

ORDINANCE NO. 4635

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, AMENDING SECTIONS 9-7.2, 9-7.3, AND 9-7.4 OF CHAPTER 9 OF THE SCOTTSDALE REVISED CODE RELATING TO FUNDS, COSTS, AND FEES OF THE CITY COURT.

BE IT ORDAINED by the Council of the City of Scottsdale, Maricopa County, Arizona, as follows:

Section 1. Section 9-7.2 of Chapter 9 of the Scottsdale Revised Code is amended as follows, with strikethroughs indicating deletions and shading indicating additions:

Sec. 9-7.2. City court enhancement fund.

- (a) There is hereby created a court enhancement fund, which shall be used exclusively to enhance the technological, operational and security capabilities of the city court.
- (b) The city court enhancement fund shall be funded by an enhancement fee in the amount of ~~thirty dollars~~ **forty-five dollars (\$45.00)** (~~\$30.00~~ **\$45.00**), which shall be applied by the city court on all fines, sanctions, penalties and assessments imposed by the city court. All applicable surcharges shall be applied to the court enhancement fee, and shall be paid over to the Arizona Supreme Court. The enhancement fee shall also apply to fees collected for court authorized diversion programs. "Court authorized diversion program," as used in this section, means a program in which an individual charged with any civil, criminal or petty offense is not prosecuted for the offense on successful completion of an authorized diversion program and it includes authorized defensive driving courses.
- (c) The court enhancement fund shall be established as a designated fund account with the city treasurer. The city court shall collect enhancement fees and deposit them in the court enhancement fund account. The city treasurer shall invest the monies in the fund in the same manner as city funds. Interest earned on fund monies shall be deposited in the fund.
- (d) The city court shall administer the fund and may make expenditures from the fund for the purposes provided in this section. Monies from the fund shall supplement monies already provided to the city court for the general purposes stated in this section.
- (e) The city court shall annually submit to the mayor and city council, and the city manager, a report detailing the amount of money collected and expended during the reporting period and the progress made in court enhancement.

Section 2. Section 9-7.3 of Chapter 9 of the Scottsdale Revised Code is amended as follows, with strikethroughs indicating deletions and shading indicating additions:

Sec. 9-7.3. City court default cost.

A default cost in the amount of ~~sixty-five dollars~~ **seventy-five dollars (\$65.00 \$75.00)** shall be imposed on each default judgment entered for failure to appear in a civil violation or a civil traffic violation case, or for failure to satisfy in full a civil sanction imposed in a civil violation or a civil traffic violation case.

Section 3. Section 9-7.4 of Chapter 9 of the Scottsdale Revised Code is amended as follows, with strikethroughs indicating deletions and shading indicating additions:

Sec. 9-7.4. Additional city court fees.

- (a) *Diversion fee.* Except for juvenile diversion cases, the city court shall assess a diversion fee in the amount of one hundred fifty dollars (\$150.00) for each case referred to a diversion program established by the city prosecutor pursuant to A.R.S. § 9-500.22.
- (b) *Probation fee.* The city court shall assess a probation fee in the amount of one hundred fifty dollars (\$150.00) for each twelve-month period, or portion thereof, that a defendant is sentenced to unsupervised probation.
- (c) *Order modification fee.* The city court shall assess an order modification fee in the amount of twenty-five dollars (\$25.00) for each modification to a confinement, screening or treatment program order:
 - (1) Resulting from a defendant's non-compliance with the initial order, or
 - (2) Requested by a defendant.
- (d) *Warrant fee.* The city court shall assess a warrant fee in the amount of ~~sixty-five dollars~~ **one hundred dollars (\$65.00 \$100.00)** for every warrant that is issued for the failure to:
 - (1) Appear for a court appearance,
 - (2) Pay a fine, restitution, or any other monetary obligation, or
 - (3) Comply with a condition of a sentence.
- (e) *Contract administration fee.* The city court shall assess a contract administration fee in the amount of ~~ten dollars~~ **fifteen dollars (\$10.00 \$15.00)** on:
 - (1) Each case where a payment contract is established at time of final adjudication, and
 - (2) Any subsequent modifications to a payment contract resulting from defendant's (i) non-compliance, or (ii) request to modify a court ordered penalty, fine, assessment or sanction, including parking penalties and restitution.
- (f) *Fee waiver.* A judge may waive all or part of the fees identified in this section if the payment of the fees would cause hardship to the defendant or the waiver is in the best interests of justice.
- (g) *Administration.* Unless otherwise specified, the fees assessed under this section shall become part of the city general funds.

Section 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or any part of the Scottsdale Revised Code adopted herein, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 5. The effective date of this Ordinance shall be July 1, 2024.

PASSED AND ADOPTED by the Council of the City of Scottsdale, Maricopa County, Arizona this 14 day of May, 2024.

ATTEST:

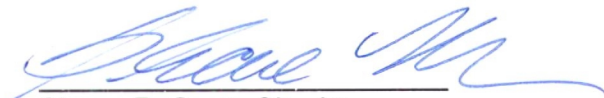


Ben Lane, City Clerk

CITY OF SCOTTSDALE, an Arizona
municipal corporation


David D. Ortega, Mayor

APPROVED AS TO FORM:



Sherry R. Scott, City Attorney
By: Shane C. Morrison, Assistant City Attorney