

11-18-19

ORDINANCE NO. 31395

An ordinance amending Chapter 13, "Courts, Fines and Imprisonments," of the Dallas City Code by amending Sections 13-18, 13-28.1, 13-28.3 by deleting the record preparation fee, adopting state law requirements for consolidating certain court costs and other related costs, and renaming a convenience charge; repealing Sections 13-28.2 and 13-28.4; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the 86th Texas Legislature met between January 8, 2019 and May 27, 2019; and

WHEREAS, S.B. 346 amends current law relating to the consolidation, allocation, classification, and repeal of certain criminal court costs and other court-related costs, fines, and fees; and

WHEREAS, S.B. 346 imposes certain court costs and fees and increases and decreases the amount of certain court costs and fees; and

WHEREAS, S.B. 346 was approved by both chambers of the Texas Legislature; and

WHEREAS, S.B. 346 was filed without the governor's signature on June 15, 2019; and

WHEREAS, S.B. 346 becomes law on January 1, 2020; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Section 13-18, "Record of Case on Appeal; Record Preparation Fee," of Article II, "Municipal Court of Record," of Chapter 13, "Courts, Fines and Imprisonments," of the Dallas City Code is amended to read as follows:

"SEC. 13-18. RECORD OF CASE ON APPEAL[;RECORD PREPARATION FEE].

[(a)] If a case is appealed from the municipal court of record to the county criminal court, or other court to which an appeal may be made, the municipal clerk shall cause a record of the case

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to be prepared from the transcript and the statement of facts, which must conform to the requirements of Chapter 30 of the Texas Government Code. After approval of the record by the municipal judge, the municipal clerk shall deliver the record and the appeal bond in the case to the county clerk, or deputy county clerk, authorized by law to receive such appeals. The municipal clerk shall procure from the county clerk or deputy county clerk a receipt showing that the appeal in the particular case was received. A full copy of the record on appeal must be kept in the office of the municipal clerk.

~~[(b) At the time of requesting preparation of a record on appeal, a defendant shall pay to the municipal clerk a \$25 record preparation fee, unless the court finds after a hearing in response to an affidavit timely and personally filed and signed by the defendant, that the defendant is unable to pay the fee. If the case is reversed on appeal, the municipal clerk shall refund the record preparation fee to the defendant.]”~~

SECTION 2. That Section 13-28.1, “Municipal Court Building Security Fund,” of Article II, “Municipal Court of Record,” of Chapter 13, “Courts, Fines and Imprisonments,” of the Dallas City Code is amended to read as follows:

“SEC. 13-28.1. LOCAL CONSOLIDATED FEE~~[MUNICIPAL COURT BUILDING SECURITY FUND]~~.

(a) Pursuant to Chapter 134 of the Texas Local Government Code, as amended, the municipal clerk shall collect a local consolidated fee of \$14 for each misdemeanor offense conviction, in addition to any other fines, penalties, or court costs required by city ordinance or state or federal law.~~[In this section:~~

(1) ~~CONVICTED~~ has the meaning given that term in Article 102.017(c) of the Texas Code of Criminal Procedure, as amended.

(2) ~~FEE~~ means the municipal court building security fee established under this section.

(3) ~~FUND~~ means the municipal court building security fund established under this section.

(4) ~~SECURITY DEVICES AND SECURITY SERVICES~~ mean all devices and services described in Article 102.017(d) of the Texas Code of Criminal Procedure, as amended.]

(b) The local consolidated fee collected under this section must be deposited in the general fund of the city and allocated in accordance with Section 134.103(b) of the Texas Local Government Code.~~[Pursuant to Article 102.017 of the Texas Code of Criminal Procedure, as amended, there is hereby established the municipal court building security fund, which will be a separate fund in the city treasury to be administered by or under the direction of the city council.~~

~~(e) Each defendant convicted for a misdemeanor offense in the municipal court of record shall pay a municipal court building security fee of \$3, 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 misdemeanor offense.~~

~~(d) The fee is not required of a defendant charged with a misdemeanor offense who, by mail, or at the municipal clerk's office, disposes of the charge by:~~

~~(1) entering a plea of guilty or no contest; and~~

~~(2) requesting and submitting proof of successfully completing an approved defensive driving course.~~

~~(e) The municipal clerk shall collect the fee and pay it to the city treasury for deposit in the fund. The fund may be used to finance security devices and security services for any building housing a municipal court of record of the city.]”~~

SECTION 3. That Section 13-28.2, “Municipal Court Technology Fund,” of Article II, “Municipal Court of Record,” of Chapter 13, “Courts, Fines and Imprisonments,” of the Dallas City Code is amended to read as follows:

“SEC. 13-28.2. RESERVED [MUNICIPAL COURT TECHNOLOGY FUND].

