

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING TITLE III “ADMINISTRATION” OF THE CODE OF MANSFIELD, TEXAS BY AMENDING SECTION 37.01, “ESTABLISHMENT”; AMENDING 37.02, “TERMS OF GOVERNMENT CODE ADOPTED”; AMENDING SUBPARTS “TECHNOLOGY FUND” AND “MUNICIPAL COURT BUILDING SECURITY FUND” CONTAINING SECTIONS 37.15 THROUGH 37.32; ADDING AND RESERVING SECTIONS 37.33 AND 37.34; ADDING A NEW SUBPART “MUNICIPAL JURY FUND” CONTAINING SECTIONS 37.35 THROUGH 37.39 OF CHAPTER 37, “MUNICIPAL COURT”; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City of Mansfield is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5, of the Texas Constitution and Chapter 9 of the Local Government Code; and,

**WHEREAS**, the City Council previously established the Municipal Court of Record for the City of Mansfield, Texas, by Ordinance No. 1086 on July 24, 1995; and,

**WHEREAS**, the City Council previously established certain fees to be collected upon a conviction for a nonjailable misdemeanor offense in the Municipal Court of Record; and,

**WHEREAS**, the State of Texas has since authorized the Municipal Court of Record to collect a local consolidated fee upon the conviction for a nonjailable misdemeanor; and,

**WHEREAS**, this consolidated fee replaces the individual fees separately authorized and adopted by the City; and,

**WHEREAS**, the City Council now desires to update its ordinances to adopt the consolidated fee and to designate a Municipal Court Building Security Fund, a Local Truancy Prevention and Diversion Fund, a Municipal Court Technology Fund, and a Municipal Jury Fund to be funded by the collection of the fee.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, THAT:**

**SECTION 1.**

Section 37.01, “Establishment”, of Chapter 37 “Municipal Court” of the Code of Mansfield, Texas is hereby amended to read as follows:

**“§37.01 ESTABLISHMENT.**

The City Council hereby establishes the Mansfield Municipal Court as a Municipal Court

of Record in order to provide a more efficient disposition of cases arising in the city, and in order to more effectively enforce the ordinances of the city. The Mansfield Municipal Court shall become a Court of Record from and after the first day of October, 1995, and shall be designated the Mansfield Municipal Court of Record No. 1.”

## **SECTION 2.**

Section 37.02, “Terms of Government Code Adopted”, of Chapter 37 “Municipal Court” of the Code of Mansfield, Texas is hereby amended to read as follows:

### **“§37.02 TERMS OF GOVERNMENT.**

(A) The Mansfield Municipal Court of Record No. 1 is established pursuant to the authority granted in Chapter 30 of the Texas Government Code, and the terms set forth therein are hereby adopted governing the operation of the court.

(B) The Mansfield Municipal Court of Record No. 1 shall have the jurisdiction and authority provided by Section 30.00005 of the Texas Government Code, as amended, including, but not limited to:

- (1) Jurisdiction over criminal cases arising under ordinances authorized by Sections 215.072, 217.042, 341.903, and 551.002 of the Texas Local Government Code, as amended;
- (2) Concurrent jurisdiction with a justice court in any precinct in which the city is located in criminal cases that arise within the territorial limits of the city and are punishable only by fine;
- (3) Concurrent jurisdiction with a district court or a county court at law under Subchapter B, Chapter 54, Texas Local Government Code, within the city's territorial limits and property owned by the city located in the city's extraterritorial jurisdiction for the purpose of enforcing health and safety and nuisance abatement ordinances;
- (4) Civil jurisdiction for the purpose of enforcing municipal ordinances enacted under Subchapter A, Chapter 214 of the Texas Local Government Code, or Subchapter E, Chapter 683 of the Texas Transportation Code; and
- (5) Authority to issue:
  - (a) Search warrants for the purpose of investigating a health and safety or nuisance abatement ordinance violation; and
  - (b) Seizure warrants for the purpose of securing, removing, or demolishing the offending property and removing the debris from the premises.”

## **SECTION 3.**

Subparts “Technology Fund” and “Municipal Court Building Security Fund” containing Sections 37.15 - 37.32 of Chapter 37 “Municipal Court” of the Code of Mansfield, Texas are

hereby repealed in their entirety and replaced as follows, and adding and reserving Sections 37.33 and 37.34:

**“CONSOLIDATED FEE ON CONVICTION OF A NONJAILABLE  
MISDEMEANOR**

**§37.15 AMOUNT OF FEE, ASSESSMENT, COLLECTION.**

(A) A person convicted of a nonjailable misdemeanor offense, including a criminal violation of a city ordinance, shall pay \$14 as a court cost, in addition to all other costs, on conviction.

(B) A person is considered to be convicted in a case if:

- (1) a judgment, a sentence, or both a judgment and a sentence are imposed on the person;
- (2) the person receives community supervision, deferred adjudication, or deferred disposition; or
- (3) the court defers final disposition of the case or imposition of the judgment and sentence.

(C) The Clerk of the Mansfield Municipal Court of Record No. 1 shall collect the fee and pay the fee to the municipal treasurer of the City to deposit into the municipal treasury.

(D) Money collected for the fee on offenses committed on or after January 1, 2020, shall be allocated as follows:

- (1) 35% into the municipal court building security fund;
- (2) 35.7143 % into the local truancy prevention and diversion fund;
- (3) 28.5714 % into the municipal court technology fund; and
- (4) 0.7143% into the municipal jury fund.

