





**Court**

**PART 6**

**COURT**

**CHAPTER 1**

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## CHAPTER 1

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#### SECTION 6-101      DEFINITIONS

As used in this chapter:

1. "Chief of police" means the peace officer in charge of the police force of the City;
2. "Clerk" means the Court Clerk as appointed by the city manager, including any deputy or member of the office staff of the Clerk while performing duties of the Clerk's Office;

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3. "Court" means the municipal criminal court of this City;
4. "Judge" means the judge of the municipal criminal court, including any acting judge or alternate judge thereof as provided for by the statutes of this state and this chapter; and
5. "This judicial district" means the district court judicial district of the state wherein the government of this City is situated.

State Law Reference: Municipal courts generally, 11 O.S. Secs. 27-101 et seq.

### SECTION 6-102     PURPOSE.

This chapter shall govern the organization and operation of the municipal criminal court of the City, as put into operation by resolution duly passed and filed in accordance with law, as authorized by State statutes. To the extent of conflict between any provisions of this chapter and the provisions of any other ordinance of this City, the provisions of this chapter shall control.

### SECTION 6-103     JURISDICTION.

The court shall exercise original jurisdiction to hear and determine all prosecutions wherein a violation of any ordinance of this City is charged, including any such prosecutions transferred to the court in accordance with applicable law.

### SECTION 6-104     CHANGE OF VENUE; DISQUALIFICATION OF JUDGE.

In prosecutions before the court, no change of venue shall be allowed. The judge before whom the case is pending may certify his disqualification or he may be disqualified from sitting under the terms, conditions and procedure provided by law for courts of record. If a judge is disqualified, the matter shall be heard by an acting judge, appointed as provided in this chapter.

### SECTION 6-105     CHIEF OF POLICE AS PRINCIPAL OFFICER OF COURT.

All writs or processes of the court shall be directed, in his official title, to the Chief of police, who shall be the principal officer of the Court.

### SECTION 6-106     CLERK OF COURT; DUTIES.

- A. The clerk or a deputy designated by him shall be the Clerk of the Court.
- B. The Clerk shall:
  1. Assist the judge in recording the proceedings of the court and in preparing writs, processes and other papers;
  2. Administer oaths required in proceedings before the Court;
  3. Enter all pleadings, processes and proceedings in the dockets of the courts;
  4. Perform such other clerical duties relating to the proceedings of the Court as

the judge shall direct; and,

5. Receive any receipt for forfeitures, fees, deposits and sums of money payable to the court and as may be established by the court of the City Council.

C. The Clerk shall pay to the Clerk of the City all money so received by him, except such special deposits of fees as shall be received to be disbursed by him for special purposes. All money paid to the Clerk shall be placed in the general fund of the City, or in such other fund as the Council may direct. (Prior Code, Sec. 12-14).

**SECTION 6-107**      **CITY ATTORNEY; POWERS AND DUTIES.**

The City Attorney, or his duly designated assistant, may be the prosecuting officer of the Court. He may prosecute, in his discretion, all alleged violations of the ordinances of the City. He shall be authorized, in his discretion, to prosecute and resist appeals, proceedings in error, and review from this Court to any other courts of the State, and to represent this City in all proceedings arising out of matters of this Court. (Prior code, Sec. 12-15).

**SECTION 6-108**      **BOND.**

The Clerk of the Court shall give bond in such sum as set by the Council, in the form provided by State law. When executed the bond shall be submitted to the Council for approval. When approved it shall be filed with the Clerk and retained in the municipal archives.

**SECTION 6-109**      **AUTHORITY OF JUDGE TO PRESCRIBE RULES.**

The Judge may prescribe rules consistent with the laws of the State and with the ordinances of this City for the proper conduct of the business of the Court. (Prior Code, Sec 12-16)

**SECTION 6-110**      **ORDINANCE VIOLATIONS BUREAU CREATED; PAYMENT OF FINES; FINES IN LIEU OF APPEARANCE.**

A. An Ordinance Violations Bureau is established as a division of the Office of the Clerk of the Court, to be administered by the Clerk or by subordinates designated for that purpose. Persons who are cited for violation of one of the ordinances of this City, other than a second offense within a twelve-month period, a driver's license offense, or an offense punishable by more than Five Hundred Dollars (\$500.00) or imprisonment may elect to pay a fine in the Ordinance Violations Bureau according to a schedule of fines prescribed from time to time by the Judge with approval of the City Council. The payment shall constitute a final determination of the cause against the defendant.

B. The Court may adopt rules to carry into effect this section. If a defendant who has elected to pay a fine under this section fails to do so, prosecution shall proceed under the provisions of this Chapter.

**SECTION 6-111**      **DESIGNATION OF FINES, ORDINANCE VIOLATIONS BUREAU.**

The Judge is authorized to establish a minimum fine schedule to become effective upon approval by resolution of the City Council. The minimum fine schedule when established shall provide for a minimum amount which a person may pay upon a plea of guilty or nolo contendere to

the listed offenses. The minimum fine schedule shall include fines, court costs and any assessments set by State law within the specified amount. Upon a plea of guilty or nolo contendere and payment of the required minimum fine prior to the date scheduled for Court appearance, no further Court appearance shall be required. The Judge shall authorize the Court Clerk to accept pleas of guilty and nolo contendere where the amount of the minimum fine is paid at the time of such plea and prior to the scheduled Court appearance date.

**SECTION 6-112**      **PROSECUTIONS; FILING OF COMPLAINT; FEES; DEFECTS  
RAISED PRIOR TO TRIAL.**

A. All prosecutions for violations of ordinances of this City shall be styled "The City of Piedmont, Oklahoma, vs. (naming defendant or defendants)." Except as provided hereinafter, prosecutions shall be initiated by the filing of a written complaint, subscribed and verified by the person making the complaint, and setting forth concisely the offense charged.

