

AN ORDINANCE ADDING SECTION 36.09 TO CHAPTER 36 OF THE CODE OF ORDINANCES OF THE CITY OF KIRBY, TEXAS, ESTABLISHING A FAILURE TO APPEAR OFFENSE, SETTING OUT A DEFENSE TO SAID OFFENSE, AND AUTHORIZING THE JUDGE OF THE MUNICIPAL COURT TO ASSESS A FAILURE TO APPEAR FEE AND ADDING SECTION 36.10 TO CHAPTER 36 OF THE CODE OF ORDINANCES OF THE CITY OF KIRBY, TEXAS, PROVIDING THAT A FAILURE TO APPEAR FEE SHALL NOT TO EXCEED \$500.00.

WHEREAS, Chapter 36 of the Code of Ordinances of the City of Kirby, Texas deals with matters concerning the Municipal Court of the City; and

WHEREAS, it has been called to the attention of the City Council that it would be appropriate for the City ordinances to specifically authorize the Judge of the Municipal Court to assess a failure to appear fee in cases where a person, having received a Notice to Appear in the Municipal Court of the City of Kirby, Texas, as a defendant or as a complainant or as a witness fails to appear in accordance with the terms of the Notice to Appear; and

WHEREAS, the City Council has determined that the Judge of the Municipal Court of the City of Kirby should have the authority to set a failure to appear fee in an amount not to exceed \$500.

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

1. Section 36.09 is hereby added to Chapter 36 of the Code of Ordinances of the City of Kirby, Texas, to read as follows:

36.09. Failure to Appear Fee Authorized. A person commits an offense if the person, having received a Notice to Appear in the Municipal Court of the City of Kirby, Texas, as a defendant or as a complainant or as a witness fails to appear in accordance with the terms of the Notice to Appear. The Judge of the Municipal Court is authorized to assess a failure to appear fee in cases where a person, having received a Notice to Appear in the Municipal Court of the City of Kirby, Texas, as a defendant or as a complainant or as a witness fails to appear in accordance with the terms of the Notice to Appear and where the person is convicted. It is a defense to the prosecution for failure to appear under this Section if the person proves that his or her failure to appear in accordance with the Notice to Appear was not intentional, knowing, or negligent, and was beyond his or her control. A failure to appear fee shall be in addition to any fine or other fees or court costs (including fines, fees, and costs authorized by and/or payable to the State of Texas) assessed against the person convicted.

2. Section 36.10 is hereby added to Chapter 36 of the Code of Ordinances of the City of Kirby, Texas, to read as follows:

36.10. Failure to Appear Fee. The Judge of the Municipal Court of the City of Kirby may assess a failure to appear fee in an amount not to exceed \$500.00 in cases where a person, having received a Notice to Appear in the Municipal Court of the City of Kirby, Texas, as a defendant or as a complainant or as a witness fails to appear in accordance with the terms of the Notice to Appear and where the person is convicted of failing to appear.

PASSED AND APPROVED on the first reading this 9th day of July, 2020.

PASSED AND APPROVED on the second reading this 23rd day of July, 2020.

A handwritten signature in cursive script, reading "Lisa B. Pierce".

Lisa B. Pierce, Mayor

ATTEST:

Patty Cox, TRMC
City Secretary