

CITY OF HAWK COVE, TEXAS

ORDINANCE NO. 99-8

**AN ORDINANCE OF THE CITY OF HAWK COVE, TEXAS,
ESTABLISHING A MUNICIPAL COURT BUILDING SECURITY FUND;
PROVIDING A SECURITY FEE AS A COST OF COURT; PROVIDING A
SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, Article 102.017 of the Texas Code of Criminal Procedure provides that the governing body of a municipality, by ordinance, may create a municipal court building security fund and may require a defendant convicted in a trial for a misdemeanor offense in municipal court to pay a three dollar (\$3.00) security fee as a cost of court; and

WHEREAS, the City Council has determined that it is in the best interest of the health, safety and general welfare of the public to establish a municipal court building security fund and provide for a three dollar (\$3.00) security fee as a cost of court.

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

SECTION 1

That all of the above premises are hereby found to be true and correct and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

SECTION 2

The Ordinance hereby establishes the "Municipal Court Building Fund" as follows:

"MUNICIPAL COURT BUILDING SECURITY FUND

(A) *Definitions.*

For purposes of this chapter a person is considered convicted if:

- (1) a sentence is imposed on the person;
- (2) the person receives community supervision, including deferred adjudication; or
- (3) the court defers final disposition of the person's case.

(B) *Establishment of Security Fund; Fee; collection of fee.*

- (1) In accordance with the provisions of this ordinance, and to the extent provided for by law, there is hereby created and established a municipal court building security fund ("Fund") for the use and purposes provided herein.
- (2) The municipal court building security fund shall be administered by or under the direction of the City Council.
- (3) Any defendant convicted, as herein defined, of a misdemeanor offense in municipal court, shall be required to pay a three dollar (\$3.00) security fee as a cost of court.
- (4) The Clerk of the Court, or her designated representative, shall collect the three dollar (\$3.00) security fee as a cost of court, and pay said fee to the municipal treasurer for deposit into the municipal court building security fund.

(C) *Purpose of security fund; use.*

The Fund established by this Section may be used only to finance the following items when used for the purpose of providing security services for any building housing the municipal court:

- (1) the purchase or repair of X-ray machines and conveying systems;
- (2) handheld metal detectors;
- (3) walk through metal detectors;
- (4) identification cards and systems;
- (5) electronic locking and surveillance equipment;
- (6) bailiffs, deputy sheriffs, deputy constables, or contract security personnel during times when they are providing appropriate security services;
- (7) signage;
- (8) confiscated weapon inventory and tracking systems;
- (9) locks, chains, or other security hardware;

- (10) continuing education on security issues for court personnel and security personnel; or
- (11) any other item allowed for by law."

SECTION 3

If any section, article, paragraph, sentence, clause, phrase or word in this ordinance or application thereto to any person or circumstances is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of this ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 4

This ordinance shall become effective, and be in full force and effect, from and after the date of its passage, and it is accordingly so ordained.

PASSED, APPROVED AND ADOPTED THIS 31st DAY OF AUGUST, 1999.


Ava Havens, Mayor

ATTEST:


City Secretary

APPROVED AS TO FORM:

Robert F. Brown, City Attorney