B. If the arrested resident is not released by being permitted to sign a citation as provided in this subsection, he shall be admitted to bail either before or after arraignment, or shall be released on personal recognizance.

C. If a nonresident of this City is arrested by a law enforcement officer for a violation of any ordinance for which Section 6-114 of this code does not apply, the defendant shall be eligible to be admitted to bail either before or after arraignment.

D. If the alleged offense be a violation of an ordinance restricting or regulating the parking of vehicles, including any regulations issued under such an ordinance, and the operator be not present, the police officer shall place on the vehicle at a place reasonably likely to come to the notice of the operator, a citation conforming substantially to that prescribed in this section, with such variation as the circumstances require, the operator of this vehicle shall be under the same obligation to respond to the citation as if it had been issued to him personally under Subsection A of this section.

E. A complaint may be amended in matter of substance or form at any time before the defendant pleads, without leave, and may be amended after plea or order of the Court where the same can be done without material prejudice to the rights of the defendant. No amendment shall cause any delay of the trial, unless good cause is shown by affidavit. (Prior Code, Secs. 12-16, 12-19, as amended)

**SECTION 6-113**      **ORDINANCE VIOLATIONS; PROCEDURES FOR ISSUING  
CITATION; CUSTODY; ARREST.**

A. If a resident of this City is arrested by a law enforcement officer for the violation of any traffic ordinance for which other provisions of this chapter do not apply, or is arrested for the violation of a nontraffic ordinance, the officer shall immediately release the person if the person acknowledges receipt of a citation by signing it. However, the arresting officer need not release the person if it reasonably appears to the officer that the person may cause injury to himself or others or damage property, if released that the person will not appear in response to the citation, or the person is arrested for an offense against a person or property. If the person fails to appear in response to the citation, a warrant shall be issued for his arrest and his appearance shall be compelled.

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B. If the arrested resident is not released by being permitted to sign a citation as provided in this subsection, he shall be admitted to bail either before or after arraignment, or shall be released on personal recognizance.

C. If a nonresident of this city is arrested by a law enforcement officer for a violation of any ordinance for which Section 6-114 of this code does not apply, the defendant shall be eligible to be admitted to bail either before or after arraignment.

D. If the alleged offense be a violation of an ordinance restricting or regulating the parking of vehicles, including any regulations issued under such an ordinance, and the operator be not present, the police officer shall place on the vehicle, at a place reasonably likely to come to the notice of the operator, a citation conforming substantially to that prescribed in this section, with such variation as the circumstances require, the operator of this vehicle shall be under the same obligation to respond to the citation as if it had been issued to him personally under Subsection A of this section.

### SECTION 6-114      TRAFFIC BAIL BOND ACT

A. In addition to other provisions of law for posting bail, any person, whether a resident of this state or a nonresident, who is arrested by a law enforcement officer solely for a misdemeanor violation of a state traffic law or municipal traffic ordinance shall be released by the arresting officer upon personal recognizance if:

1. The arrested person has been issued a valid license to operate a motor vehicle by this state, another state jurisdiction within the United States which is a party to the Nonresident Violator Compact, or any party jurisdiction of the Nonresident Violator Compact;

2. The arresting officer is satisfied as to the identity of the arrested person;

3. The arrested person signs a written promise to appear as provided for on the citation; and

4. The violation does not constitute:

a. A felony;

b. Negligent homicide;

c. Driving or being in actual physical control of a motor vehicle while impaired or under the influence of alcohol or other intoxicating substances;

d. Eluding or attempting to elude a law enforcement officer;

e. Operating a motor vehicle without having been issued a valid driver's license, or while the license is under suspension, revocation, denial or cancellation;

f. An arrest based upon an outstanding warrant;

g. A traffic violation coupled with any offense stated in subparagraphs a through f of this paragraph;

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- h. An overweight violation, or the violation of a special permit exceeding the authorized permit weight; or**
- i. A violation relating to the transportation of hazardous materials.**

**B. If the arrested person is eligible for release on personal recognizance as provided for in subsection A of this section, then the arresting officer shall:**

- 1. Designate the traffic charge;**
- 2. Record information from the arrested person's driver's license on the citation form, including the name, address, date of birth, personal description, type of driver's license, driver's license number, issuing state, and expiration date;**
- 3. Record the motor vehicle make, model and tag information;**
- 4. Record the arraignment date and time on the citation; and**
- 5. Permit the arrested person to sign a written promise to appear as provided for in the citation.**

The arresting officer shall then release the person upon personal recognizance based upon the signed promise to appear. The citation shall contain a written notice to the arrested person that release upon personal recognizance based upon a signed written promise to appear for arraignment is conditional and that failure to timely appear for arraignment shall result in the suspension of the arrested person's drivers license in this state, or in the nonresident's home state pursuant to the Nonresident Violator Compact.

**C. Procedures for arraignment, continuances and scheduling, timely appearances, pleas of guilty or nolo contendere, posting bail, payment of fines and costs, issuance of arrest warrants, and requests for suspension of drivers license, shall be as required in state law, Sections 1115.1 through 1115.5 of Title 22 of the Oklahoma Statutes.**

**D. A defendant released upon personal recognizance may elect to enter a plea of guilty or nolo contendere to the violation charged at any time before he is required to appear for arraignment by indicating such plea on the copy of the citation furnished to him or on a legible copy thereof, together with the date of the plea and his signature. The defendant shall be responsible for assuring full payment of the fine and costs to the court clerk. The defendant shall not use currency for payment by mail. If the defendant has entered a plea of guilty or nolo contendere as provided for in this subsection, such plea shall be accepted by the court and the amount of the fine and costs shall be as prescribed by ordinance for the violation charged or as prescribed by the court.**

