

ORDINANCE NO. 195

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 74<sup>th</sup> Legislature of the State of Texas, meeting in Regular Session, passed Senate Bill 349, which *inter alia*, amended Article 102.017 of the Code of Criminal Procedure to provide for (i) the establishment of a Municipal Court Building Security Fund and (ii) the assessment and collection of a Municipal Court Building Security Fee;

Whereas, Governor George W. Bush approved Senate Bill 349 after passage thereof,

Whereas, Senate Bill 349 took effect on or about September, 1995; and

Whereas, on the 18<sup>th</sup> day of the month of July in the year 2006, the City Council, of the City of Bevil Oaks of Jefferson County, Texas called for public hearings 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 Bevil Oaks of Jefferson County, TEXAS

SECTION 1: Code of Ordinances, the municipality is known as, Bevil Oaks of Jefferson County, Texas to read as follows:

A. Municipal Court Building Security Fund.

1. 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.
2. The Municipal Court of the Bevil Oaks of Jefferson County, 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.
3. A person is considered to have been convicted in a case if:
  - judgment, sentence, or both are imposed on the person;
  - the person receives deferred disposition; or
  - the Court defers final disposition or imposition of the judgment and sentence.
4. The Municipal Court Clerk is hereby authorized and required to collect the Fee and to pay same to the treasury of the City of Bevil Oaks of Jefferson County, Texas. All Fees so collected and paid over to the treasury of the City of Bevil Oaks, Texas shall be segregated in the Fund.
5. 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 Bevil Oaks, Texas. "Security devices and/or services" shall include any and all items described in Article 102.017(d) of the Code of Criminal Procedure.

6. The Fund shall be administered by or under the direction of the City Council of the of the Bevil Oaks of Jefferson County, Texas.

SECTION 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 (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 Bevil Oaks of Jefferson County, 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.

SECTION 3: All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.

SECTION 4: This ordinance shall be published and become effective in accordance with state law.

READ, CONSIDERED, PASSED, AND APPROVED ON FIRST READING by the City Council of the City of Bevil Oaks of Jefferson County, Texas at a regular meeting the 18th day of July, 2006, at which a quorum was present.

READ, CONSIDERED, PASSED, AND APPROVED ON SECOND AND FINAL READING by the City Council of the City of Bevil Oaks of Jefferson County, Texas at a regular meeting the 18<sup>th</sup> day of 2006, at which a quorum was present.

PASSED, APPROVED, and ADOPTED on the 18<sup>th</sup> day of July, 2006.

Rebecca M. Ford  
Mayor

Attest:

Michelle Nelson  
City Secretary