

CITY OF HAWK COVE, TEXAS

ORDINANCE NO. 99-9

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWK COVE, TEXAS, ESTABLISHING A MUNICIPAL COURT TECHNOLOGY FUND; PROVIDING FOR THE ASSESSMENT AND COLLECTION OF A MUNICIPAL COURT TECHNOLOGY FEE AS A COST OF COURT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 102 of the Texas Code of Criminal Procedure has been amended by adding Section 102.0172, to authorize the governing body of a municipality by ordinance to create a municipal court technology fund; 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 technology fund and provide for a four dollar (\$4.00) technology fee as a cost of court.

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

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

By and through this ordinance, the "Municipal Court Technology Fund," is hereby established as follows:

"Municipal Court Technology Fund"

A. *Fund Created.* There is hereby created and established a Municipal Court Technology Fund ("Fund") in accordance with Subchapter A, Chapter 102, Code of Criminal Procedure, Article 102.0172, as amended. This Fund shall be administered by, or under the direction of, the City Council of the City of Hawk Cove. This Fund may be maintained in an interest bearing account and may be maintained in the general revenue account.

B. *Fee Established.* All defendants convicted in municipal court for a misdemeanor offense committed on or after September 1, 1999, shall be required to pay a four dollar (\$4.00) technology fee as a cost of court.

- (1) A person is considered convicted for purposes of this ordinance if: (i) a sentence is imposed on the person; (ii) the person is placed on community

supervision, including deferred adjudication community supervision; or (iii) the court defers final disposition of the person's case.

- (2) The municipal court clerk shall collect the costs and pay the funds to the municipal treasurer, or to any other official who discharges the duties commonly delegated to the municipal treasurer, for deposit in the Municipal Court Technology Fund.

C. Purpose of Fund. The Municipal Court Technology Fund may be used only to finance the purchase of technological enhancements for the Municipal Court of the City of Hawk Cove, Texas:

- (1) computer systems;
- (2) computer networks;
- (3) computer hardware;
- (4) computer software;
- (5) imaging systems;
- (6) electronic kiosks;
- (7) electronic ticket writers;
- (8) docket management systems; and
- (9) any other item or service permitted by law, as amended.

D. Expiration of Fund. The Municipal Court Technology Fund, and the collection and assessment of the fee thereunder, 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."

SECTION 3

If any section, subsection, clause, phrase or provision of this ordinance is for any reason held unconstitutional or void by a court of competent jurisdiction, such holding shall not effect any valid portion of this or any other ordinance of the City of Hawk Cove, Texas.

SECTION 4

This ordinance shall take effect and be in full force from and after its passage, approval and adoption.

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



Ava Havens, Mayor