(E) Money collected for the fee on offenses committed before January 1, 2020, shall be distributed using historical data so that each account or fund receives the same amount of money the account or fund would have received if the court costs for the accounts and funds had been collected and reported separately. The historical amounts for each previously existing fund, applicable for offenses committed on or after September 1, 1999, are:

- (1) Municipal Court Technology Fee - \$4.00; and
- (2) Municipal Court Building Security Fund - \$3.

**§§37.16-37.19 RESERVED.**

**MUNICIPAL COURT BUILDING SECURITY FUND**

**§37.20 ESTABLISHMENT OF MUNICIPAL COURT BUILDING SECURITY FUND.**

(A) There is hereby created and established a Municipal Court Building Security Fund in the treasury of the City pursuant to Art. 102.017 of the Texas Code of Criminal Procedure.

(B) The Municipal Court Building Security Fund shall be administered by or under the direction of the City Council.

### **§37.21 DESIGNATED USE OF FUND.**

(A) Money deposited into the Municipal Court Building Security Fund may be used only for security personnel, services, and items related to buildings that house the operations of municipal courts.

(B) For purposes of this article, the term "security personnel, services, and items" includes:

- (1) the purchase or repair of X-ray machines and conveying systems;
- (2) handheld metal detectors;
- (3) walkthrough metal detectors;
- (4) identification cards and systems;
- (5) electronic locking and surveillance equipment;
- (6) video conferencing systems;
- (7) bailiffs, deputy sheriffs, deputy constables, or contract security personnel during times when they are providing appropriate security services;
- (8) signage;
- (9) confiscated weapon inventory and tracking systems;
- (10) locks, chains, alarms, or similar security devices;
- (11) the purchase or repair of bullet-proof glass;
- (12) continuing education on security issues for court personnel and security personnel; and
- (13) warrant officers and related equipment.

### **§§37.22-37.24 RESERVED.**

## **LOCAL TRUANCY PREVENTION AND DIVERSION FUND**

### **§37.25 ESTABLISHMENT OF LOCAL TRUANCY PREVENTION AND DIVERSION FUND.**

(A) There is hereby created and established a Local Truancy Prevention and Diversion Fund in the treasury of the city pursuant to Section 134.151 of the Texas Local Government Code.

(B) The Local Truancy Prevention and Diversion Fund shall be administered by or under the direction of the City Council.

### **§37.26 DESIGNATED USE OF FUND.**

(A) Money in the Local Truancy Prevention and Diversion Fund may be used to finance the salary, benefits, training, travel expenses, office supplies, and other necessary expenses relating to the position of a juvenile case manager employed under Article 45.056 of the Texas Code of Criminal Procedure.

(B) If there is money in the Local Truancy Prevention and Diversion Fund after the costs under

subsection (A) are paid, subject to the direction of the City Council and with approval of the Mansfield Municipal Court of Record No. 1, a juvenile case manager may direct the remaining money to be used to implement programs directly related to the duties of the juvenile case manager, including juvenile alcohol and substance abuser programs, educational and leadership programs, and any other projects designed to prevent or reduce the number of juvenile referrals to the Mansfield Municipal Court of Record No. 1.

(C) Money in the Local Truancy Prevention and Diversion Fund may not be used to supplement the income of an employee whose primary role is not that of a juvenile case manager.

**§§37.27-37.29. RESERVED.**

**MUNICIPAL COURT TECHNOLOGY FUND**

**§37.30 ESTABLISHMENT OF MUNICIPAL COURT TECHNOLOGY FUND**

(A) There is hereby created and established a Municipal Court Technology Fund in the treasury of the city pursuant to Art. 102.0172 of the Texas Code of Criminal Procedure.

(B) The Municipal Court Technology Fund shall be administered by or under the direction of the City Council.

**§37.31 DESIGNATED USE OF FUND**

Money in the Municipal Court Technology Fund may be used only to finance the purchase of or to maintain technological enhancements for the Mansfield Municipal Court of Record No. 1, including:

- (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.

**§§37.32-37.34 RESERVED.**

**SECTION 4.**

Chapter 37 “Municipal Court” of the Code of Mansfield, Texas, is hereby amended by adding a new Subpart “Municipal Jury Fund” containing Sections 37.35 - 37.39 to read as follows:

**MUNICIPAL JURY FUND**

**§37.35 ESTABLISHMENT OF MUNICIPAL JURY FUND**

(A) There is hereby created and established a Municipal Jury Fund in the treasury of the city pursuant to Section 134.151 of the Texas Local Government Code.

(B) The Municipal Jury Fund shall be administered by or under the direction of the City Council.

**§37.36 DESIGNATED USE OF FUND**

Money in the Municipal Jury Fund may only be used to fund juror reimbursements and otherwise finance jury services.”

**§§37.37-37.39 RESERVED.**

**SECTION 5.**

All ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 6.**

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared void, ineffective, or unconstitutional by the valid judgment or final decree of a court of competent jurisdiction, such voiding, ineffectiveness, or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections hereof, since the same would have been enacted by the City Council without the incorporation of any such void, ineffective or unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 7.**

That the caption of this ordinance shall be published in compliance with Section 3.13 of the City Charter.

**SECTION 8.**

This ordinance shall take effect immediately from and after its passage on the first and final reading.

**DULY PASSED ON THE FIRST AND FINAL READING BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, THIS 22<sup>ND</sup> DAY OF MAY, 2023.**

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**Michael Evans, Mayor**

**ATTEST:**

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**Susana Marin, City Secretary**

**APPROVED AS TO FORM AND LEGALITY:**

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**Bradley Anderle, City Attorney**