[(a) In this section:

~~(1) CONVICTED has the meaning given that term in Article 102.0172(b) of the Texas Code of Criminal Procedure, as amended.~~

~~(2) FEE means the municipal court technology fee established under this section.~~

~~(3) FUND means the municipal court technology fund established under this section.~~

~~(4) TECHNOLOGY ENHANCEMENTS means all devices and services described in Article 102.0172(d) of the Texas Code of Criminal Procedure, as amended.~~

~~(b) Pursuant to Article 102.0172 of the Texas Code of Criminal Procedure, as amended, there is hereby established the municipal court technology fund, which will be a separate fund in the city treasury to be administered by or under the direction of the city council.~~

~~(c) Each defendant convicted of a misdemeanor offense in the municipal court of record shall pay a municipal court technology fee of \$4, 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 misdemeanor offense.~~

(d) ~~The municipal clerk shall collect the fee and pay it to the city treasury for deposit in the fund. The fund may be used only to finance the purchase of or to maintain technological enhancements for any municipal court of record of the city.]”~~

SECTION 4. That Section 13-28.3, “Convenience Charge for Certain Payments Through the Internet or an Interactive Voice Response Telephone System,” of Article II, “Municipal Court of Record,” of Chapter 13, “Courts, Fines and Imprisonments,” of the Dallas City Code is amended to read as follows:

“SEC. 13-28.3. REIMBURSEMENT FEE~~[CONVENIENCE CHARGE]~~FOR CERTAIN PAYMENTS THROUGH THE INTERNET OR AN INTERACTIVE VOICE RESPONSE TELEPHONE SYSTEM.

(a) Pursuant to Chapter 132 of the Texas Local Government Code, as amended, the municipal clerk shall collect a reimbursement fee~~[convenience charge]~~ of \$3.50 for each payment of fines, penalties, court costs, or other fees assessed by the municipal court made through:

- (1) the internet, when the payment is made by check, debit card, or credit card;
or
- (2) an interactive voice response telephone system, when the payment is made by credit card.

(b) The reimbursement fee ~~[convenience charge]~~ collected under this section must be deposited in the general fund of the city.”

SECTION 5. That Section 13-28.4, “Municipal Court Juvenile Case Manager Fund,” of Article II, “Municipal Court of Record,” of Chapter 13, “Courts, Fines and Imprisonments,” of the Dallas City Code is deleted as follows:

“~~SEC. 13-28.4. MUNICIPAL COURT JUVENILE CASE MANAGER FUND.~~

- (a) In this section:
- (1) ~~CONVICTED~~ has the meaning given that term in Article 102.0174(e) of the Texas Code of Criminal Procedure, as amended.
- (2) ~~FEE~~ means the juvenile case manager fee established under this section.
- (3) ~~FUND~~ means the municipal court juvenile case manager fund established under this section.

(4) ~~JUVENILE CASE MANAGER~~ means a municipal court employee that:

(A) ~~assists in administering the juvenile docket of the municipal court of record;~~

(B) ~~supervises court orders in juvenile cases; and~~

(C) ~~works primarily on cases brought under Sections 25.093 and 25.094 of the Texas Education Code, as amended.~~

(b) ~~Pursuant to Article 102.0174 of the Texas Code of Criminal Procedure, as amended, there is hereby established the municipal court juvenile case manager fund, which will be a separate fund in the city treasury to be administered by or under the direction of the city council.~~

(e) ~~Each defendant convicted of a fine only misdemeanor offense in the municipal court of record shall pay a municipal court juvenile case manager fee of \$5, 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 judge of the municipal court of record may waive the municipal court juvenile case manager fee required under Subsection (e) of this section if the judge finds that paying the fee would result in financial hardship to the defendant.~~

(e) ~~The municipal clerk shall collect 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 juvenile case managers employed by the municipal court of record of the city under Article 45.056 of the Texas Code of Criminal Procedure, as amended.]”~~

SECTION 6. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$500.

SECTION 7. That Chapter 13 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.


SECTION 8. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 9. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 10. That this ordinance shall take effect on January 1, 2020, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, Interim City Attorney

By 
Assistant City Attorney

Passed DEC 11 2019



PROOF OF PUBLICATION – LEGAL ADVERTISING

The legal advertisement required for the noted ordinance was published in the Dallas Morning News, the official newspaper of the city, as required by law, and the Dallas City Charter, Chapter XVIII, Section 7.

DATE ADOPTED BY CITY COUNCIL DEC 11 2019

ORDINANCE NUMBER 31395

DATE PUBLISHED DEC 14 2019

ATTESTED BY: