

ORDINANCE NO. 5-2010

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, REAUTHORIZING THE “MUNICIPAL COURT TECHNOLOGY FUND”; PROVIDING FOR THE ASSESSMENT AND COLLECTION OF A MUNICIPAL COURT TECHNOLOGY FEE; PROVIDING FOR A “MUNICIPAL COURT CHILD SAFETY FUND”; PROVIDING FOR THE ASSESSMENT AND COLLECTION OF A MUNICIPAL COURT CHILD SAFETY FEE; PROVIDING A SEVERABILITY CLAUSE; ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER THEREOF; AND CALLING FOR A PUBLIC HEARING.

WHEREAS, Article 102.0172 of the Code of Criminal Procedure provides for the establishment of a Municipal Court Technology Fund; and

WHEREAS, City of Abilene Ordinance 38-2000 passed August 24, 2000 initially established the Municipal Court Technology Fund and provided for the assessment and collection of a Municipal Court Technology Fee; and

WHEREAS, it is necessary to reauthorize the Municipal Court Technology Fee to address changes in Article 102.0172 of the Code of Criminal Procedure; and

WHEREAS, Article 102.014 of the Code of Criminal Procedure provides for the establishment of a Municipal Court Child Safety Fund;

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

PART 1: That Chapter 9, “Courts”, Article I, “In General” of the Code of Ordinances, City of Abilene, Texas, is hereby amended as set forth in Attachment A.

PART 2: If the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not effect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this ordinance.

PART 3: All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.


PASSED ON FIRST READING this 11th day of March, 2010.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage was published in the Abilene Reporter-News, a daily

newspaper of general circulation in the City of Abilene, said publication being on 21st day of March, 2010, the same being more than 24 hours prior to a public hearing being held in the Council Chamber of City Hall in Abilene, Texas, at 8:30 a.m. on the 25th day of March, 2010, to permit the public to be heard. Said Ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

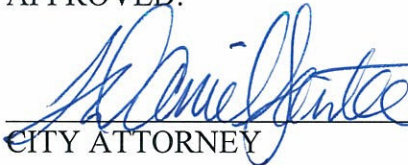
PASSED ON SECOND AND FINAL READING this 25th day of March, 2010.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:


CITY ATTORNEY

Attachment A

ORDINANCE NO. 5-2010

Amend CHAPTER 9, "COURTS", ARTICLE I, "IN GENERAL" of the Code of Ordinances, by adding the following:

Sec. 9-11. Municipal Court Technology Fund.

- a. There is hereby reauthorized a Municipal Court Technology Fund, pursuant to Article 102.0172 of the Code of Criminal Procedure to be maintained as allowed there.
- b. The Municipal Court of the City of Abilene is authorized and required to assess a Municipal Court Technology Fee in the amount of \$4.00 against all defendants convicted of a misdemeanor offense by the Municipal Court. Each misdemeanor conviction shall be subject to a separate assessment of the Technology Fee. A defendant is considered convicted if:
 1. A sentence is imposed on the person;
 2. The person is placed on community supervision, including deferred adjudication community supervision; or
 3. The court defers final disposition of the person's case.
- c. The clerk of the court shall collect the fee and pay the fee to the Finance Director of the City of Abilene, who shall deposit the fee into the Municipal Court Technology Fund.
- d. The fund shall be used only to finance the purchase of technological enhancements for the Municipal Court of the City of Abilene, Texas, including:
 1. Computer systems;
 2. Computer networks;
 3. Computer hardware;
 4. Computer software;
 5. Imaging systems;
 6. Electronic kiosks;
 7. Electronic ticket writers; or
 8. Docket management systems.
- e. The fund shall be administered by or under the direction of the City Council of the City of Abilene.

Sec. 9-12. Municipal Court Child Safety Fund.

- a. There is hereby created and established a Municipal Court Child Safety Fund pursuant to Article 102.014 of the Texas Code of Criminal Procedure, as amended.
- b. The Municipal Court of the City of Abilene, Texas is hereby authorized and required to assess a \$5.00 fee on each parking violation finding of liability in Municipal Court.
- c. The clerk of the court shall collect the fee assessed under this section as if it were a fine in a case.
- d. The clerk of the court shall pay the fee to the Finance Director of the City of Abilene, who shall deposit the fee into the Child Safety Fund.
- e. The Child Safety Fund shall be used for the purpose of funding a school crossing guard program so long as the City of Abilene operates one.
- f. In the event the City of Abilene ceases to operate a school crossing guard program, or if the money collected in the fund exceeds the amount necessary to fund the school crossing guard program, the City of Abilene may either deposit the money in an interest-bearing account or expend it for programs designed to enhance child safety, health, or nutrition, including child abuse prevention and intervention and drug and alcohol abuse prevention or as allowed under Article 102.014 of the Code of Criminal Procedure, as amended.
- g. The Child Safety Fund shall be administered by or under the direction of the City Council of the City of Abilene, Texas.