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ORDINANCE NO. O-2020-0359

AN ORDINANCE AMENDING CHAPTER 22, CODE OF ORDINANCES (2018 EDITION), CITY OF ROUND ROCK, TEXAS, REGARDING MUNICIPAL COURT FINES AND FEES; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROUND ROCK, TEXAS:

I.

That Chapter 22, Code of Ordinances (2018 Edition), City of Round Rock, Texas, is hereby amended to read as follows:

CHAPTER 22 – MUNICIPAL COURT

Sec. 22-1. - ~~Warrants of arrest.~~

~~(a) Upon failure of a person to report as ordered after such person has received due notice, issuing from a police officer or magistrate, that such person has violated a law or ordinance of the city, the municipal judge shall order that a warrant of arrest shall issue and be served for the arrest of such person who fails to appear as directed. A special expense of \$25.00 for the issuance and service of such warrant for arrest shall be collected from the person who fails to appear and against whom the warrant of arrest is issued.~~

~~(b) Upon commission of an offense under V.T.C.A., Penal Code § 38.10, or V.T.C.A., Transportation Code § 543.009, the municipal judge shall order that a warrant of arrest shall issue and be served for the arrest of the person committing the offense. A special expense of \$25.00 for the issuance and service of the warrant shall be collected from the person who commits the offense and against whom the warrant of arrest is issued.~~

~~(c) The collection of fines and special expenses shall be enforced, as necessary, by execution against the property of the defendant, or by imprisonment of the defendant.~~

~~(d) All fines and special expenses for the issuance and service of warrants shall be paid into the city treasury for the use and benefit of the city.~~

1 **Failure to Appear/Violate Promise to Appear fine**

2 (a) Pursuant to Vernon's Ann. C.C.P. art. 45.203, there is hereby established a fine in the
3 amount of \$25.00 that shall be assessed to and collected from a defendant, after due
4 notice, upon conviction for a misdemeanor offense in the municipal court under Section
5 38.10(e), Texas Penal Code (Failure to Appear), or Section 543.009, Texas
6 Transportation Code (Violation of Promise to Appear).

7 (b) A defendant is considered convicted if:

8 (1) A sentence is imposed on the defendant;

9
10 (2) The defendant receives community supervision, including deferred adjudication
11 community supervision; or

12
13 (3) The court defers final disposition of the defendant's case.

14 (c) In addition to any other method of enforcement, the City may enforce the collection of
15 fines by execution against the property of the defendant or by imprisonment of the
16 defendant.

17 (d) The clerk of the court shall collect the fine and pay it to the City treasury for the use and
18 benefit of the City.

19 **Sec. 22-2. - Driving safety course fee.**

20 The municipal court is authorized to collect a reimbursement fee not to exceed \$10.00 from each
21 person requesting a driving safety course pursuant to ~~subchapter B of chapter 543, V.T.C.A.,~~
22 ~~Transportation Code § 543.111 et seq~~ Vernon's Ann. C.C.P. art. 45.0511. The reimbursement fees
23 collected shall be paid into the city treasury for the use and benefit of the city.

24 **Sec. 22-3. - Teen court fee.**

25 The municipal court is authorized to collect a reimbursement fee not to exceed \$10.00 from each
26 person authorized by the municipal court judge to attend a teen court program pursuant to Vernon's
27 Ann. C.C.P. art. 45.052. The reimbursement fees collected by the municipal court hereunder shall be
28 deposited into the city treasury for the use and benefit of the city. A person who is authorized by the
29 municipal court judge to attend a teen court program and fails to complete the program is not entitled to
30 a refund of the reimbursement fee.

31 **~~Sec. 22-4. -- Municipal court building security fee.~~**

32 ~~The municipal court is authorized to collect a municipal court building security fee of \$3.00 per~~
33 ~~conviction. The fees collected pursuant to this section shall be paid into the city treasury for deposit in a~~
34 ~~fund to be known as the municipal court building security fund. Funds collected pursuant to this section~~
35 ~~shall be expended as authorized by Vernon's Ann. C.C.P. art. 102.017.~~

36 **~~Sec. 22-5. -- Municipal court technology fee.~~**

~~The municipal court is authorized to collect a municipal court technology fee of \$4.00 per conviction. The fees collected pursuant to this section shall be paid into the city treasury for deposit in a fund to be known as the municipal court technology fund. Funds collected pursuant to this section shall be expended as authorized by Vernon's Ann. C.C.P. art. 102.0172.~~

Sec. 22-64. - Collection fee on municipal court fees and fines.

- (a) A collection fee is hereby authorized and imposed, as provided by Vernon's Ann. C.C.P. art. 103.0031, in the amount of 30 percent of debts and accounts receivable, such as unpaid fines, fees, court costs, forfeited bonds, and restitution ordered paid by a municipal court serving the city when such debt or account receivable is more than 60 days past due and has been referred to an attorney or private vendor for collection.
- (b) Said collection fee is authorized and imposed in cases in which the accused has failed to appear:
 - (1) As promised under V.T.C.A., Transportation Code § 543.001 et seq., or other law;
 - (2) In compliance with a lawful written notice to appear issued under Vernon's Ann. C.C.P. art. 14.06(b), or other law;
 - (3) In compliance with a lawful summons issued under Vernon's Ann. C.C.P. art. 15.03(b);
 - (4) In compliance with a lawful order of a court serving the city; or
 - (5) As specified in a citation, summons, or other notice authorized by V.T.C.A., Transportation Code § 682.002, that charges the accused with a parking or stopping offense.

Sec. 22-75. - Credit card processing fee.

