is not included in the appendix of this code.~~

  ~~Sec. 6.300—Miscellaneous court costs~~

~~(a)—Local court costs of twenty dollars (\$20.00) shall be collected from any offender convicted of:~~

~~(1)—A violation of V.A.C.S., Article 6701d which occurs within a school crossing zone;~~

~~(2)—A violation of Article 6701d, Section 104 (overtaking and passing a school bus); or~~

~~(3)—A violation of Education Code, Section 4.25 (thwarting compulsory attendance).~~

~~(b)—Local court cost of five dollars (\$5.00) shall be collected upon conviction of any city parking ordinance.~~

~~(c)—Additional local court costs of three dollars (\$3.00) shall be collected from any offender convicted of an offense under V.A.C.S., Article 6701d except those where a higher cost is provided by this section.~~

~~(d)—Except in those instances in which higher court costs are provided by this section, court costs of five dollars (\$5.00) shall be collected on Penal Code Class C misdemeanors punishable by fine only of five hundred dollars (\$500.00) or less and court costs as provided for in this article shall be collected on such misdemeanors punishable by fine in excess of five hundred dollars (\$500.00).~~

~~(e)—A court cost of thirty dollars (\$30.00) shall be assessed upon conviction of an offense under V.A.C.S., 6687b-2, the Texas Commercial Driver's License Act. The fee shall be divided with the State of Texas as provided by state law. All interest earned on such fee shall be retained by the city.~~

~~(1998 Code, sec. 6.300)~~

  ~~Sec. 6.400—Municipal court technology fund~~

~~The municipal court of the city is hereby authorized and required to assess a municipal court technology fee (the "fee") in the amount of four dollars (\$4.00) against all defendants convicted by the municipal court in a trial of any misdemeanor offense committed on or after the effective date hereof. Each misdemeanor conviction shall be subject to a separate assessment of the fee. (Ordinance 99-034 adopted 10/14/99)~~