**E. If, pursuant to the provisions of subsection D of this section, the defendant does not timely elect to enter a plea of guilty or nolo contendere and fails to timely appear for arraignment, the court may issue a warrant for the arrest of the defendant and the municipal or district court clerk, within one hundred twenty (120) calendar days from the date the citation was issued by the arresting officer, shall notify the State Department of Public Safety that:**

- 1. The defendant was issued a traffic citation and released upon personal recognizance after signing a written promise to appear for arraignment as provided for in the citation;**

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2. The defendant has failed to appear for arraignment without good cause shown;

3. The defendant has not posted bail, paid a fine, or made any other arrangement with the court to satisfy the citation; and

4. The citation has not been satisfied as provided by law.

The court clerk shall request the State Department of Public Safety to either suspend the defendant's driver's license to operate a motor vehicle in this state, or notify the defendant's home state and request suspension of the defendant's driver's license in accordance with the provisions of the Nonresident Violator Compact. Such notice and request shall be on a form approved or furnished by the State Department of Public Safety. The court clerk shall not process the notification and request provided for in this subsection if, with respect to such charges:

1. The defendant was arraigned, posted bail, paid a fine, was jailed, or otherwise settled the case;

2. The defendant was not released upon personal recognizance upon a signed written promise to appear as provided for in this section or if released, was not permitted to remain on such personal recognizance for arraignment;

3. The violation relates to parking or standing, an overweight violation, an overweight permit, or the transportation of hazardous materials; or

4. A period of one hundred twenty (120) calendar days or more has elapsed from the date the citation was issued by the arresting officer.

F. The court clerk shall maintain a record of each request for driver's license suspension submitted to the State Department of Public Safety pursuant to the provisions of this section. When the court or court clerk receives appropriate bail or payment of the fine and costs, settles the citation, makes other arrangements with the defendant, or otherwise closes the case, the court clerk shall furnish proof thereof to such defendant, if the defendant personally appears, or shall mail such proof by first class mail, postage prepaid, to the defendant at the address noted on the citation or at such other address as is furnished by the defendant. Additionally, the court or court clerk shall notify the home jurisdiction of the defendant as listed on the citation, if such jurisdiction is a member of the Nonresident Violator Compact, and shall in all other cases, notify the State Department of Public Safety of the resolution of the case. The form of proof and the procedures for notification shall be approved by the State Department of Public Safety. Provided however, the court or court clerk's failure to furnish such proof or notice in the manner provided for in this subsection shall in no event create any civil liability upon the court, the court clerk, the state or any political subdivision thereof, or any state department or agency or any employee thereof but duplicate proof shall be furnished to the person entitled thereto upon request. (Prior Code, Sec. 12-20, as amended)

### SECTION 6-115      ISSUANCE OF SUMMONS; FAILURE TO APPEAR.

A. Upon the filing of a complaint charging violation of an ordinance, the judge, unless he determines to issue a warrant of arrest, or unless the defendant previously has been issued a citation or has been arrested and has given bond for appearance, shall issue a summons, naming the person charged, specifying his address or place of residence, if known, stating the offense with

which he is charged and giving him notice to answer the charge in the court on a day certain, containing a provision for the official return of the summons, and including such other pertinent information as may be necessary.

B. The summons shall be served by delivering a copy to the defendant personally or by certified mail. If he fails to appear and to answer the summons within the prescribed period, a warrant shall be issued for his arrest, as provided by this chapter.

C. Any person who has been duly served with a summons or traffic citation and who has signed a written promise to appear in court as directed in the summons or the citation or as subsequently directed by the court, and who fails to appear pursuant to his written promise or as directed by the court shall be deemed guilty of an offense, which shall be punishable as provided in Section 1-108 of this code. (Prior Code, Sec. 12-21, 12-42)

**SECTION 6-116      FAILURE TO APPEAR, PENALTY, BOND FORFEITURE, BENCH WARRANT.**

A. Any person charged with an offense against the ordinances of the city shall appear personally in court on the time directed on the citation as required by ordinance or as directed by the judge. The failure to appear as required herein shall constitute a separate offense and upon conviction, shall be punished as provided in Section 1-108 of this code.

B. If, without sufficient excuse, a defendant fails to appear according to the terms or conditions of his bond, either for hearing, arraignment, trial or judgment, or upon any other occasion when his presence in court or before the judge may be lawfully required or ordered, the judge may direct that fact to be entered upon the court minutes, thereby declaring the bond to be forfeited. The judge may also order a bench warrant to be issued for the defendant as provided in this chapter.

C. The judge, without advancing court costs, may also cause the forfeiture to be certified to the district court of the county, where it shall be entered upon the judgment docket and shall have the full force and effect of a district court judgment. At such time as the forfeiture is entered upon the district court judgment docket, the district court clerk shall proceed in accordance with the provisions of Sections 1330, 1332, 1333 and 1335 of Title 5 of the Oklahoma Statutes, and a surety shall have all remedies available under the provisions of Sections 1108 of Title 22 of the Oklahoma Statutes and Sections 1301 through 1340 of Title 5 of the Oklahoma Statutes.

D. Court costs shall be collectible from the proceeds of the bond. (New)

State Law Reference: Similar provisions, 11 O.S. Sec. 27-118.

**SECTION 6-117      COMPLAINANT, WITNESSES, FAILURE TO APPEAR.**

No person, having signed a complaint in the municipal court of the city alleging the violation of an ordinance or any other person in response to an order of the court, shall fail, refuse or neglect to appear for the purpose of testifying as a witness at the trial of the case, after having been notified of the time, date and place at which the case is set for trial. (New)

**SECTION 6-118      ISSUANCE OF WARRANT.**

A. Except as otherwise provided by city ordinance, upon the filing of a complaint approved by endorsement by the city attorney or by the judge, there shall be issued a warrant of arrest, in substantially the following form:

The City of Piedmont, Oklahoma to the police chief of the City of Piedmont, Oklahoma. Complaint upon oath this day has been made by (naming complainant) that the offense of (naming the offense in general terms) has been committed and accusing (name of defendant) thereof, you are commanded therefore forthwith to arrest the above named (name of defendant) and bring (insert him, her or them, as appropriate) before me, at (naming the place).

Witness my hand this \_\_\_ day of \_\_\_\_\_, 1 \_\_\_\_.

\_\_\_\_\_  
Judge of the Municipal  
Criminal Court of  
Piedmont, Oklahoma

B. It is the duty of the police chief personally, or through a duly constituted member of the city police force or through any other person lawfully authorized so to act, to execute the warrant as promptly as possible. (Prior Code, Sec. 12-22)

**SECTION 6-119      PROCEDURES FOR BAIL OR BOND, BOND SCHEDULE**

A. Upon arrest, or upon appearance without arrest in response to citation or summons, or at any time before trial, before or after arraignment, the defendant may be eligible to be released upon giving bail for his appearance in an amount and upon conditions fixed by this chapter or the judge, who shall prescribe appropriate rules of court for the receipt of bail and release of the defendant. In case of arrests made at night or under other conditions of emergency or when the judge is not available, the rules shall authorize the chief of police, or his designated representative, to accept a temporary cash bond of not less than Ten Dollars (\$10.00) nor more than the maximum monetary penalty provided by ordinance for the offense charged. The judge or police chief is authorized, subject to conditions as may be prescribed by the judge, to release a resident of the municipality on personal recognizance.

B. The city's bail bond schedule setting forth specific offenses and bail bond amounts and procedures therefor, as amended from time to time, is hereby adopted and incorporated herein by reference. (Prior Code, Sec. 12-23)

State Law Reference: Acceptable methods of bail, 11 O.S. Sec. 27-117 (cash, guaranteed arrest bond certificate).

**SECTION 6-120      ARRAIGNMENT.**

Upon making his appearance before the court, the defendant shall be arraigned. The judge, or the city attorney, shall read the complaint to the defendant, inform him of his legal rights, including the right of trial by jury, if available, and of the consequences of conviction, and ask him whether he pleads guilty or not guilty. If the defendant pleads guilty, the court may proceed to judgment and sentence or may continue the matter for subsequent disposition. If the plea is not

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guilty, and the case is not for jury trial, the Court may proceed to try the case, or may set it for hearing at a later date.

SECTION 6-121      POSTPONEMENT OF TRIAL.

Before trial commences either party, upon good cause shown, may obtain a reasonable postponement thereof.

SECTION 6-122      DEFENDANT'S PRESENCE REQUIRED AT TRIAL.

The defendant must be present in person at the trial of his case in Court.

SECTION 6-123      PROCEDURE FOR TRIALS NOT WITHIN SCOPE OF CHARTER.

In all trials as to matters not covered in this chapter, by the statutes relating to municipal criminal courts, or by rules duly promulgated by the State Supreme Court, the procedure applicable in trials of misdemeanors in the district courts shall apply to the extent that they can be made effective.

SECTION 6-124      JUDGMENT.

At the close of trial, judgment must be rendered without undue delay by the Judge, who shall cause it to be entered in his docket:

1. If judgment is of acquittal, and the defendant is not to be detained for any other legal cause, he must be discharged at once;
2. If the defendant pleads guilty or is convicted after trial, the Court must render judgment thereon, fixing the penalty within the limits prescribed by the applicable ordinance and imposing sentence accordingly; and,
3. A judgment that the defendant pay a fine may direct also that he be imprisoned until the fine is satisfied, as provided in Section 6-129 of this code.

SECTION 6-125      JUDGMENT OF IMPRISONMENT.

If, after conviction, judgment of imprisonment is entered, a copy thereof, certified by the Clerk, shall be delivered to the Chief of Police, the Sheriff of the County, or other appropriate officer. Such copy shall be sufficient warrant for execution of the sentence.

SECTION 6-126      PROBATION.

The Judge of the Municipal Court may, in his or her discretion, modify, reduce, suspend, defer, continue, or delay sentencing and judgment for a period not to exceed six (6) months from the date of the sentence, under the terms and conditions as the Judge may

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specify. A fee not to exceed Five Hundred Dollars (\$500.00) may be imposed as an administrative fee to defer the costs of administering the defendant's probation. Said administrative fee may be in addition to the deferral fee authorized by law.

SECTION 6-127      PAYMENT OF COSTS BY DEFENDANT.

A.      If judgment of conviction is entered, the Court Clerk shall tax the costs to the defendant in the sum of Thirty Dollars (\$30.00), or the maximum sum permitted by State law, whichever is greater, plus the fees and mileage of jurors and witnesses, all of which the defendant shall pay, in addition to any fine that may be imposed.

B.      Technology Fee.

A municipal court technology fee shall be and is hereby established in the amount of Fifteen Dollars (\$15.00). The fee shall be in addition to and not in substitution for any and all fines and penalties otherwise provided for by law for the offense and assessed on every citation disposed in the municipal court, except those that are voided, declined for prosecution, dismissed without costs, or the defendant is acquitted. The revenues generated by this fee shall be used solely and exclusively for the acquisition, operation, maintenance, repair, and/ or replacement of data processing equipment and software related to the administration of the criminal justice system and costs of prosecution.

SECTION 6-128      WITNESS FEES.

A. Witnesses in any proceeding in the Court, other than police or peace officers who shall be employed by the City, shall be entitled to a witness fee as established by the City Council by motion or resolution per each day of attendance, plus mileage per mile actually and necessarily traveled in going to and return from the place of attendance, if the residence is more than ten (10) miles distance from the place of trial. No witness, however, shall receive fees or mileage in more than one case for the same period of time, or for the same travel. A defendant seeking to subpoena witnesses must deposit with the Court Clerk a sum sufficient to cover fees and mileage for one day of attendance of each witness to be summoned, but such deposit shall not be required from any indigent defendant who files an affidavit setting forth:

1. The names of no more witnesses than the Municipal Judge for the City shall determine to be just, necessary, and reasonable for the proper, defense of such indigent's case;
2. That the defendant by reason of his poverty is unable to provide the fees and mileage allowed by law;
3. That the testimony of such witness is material; and,
4. That the attendance at the trial is necessary "to his proper defense.

