

Ordinance No: 2002-4

An ordinance that the City of Cumby, 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.

Be it ordained by the City Council of the City of Cumby, Texas:

Section 1: Establishment of Municipal Court Technology Fund;

A. There is hereby created and established a Municipal Court Technology Fund, here-in-now known as the Fund, pursuant to Article 102.0172 at the Code of Criminal Procedures.

B. The Fund and may be maintained in an interest bearing account and may be maintained in the general revenue account.

Section 2: Establishment of Amount of the Fee and Assessment and Collection.

A. The fee shall be in the amount of \$ 4.00.

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 on the person's case.

C. The fee shall be collected on conviction for an offenses committed on or after this ordinance is adopted.

D. The clerk of the court shall collect the fee and pay the municipal treasurer of the City of Cumby, Texas, who shall deposit the fee into the Municipal Court Technology Fund.

Section 3: Designated Use of the Fund and Administration.

A. the Funds shall be used only for the purpose of financing the purchase of technology enhancement for the Municipal Court of the City of Cumby, Texas. "Technology

enhancements" shall include any and all items described in Article 102.0172 of the Code of Criminal Procedures.

B. The fund shall be administered by or under the direction of the City Council of the City of Cumby, Texas.

Section 4. Severability

If any provision, section, subsection, sentence, clause or phrase of this ordinance, or the application of same to any person or set 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 of the application thereby shall remain in effect, it being the intent of the City Council of the City of Cumby, 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.

Section 5. Repealing Conflict

All ordinances and parts of ordinances in conflict with the ordinance are hereby repealed to the extent of conflict with this ordinance.

Section 6. Publishing and Effective Date.

This ordinance shall be published in accordance with the requirements of publishing all ordinances and becomes effect in accordance with state law upon its passage.

Section 7. Expiration and Administration of Fund.

In accordance with Article 102.0172 of the Code of Criminal Procedures, this ordinance and the assessment and collection of the Municipal Court Technology Fee expires September 1, 2005. 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, Approved and Adopted on this the 2nd day of April, 2002.

Attest: Mary France
City of Cumby, Texas

Mary France
City Secretary

Gary Cline
Mayor