

**An Ordinance of the City of Plano, Texas, amending Section 13-14, to be renamed Local Youth Diversion Fund, of Article VI. – Court Costs and Fees, of Chapter 13. Municipal Court, of the Code of Ordinances of the City of Plano, Texas; and providing a repealer clause, a severability clause, a savings clause and an effective date.**

**WHEREAS**, on March 26, 2012, the City Council of the City of Plano duly passed Ordinance No. 2012-3-18, adopting the new Chapter 13 Municipal Court; and

**WHEREAS**, the 88<sup>th</sup> Texas Legislature passed HB 3186, establishing the Texas Youth Diversion and Early Intervention Act, which amended current law relating to youth diversion strategies and procedures for children accused of certain fine-only offenses in municipal court and justice courts and related criminal justice matters; and

**WHEREAS**, to be consistent with state law, staff recommends amending and renaming Section 13-14, of Article VI. – Court Costs and Fees, of Chapter 13. Municipal Court, of the Code of Ordinances of the City of Plano, Texas; and

**WHEREAS**, after consideration of the recommendation of staff and all matters attendant and related thereto, the City Council finds that Section 13-14, of Article VI. – Court Costs and Fees, of Chapter 13. Municipal Court, of the Code of Ordinances of the City of Plano, Texas should be amended as provided herein.

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

**Section I.** Section 13-14 of Article VI. – Court Costs and Fees, of Chapter 13. Municipal Court, of the Code of Ordinances of the City of Plano, Texas, is hereby renamed the Local Youth Diversion Fund and amended in its entirety as follows:

Sec. 13-14. – Local Youth Diversion Fund.

- (a) A local youth diversion fund is hereby authorized and shall be administered by the treasurer of the City of Plano. The local youth diversion fund shall be used in accordance with the laws of this state, as the same may be amended.
- (b) Any defendant convicted in the municipal court of the City of Plano of a misdemeanor offense shall pay a juvenile case manager fee in the maximum amount authorized by law as a cost of court.
- (c) The judges of the municipal court are authorized to waive the juvenile case manager fee in a case of financial hardship.
- (d) Municipal court shall implement rules as adopted by the city council for juvenile case managers pursuant to Art. 45.056, Code of Criminal Procedure, as the same may be amended.

**Section II.** All provisions of the Code of Ordinances of the City of Plano, codified or uncoded, in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Code of Ordinances of the City of Plano, codified or uncoded, not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**Section III.** 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, or section of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph or section of this Ordinance.

**Section IV.** The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this ordinance.

**Section V.** This Ordinance shall become effective immediately upon its passage.

**PASSED AND APPROVED** on the 25<sup>th</sup> day of November, 2024.

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John B. Muns, MAYOR

ATTEST:

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Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

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Paige Mims, CITY ATTORNEY