B. In any case where an indigent defendant has properly filled out and filed with the City an affidavit setting forth the above-mentioned information, then the fees for such witnesses shall be paid for by the City.

SECTION 6-129      ENFORCEMENT OF FINES AND COSTS, IMPRISONMENT, WORK, AND COMMUNITY SERVICE.

A. If a defendant who is financially able refuses or neglects to pay a fine, or costs, or both, payment may be enforced by imprisonment until the same shall be satisfied at the rate of Twenty-Five Dollars (\$25.00) per day.

B. If the defendant is without means to pay the fine or costs, the Municipal Judge may direct the total amount due to be entered upon the court minutes and to be certified to the district court where it shall be entered upon the district court docket and shall have the full force and effect of a district court judgment. Thereupon the same remedies shall be available for the enforcement as are available to any other judgment creditor.

C. All prisoners confined to jail on conviction or on plea of guilty may be compelled, if their health permits, to work on community projects, the public streets, avenues or ways, public buildings, or other public premises or property. For each day of such work the prisoner or defendant shall be credited Fifty Dollars (\$50.00) toward any fine, costs, or witness or juror fees, or mileage until the same are satisfied.

State Law Reference: Similar provisions, 11 O.S. §27-122; Community service, powers to direct, liability of city limited, 57 O.S. §§227, 288.

SECTION 6-130      SAME OFFENSE PUNISHABLE BY DIFFERENT SECTIONS OF THE CODE.

In all cases where the same offense is made punishable or is created by different sections of this code, the City Attorney may elect under which to proceed, but not more than one recovery shall be had against the same person for the same offense.

SECTION 6-131      CONTEMPT OF COURT.

Obedience to the orders, rules, and judgments made by the Court may be enforced by the Judge, who may fine or imprison for contempt committed as to him while holding Court, or committed against process issued by him, in the same manner and to the same extent as the district courts of this State.

SECTION 6-132      PENALTY ASSESSMENTS.

A. Any person:

1. Convicted of an offense punishable by a fine of Ten Dollars (\$10.00) or more, or by imprisonment, excluding parking and standing violations; or,
2. Forfeiting bond when charged with such an offense under paragraph one hereon,

shall pay a sum set by State law as a separate penalty assessment for law enforcement training, fingerprinting fee, and forensic science improvement fee, which shall be in addition to and not in substitution for any and all fines and penalties and costs otherwise provided for such offense. The court shall provide for separate bail for the assessments; however, a defendant admitted to bail on an undertaking by a surety may include the amount of the assessment in the undertaking.

B. Upon conviction of bond forfeiture the court shall collect the assessment and deposit the monies for payment as required by state law.

C. The City shall deposit with the penalty assessment funds as required by law. The Court Clerk shall also furnish to the State reports required on the funds collected and penalty assessments imposed.

D. For the purpose of this section, "conviction" means any final adjudication of guilt, whether pursuant to a plea of guilty or nolo contendere, or otherwise, and any deferred or suspended sentence or judgment.

SECTION 6-133      FINES RECOVERABLE BY CIVIL ACTION: FAILURE TO PAY SEPARATE OFFENSE, IMPRISONMENT.

A. All fines shall be recoverable by civil action before any court of competent jurisdiction in addition to any other method provided by law.

B. The failure to pay a fine levied pursuant to this code shall constitute a separate offense against the City, subject to a fine as provided in Section 1-108 of this code.

## Court

C. If a fine is not paid by the defendant, the fine may be collected by committing the defendant to the City jail, where he shall remain until his fine and any costs assessed against him are discharged, either by payment or by confinement in jail, or by working in accordance with other provisions of this code or State law.

### SECTION 6-134 PAYMENT OF JAIL COSTS BY INMATES.

A. The Municipal Attorney shall ask the Court to require a person confined for any offense in the City jail, or other jail for which the City pays a fee for incarceration, to pay the City the costs of incarceration, both before and after conviction, upon conviction, or upon receiving a deferred or continued sentence. Costs of incarceration shall include booking, receiving, and processing out, housing, food, clothing, medical care, dental care, and psychiatric services. The costs of incarceration shall be an amount equal to the costs of such services as determined by the Chief of Police. The costs of incarceration shall be paid to all jail facilities where the person is held before and after conviction. The costs of incarceration shall not be assessed if in the judgment of the court such costs would impose a manifest hardship on the person, or the property of the person is needed for the maintenance and support of immediate family. Five percent (5%) of the amount collected shall be transmitted to the District Attorney's Council Revolving Fund established by Tide 19 Oklahoma Statutes, Section 215.28, and the balance shall be paid by the Court Clerk to the General Fund of the City of Piedmont.

B. The Court may require a person confined in the City jail for any offense to pay the Court Clerk the costs of incarceration as defined above, both before and after conviction by order of the Court.

C. Persons being released from the facility on bail prior to conviction shall be required to post sufficient bail to cover costs of incarceration.

### SECTION 6-135 BOND/SECURITY FILING FEE.

The Court Clerk shall charge a fee of Thirty-five Dollars (\$35.00) for the initial filing of any bond or any security deposited with the Clerk for subsequent Court appearance of the defendant. Where the defendant has been jailed, twenty-five Dollars (\$25.00) of such fee shall be placed into a special revenue account of the City of Piedmont, and used for payments to those entities housing municipal prisoners for the City of Piedmont, with the balance of the fee being placed into a special revenue account reserved for use by the Police Department and Municipal Court. Where the defendant has not been jailed the \$35.00 fee shall be retained in a special revenue account reserved for use by the Police Department and Municipal Court. The fee shall be assessed as an additional court cost to the defendant.