- (a) The municipal court is authorized to collect a processing fee for the payment by credit card of a fee, fine, court cost, or other charge processed by the municipal court. The processing fee shall be the lesser of five dollars or five percent of the amount of the fee, fine, court cost, or other charge being paid.
- (b) The processing fee shall be assessed for each credit card payment transaction processed by the municipal court that is submitted for payment through a website maintained by, or on behalf of, the city.

Sec. 22-8. - Traffic safety fund.

~~(a) Establishment of traffic safety fund. Pursuant to V.T.C.A., Transportation Code ch. 707, there is hereby established the traffic safety fund.~~

~~(b) Source of funds. Funds are derived from civil or administrative penalties collected by the city for traffic signal violations under the city's photographic traffic signal enforcement system. Such funds are held, disbursed, and used in accordance with~~

~~V.T.C.A., Transportation Code, § 707.008. V.T.C.A., Transportation Code, §707.008(a)(2) requires that a certain amount of those funds be deposited in a special account in the city's treasury that may be used only to fund traffic safety programs, including pedestrian safety programs, public safety programs, intersection improvements, and traffic enforcement.~~

~~(c) Statutory requirements. The city shall do the following:~~

~~(1) From the funds derived from civil or administrative penalties collected by the city for traffic signal violations under the city's photographic traffic signal enforcement system, the city may deduct and retain amounts authorized by V.T.C.A., Transportation Code, § 707.008(b), to-wit: (a) amounts necessary to cover the costs of purchasing or leasing equipment that is part of or used in connection with the photographic traffic signal enforcement system in the city; (b) installing the photographic traffic signal enforcement system at sites in the city, including the costs of installing cameras, flashes, computer equipment, loop sensors, detectors, utility lines, data lines, poles and mounts, networking equipment, and associated labor costs; (c) operating the photographic traffic signal enforcement system in the city, including the costs of creating, distributing, and delivering violation notices, review of violations conducted by employees of the city, the processing of fine payments and collections, and the costs associated with administrative adjudications and appeals; and (d) maintaining the general upkeep and functioning of the photographic traffic signal enforcement system.~~

~~(2) Not later than the 60th day after the end of the city's fiscal year, the city shall send 50 percent of the revenue derived from civil or administrative penalties collected by the city for traffic signal violations under the city's photographic traffic signal enforcement system to the comptroller for deposit to the credit of the regional trauma account established under V.T.C.A., Health and Safety Code § 782.002.~~

~~(3) Thereafter, the city shall deposit the remainder of the revenue in the city's traffic safety fund, and those monies shall only be used to fund traffic safety programs, including pedestrian safety programs, public safety programs, intersection improvements, and traffic enforcement.~~

Sec. 22-9. - Juvenile case manager, fee and fund.

~~(a) Juvenile case manager.~~

~~(1) Pursuant to Vernon's Ann. C.C.P., art. 45.056, the city council hereby authorizes the employment of one or more full-time or part-time juvenile case managers to provide services in cases involving juvenile offenders before the municipal court consistent with the court's statutory powers and to assist the court in administering the court's juvenile docket and in supervising its court orders in juvenile cases.~~

~~(2) As required by Vernon's Ann. C.C.P., art. 45.056, the city council has adopted by resolution the juvenile case manager code of ethics, the educational pre-service and in-service training standards and has required~~

1 ~~_____ the juvenile case managers to receive training in the role of the juvenile~~
2 ~~_____ case manager, case planning and management, applicable procedural-~~
3 ~~_____ and substantive law, courtroom proceedings and presentation, services to~~
4 ~~_____ at-risk youth, local programs and services for juveniles and the detection~~
5 ~~_____ and prevention of abuse, exploitations, and neglect of juveniles.~~

6
7 ~~(b) *Juvenile case manager fee.* There is hereby created a juvenile case manager fee~~
8 ~~(the "fee") as authorized by Vernon's Ann. C.C.P., art. 102.0174. The fee shall be~~
9 ~~in the amount of \$5.00. A defendant who is convicted of a fine-only misdemeanor~~
10 ~~offense in municipal court shall pay the fee as a cost of court. A person is~~
11 ~~considered convicted of an offense if:~~

12
13 ~~(1) A sentence is imposed on the defendant; or~~

14
15 ~~(2) The person receives deferred disposition, including deferred proceedings~~
16 ~~under Vernon's Ann. C.C.P., arts. 45.052 or 45.053.~~

17
18 ~~The municipal court judge may waive the fee in cases of demonstrated financial~~
19 ~~hardship on the part of a convicted defendant if the defendant is indigent.~~

20 ~~(c) *Juvenile case manager fund.* There is hereby created a juvenile case manager-~~
21 ~~fund (the "fund") as authorized by Vernon's Ann. C.C.P., art. 102.0174. All juvenile~~
22 ~~case manager fees collected by the municipal court shall be deposited into the fund.~~
23 ~~The fund may be used only to finance the salary, benefits, training, travel expenses,~~
24 ~~office supplies, and other necessary expenses relating to the position of a juvenile~~
25 ~~case manager.~~

26 **II.**

27
28 **A.** All ordinances, parts of ordinances, or resolutions in conflict herewith are
29 expressly repealed.

30 **B.** The invalidity of any section or provision of this ordinance shall not
31 invalidate other sections or provisions thereof.

32 **C.** The City Council hereby finds and declares that written notice of the date,
33 hour, place and subject of the meeting at which this Ordinance was adopted was posted
34 and that such meeting was open to the public as required by law at all times during which
35 this Ordinance and the subject matter hereof were discussed, considered and formally
36 acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government
37 Code, as amended.

1 **READ** and **APPROVED** on first reading this the _____ day of
2 _____, 2020.

3 **READ, APPROVED** and **ADOPTED** on second reading this the _____ day of
4 _____, 2020.

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CRAIG MORGAN, Mayor
City of Round Rock, Texas

10 ATTEST:

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SARA L. WHITE, City Clerk