

1st Reading:
2nd Reading:

SPONSOR: CRUTS

ORDINANCE NO. ____

BILL NO. 22-30

AN ORDINANCE AMENDING CHAPTER 135, MUNICIPAL CODE, BY ENACTING A NEW SECTION 135.075, PUBLIC DEFENDER.

WHEREAS, the City does not currently have a Code provision concerning the public defender; and

WHEREAS, at the April 7, 2022 Committee Meeting, the Board of Aldermen discussed the recommendation of staff to include a provision within the Municipal Code to address the duties and compensation of the public defender; and

WHEREAS, the Board of Aldermen now desires to amend Chapter 135 to include a new Section for the public defender.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FENTON, MISSOURI, AS FOLLOWS:

Section 1. Chapter 135, Municipal Court, is hereby amended to include a new Section to read as follows:

Section 135.075 **Public Defender.**

The duties of a Public Defender shall be to serve as counsel when appointed by the Municipal Judge or the Board to represent persons appearing before the Municipal Court and accused of a violation of the ordinances of the City for which the prosecutor intends to seek a sentence of confinement who demonstrate to the satisfaction of the Municipal Judge that they are unable to employ counsel on their own behalf and should have counsel appointed to represent them. No such person shall be sentenced to any period of confinement unless he/she is represented by counsel. The Public Defender shall be compensated at such a rate as may be designated by the Board from time to time by ordinance.

See Rules 37.47, 37.50.

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Section 2. The portions of this ordinance shall be severable. In the event that any portion of this ordinance is found by a court of competent jurisdiction to be invalid, the remaining portions of this ordinance are valid, unless the court finds that the valid portions of this ordinance are so essential and inseparably connected with and dependent upon the void portion that it cannot be presumed that the Board of Aldermen would have enacted the valid portions without the invalid ones, or unless the court finds that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the legislative intent.

Section 3. This ordinance shall be in full force and effect from and after the date of its passage and approval.

PASSED this 28th day of April 2022.

JOE MAURATH, ACTING PRESIDENT OF
THE BOARD OF ALDERMEN

APPROVED 28th day of April 2022.

JOE MAURATH, ACTING PRESIDENT OF
THE BOARD OF ALDERMEN

ATTEST:

Jane Hungler, City Clerk

Motion to approve. Roll Call vote:

Ayes:

Nays:

Absent:

ORD. NO. ____