Court

CHAPTER 2

JUDGE

Section 6-201	Judge; created; qualifications.
Section 6-202	Term of office of judge.
Section 6-203	Appointment of judge, alternate judge.
Section 6-204	Acting judge.
Section 6-205	Compensation.
Section 6-206	Removal of judge from office.
Section 6-207	Vacancy.

**SECTION 6-201      JUDGE; CREATED; QUALIFICATIONS.**

There shall be one judge of the court. A judge need not be a licensed attorney at law, but, if not, he must be a resident of this city of the age of twenty-five (25) years, possessed of good moral character. A judge who is a licensed attorney may engage in the practice of law in other courts, but he shall not accept employment inconsistent with his duties as judge, or arising out of facts which give rise to or are connected with cases within the jurisdiction of the court, pending therein or which might become subject of proceedings therein. (Prior Code, Sec. 12-5)

**SECTION 6-202      TERM OF OFFICE OF JUDGE.**

The official term of the judge shall be two (2) years, expiring on the 15th day of April in each odd-numbered year. (Prior Code, Sec. 12-6)

**SECTION 6-203      APPOINTMENT OF JUDGE, ALTERNATE JUDGE.**

A. Judges shall be appointed by the mayor with the consent of the city council. A proposed appointment shall be submitted in writing to the city council at the next to the last regularly scheduled meeting prior to the day upon which the appointment is to take effect, and shall be acted upon at the next regularly scheduled meeting. The city council may decide upon the proposed appointment by a majority vote of all the members of the council. Failure of decision upon a proposed appointment shall not prevent action thereon at a later regularly scheduled meeting of the council unless the mayor, in writing, withdraws the proposed appointment.

B. There may be appointed for each judge of the court an alternate judge possessed of the same qualifications as the judge. His appointment shall be for the same term and made in the same manner as the judge. He shall sit as judge of the court in any case if the judge is absent from court, unable to act as judge, or disqualified from acting as judge in the case. (Prior Code, Secs. 12-7, 12-9)

**Charter Reference:** Appointment of judge, Sec. 5-2 of the charter.

**SECTION 6-204      ACTING JUDGE.**

If at any time there is no judge duly appointed and qualified available to sit as judge, a person possessing the qualifications required by this chapter for the judge shall be appointed as acting judge. The acting judge shall preside as acting judge over the court in the disposition of pending matters until such time as a judge or alternate judge shall be available. (Prior Code, Sec. 12-8)

**SECTION 6-205      COMPENSATION.**

A judge shall receive such salary as may be established and shall be paid in the same manner as the salaries of other officials of this city. (Prior Code, Sec. 12-10)

**SECTION 6-206      REMOVAL OF JUDGE FROM OFFICE.**

A. Judges shall be subject to removal from office by the council for the causes prescribed by the constitution and laws of this state for the removal of public officers. Proceedings for removal shall be instituted by the filing of a verified written petition, setting forth facts sufficient to constitute one or more legal grounds for removal. Petitions may be signed and filed by the mayor, or twenty-five (25) or more qualified electors of this city. In the latter event, verification may be executed by one or more of the petitioners.

B. The council shall set a date for hearing the matter and shall cause notice thereof, together with a copy of the petition, to be served personally upon the judge at least ten (10) days before the hearing. At the hearing, the judge shall be entitled to representation by counsel, to present testimony and to cross-examine the witnesses against him, and to have all evidence against him presented in open hearing.

C. So far as can be made applicable, the provisions of the Oklahoma Administrative Procedure Act governing individual proceedings (Title 75, Oklahoma Statutes, Sections 30-317 and any amendments or additions thereto in effect at the time of the hearing) shall govern removal proceedings hereunder.

D. Judgment of removal shall be entered only upon individual votes, by a majority of all members of the council, in favor of such removal. (Prior Code, Sec. 12-11)

**SECTION 6-207      VACANCY.**

A. A vacancy in the office of judge shall occur if the incumbent:

1. Dies;
2. Resigns;
3. Ceases to possess the qualifications for the office; or
4. Is removed, and the removal proceeding has been affirmed finally in judicial proceedings or is no longer subject to judicial review.

B. Upon the occurrence of a vacancy in the office of judge, the mayor shall appoint a successor to complete the unexpired term, upon the same procedure as an original appointment is made. (Prior Code, Sec. 12-12)

Court

CHAPTER 3

JURY TRIALS

Section 6-301	Right to trial by jury; waiver.
Section 6-302	Selection of jurors.
Section 6-303	Summons of jurors, form; service.
Section 6-304	Composition of jury; duty of jurors.
Section 6-305	Determination of questions of law.
Section 6-306	Verdict.
Section 6-307	Juror's fees.
Section 6-308	Cost bond for jury trial.
Section 6-309	Misconduct of jurors generally.
Section 6-310	Responsibility of officer in charge of jury.

SECTION 6-301 RIGHT TO TRIAL BY JURY, WAIVER.

A. In all prosecutions for any offense for which the City, with concurrence of the Court, seeks imposition of a fine of more than \$500.00, or imprisonment plus costs, trial shall be by jury unless waived by the defendant and the City. If trial by jury is waived, trial shall be by the Court.

B. An election waiving jury trial may be changed by the defendant at any time prior to the day for which trial by the Court is set. An election demanding jury trial may be changed at any time prior to the commencement of proceedings to impanel the jury for the trial; but if that change occurs after the case has been set for jury trial, it may not thereafter be changed so as again to demand trial by jury.

SECTION 6-302 SELECTION OF JURORS.

