

ORDINANCE NO. 41-1996

AN ORDINANCE PROVIDING FOR A "MUNICIPAL COURT BUILDING SECURITY FUND"; PROVIDING FOR ASSESSMENT AND COLLECTION OF A MUNICIPAL COURT BUILDING SECURITY FEE; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF.

WHEREAS, the Texas Code of Criminal Procedure, as amended, Article 102.017 provides for (i) the establishment of a Municipal Court Building Security Fund and (ii) the assessment and collection of a Municipal Court Building Security Fee; and,

WHEREAS, on July 26, 1996, the City Council of the City of Abilene, Texas, called for public hearing in connection with the 1996-97 Budget on the establishment of a "Municipal Court Building Security Fund" and the imposition of a Municipal Court Building Security Fee as set forth in Article 102.017, as amended, of the Code of Criminal Procedure; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That Chapter 9 of the Code of Ordinances, City of Abilene, Texas, be, and hereby is, amended to add Section 9-10 as follows:

Section 9-10. Municipal Court Building Security Fund.

- A. There is hereby created and established a Municipal Court Building Security Fund (the "Fund") pursuant to Article 102.017 of the Code of Criminal Procedure.
- B. The Municipal Court of the City of Abilene, Texas (the "Municipal Court") is hereby authorized and required to assess a Municipal Court Building Security Fee (the "Fee") in the amount of \$3.00 against all defendants convicted of a misdemeanor offense by the Municipal Court. Each misdemeanor conviction shall be subject to a separate assessment of the Fee.
- C. The Municipal Court Clerk is hereby authorized and required to collect the Fee and to pay same to the treasury of the City of Abilene, Texas. All fees so collected and paid over to the treasury of the City of Abilene, Texas, shall be segregated in the Fund.
- D. The Fund shall be used only for the purpose of financing the purchase of security devices and/or services for the building or buildings housing the Municipal Court of the City of Abilene, Texas. "Security devices and/or services" shall include any and all items described in Article 102.017(d) of the Code of Criminal Procedure.

- E. The Fund shall be administered by or under the direction of the City Council of the City of Abilene, Texas.

PART 2: If any provision, section, subsection, sentence, clause or phrase of this ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid (or for any reason unenforceable), the validity of the remaining portions of this ordinance or the application to such other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council of the City of Abilene, Texas, in adopting this ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by any reason of unconstitutionality or invalidity of any other portion or provision.

PART 3: All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.

PART 4: This ordinance shall be published in accordance with the City Charter and become effective October 1, 1996.

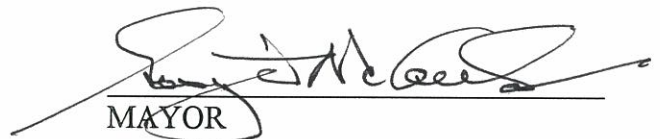
PASSED ON FIRST READING on the 26th day of July, A.D. 1996.

PASSED ON SECOND AND FINAL READING AT A PUBLIC HEARING on the 8th day of August, A.D. 1996.

ATTEST:



CITY SECRETARY



MAYOR

APPROVED:



CITY ATTORNEY