

ORDINANCE NO. 38-2000

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, ESTABLISHING A MUNICIPAL COURT TECHNOLOGY FUND; PROVIDING FOR THE ASSESSMENT AND COLLECTION OF A MUNICIPAL COURT TECHNOLOGY FEE; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR EXPIRATION DATE.

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

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

PART 1: Establishment of Municipal Court Technology Fund

- A. There is hereby created and established a Municipal Court Technology Fund, herein referred to as the "Fund", pursuant to Article 102.0172 of the Code of Criminal Procedure to be maintained as allowed there.

PART 2: Establishment of Amount of the Fee and Assessment and Collection

- A. The fee shall be in the amount of four dollars.
- B. The fee shall be assessed and collected from the defendant upon conviction for a misdemeanor offense in the Municipal Court as a cost of court. 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 fee shall be collected on conviction for an offense committed on or after October 1, 2000.
- D. 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.

PART 3: Designated Use of the Fund and Administration

- A. 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.
- B. The Fund shall be administered by or under the direction of the City Council of the City of Abilene.

PART 4. Severability

If any provision, section, subsection, sentence, clause, or phrase of this ordinance, or the application of same to any person or set of circumstances for any reason is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portions of this ordinance or the application thereby shall remain in effect, 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 portion or provision.

PART 5. Repealing Conflict

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of conflict with this ordinance.

PART 6. Publishing and Effective Date

This ordinance shall be published in accordance with the requirement of publishing all ordinances and becomes effective in accordance with state law upon passage, but no earlier than October 1, 2000.


PART 7. Expiration and Administration of Fund

In accordance with Article 102.0172 of the Code of Criminal Procedure, this ordinance and the assessment and collection of the Municipal Court Technology fee expires September 1, 2005, as required by state law. The purpose of the use of any funds remaining in the Fund shall continue to be used and administered as required by this ordinance and for that purpose this ordinance remains in effect.

PASSED ON FIRST READING on the 18th day of July, A.D. 2000.

PASSED ON SECOND AND FINAL READING on the 24th day of August, A.D.
2000.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:


CITY ATTORNEY