Whenever a calendar has been made up for the trial of cases by jury, the Judge shall request, in writing, the presiding Judge of the District Court for this judicial district to cause the names of a stated number of jurors deemed sufficient to dispose of the cases on the calendar to be drawn from the jury wheel in accordance with the governing statutes of the State, and to be certified by the Clerk of the District Court to the Judge of the Municipal Court. The request shall be made in time for the list to be certified and the jurors to be summoned legally before the trial begins. If it is anticipated that the completion of the calendar will require more than two (2) weeks, the request for jurors shall specify the number required for each two- week period, as provided by law. Additional drawing of other names may also be requested by the Judge, when necessary, in accordance with the law for such additional drawings in the district Court. If, in the future, provisions of the law respecting the drawing of jury lists for the District Court are changed, the Judge shall take such steps in requesting jury lists for the Court as are necessary to comply with the State law.



B. After the jurors are sworn, they must sit together and hear the proofs and oral arguments of the parties, which must be delivered in Court and in the presence of the Defendant.

C. A verdict of the jury may be rendered by the concurring vote of five (5) jurors.

**SECTION 6-305      DETERMINATION OF QUESTIONS OF LAW.**

In all actions tried before a jury, the Judge shall determine all questions of law, including questions as to the introduction of evidence, arising during the trial. He also shall instruct the jury as to the law.

**SECTION 6-306      VERDICT.**

A. The verdict of the jury, in all cases, must be general. When the jury has arrived at its verdict it must deliver the verdict in the open Court, and the Judge shall cause it to be entered in the case.

B. The jury must not be discharged after the cause is submitted to it until a verdict is rendered unless the Judge, for good cause, discharges it sooner, in which event the Court may proceed again to trial until a verdict is rendered.

**SECTION 6-307      JUROR'S FEES.**

Jurors shall receive for their services a sum per day as set by the City Council, plus mileage at a rate per mile, as set by the City Council, for each mile necessarily traveled by the most direct route in going to and from the Court one time each day from their respective places of residence. The claims for such compensation shall show the location of the juror's residence, the route and miles traveled, and must be verified as other claims against the City are verified.

**SECTION 6-308      COST BOND FOR JURY TRIAL.**

When an accused requests a jury trial in the Municipal Court, the Court may fix a reasonable sum as a cost bond and require the accused to deposit the same prior to trial.

**SECTION 6-309      MISCONDUCT OF JURORS GENERALLY.**

A. No juror or person drawn or summoned as a juror in the Municipal Court shall either make any promise or agreement to give a verdict for or against the City, permit any communication to be made to him, or receive any book, paper, instruments, or information relative to any cause pending before him, except in the regular course of proceedings and the trial of the case.

B. No juror summoned by the court shall ask, receive, or agree to receive any bribe upon any understanding concerning his vote or decision upon any case in which he may be selected as a juror in the Court.

C. No person shall attempt to influence a juror summoned to appear in the Court, or any person summoned as a juror in respect to his verdict, either by means of communication, oral or written, except in the regular course of proceedings; by means of any books, paper, or instruments exhibited otherwise than in the regular course of proceedings; by any means of threat or intimidation; by means of any assurance, promise of any pecuniary or other advantage; or by communicating any statement, argument, or observation relating to the case.

**SECTION 6-310      RESPONSIBILITY OF OFFICER IN CHARGE OF JURY.**

No officer to whose charge any jury is committed by the Municipal Court shall neglect or wilfully permit such juror, or any of them, either to receive any communication from any person, to make any communication to any person, to obtain or to receive any book, paper, or refreshment, or to leave the jury room without leave of the Court being first obtained.

CHAPTER 4

PROCEEDING AGAINST CORPORATIONS

- Section 6-401 Summons; issuance to corporations.
- Section 6-402 Form of corporation summons.
- Section 6-403 Service of summons.
- Section 6-404 Trial.
- Section 6-405 Collection of fines.

SECTION 6-401 SUMMONS; ISSUANCE TO CORPORATIONS.

Upon complaint against a corporation being filed with the municipal court, the judge shall issue a summons signed by him with his title of office, requiring a duly authorized officer of the corporation to appear before him at a specific time and place to answer the complaint. The time for such appearance shall not be less than five (5) days after issuance of summons.

SECTION 6-402 FORM OF CORPORATION SUMMONS.

The summons authorized by Section 6-401 of this code must be in substantially the following form:

In the name of the City of Piedmont, Oklahoma.

To \_\_\_\_\_.

You are hereby summoned to appear before me at \_\_\_\_\_ (place) on \_\_\_\_\_ (date and hour) to answer the complaint made against you upon the complaint of \_\_\_\_\_ for the offense of \_\_\_\_\_ (designating offense generally).

Dated at the City of Piedmont, Oklahoma, this \_\_\_\_\_.

\_\_\_\_\_  
Municipal Judge

SECTION 6-403 SERVICE OF SUMMONS.

The summons authorized by Section 6-401 of this code must be served by certified mail, personally delivering a copy to, or other means authorized by state law on the registered agent of the corporation at least ten (10) days before the day of appearance fixed therein, and may also be served by certified mail or other means to the president or head of the corporation, or to the secretary, cashier or managing agent thereof.

SECTION 6-404 TRIAL.

At the time appointed in the summons authorized by Section 6-401 of this code, the municipal judge shall try the complaint in the same manner as in the case of a natural person brought before him.

**SECTION 6-405      COLLECTION OF FINES.**

When a fine is imposed upon a corporation, upon conviction, it may be collected by the municipal judge making a transcript of his proceedings thereof, together with the judgment of the court duly certified and filed with the clerk of the district court of the county. Execution shall be issued thereon and served by the sheriff of the county as in cases of execution generally.

Court

CHAPTER 5

JUVENILE OFFENDERS

**SECTION 6-501 JURISDICTION.**

The municipal court of the City of Piedmont may elect to exercise original jurisdiction to hear and determine certain offenses committed by those persons under the age of eighteen (18) years of age and penalize those juveniles found guilty, all as authorized by 10 Oklahoma Statutes, Section 7303-1.2.

