

TOWN OF ADDISON, TEXAS

ORDINANCE NO. 095-036

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING CHAPTER 10 ("OFFENSES - MISCELLANEOUS") BY ADDING A NEW SECTION 10-6A CREATING A MUNICIPAL COURT BUILDING SECURITY FUND; IMPOSING A \$3 SECURITY FEE AS A COST OF COURT TO BE PAID BY A DEFENDANT CONVICTED IN A TRIAL IN THE MUNICIPAL COURT AND DEPOSITED INTO THE SAID FUND; PROVIDING THAT THE FUND IS TO BE EXPENDED IN ACCORDANCE WITH THE PURPOSES SET FORTH HEREIN; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, article 102.017, Texas Code of Criminal Procedure, provides that the City Council of the Town of Addison, Texas (the "City") may, by ordinance, create a municipal court building security fund and may require a defendant convicted in a trial for a misdemeanor offense in the municipal court to a pay a \$3 security fee as a cost of court .

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

Section 1. Amendment. Chapter 10 ("Offenses-Miscellaneous") of the Code of Ordinances of the Town of Addison, Texas is hereby amended in the following particulars, and all other chapters, sections, subsections, paragraphs, sentences, phrases and words of the Code are not amended by this Ordinance but are hereby ratified and affirmed:

A. A new Section 10-6A is hereby added to Article 1 of Chapter 10 to read as follows:

"SECTION 10-6A BUILDING SECURITY FUND

A. CREATION

The Municipal Court Building Security Fund (referred to in this Section as the "Fund") is hereby created. All monies deposited into the Fund shall be expended in accordance with this Section.

B. IMPOSITION OF SECURITY FEE

Any defendant convicted in a trial in the Municipal Court for a misdemeanor offense shall be charged and shall pay as a cost of court, in

addition to all other costs of court, a \$3 security fee. For purposes of this Section:

1. A defendant is considered convicted if:
 - (a) A sentence is imposed on the defendant;
 - (b) The defendant receives community supervision, including deferred adjudication; or
 - (c) The court defers final disposition of the defendant's case.
2. A "trial" means the whole or any part of the procedure which the law provides for bringing offenders to justice, including:
 - (a) the payment of a fine and the entry of a judgment thereon; and
 - (b) the entering of a plea by a defendant and the deferring of final disposition of the defendant's case.

C. DEPOSIT OF FEE INTO THE FUND; FUND ADMINISTRATION; USE OF FEE

The Municipal Court Clerk shall collect the security fee, pay the fee to the Finance Director, and the fee shall be deposited by the Finance Director into the Fund. The Fund shall be administered under the direction of the City Council. The Fund may be used to finance the following when used for the purpose of providing security services for the Municipal Court:

1. the purchase or repair of x-ray machines and conveying systems;
2. handheld metal detectors;
3. walkthrough 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; or

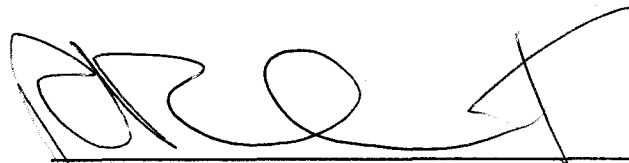
9. locks, chains, or other security hardware."

Section 2. Severability. The sections, paragraphs, sentences, phrases, clauses and words of this Ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this Ordinance or application thereof to any person or circumstance 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 that it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 3. Savings. This Ordinance shall be cumulative of all other ordinances of the City affecting the City's Municipal Court and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those Ordinances are in direct conflict with the provisions of this Ordinance.

Section 4. Effective date. This Ordinance shall become effective from and after its date of passage as provided by law.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this the 22nd day of August, 1995.



Rich Beckert, Mayor

ATTEST:



Carmen Moran, City Secretary

[SEAL]

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