

AN ORDINANCE PROVIDING FOR A “MUNICIPAL COURT BUILDING SECURITY FUND” PROVIDING FOR ASSESSMENT AND COLLECTION OF A MUNICIPAL COURT BUILDING SECURITY FEE: PROVIDING FOR SEVERABILITY: PROVIDING FOR PUBLICATION AND EFFECTIVE DATE: AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF.

WHEREAS, THE 74TH Legislature of the State of Texas, meeting in Regular Session, passed Senate Bill 349, which *inter alia*, amended Article 102.017 of the Code of Criminal Procedure, to provide for (i) the establishment of a Municipal Court Building Security Fund and (ii) the assessment and collection of a Municipal Court Building Security Fee;

WHEREAS, Governor George W. Bush approved Senate Bill 349 after passage thereof,

WHEREAS, Senate Bill 349 took effect on or about September, 1995; and

WHEREAS, on the 3RD^{day} of the month of December in the year 2007 the Town Council of the Town of Shady Shores, Texas called for a public hearing on the establishment of a “Municipal Court building Security Fund” and the imposition of a Municipal Court Building Security Fee as set forth in Article 102.017, as amended, of the Code of Criminal Procedure;

NOW , THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SHADY SHORES, TEXAS

Section 1: That Ordinance No. 12-2007 of the Town of Shady Shores Texas if to read as follows:

A. Municipal Court Building Security.

1. There is hereby created and established a Municipal Court Building Security Fund (the “Fund”) pursuant to Article 102.017 of the Code of Criminal Procedure.
2. The Municipal Court of the Town of Shady Shores, Texas (the “Municipal Court”) is hereby authorized and required to assess a Municipal Court building Security Fee (the “Fee”) in the amount of \$3.00 against all Defendants convicted of a misdemeanor offense by the Municipal Court. Each misdemeanor conviction shall be subject to a separate assessment of the Fee.
3. A person is considered to have been convicted in a case if:
 - *judgement, sentence or both are imposed on the person;*
 - *the person receives deferred disposition; or*
 - *the Court defers final disposition or imposition of the judgment and sentence*
4. **The Municipal Court Clerk** is hereby authorized and required to collect the Fee and to pay same to the treasure of the Town of Shady Shores, Texas. All Fees so collected and paid over to the treasury of Town of Shady Shores, Texas shall be segregated in the Fund.
5. The Fund shall be used only for the purpose of financing the purchase of security devices and/or services for the building or buildings housing the Municipal Court of the Town of Shady Shores, Texas. “ Security devices and/or services shall include any and all items described in Article 102.017(d) of the code of Criminal Procedure.
6. The fund shall be administered by or under the direction of the Town Council of the Town of Shady Shores, Texas.

Section 2: If any provision, section, subsection, sentence, clause, or phrase of this ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, or invalid (for any reason unenforceable), the validity of the remaining portions of this ordinance or the application

to such other persons or sets of circumstances shall not be affected thereby, it being the intent of the Town Council of the Town of Shady Shores, 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 other portion of provision.

Section 3. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.

Section 4. This ordinance shall be published and become effective in accordance with state law.

PASSED, APPROVED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF SHADY SHORES, TEXAS AT A REGULAR MEETING ON THE 3RD DAY OF DECEMBER 2007 AT WHICH A QUORUM WAS PRESENT

Mayor Olive Stephens

Attest:

Town Secretary