**SECTION 6-502 CUSTODY AND DETENTION.**

A child under the age of eighteen (18) years of age who is taken into custody for the alleged violation of a municipal ordinance relating to the following offenses: (a) vandalism, (b) shoplifting, (c) trespassing, (d) assault, (e) battery, (f) assault and battery, (g) truancy, (h) curfew violations, (i) possession of low-point beer; (j) possession of alcoholic beverages, (k) disorderly conduct, (l) public intoxication, (m) any other municipal ordinance may be temporarily detained by the City in a certified municipal juvenile facility under the following conditions:

- (1) the municipality shall immediately take all reasonable steps to attempt to locate the child's parent, legal guardian, legal custodian, or attorney, and determine if said parent, legal guardian, legal custodian, or attorney is willing to appear at the municipal juvenile facility and assume personal custody of the child upon the child's release from such facility.
- (2) The child shall be released to the personal custody of his or her parent, legal guardian, legal custodian, or attorney as soon as practicable, and upon the written promise of such parent, legal guardian, legal custodian, or attorney to return the child to municipal court to answer the municipal charges on the date and at the time set by the municipal court.
- (3) The child shall be detained in the municipal juvenile facility for no longer than twenty-four (24) hours; provided, if no parent, legal guardian, legal custodian, or attorney appears at the municipal juvenile facility and assumes personal custody of the child within said twenty-four (24) hour period, then custody or release of the shall be determined pursuant to the provisions of Title 10 Oklahoma Statutes.
- (4) The child shall not be held in any jail, adult lockup, or adult detention facility unless total separation exists between juveniles and adult spatial areas.

- (5) The child shall be provided with adequate fresh drinking water.
- (6) The child shall be provided with adequate food not less than three (3) times in a twenty-four (24) hour period.
- (7) The child shall be provided with adequate bathroom facilities and bedding.
- (8) The child shall be provided with any necessary medical care and treatment.

#### **SECTION 6-503 PENALTIES, SENTENCING ALTERNATIVES, COSTS.**

Pursuant to Interlocal cooperation Agreement between the City of Piedmont and the District Court, as authorized by 10 Oklahoma Statutes, Section 73003-1.2, a child under eighteen (18) years of age may be charged, prosecuted, and if convicted fined for violating such municipal ordinance relating to one or more of the offenses listed in Section 6-502 of this chapter; provided that the maximum fine which may be imposed shall not exceed the maximum fine authorized by law. When assessing punishment the court also may require appropriate community service work, not to exceed ninety (90) hours, in lieu of a fine if the product of multiplying the number of hours of community service work by the prevailing minimum wage does not result in a number which exceeds the maximum fine authorized by law, or restitution, or both community service work and restitution. In addition, the court may require the child to receive counseling or other community-based services, if necessary. If a child is prosecuted for an offense in the municipal court, the child shall not be prosecuted for the offenses in the District Court. The municipal court may also impose costs as authorized by law.

#### **SECTION 6-504 CONFIDENTIALITY OF RECORDS.**

All municipal arrest records, prosecution records, court records, and court proceedings for cases involving children under eighteen (18) years of age charged with violating municipal ordinances relating to one or more of the offenses listed in Section 6-502 of this Chapter shall be kept confidential and shall not be open to public inspection except by order of the municipal court or as otherwise provided by Title 10 Oklahoma Statutes.

#### **SECTION 6-505 USE OF FUNDS FROM JUVENILE OFFENDER PROSECUTION.**

Funds generated from fines paid pursuant to prosecutions under this Chapter shall be earmarked and used by the City only for the following purposes:

- (1) To fund local programs which address problems of juvenile crime.
- (2) To fund the costs of prosecutions authorized by this chapter.

- (3) To fund the costs of detention authorized pursuant to this chapter.
- (4) To fund administrative costs related to local programs that address problems of juvenile crime or related to the prosecution, detention, or punishment authorized pursuant to this Chapter.

Such earmarked funds shall not be used by the City for any purpose other than the purposes set forth in subparagraphs 1 through 4 of this section.

**SECTION 6-506 FAILURE OF PARENT/GUARDIAN/ CUSTODIAN OF JUVENILE TO HONOR PROMISE TO APPEAR.**

It shall be an offense for the parent or legal custodian or legal guardian of a child to fail to return a child to municipal court to answer the municipal charges on the date and time set by the municipal court where such parent, legal custodian, or legal guardian executes a written promise to return the child to municipal court.

It shall be a defense to a prosecution under this section where the parent, legal custodian, or guardian appears at the appointed court date and provides evidence that he/she made a good faith effort to secure the juvenile's appearance in Court.

**SECTION 6-507 JUVENILE PROCEEDINGS: PRIVACY.**

All cases under this chapter involving juveniles shall be heard separately from cases involving adults. The hearings shall be private, but persons having a direct interest in the case may be admitted. Any victim, relative, or legal guardian of a victim of a juvenile criminal act shall be deemed to have a direct interest in the case.

**SECTION 6-508 CITATIONS ISSUED TO JUVENILES.**

If a municipal citation is issued to a juvenile under this chapter, the municipal court hearing date shall be indicated on the citation, and notification of the citation shall be mailed by the municipal court to the parents, guardian, legal custodian, or responsible adult relative of the juvenile.

**SECTION 6-509 JUVENILE JURISDICTION OF THE MUNICIPAL COURT FOR TRAFFIC OFFENSES.**

The municipal court of the City of Piedmont shall retain and exercise original jurisdiction over juveniles charged with violations of the traffic ordinances of the City of Piedmont, and Sections 6-501 through 6-508 of this chapter shall not apply to prosecution of juveniles for traffic violations.

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