

TOWN OF ADDISON, TEXAS

ORDINANCE NO. 099-039

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING CHAPTER 10, "OFFENSES – MISCELANEOUS," BY ADDING A NEW SECTION 10-6A.1 CREATING A MUNICIPAL COURT TECHNOLOGY FUND; REQUIRING DEFENDANTS CONVICTED IN THE MUNICIPAL COURT TO PAY COURT COSTS FOR DEPOSIT INTO THAT FUND; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 102 of the Texas Code of Criminal Procedure ("the statute"), as amended by Senate Bill 601, adopted by the 76th Legislature, Regular Session (1999), provides that a municipality may create a technology fund; and

WHEREAS, the statute also provides that a municipality may require defendants convicted of misdemeanor offenses in municipal court to pay court costs for deposit into that fund; and

WHEREAS, the City Council of the Town of Addison finds that it is in the public interest to create such a fund and require defendants convicted of misdemeanor offenses in the municipal court to pay court costs for deposit into that fund;

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

Section 1. Amendment. Chapter 10, "Offenses-Miscellaneous" of the Code of Ordinances of the Town of Addison, Texas is hereby amended to add a new Section 10-6A.1 to Article 1 of that chapter to read as follows:

"Sec. 10-6A.1. Municipal technology fund.

(a) *Creation*. The Municipal Technology 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 technology fee*. Any defendant convicted 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 four dollar (\$4.00) technology fee. For purposes of this section, a defendant is considered convicted if:

- (1) A sentence is imposed on the defendant through:
 - a. A plea of guilty or no contest, or
 - b. A trial by judge or jury on a plea of not guilty where the defendant is found to be guilty;
- (2) The defendant receives community supervision including deferred adjudication; or

- (3) the court defers final disposition of the defendant's case.

(c) *Deposit of the fee into the fund; fund administration; use of fee.* The municipal court clerk shall collect the technology 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 technological enhancements for the municipal court:

- (1) Computer systems;
- (2) Computer networks;
- (3) Computer hardware;
- (4) Computer software;
- (5) Imaging systems;
- (6) Electronic kiosks;
- (7) Electronic ticket writers; or
- (8) Docket management systems.

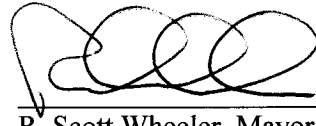
(d) *Expiration.* This section expires September 1, 2005, in accordance with Article 102.0172 of Subchapter A of Chapter 102 of the Texas Code of Criminal Procedure."

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 28th day of September, 1999.



R. Scott Wheeler, Mayor

ATTEST:



Carmen Moran, City Secretary

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10/22/99

