

**ORDINANCE NO. 2012- 484**

**AN ORDINANCE OF THE CITY OF CEDAR HILL, TEXAS, ESTABLISHING THE JUVENILE CASE MANAGER FUND AND FEE; AUTHORIZING THE EMPLOYMENT OF JUVENILE CASE MANAGERS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION.**

**WHEREAS**, Section 102.0174 of the Texas Code of Criminal Procedure authorizes municipalities to create a by ordinance a “juvenile case manager fund” (herein the "Fund") requiring defendants convicted of fine-only misdemeanor offenses to pay a juvenile case manager fee not to exceed five dollars (\$5.00) into such Fund, as a cost of court, if the municipality employs a juvenile case manager, and providing the purposes for which the Fund may be used.

**WHEREAS**, the City Council of the City of Cedar Hill, Texas, finds and determines that it is in the best interest of the health, safety and welfare of the citizens of Cedar Hill to create the Fund pursuant to Section 102.0174 of the Texas Code of Criminal Procedure.

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

**SECTION 1. AMENDMENT OF CHAPTER 12 OF THE CODE OF ORDINANCES OF THE CITY OF CEDAR HILL, TEXAS.**

Chapter 12 of the Code of Ordinances of the City of Cedar Hill, Texas, is hereby amended by the addition of Section 12-6 which shall read as follows:

**Sec. 12-6. Juvenile Case Manager Fund and Fee**

- (a) There is hereby created a Juvenile Case Manager Fee (the “Fee”), as authorized by Articles 102.0174 and 45.056 of the Texas Code of Criminal Procedure. The Fee shall be in the amount of \$5.00.
- (b) Except as otherwise herein provided, a defendant who is convicted of a fine-only misdemeanor offense in Municipal Court shall pay the Fee as a cost of court. A person is considered convicted of an offense if:
  - 1. the judgment, sentence, or both are imposed on the person;
  - 2. the person is placed on deferred disposition; or
  - 3. the court defers final disposition or imposition of the judgment and sentence.
- (c) The judge of the municipal court may waive the 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.

- (d) All Fees collected by the Municipal Court shall be deposited into the Juvenile Case Manager Fund (the "Fund") established under this ordinance.
- (e) The Fund may be used only to finance the salary, benefits, training, travel expenses, office supplies, and other necessary expenses relating to the position of a juvenile case manager that is employed by the municipal court under Article 45.056(a) of the Texas Code of Criminal Procedure. The Fund may not be used to supplement the income of an employee whose primary role is not that of a juvenile case manager.

## **SECTION 2. AUTHORIZATION TO EMPLOY JUVENILE CASE MANAGERS**

The City Council of the City of Cedar Hill, Texas, 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 consistent with the court's statutory powers.

## **SECTION 3. SAVINGS CLAUSE**

In the event that any other Ordinance of the City of Cedar Hill, Texas, heretofore enacted is found to conflict with the provisions of the Ordinance, this Ordinance shall prevail.

## **SECTION 4. SEVERANCE CLAUSE**

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

## **SECTION 5. INCORPORATION INTO CODE OF ORDINANCES**

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances, City of Cedar Hill, Texas, as an addition, amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

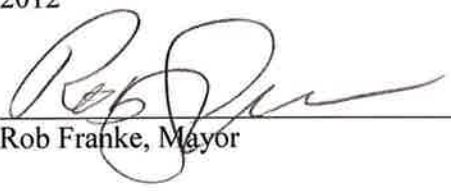
## **SECTION 6. EFFECTIVE DATE**

Because of the nature of interest and safeguard sought to be protected by this Ordinance and in the interest of health, safety and welfare of the citizens of the City of Cedar Hill, Texas, this Ordinance shall take effect immediately after passage, approval and publication, as required by law.

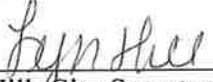
## **SECTION 7. PUBLICATION**

The City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause hereof as an alternative method of publication provided by law.


**PASSED, ADOPTED AND APPROVED** by the City Council of Cedar Hill, Texas, on this the 11th day of September, 2012

  
Rob Franke, Mayor

**ATTEST:**

  
Lyn Hill, City Secretary

**APPROVED AS TO FORM:**

  
Ron G. MacFarlane, Jr., City Attorney